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(HANSARD)**

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FIFTY-FOURTH PARLIAMENT

FIRST SESSION

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¹ Resigned 3 November 1999

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Tuesday, 23 November 1999

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Schools: class sizes

Mr HONEYWOOD (Warrandyte) — Will the Minister for Education provide a cast-iron guarantee to the house that no prep, grade 1 or grade 2 class in a Victorian government school will have more than 21 students?

Ms DELAHUNTY (Minister for Education) — The question confirms that the opposition has seen the error of its ways and agrees with the government that all the education reports support its policy of reducing class sizes in the crucial years, prep to grade 2. That is the government's policy; that is what it took to the electorate; and that is what it will deliver.

I said in Parliament that the government will reduce class sizes to 21 students in prep to grade 2, and it will. That is a four-year plan.

Opposition members interjecting.

Ms DELAHUNTY — Opposition members did not listen during the election campaign; they did not listen to the result of the election; and they are not listening now.

One of the highest priorities of the Bracks Labor government is to reduce class sizes, and that was one of its first moves.

We have already announced expenditure of \$25 million for one year alone to bring down class sizes across the state to 21 or less. That will begin to address the legacy of neglect left by the previous government.

I remind honourable members of what was left by the previous government and how big a task the Bracks Labor government faces in repairing the damage done to education under the former government. How many classes, would you say, were above 26? How many were above 30? Forty per cent were above — —

Honourable members interjecting.

The SPEAKER — Order! There is far too much interjection across the table. I ask the house to come to order. I ask the minister to answer the question in accordance with sessional orders by providing information to the house.

Ms DELAHUNTY — The answer to the question is that 40 per cent had between 26 and 30 students. Forty per cent of schools! In the former government's own forward estimates more than 7 per cent of classes would be above 31, so you can see the challenge ahead of us.

We are not daunted, however. Next year alone \$25 million will be spent to bring down class sizes, and there will be more the following year and the year after that. We will deliver on our pledge so that young students will be in classes in which they can learn to read and write and ignite the love of learning. We want all schools to have that opportunity.

Schools: self-governance

Mr ROBINSON (Mitcham) — Will the Minister for Education advise the house of the action she has taken to deliver enhanced self-management for all Victorian schools?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc is starting this week on a very bad note. I ask him to cease interjecting.

Ms DELAHUNTY (Minister for Education) — I applaud the honourable member for Mitcham for his longstanding interest in education and, in particular, in schools of excellence. That is what the Bracks Labor government wants: excellence for all of our schools, not just for a few. It wants all our schools to be excellent and to have the opportunity to deliver excellence for all their students.

You will recall, Mr Speaker, that the government announced in Parliament the cessation of the flawed self-governing schools model. An article in this morning's newspaper indicated support from the architect of the previous government's model of self-management, Mr Lance Vertigan. He said the government is exactly right: that the self-governing schools model was flawed and divisive.

The government accepts that statement, but it wants enhanced self-management. It was in our education policy, as I am sure all honourable members will remember. The government wants a model that allows all schools, not just the winners, to be excellent.

At my third meeting with the principals and leaders of self-governing schools last week we agreed to move forward. We agreed that the process of self-governing was over, that we wanted an enhanced self-management model and that we wanted the

representatives of the self-governing schools to work with us and the other education stakeholders to move forward. That is precisely what we are doing. We now have an agreement to establish a working party that will include all stakeholders in education, including the leader of the self-governing schools group, Mr Ron Lake, whom honourable members would know. He is an educational leader and has agreed to join the working party so that we can advance our election policy of self-management.

The meetings have been very positive. We achieved agreement last Monday, and we have now cemented that agreement into a form of working party that all can subscribe to. I can understand the honourable member for Warrandyte being a bit disappointed about that. Honourable members will recall that, although I have had about four meetings with the self-governing schools representatives, the honourable member for Warrandyte called a meeting that no-one attended. They didn't turn up! I can understand how he feels: all dressed up for his little party and no-one came.

I will tell the honourable members why they didn't come. He set the meeting for Monday, 22 November, which was yesterday, and extended all self-governing schools an invitation. Then, a week before, after their meeting with me last Monday, the various representatives of the self-governing schools decided they would not go to the honourable member's party.

A message was sent to all self-governing school principals and representatives as follows:

We have been advised today of a proposed meeting of self-governing school principals called for Monday, 22 November by the shadow education minister, Mr Honeywood.

Following consultation and agreement with Mr Ron Lake —

who as honourable members know has joined the government's working party —

convenor of the SGS group, it is our advice that SGS members not attend the meeting.

That was a whole week beforehand. I believe I can say that the little diversion set up by the honourable member for Warrandyte has failed.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The Chair is having difficulty hearing the minister's answer. I ask the minister to conclude her answer.

Ms DELAHUNTY — I am delighted to say that the honourable member for Warrandyte could not get anyone to attend his party. The government has had four meetings with self-governing schools and it has a working party to go forward with the self-governing schools and the other stakeholders of education so that the Labor model of enhanced self-management, which was part of ALP policy before the election, will be implemented to give all our schools the chance to be excellent.

Schools: class sizes

Mr HONEYWOOD (Warrandyte) — I note the previous answer from the Minister for Education on class sizes and now ask her to explain the conflict between herself and the Premier, who said last week that Labor's pledge on class sizes is an average of 21, not a maximum of 21. Minister, who is wrong — you or the Premier?

The SPEAKER — Order! I remind the house, particularly the honourable member for Warrandyte, that questions must be directed through the Chair and not across the table. I also remind ministers that when answering questions they must do the same.

Ms DELAHUNTY (Minister for Education) — The honourable member for Warrandyte left out the third option — that he is wrong.

Honourable members interjecting.

Ms DELAHUNTY — Again, I am absolutely delighted that there is so much attention on education. It appears obvious that the opposition concurs with the government's policy that the best form of education for young people, particularly preps through to grade 2, is to have smaller class sizes.

Mr Honeywood — On a point of order, Mr Speaker, the question was very specific: will the minister inform the house who is right and who is wrong? The Premier said an average, the minister said a maximum. The minister should come back to the question.

The SPEAKER — Order! There is no point of order. A point of order should not be used as an opportunity to restate a question. I ask the minister to continue with her response to the question.

Ms DELAHUNTY — The government made it very clear, both in Parliament and in its election policy, that it would spend \$136 million. That is an awful lot of money to put into education, but that is the government's highest priority. As the honourable

member for Warrandyte would know, if he has bothered to do his homework, Access Economics assessed all the government's election pledges. It was all detailed.

Ms Asher interjected.

Ms DELAHUNTY — I invite the Deputy Leader of the Opposition to look at those costings. The policy was carefully detailed, scrupulously costed and not challenged.

Dr Napthine — On a point of order, Mr Speaker, it is clear that the minister's answer is not relevant to the question. The question was quite clear: the Premier said Labor's pledge was for an average of 21; the minister said a cap of 21. The question is who is right and who is wrong. The minister should answer the question; her answer should be relevant to the question.

Mr Thwaites — On the point of order, Mr Speaker, in raising his point of order the Leader of the Opposition made an assumption that was not in any previous statements. If in asking questions the opposition puts false assumptions, it has to put up with the answers.

The SPEAKER — Order! There is no point of order. The minister was providing information on the question asked by the honourable member for Warrandyte about a difference in view between her and the Premier on education. I will continue to hear her as long as she is responding to that question.

Ms DELAHUNTY — No, Mr Speaker, there is no difference. The only difference is obviously between the honourable member for Warrandyte and the Leader of the Opposition. The government has clearly said it will implement the class sizes pledge over four years, and it is putting the money in to do that. I welcome the interest in and the support of the opposition for that. I also welcome the support of the honourable member for Warrandyte for the policy. He is quoted in the *Age* of last Saturday, 20 November — —

The SPEAKER — Order! I believe the minister is starting to debate the question. I ask her to come back to answering it.

Ms DELAHUNTY — Mr Speaker, I will refer you to the comment of the honourable member for Warrandyte, by which he clearly supported the government's policy, at another time. There is no difference. The government will implement the class sizes pledge and nothing the opposition does will stop it.

Casino: bidding process

Ms ALLAN (Bendigo East) — I refer the Premier to his commitment to lead an open and accountable government. What action has he taken to obtain the casino tender documents that the former government refused to release for three and a half years, and will he inform the house of the nature of the documents?

Mr BRACKS (Premier) — I thank the honourable member for Bendigo East for her question, one that the opposition would not ask because it is not interested in open and accountable government.

As I have indicated on previous occasions, I am determined and my government is determined to be open and accountable. That should include releasing documents in the public interest and releasing facts so the Victorian public can make up its own mind.

I inform the house that recently I received the documents sought by the Labor Party and the current Attorney-General for some three and a half years concerning the tender process that led to the selection of Crown Casino over the other bids for the Victorian casino. The documents were held by the Department of Premier and Cabinet and the Department of Treasury and Finance.

The pursuit of the information was based on the 1996 casino revelations that alleged documents concerning financial information were provided to the former government. This government had been told the former government never received any detailed information or financial information concerning the bids. In fact, the former Premier told Parliament and the Victorian people on 19 May 1993 that the previous government had:

... no knowledge of the contents of the bids; nor does it seek that information.

That was reiterated by the then gaming minister, Haddon Storey, who said:

... as far as I am aware nobody had any idea of the figures outside the people concerned within the authority.

The former head of the then Victorian Casino Control Authority, the late John Richards, told the Victorian people:

Now I want to make one point, right throughout this process this information was not provided to the government.

On three occasions it has been reiterated that the former government received no information.

Today I have decided to release a document which the former government spent more than three years trying to hide and which was handed over to the former government by the Victorian Casino Control Authority. It shows that in May 1993, before the Crown Casino consortium increased its bid over those of the other bidders, a document was handed to the former government by the casino control authority. The document is the analysis by Coopers and Lybrand of the competing bids. All the details, including the financial information, are laid out completely. The document reveals that the entire Coopers and Lybrand report prepared for the authority in the strictest confidence was handed over lock, stock and barrel to the former government.

The document included details of the three bidders marked 'bid 1', 'bid 2', and 'bid 3'. It reveals not only that financial information was passed on to the former government but that all — every bit — of the financial information concerning the bids was passed on. The former government received a complete assessment of the bids, including confidential financial documents of the bidders concerning their assumptions and market research. That clearly demonstrates the casino bidding process was tainted and rorted from the very start. It also demonstrates that the former government was not hands off, as it should have been.

The document handed over to the former government states:

The purpose behind our review is to assist, firstly the authority, in the review process related to each applicant's submission and, ultimately, the government of Victoria, in the decision as to which applicant will be awarded the licence to construct and operate the Melbourne casino.

There is no doubt. The document was handed over to the former government to help determine who would be the successful bidder. That demonstrates that the former government had no standards of propriety. It demonstrates that the former government lied to Parliament and the Victorian public. I indicate to the house — —

Dr Napthine interjected.

Mr BRACKS — What was that?

Honourable members interjecting.

The SPEAKER — Order! There is far too much interjection across the table. I ask the Leader of the Opposition to cease interjecting across the table. The Premier, concluding his answer.

Mr BRACKS — I indicate that where documents are required to be released in the public interest — as this one is; it has been a matter of public concern for the past three and a half years — such action goes to the heart of good government in the state and ensures that future bidders for government projects in Victoria will know that the process will be carried out properly, aboveboard, without collusive arrangements and without the government knowing details of bids that could influence other bids — and without, as happened in this case in May 1993, one of the bidders, Crown Casino, upping its bid significantly. The clear allegation in the documents received by the government is that Crown had information on other bidders that allowed it to increase its bid.

The government will make such things public because they are in the public interest and because it wants to give a sign to the international and interstate business communities that it is open for business properly and openly, without collusive arrangements.

Government Members — Hear, hear!

Schools: class sizes

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education — —

Government members interjecting.

The SPEAKER — Order! I ask the government benches to come to order. The honourable member for Warrandyte is entitled to ask his question and be heard in silence.

Mr HONEYWOOD — I again refer to the pledge by the Minister for Education to cap class sizes at 21, which was revised last Friday at Ashwood Secondary College by the Premier to be to an average of 21. To ensure that her funding is directed appropriately, will the minister provide a promise, not a pledge, that an independent audit of class sizes from prep to grade 2 will be undertaken on a school-by-school basis and published within the first term of school year 2000?

Ms DELAHUNTY (Minister for Education) — The honourable member, when he was minister for virtually bankrupting TAFE, had the opportunity to conduct those sorts of audits, and he never did, unfortunately. Let me just clarify that we have pledged or promised — what is the difference, I ask the honourable member — to bring down class sizes to 21. Our costings were detailed; they were ticked off by Access Economics; they were scrupulously costed; and during the election campaign those costings were never challenged.

Those figures are driving the ERC's commitment to implement the reduced class size. The government will do that over four years. It will adhere to those costings put to the people of Victoria, and I accept the opposition's support for the government's education policy to bring down class sizes.

Mr Honeywood — On a point of order, Mr Speaker, I clearly asked the minister a very specific question. It was: will you give a commitment to undertaking an audit of the actual class sizes when they become 29 or 30 or 31 next year?

The SPEAKER — Order! The honourable member has used a second opportunity today, on a point of order, to ask his question again. I will not permit him to continue to abuse the forms of the house in that way. The minister has concluded her answer.

Casino: bidding process

Mr HARDMAN (Seymour) — I refer the Attorney-General to the fact that the former government fought for three and a half years to prevent the release of the casino tender documents, and I ask him to indicate the cost to taxpayers of the previous government's attempt to keep these documents secret and what action the Attorney-General will take to end the culture of secrecy?

Mr HULLS (Attorney-General) — I thank the honourable member for Seymour for his question, and indeed his interest in open, honest and accountable government. There is no better example of abuse of the spirit and intent of the freedom of information legislation than the disgraceful actions of the former Kennett government to avoid public scrutiny when it came to the casino bidding process.

Everyone knows that the Kennett government gutted FOI legislation and introduced fees soon after it was elected in 1992, so that people could not access documents about secret, underhand deals entered into by the Kennett government with its mates.

Even self-styled champions of freedom of information such as the Honourable Mark Birrell in another place and the honourable member for Doncaster did absolutely nothing to stop the Kennett government from gutting the freedom of information legislation. In fact, no member of the current opposition actually stood up to defend the basic principles of FOI in Victoria and the public's right to honest, open and accountable government.

I suppose they thought, 'Well, we are not allowed to ask questions of the Premier, so why should anyone

else be allowed to ask questions?'. Even after gutting FOI, the former Kennett government was so determined not to release documents relating to deals that it was prepared to abuse even its own system to ensure that nothing came to light. I remind the house just what the Kennett government did to ensure that the casino tender documents were not accessible to the Victorian public, which had a right to know what they were. It was prepared to pay good taxpayers' money to allow that abuse to take place.

I remind the house that an FOI request for the casino tender documents made in April 1996 was refused. The then opposition asked for a review of that decision. Again it was refused. That pattern continued for the next two and a half years, with the matter going in and out of the Administrative Appeals Tribunal and its successor, the Victorian Civil and Administrative Tribunal, in the then opposition's attempts to get access to those documents in the interests of open and accountable government. It involved directions hearings, preliminary hearings, conferences and finally a hearing in the Court of Appeal. The government of the day was prepared to waste enormous amounts of taxpayers' money to keep those documents secret from Victorians.

In total, there were about 30 court hearings in relation to the matter. You have to ask: did the then government send departmental officers down to address those 30 court hearings? No. They used counsel, and we are talking about senior counsel — QCs! There were QCs and wigs everywhere. You could not go to the toilet without a QC following you!

Honourable members interjecting.

The SPEAKER — Order! There is far too much audible conversation coming from the opposition benches. I ask opposition members to remain silent while question time is being conducted.

Mr HULLS — There were 30 hearings, and at each hearing there were QCs and junior barristers. That wigfest cost thousands of dollars each day and was paid for by Victorian taxpayers. Preliminary information supplied to me by the Victorian Government Solicitor reveals that that office alone spent almost \$150 000 in counsel fees fighting the release of this information. Legal fees for the Victorian Government Solicitor alone totalled more than \$320 000, at a time when legal aid was being gutted — that is, when victims of crime had compensation taken away from them, the then government was chucking our money after QCs and barristers!

Honourable members interjecting.

The SPEAKER — Order! I have asked opposition members to lower their voices during question time so that the minister can be heard. They have chosen to ignore the directive of the Chair and it appears to the Chair that they are deliberately engaging in tactics to disrupt question time. I will not hesitate to use sessional orders to ensure that this question time continues without interruption.

Mr McArthur — On a point of order, Mr Speaker, you just said you would not hesitate to enforce sessional order 10, which is a disciplinary procedure. Similarly, I ask you to invoke sessional order 3(5), which the house and these ministers agreed to a couple of weeks ago. It provides that all answers to questions shall be direct, factual and succinct. I suggest that if they were, the opposition would happily listen to them.

The SPEAKER — Order! On the point of order, I remind the house, and particularly ministers when answering questions, of sessional order 3(5). In this instance I believe the Attorney-General was answering the question by providing detailed information about the processes that have been taking place. His answer is relevant to the question, but at the same time I ask him to be succinct.

Mr HULLS — To put it succinctly, the former government spent over \$320 000 of taxpayers' money on covering up the lies and deception regarding the casino tender process. I was asked what I would do about this. The government will change the culture of denial and secrecy that was present in departments when documents were asked for under freedom of information provisions. Under the previous government refusal to release documents was the norm. It will be the exception under the new Bracks government. As Attorney-General I will be directing all departments to comply with the spirit of freedom of information legislation.

Delaying tactics and wasteful expenditure will no longer be acceptable. I will be issuing guidelines to which the public will have access, so when people apply for documents they will have a framework upon which to make their applications. I will also issue revised policy and administrative directions for departments, together with training for relevant officers. Finally in Victoria the Kennett veil of secrecy will be lifted and the Bracks government will deliver, as promised, open, honest and accountable government.

Schools: self-governance

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to an answer given in the house to a question asked on 9 November reported at page 159 of *Hansard* regarding the dismantling of self-governing schools in which the minister stated:

From next year all schools will enjoy the same funding and employment conditions.

In view of the legal advice received by the opposition last week, will the minister please clarify how she intends now to ensure absolute parity of funding and employment conditions across all government schools, including the 51 self-governing schools, from next year?

Mr Batchelor — On a point of order, Mr Speaker — —

The SPEAKER — Order! I think I can anticipate the point of order the Leader of the House is about to make. The Chair was about to interrupt the honourable member for Warrandyte and point out to him that he cannot quote the *Hansard* of the current session.

Mr Bracks interjected.

Mr HONEYWOOD — Thank you, Mr Speaker. I will rephrase the question because it is important. I am glad you are listening, Premier.

I refer the Minister for Education to her answer in the house on 9 November regarding the dismantling of self-governing schools. She maintained that from next year all schools would enjoy the same funding and employment conditions. In view of the legal advice received by the opposition last week, which meant there was no need for a meeting on Monday — —

Honourable members interjecting.

Mr HONEYWOOD — She caved in!

The SPEAKER — Order! I ask the government benches to come to order.

Mr HONEYWOOD — In view of the legal advice received by the opposition last week, will the minister please clarify how she intends now to ensure absolute parity of funding and employment conditions across all government schools, including the 51 self-governing schools, from next year?

Ms DELAHUNTY (Minister for Education) — He is a bit like the bride left at the altar.

An honourable member interjected.

Ms DELAHUNTY — That was the deputy's job. It is the second time no-one has come to his party. When he put his hand up to be leader — —

The SPEAKER — Order! The minister should ignore interjections from the government benches and answer the question.

Mr Thompson — On a point of order, Mr Speaker, standing order 108 provides that no member shall use offensive or unbecoming words in reference to any member and that all personal reflections upon members shall be deemed to be disorderly. I regard the reference to a bride being left at the altar as unparliamentary in the spirit of the new Parliament as promoted by the three Independents. I ask the honourable member to withdraw that remark.

The SPEAKER — Order! Has the honourable member personally taken offence at that remark?

Honourable members interjecting.

Mr Thompson — On the point of order, Mr Speaker, there is no person to whom that remark was specifically directed across the opposition benches.

The SPEAKER — Order! The honourable member, by his own remarks, has admitted that the remark was not directed at him or anyone else in particular. Therefore it is not offensive. There is no point of order.

Ms DELAHUNTY — I will try to be as brief as possible in directing the member's attention to alleviate the confusion he has been labouring under. When we, as the new Labor government, announced in Parliament that we would end the flawed self-governing schools model, we said three things. Firstly, we said we would honour all contracts. Secondly, we said no new contracts should be entered into. Peter Allen, the head of the Department of Education, Employment and Training, sent a memo to all schools to inform them that no new contracts should be entered into because the self-governing school model has ceased. Thirdly, we said that a departmental audit team would be set up immediately to work with each of the 51 self-governing schools on a case-by-case basis.

Mr Bracks — Can't be fairer than that.

Ms DELAHUNTY — Absolutely, Premier: you can't be fairer than that. We are bending over backwards to look after those schools, as we are bending over backwards to look after the rest of the 1636 schools, which are also demanding that they get

some attention from the Minister for Education and some of the largesse the Bracks government has said will flow into their budgets, and which has done so as a result of decisions by the government. A boost of more than \$50 million to every school in the state has already gone into the global budgets, so every school has an advantage. That includes the previous self-governing schools.

Ms Asher interjected.

Ms DELAHUNTY — Some \$50 million will be shared by all schools. Thank you for that.

I hope that clarifies the point. The memorandum said that no new contracts will be entered into. That was the point of the memo — to keep all schools informed. I know this is new. The last government informed schools about nothing. They did not know what was going on in terms of government. All they heard was cuts, cuts and more cuts. Some 380 schools closed without consultation with school communities; 9000 teachers were ripped from the system; and parents had to resort to sausage sizzles and lamington drives to try to raise money for the basics. The Bracks Labor government wants all schools to be excellent, and that is what we will deliver.

TAFE: funding

Mr MAXFIELD (Narracan) — I refer the Minister for Post Compulsory Education, Training and Employment to statements by the honourable member for Warrandyte that TAFE institutes have a cash reserve of \$70 million. Is that money available for cash-strapped TAFE institutes?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — Last week on radio the honourable member for Warrandyte — formerly the Minister for Tertiary Education and Training and now the shadow Minister for Education — said there was \$70 million in reserve for funding TAFE institutes in financial difficulty. It is interesting that the shadow Minister for Education was speaking on radio rather than the shadow minister for tertiary education and training; it is difficult to work out who the real shadow minister is at the moment. Maybe the honourable member for Hawthorn has been gagged.

I want to clarify the \$70 million that is alleged to be in reserve and available for struggling TAFE institutes. It is interesting that the previous minister is suddenly showing an interest in the TAFE sector — an interest he did not have when he was minister. He was certainly not interested in the sector's finances then.

I make it clear that the money in reserve is held by the institutes. At the end of 1998, investments with the institutes totalled \$73 million. If opposition members cared to listen they may learn because they do not seem to be good with figures. That amount contributes to the \$150 million in total assets of the institutes. However, liabilities, which are \$90 million, have to be taken out. That leaves \$60 million in reserve for the TAFE institutes — not \$70 million. The honourable member got that wrong; there is \$60 million.

In examining the break-up of that \$60 million in reserve, of that funding \$37 million sits with Holmesglen TAFE. Holmesglen services the Burwood electorate. Obviously the honourable member for Warrandyte is not concerned about ripping money out of Holmesglen TAFE. I have concerns about doing that. Putting aside the \$37 million with Holmesglen that has been built up over a long time, \$22 million remains. That is spread across all the TAFE institutes and represents only 3 per cent of operating revenue or two weeks funding for those TAFE institutes.

A number of major problems would arise in the proposed removal of funds from Holmesglen TAFE, which is essentially the suggestion from the honourable member for Warrandyte. It is no wonder that the honourable member for Hawthorn was not silly enough to raise the matter on the radio. Firstly, taking the money out of Holmesglen TAFE — which, as I made clear today, the government will not do — would involve shifting funds and would increase the number of institutes currently at financial risk. It would also send the wrong message to the TAFE institutes — that is, to spend up their reserves and not put any money in reserve because some nasty government of the Kennett or conservative persuasion may want to take it away. There is also no legislative capacity to remove those funds.

It is interesting that the honourable member for Warrandyte suggested this. When he was in government and in a position to do something about the financial plight of a whole number of TAFE institutes, he did nothing. He just went on his merry way attending functions, shaking hands and having parties that no-one turned up to.

Of course, the real agenda of the honourable member for Warrandyte is to rip that money out of Holmesglen TAFE, which, as I said, the government will not do. Already the government has made a number of commitments to TAFE institutes across Victoria. It has made a commitment to regional TAFE institutes of \$14.7 million over the next four years in acknowledging it now costs them more to provide

services. Two weeks ago the Premier also announced an additional \$10 million over the next calendar year to address financial concerns across Victorian TAFE institutes. The government will address the heart of the problem, where the financial difficulties have begun, and not just look at ripping money out of one institute to give to others and spread the burden across the system.

Schools: self-governance

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to the Department of Education memorandum referred to a moment ago which is dated 9 November 1999 and endorsed by the minister to all 51 self-governing schools advising them that the special funding would be removed from 31 December this year. I ask: given that the minister now accepts that the three-year education service agreements that provide the special funding are legally binding, will she now apologise to the 20 000 students, their parents, and the affected school communities for the past three weeks of trauma — —

Honourable members interjecting.

The SPEAKER — Order! I ask government benches to come to order and to allow the honourable member for Warrandyte to complete his question.

Mr HONEYWOOD — Given that the Minister for Education now accepts that the three-year education service agreements that provide the special funding are legally binding, will she now apologise to the 20 000 students, their parents, and school communities for the past three weeks of trauma and uncertainty that her decision-making on the run has caused?

Mr Batchelor — On a point of order, Mr Speaker, I draw the attention of the Chair to sessional order 3(4) which requires all questions to be direct, succinct and seeking factual information.

The SPEAKER — Order! The honourable member for Warrandyte is entitled to ask his question in a manner that conforms with that sessional order. I believe he has done that and I ask the Minister for Education to answer the question.

Ms DELAHUNTY (Minister for Education) — I ask the honourable member to repeat the question.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. I will not hesitate to name members should they persist in interjecting while the Speaker is on his

feet. I give all honourable members a warning that if there are any further offences in that regard I will use sessional order 10 and ask the honourable member to leave the chamber. The Minister for Education has asked that the question be repeated because she did not hear it. I ask the honourable member for Warrandyte to do that.

Mr Thompson — On a point of order, Mr Speaker, under the standing orders, gestures in the house can sometimes be regarded as being offensive. When the Minister for Education left the parliamentary table she entered into a victory salute with the honourable member for Broadmeadows, which I believe demeaned the dignity of the house and intended that the honourable member for Warrandyte repeat the question in circumstances that may not have been due to lack of hearing but rather just to have him repeat the question. The gesture was offensive to the house.

The SPEAKER — Order! The honourable member for Sandringham has raised a point of order about gestures being disorderly. The Chair concurs that gestures are disorderly, and asks honourable members to refrain from indulging in such actions. On this occasion the Chair did not notice any offensive behaviour. There is no point of order. I ask the honourable member for Warrandyte to again ask his question so the Minister for Education can hear it.

Mr Honeywood — I refer the Minister for Education to the Department of Education, Employment and Training memorandum dated 9 November 1999, endorsed by the minister, to all 51 self-governing schools advising them that the special funding would be removed from 31 December next. Given that the minister now accepts that the three-year education service agreements are legally binding with that special funding, will she now apologise to the 20 000 students, their parents and school communities for the past three weeks of trauma and uncertainty that her decision, made on the run, has inflicted upon them?

Ms DELAHUNTY — The only person suffering from trauma is the Leader of the Opposition. Where is the Leader of the Opposition — has he been gagged?

Honourable members interjecting.

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

Ms DELAHUNTY — I will repeat the process undertaken so that the honourable member for Warrandyte can understand it. The government took legal advice to implement its policy, and announced that policy in Parliament. Memoranda were sent to all

51 self-governing schools, after discussions with them, announcing the policy. I repeat for the honourable member's information: no new contracts will be entered into. We will honour all existing contracts. Our legal advice says we should examine all educational service agreements, and any legally binding contracts under those agreements will be honoured. We said that at the beginning, and I consistently say that. The only person who is confused is the honourable member for Warrandyte, who has been waving his legal advice around.

Mr Thwaites interjected.

Ms DELAHUNTY — I don't know whether he paid for it, but I am informed it came from a failed Liberal candidate! We should not be puzzled by the fact that perhaps the Leader of the Opposition's legal advice differs from the legal advice given to me by my department. I hope that answer now satisfies the honourable member for Warrandyte, who has been consistently trying to whip up division where there is none.

Last week we came away from a meeting of self-governing school principals and leaders with agreement to move forward. After that meeting last Monday Mr Ron Lake, the convenor of the self-governing schools group, said that we have a way to move forward for enhanced self-management under a Labor government — which is putting more money into all schools.

I should point out that more than \$50 million is to go to schools next year, and that the self-governing schools will also accept that largesse; in some cases, up to \$100 000 more will go into their budgets. The parents and teachers in those school communities now realise that despite the diversion caused by the honourable member for Warrandyte, the Labor government — a government that cares about education — will fund all schools so they can be centres of excellence. We will not play winners and losers.

Mrs Peulich — On a point of order, Mr Speaker, the honourable member for Warrandyte asked whether the minister would honour the 51 service agreements she entered into, whether she is refusing to sign additional agreements or whether she has torn them up. She has not answered the question and I ask the Chair to have her answer it.

The SPEAKER — Order! The question asked by the honourable member for Warrandyte referred to the minister's actions on self-governing schools. I believe the minister was answering and was being relevant. I

remind the house that the Chair is not in a position to direct ministers how to answer questions.

Preschools: subsidy

Ms LINDELL (Carrum) — Will the Minister for Community Services inform the house what action she has taken to increase preschool participation in Victoria?

Ms CAMPBELL (Minister for Community Services) — When the Bracks government was elected it inherited a social black hole left by the former government which had been orchestrated by the previous Minister for Community Services, now the Leader of the Opposition. The Bracks government has acted promptly to assist low-income families with preschool attendance for their children.

The terrible situation in Victoria is that 4500 eligible children are not attending preschool education primarily because their families cannot afford it. Most families not accessing preschool education live in areas of high social disadvantage. The preparatory school teachers in those areas say they are lucky if 50 per cent of the children have had the opportunity to gain a preschool education from them.

I am pleased to advise the house that the Bracks government has allocated a \$250 fee subsidy for each child at a preschool whose family holds a health care card. That subsidy more than doubles the previous allocation, when only \$100 was spent on assisting each family. The government expects that the increased fee subsidy will allow more children from socially disadvantaged families to access preschool education.

The state average participation rate for health care card holder families whose children are accessing preschools is about 30 per cent. The participation figure in rural areas is 40 per cent, and 25 per cent in metropolitan areas. In local government areas such as the Shire of Glenelg — —

A government member interjected.

Ms CAMPBELL — Glenelg is near Portland; the figure there is 41.6 per cent. Many families need government support and the government intends to deliver. Preschools give children a head start in life, and upon its election the Bracks government immediately acted to increase the preschool participation rate.

The SPEAKER — Order! The time for questions without notice has expired. A minimum 10 questions have been asked and answered.

PERSONAL EXPLANATION

Mr RYAN (Gippsland South) — In the course of my contribution to the address-in-reply debate on Thursday, 11 November, I said that the honourable member for Essendon had trained two of the current members of the government backbench. I now know that that is not so, and I wish to correct the record accordingly.

PETITION

The Clerk — I have received the following petition for presentation to Parliament:

Rail: Tullamarine link

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

The humble petition of we, the undersigned citizens of the state of Victoria sheweth, that we strongly oppose the proposal to develop a third rail line along the Broadmeadows line to the Tullamarine airport, unless an environmental effects statement is carried out and affected residents are consulted.

Your petitioners therefore pray that submissions be called for in relation to the entire proposal and that no other action be taken until an environmental effects statement is completed.

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

By Mrs MADDIGAN (Essendon) (43 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General — Report of the Office for the year 1998–99

Bethlehem Hospital Inc. — Report for the year 1998–99 (two papers)

Caritas Christi Hospice — Financial Statements for the year 1998–99

City West Water Limited — Report for the year 1998–99

Equal Opportunity Commission — Report for the year 1998–99 — Ordered to be printed

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 1998–99 Annual Reports of the:

Victorian Broiler Industry Negotiation Committee

Victorian Strawberry Industry Development Committee

Report from the Minister for Environment and Conservation that she had received the 1998–99 Annual Report of the Water Training Centre.

Reports from the Minister for Environment and Conservation that she had received the Annual Reports for the period 30 April 1998 to 31 October 1999 of the:

Lake Mountain Alpine Resort Management Board

Mt Baw Baw Alpine Resort Management Board

Mt Stirling Alpine Resort Management Board

First Mildura Irrigation Trust — Report for the year 1998–99

Gippsland and Southern Rural Water Authority — Report for the year 1998–99

Goulburn–Murray Water Authority — Report for the year 1998–99

Human Services Department — Report for the year 1998–99

North Western Health Care Network — Report for the year 1998–99 (two papers)

Peninsula Health Care Network — Report for the year 1998–99

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bayside Planning Scheme — No L14

Frankston Planning Scheme — No L87

Greater Shepparton Planning Scheme — No C2

Hobsons Bay Planning Scheme — No L17

Kingston Planning Scheme — Nos L43, L44

Nillumbik Planning Scheme — Nos L21, L26

Yarra Planning Scheme — No C4

Public Employment Commissioner — Report for the year 1998–99

Public Prosecutions — Report of the Director, Committee and Office for the year 1998–99

Queen Victoria Women's Centre Trust — Report for the year 1998–99

Southern Health Care Network — Report for the year 1998–99

St. Vincent's Hospital — Report for the year 1998–99 (two papers)

State Trustees Limited and Financial Statements of the Common Funds — Report for the year 1998–99

Statutory Rule under the Road Safety Act 1986 — SR No 120

Sunraysia Rural Water Authority — Report for the year 1998–99

Victorian Electoral Commission — Report for the year 1998–99

Victorian Government Purchasing Board — Report for the year 1998–99 (two papers)

Victorian Multicultural Commission — Report for the year 1998–99

Wimmera Catchment Management Authority — Report for the year 1998–99

Wimmera–Mallee Rural Water Authority — Report for the year 1998–99

Women and Children's Health Care Network — Report for the year 1998–99

Yarra Valley Water Limited — Report for the year 1998–99.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.30 p.m. on Thursday, 25 November 1999:

Essential Services (Year 2000) Bill

Health Practitioners (Special Events Exemption) Bill

Legal Practice (Amendment) Bill.

Motion agreed to.

MEMBERS STATEMENTS

Wimmera–Grampians marketing strategy

Mr DELAHUNTY (Wimmera) — I wish to recognise the launching of a Wimmera–Grampians marketing strategy entitled 'Wimmera–Grampians Region — Victoria's Best Kept Investment Secret', but it will not be secret for much longer.

It resulted from the cooperative effort of five councils in the Wimmera district, the shires of Hindmarsh, West Wimmera, Northern Grampians and Yarriambiack, and the Rural City of Horsham. Those councils, working with the Wimmera Development Association and Wimmera 2020, have developed a strategy that recognises the value of the Wimmera's natural assets, its environmental resources and its research and development capabilities. The strategy showcases the regional strengths through a brochure, a video and, importantly in this environment, a web site.

I congratulate all the organisations and the people involved. The spectacular Wimmera–Grampians region extends like a patchwork quilt of opportunity across the rich agricultural heart of western Victoria.

Sunbury Skaters Association

Ms BEATTIE (Tullamarine) — I congratulate Adam Majcher, a Sunbury resident, who on 8 November was the City of Hume young mayor for the day. Adam is 23 years old and in just 18 months he organised more than 200 young people to form the Sunbury Skaters Association.

Adam has been the driving force behind events such as skate days, concerts and the hugely successful Skate the Suburbs Day to raise funds for a skate park in Sunbury. He harnessed the energy of young people, and the events are self-managed by the skaters association. It is a tribute to all concerned.

Adam's proud mum, Christine, was in the gallery when from the mayoral chair Adam put the hopes and aspirations of young people, particularly those in the Sunbury area, firmly on the Hume agenda.

I congratulate Adam and the Sunbury Skaters Association on the drive, dedication and enthusiasm they demonstrate, and I wish them well in achieving a skate park for the use of the people of Sunbury.

Caladenia Day Centre

Mrs FYFFE (Evelyn) — I wish to praise the work of the staff and volunteers of the Caladenia Day Centre in Mooroolbark, which caters for people with Alzheimer's disease and related dementias in the Lilydale, Mooroolbark and Croydon areas. The people who attend the centre are involved in various social and recreational activities based upon their interests and needs. Their limitations are taken into account and the activities are conducted in a safe, purpose-built environment.

In this, the International Year of the Older Person, the centre has widened its programs to cater for the isolated and frail aged members of the local community, and it even transports people to and from the facility with its own bus. The Caladenia Day Centre also provides a respite and counselling forum for carers of those suffering from dementia, a group in our society that can easily be forgotten in the hurly-burly of life.

When you consider the service the centre is already providing, it is very impressive to see that it has also commenced work on new facilities including a special garden area with wide paths, handrails, a shady gazebo

to allow outside entertainment, raised garden beds and perfumed flower gardens. The amount of work the centre undertakes is particularly impressive when it is considered that it is managed by a staff of just six, and 26 volunteers.

Ministry: community cabinet

Mr TREZISE (Geelong) — Firstly, I congratulate the Premier and the cabinet on their initiative in introducing the community cabinet.

As the member for Geelong I am delighted that the community cabinet visited that city last Monday. Cabinet met in the town hall in the morning and then dispersed in the afternoon to the four corners of the City of Greater Geelong, where cabinet members met members of the community, listened to them and discussed with them the issues of the day in Geelong. Numerous community organisations, including businesses and clubs, were visited throughout the day by the ministers. The Premier visited the historical society, the Ford Motor Company and the Geelong Football Club.

The community cabinet is an indication of the way the government will govern during the forthcoming four years. The cabinet will be out among communities listening to the people, to organisations and to businesses. I congratulate the Premier and the cabinet on that initiative.

Elders Cafe, Frankston

Ms McCALL (Frankston) — I begin by congratulating the previous coalition government on its initiatives during the International Year of the Older Person and, in particular, an initiative in the electorate of Frankston that resulted yesterday in the opening of the Elders Cafe on Olsen Street. As a member of the organising committee in its early days I know that the project was at risk of turning into the Nightmare on Elm Street; I am pleased to say, however, that it resulted in the Elders Cafe on Olsen Street.

It began with an initiative of an over-65s think tank in Frankston. That organisation was delighted to receive \$1000 from the previous coalition government plus donations in kind of furniture, time and effort from Rotary, the Lions clubs and Frankston City Council.

Elders Cafe opened yesterday. It is a drop-in centre for those in their mature years. You drop off a relative, go off to the hairdresser and do your shopping, and hope the relative will still be there when you return. It is an excellent initiative, and we are delighted for the people of Frankston.

I am impressed with the support and efforts of the many people of the Frankston community working for the International Year of the Older Person, including Evie Wallace.

Irymple Meals on Wheels

Mr SAVAGE (Mildura) — I raise a community service matter — namely, Irymple Meals on Wheels. Since 1972 citizens and organisations have donated the equivalent of over 500 years of community service to that facility.

I wish to record the following names and years of service: Ian Tregonning, 27 years; Wilma Smart, 27 years; Barbara Johnstone, 27 years; Dorothy Ginn, 27 years; Irymple Primary School, 27 years; Irymple Kindergarten, 27 years; Jean Smith, 26 years; Ron and Judy Trinne, 23 years; Elsie Perry, 23 years; Alma Leng, 22 years; Joe and Ann Sestak, 22 years; Ian and Jean Hinks, 20 years; Ray and Rosalie Kuchel, 20 years; Gwen Mathews, 19 years; Roy and Shirley Turlan, 18 years; Barbara Tilley, 18 years; Evelyn Byron, 16 years; and Roy Logan, 15 years. These people remain unacknowledged by most members of society and are deserving of recognition.

Australian Hotels Association: awards

Ms LINDELL (Carrum) — I extend my congratulations to the Australian Hotels Association on the success of its annual state awards dinner held on Sunday night.

The awards recognise excellence in the hotel and hospitality industry in Victoria and highlight the vast range of establishments, large and small, metropolitan and regional, that make up the hotel industry, and they also showcase the economic contribution made to Victoria by the industry.

I especially congratulate Arnold and Suzie Dix and all their staff at the Cove Hotel in Patterson Lakes on winning the award for best metropolitan hotel bistro for the second year in a row. I wish them well in the national awards next year.

I encourage all honourable members to partake of Arnold and Suzie's hospitality when next in the Carrum electorate.

Schools: Ormond and McKinnon

Mrs PEULICH (Bentleigh) — I draw the attention of the house to concerns about the level of funding provided by the minority Labor government for school capital works and maintenance and to the effect of

funding levels on planned and scheduled local school upgrades.

In particular, assurances are sought about the status of scheduled funding for two local schools, including grants of \$850 000 for Ormond Primary School, which has been working on its master plan for a number of years, and \$800 000 for McKinnon Secondary College. I declare my interest in that college, which my son attends. My representation here is, however, purely as the school's local member of Parliament.

I quote briefly from a letter received from Dr Brian Smith, president of the school council, in which he asks for assurances about promised and scheduled funding. He says that the requested funding would:

enable replacement of seven of our most appalling portable classrooms with permanent structures. Given the change in state government I am writing to ask you to check on the status of this grant.

The letter states further:

It fits well with our master plan and has galvanised thought on how to make the dollars count — i.e. how to get the best possible educational outcomes while adding to the sense of pride and identity within the college.

I would like to see this government ensure that funding for schools is adequate and that it also deals with the backlog, which was significantly addressed by the former coalition government, to meet school community needs.

Colosseum Hotel site

Mr LANGDON (Ivanhoe) — I congratulate my local community in their campaign against the liquor licence application by Mr Bruce Mathieson for the former Colosseum Hotel site. Yesterday Commissioner Horsfall handed down a decision ruling against the application, which means the efforts of the community, schools, churches and so on have been successful. The campaign included one petition to the City of Banyule with 1400 names protesting against the town planning permit and another with 1600 names protesting against the liquor licence application.

The City of Banyule has been most cooperative in this endeavour, and I thank the councillors involved. Basically, it was a community effort to stop Mr Mathieson from obtaining a liquor licence for the former Colosseum Hotel site. The previous government promised to use the site for the building of new police headquarters — one of those blatant political untruths it broadcast. Mr Mathieson bought the former hotel and has been trying to put poker machines in it ever since. The failure of the liquor licence application has

obviously saved the community from an abundance of poker machines. I again extend my appreciation and gratitude to all those in the community who campaigned for so long against the application.

Myxomatosis virus

Mr PLOWMAN (Benambra) — I appreciate the fact that the Rabbit Buster program introduced by the previous government has been extraordinarily successful. It is of concern that a lot of rabbits are now evident right round country Victoria, particularly in the higher rainfall areas. As honourable members would know, the introduction of the calicivirus has been more successful in areas with lower rainfall and hotter climates, so in areas with high rainfall reliance is placed on the myxomatosis virus.

CSL has now run out of the myxomatosis virus, and when I contacted the company I was advised that it does not intend to produce any more. Farmers, particularly those in the higher rainfall areas, are desperately in need of more of that virus so that they can control the increasing rabbit population.

The government should review this matter. I believe CSL should be encouraged to again produce the myxomatosis virus, because the rabbit is such a pest that every means of eradication is required.

Preschools: fee subsidy

Ms OVERINGTON (Ballarat West) — I bring to the attention of the house the fact that the recent announcement by the Bracks government of the \$250 fee subsidy for preschools has been well received in my electorate and in Ballarat in general, which includes Ballarat East. Last Thursday, the Minister for Community Services attended a meeting in Ballarat that was also attended by more than 50 parents. They warmly welcomed the announced subsidy, which will affect 43.1 per cent of families in my electorate. It will be a valued contribution to my community.

Throughout the election campaign and afterwards many parents contacted me saying they could not afford to send their children to preschool. Since this announcement, numerous parents have contacted me to congratulate the Bracks government because they are pleased they will now be able to afford to send their children to preschool next year thereby giving them a chance for quality education.

Bernie McMahon

Mr MILDENHALL (Footscray) — I rise to pay tribute to Bernie McMahon, the principal of Footscray

City College, on his recent retirement. Bernie took the school to state leadership with the outstanding programs he offered. He was a staunch opponent of self-governing schools, but an outstanding — —

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

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Audit (Amendment) Bill

Essential Services (Year 2000) Bill

Freedom of Information (Miscellaneous Amendments) Bill

Regional Infrastructure Development Fund Bill

ESSENTIAL SERVICES (YEAR 2000) BILL

Second reading

Debate resumed from 11 November; motion of Mr BATCHELOR (Minister for Transport).

Dr NAPTHINE (Leader of the Opposition) — The Essential Services (Year 2000) Bill will provide a temporary system of emergency powers to deal with events arising from year 2000 computer problems and amends the Emergency Management Act 1986.

Essentially it is a broad-ranging bill and gives enormous powers to the minister concerned — in this case, the Premier — to take appropriate action should any adverse consequences occur at the turn of the century when there is the potential for year 2000 computer problems.

The opposition will support the legislation; however, it has a number of concerns about which it seeks some reassurances from the minister. I say at the outset how disappointed I am that the minister responsible for the legislation is not in the house. That minister, the Premier, has argued that his government has a strong belief in the parliamentary processes, democracy and open and accountable government. Therefore, it is extremely disappointing that the Premier does not see fit to be in the house during discussion of a bill for which he is responsible and which gives him enormous and wide-ranging powers.

The opposition seeks clarification from the Premier on a number of issues during both his response to the second-reading debate and the committee stage of the bill. It will be difficult for the Premier to make those responses intelligently and appropriately if he has not even seen fit to be in the house. Already a double

standard and a degree of hypocrisy have been shown by the Premier and his government with respect to democracy and the operation of Parliament. During question time today a minister of the Crown treated Parliament with absolute contempt. It is about time the rhetoric of the government and the Premier were reflected in his behaviour and that of his ministers. The Premier should make it a priority to be in the house to hear debate on the bills for which he is responsible.

The Essential Services (Year 2000) Bill, for which he is responsible, gives the Premier enormous powers. The opposition seeks the Premier's response on how the bill will be administered so the community can be made aware of the government's intentions. A number of issues are of genuine concern, and I shall refer to one that should be of concern to all Victorians.

This bill and other bills to be debated today and during this week have been introduced to Parliament without being scrutinised by a parliamentary committee, such as the former Scrutiny of Acts and Regulations Committee. That committee was set up by the previous government as a significant step forward in the democratic process and in the interests of all Victorians to protect their rights and civil liberties. It ensured that all bills were properly scrutinised and that reports on them were presented to Parliament before they were debated.

The bill significantly restricts the civil liberties of all Victorians. The bill raises a range of significant issues regarding the delegation of powers of the minister, section 85, immunities and compensation — all of which are important matters and which would have been considered by the former Scrutiny of Acts and Regulations Committee and reported on before such a bill came before the house. Despite the Labor Party's comments leading up to and since the election about its being an open and accountable government that would put a premium on the effective operation of the Parliament and ensure adherence to democratic processes, the Premier and his government have already flouted the democratic processes on many occasions and denied Victorians the right to be properly informed on issues.

An argument could be put that debating a bill such as this without a proper report from a parliamentary scrutiny committee breaches the Parliamentary Committees Act. Under the heading 'Scrutiny of Acts and Regulations Committee', section 4D of that act provides:

The functions of the Scrutiny of Acts and Regulations Committee are —

- (a) to consider any bill introduced into a house of the Parliament and to report to the Parliament as to whether the bill, by express words or otherwise ...

It then lists a whole range of areas. It is the clear intention of the Parliamentary Committees Act that reports on bills be presented to Parliament prior to discussion of those bills. However, this important bill which impinges on the civil liberties of Victorians has come before the house without any such report from a scrutiny committee. In fact, the government has yet to establish such a committee. That is to the detriment of Parliament, the government's credibility and the people of Victoria.

It is incumbent upon the government to consider the matter and to act quickly to proceed along such lines. In anticipation of the government not acting as it should, today I announced that next week I will introduce on behalf of the opposition a private member's bill to create parliamentary committees that can effectively scrutinise bills before they are introduced into Parliament. The opposition will also scrutinise subordinate legislation as part of a fair and appropriate democratic process.

The private member's bill would amend the Parliamentary Committees Act to create a scrutiny of bills committee, a scrutiny of subordinate legislation committee, a scrutiny of redundant acts committee and a general purpose committee of the Upper House, as well as an all-party committee of both houses of Parliament, under the Parliamentary Committees Act.

Such scrutiny of legislation is clearly needed when a bill such as the Essential Services (Year 2000) Bill comes before us. It will place significant impositions on the civil liberties, individual freedoms and rights of citizens of Victoria.

Coming back to the Parliamentary Committees Act, the former Scrutiny of Acts and Regulations Committee had specific functions, including consideration of inappropriate delegations of legislative power. Clause 30, headed 'Delegation of powers and functions by Minister', provides that:

The Minister may by instrument delegate to any person all or any of the Minister's powers and functions under this Part ...

That is a very broad delegation. When one considers the enormous powers provided to the minister under clause 5, clause 30 provides an enormous and wide-ranging delegation of powers. Yet honourable members do not have a report of a scrutiny of acts and regulations committee on that delegation process, as provided for by the Parliamentary Committees Act. Clearly the situation is less than satisfactory, and indeed

Parliament is the lesser for it. It is an absolute disgrace that the Premier, who is responsible for the legislation, is not in the house to listen and respond to the arguments.

The Essential Services (Year 2000) Bill is based on the need to have powers to deal with emergencies that may arise as a result of what is commonly called the Y2K problem. In summary, for those very few people who do not understand what the Y2K problem is, it is probably best described in the document titled *The Millennium Bug Countdown Kit — a Y2K Contingency Guide for Business* produced under the previous government by Business Victoria. Under the heading 'What is the Millennium Bug?', it states:

The millennium bug or year 2000 (Y2K) computer problem is the failure of computer systems and embedded chips found in electronic equipment to recognise the first two digits of the year 2000 date, due to the widespread use in computer programming of two digits to represent the year, rather than four ...

This means that when the clock ticks over to January 1, 2000, systems and equipment may compute that date as 01/01/00, believing it to be 1/1/1900 or some other incorrect date —

that is, rather than 01/01/2000 —

causing erroneous information, inaccurate calculations, possible shutdown and other malfunctions which could potentially destroy many years of hard work for business around the world.

It could also cause significant problems for essential services such as electricity, gas, water supply and sewerage, which could be potentially dangerous to the community.

Indeed since it was known that the Y2K problem was coming, literally billions of dollars have been spent in Australia and across the world in seeking to address the issue. A survey of Pricewaterhousecoopers estimates that trying to beat the millennium bug or Y2K problem will cost Australian businesses \$8 billion to \$10 billion.

Governments in Australia and across the world have also been very active in trying to deal with the problem. I am pleased to say that the previous Victorian government, the Kennett government, was one of the world leaders in dealing with preparations for the Y2K problem.

Dealing with the Y2K problem is twofold. Firstly we must consider dealing with the Y2K issue itself. Organisations need to examine their systems so that they are what we would call Y2K compliant. Their systems need to have been examined and tested so that when the year turns over to 2000 those systems will be

able to respond appropriately and will not malfunction or cause disruption to the operation concerned.

The second component is contingency planning. It is important that organisations recognise that while they may be very effective in making their own systems Y2K compliant at the same time they may depend on outside sources of supply over which they have no control. If those outside sources are not Y2K compliant they could cause some form of breakdown.

For example, hospitals must be planning on two levels. At the first level they must be working to ensure that all of their systems operate through the period; and secondly, they must look at contingency plans for outside sources of supply such as power, water, and gas, for which they depend on other organisations. That contingency planning covers a whole range of areas, not just essential services. Supplies that are absolutely essential for hospitals are drugs, equipment and laundry, along with a whole range of other items.

I am pleased to say that the former government had a strategy to deal with the problem at those two levels, to ensure that government agencies and services that are essential to look after the people of Victoria — including services that have been sold to the private sector, such as electricity and gas — were part of the government planning system for Y2K compliance and were regularly monitored for their progress towards that compliance.

In addition, the government was reporting regularly on both compliance and contingency planning. As I said, the former government was widely recognised as a leader in Australia — indeed in the world — for the systems for ensuring that attention was given to the Y2K problem.

The Y2K problem will occur not only on 1 January 2000. That is obviously one of the dates we need to be aware of in our planning, but there are other significant dates with potential problems for our computer systems, including 29 February, because 2000 is a leap year. A leap year ending in double zero occurs only every 400 years — and the year 2000 is one of those 1 in 400. It would not normally be expected to be a leap year, despite being divisible by 4. That is why 29 February 2000 is also a significant date in terms of potential computer problems. I am advised further that 1 January 2001 may be of significance regarding potential computer problems. Several other key dates may also lead to computer problems, and Parliament must be cognisant of those other dates in its planning processes.

The Kennett government had already spent nearly \$400 million throughout government and government agencies ensuring that agencies were year 2000 compliant. Special funding was provided to individual departments and from the departments to agencies funded by government to enable them to update their computer systems and do the necessary checks on computer systems to ensure they were year 2000 compliant.

As of July 1999 the average Y2K readiness of the Victorian government was already 98.36 per cent and the average contingency planning was 96.43 per cent, which was recognised as a world-leading position. The former government led the way across Victoria in its public reporting of Y2K readiness and contingency planning processes. The house needs to recognise and congratulate the former Minister for Finance, the Honourable Roger Hallam in another place, on his strong leadership in this area. He was well supported by the former Premier, the Honourable Jeff Kennett, who felt government had to make this absolutely essential commitment. Clearly the former government was well prepared for Y2K. The opposition can only trust and hope the incoming government will continue that work and not drop the ball on Y2K preparedness and land us in significant difficulties.

The former government was serious about Y2K compliance and had contingency plans in place for each of its departments and key agencies. It was well on the way to ensuring that the year 2000 would pass without any adverse incident whatsoever. The opposition hopes the current government will continue that work so the only thing that will be remembered about New Year's Eve 2000 is the celebration that will take place rather than any untoward events.

However, despite all that good preparation and the former government's confidence that Y2K would pass without incident and the current government similarly doing its work to ensure it gets to the line in time, it is important that as part of the contingency planning there are provisions to deal with any emergency that may arise: hence the importance of the legislation before the house.

The preparation of the bill was commenced under the former government. It looked at the range of issues the government may be required to act on in case of an incident affecting the delivery of essential services leading to a need for the government to respond to protect the citizens of Victoria and ensure they are not significantly adversely affected. Because the bill is fundamentally trying to cover an unknown but potentially significant emergency, by its very nature it

has to be broad in its powers and flexibility. While the opposition and I am sure Parliament would normally be very concerned about passing any bill with such broad-ranging powers as this, in the circumstances it will support the legislation; indeed, I expect the whole Parliament will support it.

It is important to note that, because of the concerns Parliament has about such powers, clause 35 of the bill contains a provision that the act will expire on 30 June 2001. The broad-ranging powers are in place only for the period within which potential problems may occur. We are not talking about one date but a range of dates through 2000 and into 2001, and that is why the legislation will remain in operation until 30 June 2001.

As I said at the outset, the opposition seeks clarification on a number of issues in the bill. I am not sure who will respond on behalf of the government. It is extremely disappointing that the Premier, who is responsible for the legislation, is not in the house to listen to the debate and the concerns many other speakers and I have raised and to respond to the issues raised.

The Minister for Environment and Conservation, who is at the table, is a different minister from the minister who was here 10 minutes ago. I am not sure whether this minister will be present at the end of the debate to respond to the issues raised. I am not even sure whether the minister is interested in the debate or whether the government is treating it seriously and can respond effectively.

It is an absolute disgrace that already a government that purports to treat Parliament seriously, to be the champion of open and accountable government and an advocate for the treatment of Parliament as a place for genuine debate and discussion has, on the first significant piece of legislation it has introduced, shown a dereliction of duty. The person at the top, the Premier, is apparently not interested in the debate. He is not even here. He is not participating — he is not even responding to the lead opposition speaker. If the debate goes on for some time it can be understood that the minister — the Premier, in this case — may have other things to do, but it is incumbent on the Premier to be in the chamber at least when the lead opposition speaker is raising issues of concern. He should be here to listen and respond.

In my time as a minister if I had carriage of bills in this place I felt it was important for me to sit at the table, listen to debate, take note of the matters people raised and seek to respond as well as I could in the second-reading debate and in the committee stage, if the bill went into committee. It is an absolute disgrace

that the Premier has walked away from his responsibilities at this early stage of his government. It is the height of hypocrisy for this government, which purports to be about open and accountable democracy and respect for parliamentary processes, not even to participate in the genuine parliamentary debate on the bills before the house.

Mr Maxfield — You were never accountable.

Mr Perton — Was that a maiden interjection?

Dr NAPTHINE — I don't think it even qualified as an interjection.

Mr Perton — I think it was a squeak.

The DEPUTY SPEAKER — Order! Will the Leader of the Opposition continue, or has he finished?

Dr NAPTHINE — He has a lot more to say, Madam Deputy Speaker.

Clause 5 is the nub of the bill and concerns the powers of the minister regarding essential services in the event of a Y2K emergency or similar event. The provisions would come into operation when such an event is proclaimed by the Governor in Council in the *Government Gazette*.

Clause 5 proposes giving enormous power to the minister, who will be able to do virtually anything. It provides powers that could put the situation on a war footing. The opposition does not disagree with that because the minister needs flexibility and power if the circumstances so require.

I seek some comments from the minister in response to the second-reading debate. If the opposition does not get satisfaction then in committee it will seek some reassurances from the minister about how and under what circumstances — including the parameters — he expects the powers will be used, so that the community is reassured that those powers will not be used inadvertently, inappropriately or to the significant disadvantage of Victorians. It is important that the perception of the government and the minister on how those powers will be used is on the record.

I particularly draw the minister's attention to clause 5(6), which states:

If a direction of the Minister under sub-section (5) amending an earlier direction for the purpose of correcting a defect, mistake or omission —

- (a) includes a statement that the earlier direction is deemed to have been made as so amended; and

- (b) is made not later than 3 months after the earlier direction was made —

the earlier direction is deemed to have been made as so amended.

In summary, that provides the minister with a catch-all and broad power to change or completely reverse a ministerial decision up to three months after it has been made, which may have significant effects on a range of individuals, businesses or organisations. By that process the minister will be able to deem that the subsequently changed decision had been made originally. That will put an enormously broad-ranging retrospective and corrective power in the hands of a minister. I seek that the government and the minister place clearly on the record some advice of the circumstances in which that power would be used. The opposition wants to know in what circumstances the minister would seek to use that broad-ranging power to reverse decisions and have those decisions deemed to have been made originally. It is important for Parliament and Victorians to have that on the record.

Clause 6, which is headed 'Compensation', states:

- (1) If a person's property is used under a direction referred to in section 5(2)(e), the person may receive the compensation determined by the Minister.

If the person whose interests are affected is not satisfied with the minister's determination of compensation, he or she can go to the Victorian Civil and Administrative Tribunal (VCAT) for review.

To put this in context one must examine clause 5(2)(e), which provides the minister with the power to:

... requisition the use of property of any kind which is used or may be used for or in connection with the operation or maintenance of any service.

That broad-ranging power will enable the minister to requisition and use property belonging to a company, a partnership, or an individual, and under clause 6 that person will receive compensation for the use of that property. That seems fair and reasonable.

The opposition seeks that the government put on the record what is missing from the clause. It seems that a clear policy decision of the government has been made. I would be interested to hear the minister clarify that it is a policy decision of the government and not merely an oversight that no compensation is proposed for loss of earnings. For example, the minister could requisition the use of a bulldozer from a company, saying, 'We need this bulldozer to do certain actions under this legislation', and under the compensation provisions pay the owner X amount a week for use of that bulldozer.

There is no suggestion that the firm, business or individual involved would receive further recompense for any potential loss of earnings for having that bulldozer taken from his or her authority.

Mr Perton — Or if they make him drive it.

Dr NAPHTHINE — That was the next point I was coming to. The honourable member for Doncaster is assisting me. No provision has been made for the payment for labour. For example, if in this case the minister directs the person to drive or to provide somebody to drive the bulldozer, there is no provision for compensation for use of labour.

No provision has been made for compensation for damage to property. For example, no compensation is provided for if in this case the bulldozer has to deal with pushing acid or something that damages the machine irretrievably. The opposition needs to understand the proposal. The minister needs to explain whether it is merely an oversight and that the government will address the broader range of compensation for loss of earnings, loss of labour, damage to property and a range of other issues, or whether it is a strict policy decision of the government to restrict compensation purely to loss of property.

I have some concerns with a number of other provisions, including clause 13, which provides that the minister may appoint inspectors for the purposes of the act. Similarly, those inspectors will have a wide range of powers to operate under the act. Again, I recognise the need to appoint inspectors under the act. For example, if gas supply is limited because of a failure caused by the Y2K problem, the government must ensure that the limited gas supply is utilised for hospitals or other essential services rather than in other areas. Inspectors may need the power to inspect and ensure gas supplies are turned off in a range of other areas. I can understand the need for inspectors. However, I ask the minister to clarify what sort of person will be appointed and under what circumstances various classes of people will be classified as inspectors.

When the question was asked during our briefing on the bill, the department's response was that it did not know who was likely to be appointed an inspector because it did not know what circumstances would arise, and the inspectors would have to be appointed appropriate to the circumstances. However, the proposed legislation suggests that already a class of person or persons has been identified as potential inspectors.

The bill provides that an inspector must have an identity card signed by the minister; it must also bear a photograph and the signature of the inspector.

If they are to be ready to move as the clocks tick towards midnight on 31 December next, inspectors should be identified now so that appropriate identity cards may be prepared. They should be fully trained and familiar with or aware of any issues or problems that may arise. The strong suggestion is that the government already knows who are to be made inspectors under the provisions of the legislation. In those circumstances it is incumbent on the minister to say who will be inspectors.

At a first reading of the bill I thought police officers would be the nominated inspectors, but after a further reading of the appropriate legislation I found that the normal powers of police officers will be sufficient to enable them to act. They will not be classed as inspectors under the bill. Clause 14 makes that clear when it states:

An inspector may request the assistance of a member of the police force and a member of the police force may assist an inspector to take any action authorised by this Part.

Members of the police force are already well equipped with the wherewithal to take action. Therefore, apart from the powers conferred on police officers to take action in the event of a Y2K emergency, what preparations are now being made to designate what other classes of employees or citizens will be regarded as inspectors?

I appreciate that clauses 15 and 16 specify that inspectors will have powers of entry but that those powers will be curtailed by commonsense legislation. According to clause 15(2):

An inspector must not enter land or premises under this section except —

- (a) with the written consent of the occupier of the land or premises; or
- (b) under the authority of a search warrant.

That is a sensible provision for inspectors.

Division 5 contains several clauses. Earlier I referred to clause 30, which deals with the delegation of powers and functions by the minister. It states:

The Minister may by instrument delegate to any person all or any of the Minister's powers and functions under this Part (except this power of delegation) in relation to any matter or class of matters or part of Victoria specified in the instrument of delegation.

Clause 30 enables the minister to delegate to anybody the enormous powers outlined, particularly in clause 5. That provision should concern Victorians because such wide powers should be delegated only to senior and respected community members in whom the community has absolute trust. It is important that the minister advise the house who will receive the delegated powers. Will the delegation be to the Chief Commissioner of Police, the secretary of the Department of Premier and Cabinet or another minister? The community has every right to demand that those sweeping powers be delegated carefully and appropriately, but only to people with sufficient standing in the community who may be trusted to use them appropriately.

Given that Parliament is giving the minister wide-ranging powers through the bill in addition to his other wide powers, he should at least outline the situations in which he would expect to delegate powers and the persons to whom powers should be delegated. The community must have confidence that delegated powers will be used appropriately.

It is disappointing that the house is now debating the wide-ranging and delegated powers contained in the bill when it does not have before it an appropriate report from, for example, the Scrutiny of Acts and Regulations Committee or another body with a specific role under the Parliamentary Committees Act that could have examined the delegation of powers issue. Such a body is part of good governance and it is incumbent on the government to ensure that a parliamentary committee or committees can scrutinise bills prior to their being debated here. As I foreshadowed, the opposition will seek to introduce a private member's bill to cover that concern.

I also refer to clauses 32 and 33 in division 5. The opposition supports the bill because of the special Y2K circumstances, but it is concerned about the provisions about immunity from suit and the section 85 statement in those clauses. The house may recall that the Labor Party, when in opposition, made plenty of noise whenever a section 85 statement was included in a bill. The Kennett government was publicly criticised for its regular introduction of legislation that contained section 85 clauses to limit the power of the Supreme Court. The then opposition said it was a disgrace, and that such a practice was bad for Victoria and for democracy. It produced a myriad of reports to demonstrate how many times section 85 changes had been introduced in legislation.

Now the Bracks Labor government's first bill includes a section 85 statement. The opposition agrees it is

appropriate to include a section 85 statement in this bill, but believes it is hypocritical of the government which, when in opposition, railed in the public arena about the curtailing of civil liberties whenever a section 85 statement was made, when it knew full well that such changes were essential to enable the former government to deliver good government and good legislation. It is ironic that the first bill to be debated since the election of the Bracks government should provide that people acting in good faith should be protected from lawsuit and that its section 85 statement prevents action being taken in the Supreme Court.

As I said, the opposition supports those provisions. Indeed, the opposition supports the bill as a whole, but I think honourable members on the other side of the house should have a long, hard look at themselves given the hypocritical position they have adopted. When in opposition they made comments about section 85 changes, yet they now stand up in the house and defend their first piece of legislation having a section 85 change.

In conclusion, I repeat that the opposition supports the bill. Members of the opposition recognise all the good efforts of the previous government in preparing and contingency planning for year 2000 events, and I trust this government will continue to ensure that Victoria is well prepared so that when the clock ticks to midnight at the end of this year all we will hear is the sound of champagne corks popping and we will see streamers and balloons and celebrations instead of disasters and catastrophes resulting from computer programs breaking down. The opposition would applaud a celebratory outcome.

However, as responsible citizens and as a responsible Parliament we should put in place appropriate provisions so that the government has the necessary powers to ensure that the citizens of Victoria are protected and that essential services are maintained or restored as quickly as possible so Victorians are not placed at risk should unforeseen events occur. In light of those considerations the opposition supports the bill, despite the concern of opposition members and many government members that the bill may create the potential to impinge on the civil liberties of the citizens of Victoria.

In the circumstances the opposition believes it is appropriate legislation and supports it. However, I reiterate my concern that the Premier, who has carriage of this bill, has not been in the house to hear any of the issues raised by the opposition and will therefore have some difficulty responding to them when he closes the second-reading debate. Members of the opposition may

require that the bill go into committee so that on behalf of the Victorian community we can get an assurance about the government's intentions and plans for the use of these wide-ranging powers.

The DEPUTY SPEAKER — Order! I remind honourable members that as a statement has been made under section 85 of the constitution this bill requires to be passed by an absolute majority.

Mr BRUMBY (Minister for Finance) — I wish to make some brief comments about the bill because in my capacity as Minister for Finance I am the minister responsible for Y2K preparedness.

The bill was introduced by the Premier. It concerns essential services legislation, which is part of the Premier's responsibility. There are, of course, obvious interactions between the millennium bug and Y2K compliance issues.

The beginning of a new century and the transition to the new millennium are almost upon us. I am sure all honourable members are aware of the concerns in some sections of the community about the challenges we face as we make that transition. The government has focused its energies on the delivery of a single outcome, which broadly expressed is getting on with the job and business as usual.

To ensure the continued provision of services to the public and the business community the Victorian government embarked on a major program of identifying and testing every business-critical system in the public sector. Similar painstaking work was carried out by every major corporation and organisation across Australia. The result of that activity is that Australia is internationally acknowledged as being among the best prepared countries in the world. I am happy to say that the Victorian public sector is reporting on average more than 99 per cent completion rates for year 2000 readiness activities.

A program has been in place for a number of years, and the government is continuing with that program. I repeat that I am pleased to say that the compliance and readiness rate across the public sector is more than 99 per cent. A couple of areas are still outstanding and they are being addressed at the moment. I was briefed on those matters a couple of weeks ago, and I will be briefed again in the next few weeks, when I expect to find that the figure is even closer to 100 per cent compliance.

Contingency plans have been developed in the event that individual systems fail despite the exhaustive remediation process. Absolute guarantees cannot be

given — all the tests for compliance can be carried out and we can get as close to 100 per cent as humanly and technologically possible, but some things may be unforeseen and not manageable so contingency plans need to be in place. The public sector is reporting average contingency plan completion rates in excess of 98 per cent, so it is clear that on both counts — readiness is assessed at better than 99 per cent and contingency plans are assessed at 98 per cent complete — Victoria has achieved one of the highest compliance rates anywhere in the world. We can all take comfort from that information.

However, electricity remains the fundamental Y2K issue. In January 1999 the Victorian electricity supply industry (VESI) voluntarily commenced reporting its year 2000 readiness activities to the government. That potentially difficult area now reports 100 per cent completion of year 2000 readiness and contingency planning activities. Importantly, in undertaking those activities VESI found nothing in the electricity network that would have caused a Y2K-related power failure. The checks have been done and it was found that nothing covered in the readiness or contingency planning for the electricity industry would have caused a Y2K-related power failure.

Market research conducted by the commonwealth suggests that the Australian community shares the confidence of governments and industry sectors that Australia is one of the best prepared countries of the world. The preservation of the community's confidence will be the critical factor in minimising the impact of the millennium bug on the government's ability to deliver services after 31 December 1999.

After almost two years of effort to remedy potential Y2K failures in business-critical systems it is now apparent that unpredictable customer demand may pose the greatest threat to the continuity of supply of essential services. That is especially true for the electricity industry. The government's confidence in the state's preparation must be projected rather than merely communicated. The highest expression of the government's confidence is found in the provisions of the bill. The powers contained in the bill and their effect provide the strongest foundation for a successful response to the millennium bug.

An honourable member interjected.

Mr BRUMBY — I would not bother responding to the interjection, but it is worth pointing out that on New Year's Eve the Premier and a small number of other ministers will be on duty.

We will be equipped with communication devices and will be refraining from the consumption of alcohol on the night.

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The minister's contribution will be greatly enhanced without the support of members across the table.

Mr BRUMBY — We will be refraining until midnight, I believe, and will be on our best behaviour.

The background to the legislation is well known. Following the tragic events at Longford the government realised that the impact of an emergency on the Victorian public and business community could be out of proportion to the incident itself. A review of legislation was conducted to ensure departments were consulted and to identify any defects in existing emergency powers and essential services legislation that may prevent the effective management of situations arising as a result of the Y2K problem.

The review found that existing essential service legislation such as the Essential Services Act, the Public Safety Preservation Act and the Fuel Emergency Act may be inappropriate to the management of Y2K situations for a number of reasons. Firstly and most significantly, the acts are administered by different ministers, a situation which could lead to poor coordination and cross-portfolio problems. Secondly, some acts are triggered only where actions taken by persons may cause disruptions to essential services, so the Y2K problem may not fall within the definition. Thirdly, some acts require a state of emergency or state of disaster to be declared to invoke the management powers and their inherent processes, and that could have a negative social impact. Lastly, some declarations have a limited period of operation and require renewals as necessary.

As a result of the consultation it was determined that the state required a package of direction and enforcement powers to manage disruptions to essential services as a result of Y2K. That is the nature of the legislation now before the house.

The bill is largely modelled on parts 6A and 6AA of the Gas Industry Act, and its features include the following. Firstly, where there has been a disruption to an essential service and the disruption is because of a Y2K event and the Governor in Council has made a declaration that the bill is to apply, the minister will have broad powers to give directions to control, restrict, direct, authorise and so on in order to maintain or ensure

continuity of supply of essential services. That is essential legislation.

The second feature entails enforcement and offence provisions. The bill provides for the appointment of inspectors who will have powers to enter, with a search warrant if necessary, the property of persons suspected of contravening directions given by the minister. There are considerable penalties written into the act for non-compliance.

The third feature concerns compensation. Consistent with the Emergency Management Act, the bill will provide compensation to persons who have had property requisitioned for the purpose of maintaining or ensuring supply.

The Leader of the Opposition raised the point that such compensation will be determined by the minister and will be subject to review by VCAT.

The provisions of the bill dealing with ministerial directions will sunset on 30 June 2001, the reason being that Y2K problems may not manifest until some time after 1 January 2000. Because computer systems count 365 days, or 366 days for leap years, to determine when a year has elapsed, a Y2K problem may occur up to 365 days after 1 January 2000. The problem may not disappear immediately but could continue for another year, and that is why the relevant provisions of the bill will sunset not on 30 June next year but on 30 June 2001. The proposed amendments to the Emergency Management Act 1986 will not sunset.

My final point is that, importantly, the bill provides immunity for persons acting in accordance with ministerial directions. As that provision limits the jurisdiction of the Supreme Court, a statement under section 85 of the Constitution Act was made to that effect by the Premier in his second-reading speech. As the minister responsible for Y2K, I point out that, according to advice I have received, Victoria is among the best prepared of any region in the world. Our compliance rates are currently in excess of 99 per cent; and our completion rates for contingency planning across the public sector are in excess of 98 per cent, so we are well in command in terms of managing the technology.

The real challenge as we approach the new millennium will be in managing the unforeseen and human behaviour issues which will arise, and this legislation is necessary as part of that. It does not introduce significant new powers; it streamlines and refocusses a number of acts that cover essential services and powers. It brings them together with a single focus on a single

minister to enable a coordinated response should those powers be necessary. As I said, the sunset date for those provisions is 30 June 2001.

This bill is really about allowing Victoria to get on with the job when we move into the new millennium. It is about business as usual and people being able to go about their lives without fear of the millennium bug. I repeat: Victoria is at a high degree of preparedness, and this legislation will take it to an even higher plane.

Mr PERTON (Doncaster) — It gives me pleasure to enter the debate on the Essential Services (Year 2000) Bill, particularly after the fine contribution by the Leader of the Opposition, who put the issues in excellent context. He raised a number of questions for the government to answer, a couple of which were answered by the Minister for State and Regional Development. However, a number of questions, which the minister studiously avoided during his presentation, remain to be answered.

Mr Brumby interjected.

Mr PERTON — The minister is interjecting across the table, and I am happy for him to do that. He is saying that the chamber is not in committee yet. In his presentation the minister could have responded to issues of great concern to the community, but he failed to do so.

Firstly, I will put the year 2000 (Y2K) issue into the international context. It is causing increasing concern, not just in the general population but among business and governments in other countries. Yesterday in the *Age* it was revealed that stockpiling in corporations in Victoria and Australia was likely to show a dramatic increase in growth of gross domestic product (GDP) and gross state product (GSP) in the December quarter, as companies stockpiled components and the like in contingency preparation against any failure by their suppliers. Survivalist organisations have many web sites and are producing many pamphlets that encourage the general public to make preparations beyond those the government would probably recommend.

In the case of the Y2K issue there is great potential for panic in the periods leading up to and after the pertinent dates. It is important the government provide leadership, is an exemplar of best practice and is a facilitator for those who need to prepare themselves. The Victorian coalition government was among the world's best in all three areas.

In his concluding comments the Minister for Finance, who is also the Minister for State and Regional Development, described Victoria as the best prepared

of any region in the world. He said that the Victorian government's contingency planning is 98 per cent completed, and I believe he also said it is 99 per cent prepared. The reason was the strong leadership of the former Premier, the Honourable Jeff Kennett; the former Minister for Multimedia, the Honourable Alan Stockdale; and the former Minister for Finance, the Honourable Roger Hallam, who set up under the leadership of Adam Todhunter an excellent unit that provided a great impetus for the Victorian government's readiness and contingency planning. Particularly impressive was the transparency of the preparation. If it were to be an example to industry and to the public in general the government needed to be transparent on the issues. The quarterly reports prepared by the Y2K unit of the Department of Treasury and Finance were very impressive. I think a number of governments around the world wished they had done the same.

While the minister was speaking I was looking at an American government web site, which indicated that some of the federal government agencies in the United States have significantly underplanned. It appears there may be problems in the US in areas such as welfare payments, and the like.

Clearly coalition governments at both the federal and Victorian levels have led the way in preparing their agencies. It is significant that the Victorian government's programs extended to both the business sector and private citizens. The honourable member for Monbulk, and you, Mr Acting Speaker, addressed a number of Y2K sessions for business. That was significant.

Many business houses are not large enough to engage consultants to undertake all the processes, and the exposure of many businesses to the Y2K bug comes through the personal computers on which they have their accounting packages — or more importantly, through those who supply services to them. It was important that the former state government encouraged the business sector and private citizens to check the resources on which they relied, such as their accounting packages and production equipment, to ensure that software providers had certified them as being up to date.

A production machine from Germany or Japan that breaks down because of embedded chip technology will take a long time to repair. The damage might not be only to a corporation and its profitability, but also to its workers, who rely on the machinery to earn their livings. Insofar as I could observe at the sessions I attended, a good spirit existed in the Victorian business

community. Although the statistics on preparedness in the business sector are by no means as transparent as those of the Victorian government, I suspect that Victorian business is probably as well prepared as business anywhere in the world.

A good campaign was run by the consumer affairs ministry for citizens — the colourful millennium bug Step on it! campaign. I suspect that other honourable members continue to wear their Y2K Step on it! T-shirts. I hope while exercising in their outfits they still elicit comment. It is important that consumers and householders prepare their equipment and take reasonable steps to prepare themselves for any inconvenience.

These days the best advice given for ordinary citizens is that they ensure they keep their bank and financial statements in the month or two before the change of millennium. Australian banks have indicated that they are fully confident there will be no ill effects. I would certainly not recommend that people withdraw their savings from banks, but suggest they need to prepare their documentation. I understand that in the days leading up to 1 January 2000 Australian banks will provide their customers with documentation to ensure they have security. I am sure a number of web sites and Victorian newspapers, including the *Herald Sun* and the *Age*, will continue to provide responsible advice to citizens on what they need to do.

It is important that as part of its obligation the government prepare itself for any emergencies that might arise. Although it is believed the government is 99 per cent prepared and that all Victorian utilities have been required to undertake extensive testing, there are still some serious implications.

The Gartner group of Stanford University, which is one of the world leaders in research on new technologies, has said that 55 per cent of Y2K problems will emerge after 1 January 2000. As companies and agencies find data errors in their systems they will experience system crashes. In its latest findings it also says that even in companies that have rewritten their own software, errors of around 15 per cent are being found on retesting.

Although Victoria has prepared itself thoroughly it is nevertheless probable that some mistakes will be found in both government agencies and essential services, whether through errors in the writing of the code or in the upstream or downstream organisations that deal with government or utilities. That having been said, the opposition supports the Essential Services (Year 2000) Bill. In many respects it is a bill that the opposition

would have introduced had it won the election on 18 September, and it is pleased the government will deal with the issue.

As I indicated earlier, leadership is a crucial issue. By way of interjection I asked the Minister for Finance whether he and the Premier would be on duty at midnight and on 1 January, 2000. He gave a very clever and equivocal answer, which indicated that he would not be drinking any booze until midnight, but certainly gave me no confidence that he or the Premier would be in their offices at midnight. In fact, as the member for Monbulk commented, the minister said with a smirk on his face, 'I will have a mobile phone'. That is not good enough. If the Premier expects public servants, emergency workers and people in the private sector to be at work at midnight and to be prepared for any possible contingencies, then the Premier and the Minister for Finance ought to be at their desks or at some desk which is appropriate for a leader of government in the case of an emergency.

It will not be a bipartisan approach or a non-political issue if the Premier is at a ball at the Casino or the Regent or Grand Hyatt hotels — or even, as the honourable member for Sandringham said, the Trades Hall ball, wherever that is held.

The Premier must come into this house and indicate that he will be at his desk. It will not be good enough if the police or emergency workers have to look for him in the middle of some party, whether or not he is imbibing, and transport him to an appropriate place to show leadership.

If the Premier wants to demonstrate proper leadership on the issue, at midnight on 31 December he will be at work at his desk — and he will tell the Parliament that today. It will not be good enough for him to have delegated these very important powers to some other person. As the honourable member for Dandenong North, a former activist in the trade union movement, interjects, it will not be good enough for the Premier to delegate his powers to some other person, whether it be his head of department or anyone else.

In this instance the responsibility for leadership is personal. The former Premier, Jeff Kennett, told the state of Victoria that he would be at his desk in his office at midnight on 31 December and on 1 January 2000. It is mandatory that the Premier give the same undertaking; otherwise, the opposition will criticise him for a failure of leadership.

Mr Haermeyer interjected.

Mr PERTON — The Minister for Police and Emergency Services, who is interjecting, should also give a commitment to be at his desk at midnight. Will you be at your desk?

Mr Haermeyer — Goodness gracious, just get on with it.

Mr PERTON — Will you? Tell us where you will be.

The ACTING SPEAKER (Mr Kilgour) — Order! Questions should be directed through the Chair.

Mr PERTON — Through the Chair, I ask where will the Minister for Police and Emergency Services be at midnight? He is laughing and joking; but if the house is to pass the proposed legislation, which basically removes the civil rights of every Victorian in the case of an emergency, I expect the minister to be at his desk and working. It is not good enough for him to sit there and smirk and say, ‘Goodness gracious me’. All you need to do is give the Parliament and the public a commitment.

Mr Haermeyer — Where will you be?

Mr PERTON — You’re the minister — you tell us where you will be! It will not be a bipartisan approach if the minister is not there.

The powers proposed to be given by this emergency services bill are quite extraordinary. Essentially they will allow the minister to direct any person in the state to do anything the minister wants him or her to do, and they allow for the imposition of huge criminal penalties in the event that people do not do as directed. Such a power cannot be delegated to just anyone.

When it was in opposition the government was big on constitutional propriety. Clause 30, ‘Delegation of powers and functions by the minister’, provides:

The Minister may by instrument delegate to any person all or any of the Minister’s powers and functions under this Part (except this power of delegation) in relation to any matter or class of matters or part of Victoria specified in the instrument of delegation.

In other words, the Premier can be off at a party, having delegated his powers to anyone! A government that was concerned about civil rights and constitutional propriety would specify some classes of delegation because major powers must be exercised by someone of authority and, of course, smaller powers might need to be exercised in a particular incident and they could be delegated to a person who is not as senior.

It is extraordinary that such a wide delegation power is proposed, particularly when we have no commitment from the Premier that he will be at his desk at the appropriate time.

While we are looking at strange provisions, no stranger provision can exist than clause 13, which provides:

- (1) The Minister may appoint a person to be an inspector for the purposes of this Part.
- (2) The Minister must give an identity card ...

That is hardly surprising because the Minister for Finance was a great supporter of the identity card back in the days of his membership of the federal government. However, the clause does not say what sort of person ought to be an inspector; it gives no clue at all except that he or she must be competent to exercise the functions of an inspector. No provisions relate to the functions of an inspector.

An inspector will be able to enter premises and give orders, but there is no guidance as to what sort of person an inspector should be. Again, the Minister for Police and Emergency Services ought to respond to this matter. If he is going to speak, perhaps he should give an indication of the sort of person who will be given the proposed extraordinary powers to enter any premises, including private homes, and to order people around.

The minister must give the house and the public some guidance on two other provisions. Clause 34 amends the Emergency Management Act and inserts a new definition of ‘essential service’. That is not of itself objectionable — it lists transport, fuel, light, power, water, sewerage — but it includes this very strange subclause (g):

... a service (whether or not of a type similar to the foregoing) declared to be an essential service by the Governor in Council under sub-section (2);

Again, some guidance would have been expected in the second-reading speech, but it is utterly silent on that issue.

If we are to give those sorts of emergency powers to a Labor Party in power, there needs to be a much greater —

Mr Haermeyer — I see — it is a question of who is in power, is it?

Mr PERTON — Indeed — and perhaps I can conclude on that note. What I find extraordinary is that we have a group of absolute amateurs in government. We have a government without a minister for information technology or multimedia. The Minister for

Finance, who has responsibility for those areas, made a ministerial statement without mentioning Multimedia Victoria or Vicnet or giving any guidance at all on important programs, and we are now expected to trust him with this important matter.

The Premier must come into this house and say that he will be at his desk at midnight on 31 December and on 1 January 2000, as should his Minister for Police and Emergency Services and his Minister for Finance. Otherwise the public can have no confidence that this government will provide the necessary leadership on the issue.

Mr ROBINSON (Mitcham) — The bill deserves bipartisan support. In the course of this parliamentary term there will be many opportunities for the opposition to seek to score a political point, but this bill quite properly should not be such an opportunity. It is, after all, largely a product of the former administration, and with that we have no quarrel.

In debate to date it seems to have been overlooked that the bill has two aims. Most discussion has so far concentrated on the bill's principal aim, but its secondary aim deserves to be recognised. Part 3 of the bill seeks to alter the definition of an emergency.

Mr Perton — I spoke about that.

Mr ROBINSON — It has not been spoken about much, and it deserves to be spoken about. Over many years Victoria has been beset by natural disasters and emergency situations. It is important that as a state we derive some benefit from those experiences in our preparation for future emergencies. Honourable members would remember Ash Wednesday, the Longford gas explosion, and periodic flooding. Not coincidentally, those events typically affect people in regional areas more than those in city areas. Mr Acting Speaker, as a representative of regional Victoria, you would be only too aware of that.

The need for a clarification of the definition of emergency has arisen from reviews of previous emergency situations including the Longford explosion and, in the aftermath of those events, some of the confusion that arose between agencies and individuals in understanding whether they had certain powers because of the description of the events. In that respect part 3 represents a natural evolution of a state's capacity to refine its public sector response mechanism to emergencies. It certainly deserves the wholehearted support of Parliament.

The larger part of the bill is aimed at potential year 2000 (Y2K) problems. Everyone in the house

would understand the basic underpinning of that problem in that computer programs may in some instances not recognise the change of date and consequent problems may arise, but the bill highlights some unique difficulties. Anticipation of difficulties can be contrasted with accurate prediction. A range of problems of a Y2K nature can be anticipated, but it cannot accurately be predicted which of those may eventuate. That is the difficulty that has confronted people in the Victorian public sector and, to a large extent, the private sector. People have done their best to ensure the systems they are responsible for are able to cater for any eventuality.

Members on this side — and I am sure I speak for members on the other side as well — hope the bill will prove not to be necessary. If the worst that happens in preparing for the transition from 31 December to 1 January is that members in this place have an argument over some of the more esoteric points of the bill, we will have come through it pretty well as a state; but prudent risk management requires us to put in place legislation that will enable us to deal with all foreseeable difficulties.

It should be remembered that the bill is only one feature of an elaborate and well-planned effort by a large number of people in this state. It will come into effect only if other preparatory measures fail. Parliament should be optimistic that those other preparations will not fail.

Victoria's effort has been documented to some extent by previous speakers. It includes an extensive compliance program which from its early days has enjoyed bipartisan support in this place. Victoria's state of readiness and contingency planning compliance is close to 100 per cent: it is in excess of 98 per cent and has been rising steadily throughout the year. The readiness of Victorian industry for the challenges of 2000 could be compared with the readiness of the opposition for the job it finds itself in. Based on question time today one could say that the opposition is nowhere near 99 per cent ready; the figure would be much lower.

The compliance program was only one step. A further step was the Year 2000 Information Disclosure Bill, good Samaritan legislation debated and passed unanimously in the house earlier in the year. That legislation has also been introduced in other parts of the country and encouraged the private sector to disclose fully potential risks. A separate program for small to medium-sized enterprises was commenced under the previous government and enjoyed bipartisan support.

The private sector operates under great commercial pressures and with interests at stake. If private sector entities do not get their houses in order they run the risk of considerable litigation and class actions. We hope that can be avoided, but it is largely an issue for individual companies to take on themselves. Now Parliament has the Essential Services (Year 2000) Bill.

Trying to anticipate or predict the precise implications of Y2K is a bit like wrestling with a column of smoke. For example, many pieces of industrial equipment have been assessed, but it is not possible to state their level of compliance. That is not to say they would not be ready. In such instances steps are taken to ensure everyone who will be operating that equipment when the risk is highest will understand what needs to be done to make the equipment ready and useable under the circumstances.

Anticipating the full range of situations is very difficult. Each New Year's Eve a public management issue arises. Large crowds of people gather and a traditional set of problems has to be dealt with, in many instances by emergency services personnel. The same situation will arise on New Year's Eve, 39 days away, especially if a spell of warm weather leads to crowds concentrating in even larger numbers in public spots.

As I said earlier, the government hopes the bill will not have to be activated. It would be activated through clause 4 only if and when advice of an emergency situation is received. The state of Victoria can be confident that the chances of an emergency situation arising in this state are minimal. Certainly they are minimal relative to the situation in other states; they are probably minimal relative to the situation in other parts of the world.

Mr McArthur — If that is the case, the assurances we seek should be easy to give.

Mr ROBINSON — The opposition is more than welcome to inform itself of the steps that have been taken. The government would not stand in its way.

Advice will be readily at hand via an extensive monitoring system, which I understand officers of the Department of Justice and elsewhere have been putting into place over a considerable period. Their focus in monitoring is particularly the power and telecommunications industries. Those are the key industries that, should they fail in any way, would most readily give way to an emergency situation. The preparations of the Department of Justice include a system of wellness reports, which will give regular updates in the lead-up to the New Year.

In addition I understand there is a link to New Zealand via Internet hardware that has been designed in such a way that it cannot be overloaded. That will provide the department's monitoring unit with advice regarding any power and telecommunications difficulties that arise in New Zealand.

To facilitate communication between emergency services and the proposed central government response committee, five levels of separate communication have been prepared, including the latest technology. That again represents a prudent step to ensure that advice will flow freely and readily between those individuals and agencies whose deliberations will determine whether an emergency situation needs to be considered.

The bill is the product of an approach to dealing with emergencies that effectively splits the task into two functions: firstly, the emergency response; and secondly, the need for a flow of information, including information to the public. The bill is attached to the emergency response function. I am sure that at a later time the preparations that have been made to date, particularly through the public sector, will provide a good case study in risk management.

Mr Perton interjected.

Mr ROBINSON — The honourable member for Doncaster refuses to listen. I can only suggest that he listen closely.

The way that the planning has been undertaken and tasks have been split for a potential Y2K emergency can be contrasted with what happened during the Ash Wednesday bushfires. As I said earlier, over many years Victoria has suffered grievously through natural disasters and emergencies and it is important that we learn from those events. During the Ash Wednesday bushfires I recall that emergency services in many areas were overloaded with worried people trying to contact them. That is a natural response from members of the public — they would want to do that.

However, to a large extent it hampered the ability of those emergency service personnel to communicate with each other. As we know, emergency service personnel perform best when they are able to communicate freely, unencumbered by contact with other people whose primary role is not to deal with the emergency situation but who need information. It is important to recognise that today Victorians are more sophisticated in their planning for and management of emergency situations. Splitting the role of the emergency response function and the provision of information is a step in the right direction.

It needs to be pointed out that even when the bill lapses the planning that has gone into the Y2K scenario will serve the state well. The store of knowledge and the risk management skills will be permanently improved and will enable Victorians to deal with future emergency situations in an even more professional and timely manner.

Earlier I said that the bill will be resorted to only when the status of any system fault or consequent problems have been reported, and the information has passed through a well-planned system designed to avoid knee-jerk reactions, particularly in the power and telecommunications industries. Opposition members have commented that the powers in the bill are extremely wide. I can only say to them that the powers need to be wide because any crisis in power or telecommunications could conceivably have a huge and critical impact on the Victorian public. As I said, the government is confident that such a crisis will not eventuate or that such an emergency situation will not develop, but if it does there will be no time for dealing with the subtleties of legislation. The power must be there to be exercised if necessary.

In the few minutes still available to me, I make a brief comment about the need for cooperation by the Victorian public and media in helping the state deal with any Y2K problem. If an emergency situation develops the bill will not be adequate by itself. The government hopes that the great deal of goodwill that will be required will be in no short supply. Misinformation could have unintended consequences. Honourable members have to recognise that concerns over the Y2K problem, some of which are irrational, are not confined simply to religious zealots in some parts of far North Queensland. It is apparent that many Victorians are worried about possible consequences of the failure, as we pass into the new century, of things on which they place a heavy reliance in their daily lives. Elderly people are particularly concerned. In the 39 days before the start of the new year, the community needs to recognise such concern and fear.

It is important for the media to note that, too, because it may well, under certain circumstances between now and the new year, determine that it can use the new year to extract maximum entertainment value on a range of Y2K stunts, hoaxes or tricks. The media will have to use fine judgment in considering whether the entertainment value derived from any form of misinformation outweighs the public disservice that might result from such tactics. I hope that those who have a role in the media will see fit to use their powers wisely and not play up the potential range of Y2K problems, particularly as they may affect older people.

The bill presumes that at the dawning of the new century most Victorians will act sensibly. Honourable members certainly support that wholeheartedly and therefore the bill deserves the support of the house.

I wish to clarify one point the opposition raised about inspectors. Over the past two years it has been my experience during debates on bills in this house — for example, on fair trading legislation — that it is commonplace for provisions in bills to relate to inspectors without providing the detail that opposition members have insisted be included in this measure. The opposition should consider the state's response in the aftermath of the Longford explosion. My recollection is that thousands of inspectors went to tens if not hundreds of thousands of properties looking for gas cheats. On that occasion — and I am happy to be proven wrong here — the legislation contained a provision similar to that in the bill, by which inspectors can be assigned to a task in a particular emergency situation. I do not believe there will be a problem in assigning inspectors to the necessary tasks should an emergency arise.

In conclusion, it is the fervent hope of government members, and I trust opposition members, that the preparations undertaken by the state of Victoria will ensure that resort to the bill is not necessary.

Mr McARTHUR (Monbulk) — I welcome the comments of the honourable member for Mitcham in which he appeared to assure the opposition that the government will provide the assurances and advice that the Leader of the Opposition and the honourable member for Doncaster sought on a number of questions raised by the Essential Services (Year 2000) Bill.

It is sensible for the opposition to support the legislation, which is regarded as necessary. Only restricted time is available for the house to consider what steps can be taken so the community can cope with Y2K on the rollover date of 31 December 1999. The house cannot send the bill to a committee and obtain detailed advice about certain issues raised. Therefore the opposition hopes the Premier, or a minister on his behalf, will provide the answers to the simple and reasonable questions raised about a number of clauses. I see no problem in the government providing that information, and I am happy that the honourable member for Mitcham also sees no problem about it being provided.

Most honourable members and most members of the community are aware of the Y2K issues. Not all will be aware of the scope of potential problems that could arise, but certainly honourable members who have

taken note of the actions of the Victorian government in the past three or four years to ensure the Victorian community is well placed to cope with Y2K will understand the situation better. The former government actively dealt with the issue to the extent that in that time Victorian utilities, the public sector and private enterprise have prepared for any problems that may arise.

The honourable member for Doncaster referred to the Public Accounts and Estimates Committee report entitled *Information Technology and the Year 2000 Problem — Is the Victorian Public Sector Ready?* which has been tabled in the house. That PAEC report followed an extensive review of the preparedness of the Victorian public sector and authorities to deal with Y2K matters. By and large, the report said Victoria was well prepared, that it was better prepared than other states and most other countries, particularly in our region.

I pay tribute to members of the subcommittee that undertook the review. I had the pleasure and privilege of chairing that subcommittee, whose members were the Honourable Bill Forwood and the Honourable Theo Theophanous in the other place, and the new Attorney-General, the honourable member for Niddrie. The work was extraordinarily interesting and the task most informative. The breadth and scope of the issue was not widely recognised by the general public before the publication of the report, which has helped publicise the seriousness of the issue. It certainly encouraged the then government to continue to expand its promotion of public discussion and awareness of the issue.

The report found that the Victorian program was divided into two key areas: action and communication. In the action area the steps required were the assessment of equipment and software used in every operation; the design and undertaking of remediation steps to fix whatever problems may be identified and the development of contingency plans to deal with issues that could not be either remedied or predicted, perhaps through dealings with a second or third party.

On the communications front, the program was aimed to measure the scope of the problem and report it to the officers in charge — in this case, the ministers of various departments and, through them, to cabinet and the Premier — and to publish the results of those assessments regularly. Victoria was kept well informed, the research was well documented and the public was kept informed throughout the process leading up to 31 December next — fewer than 40 days away. Victorians are well prepared.

Given the work that has been done, we are entitled to believe there will be no significant problem on the nights of 31 December 1999, 29 February 2000 or 31 December 2000. However, in the event of a problem contingency plans must be in place and reserve powers must enable any emergency to be dealt with — hence the opposition's support for the legislation.

The honourable member for Mitcham also referred to the good Samaritan legislation introduced as a result of the Public Accounts and Estimates Committee inquiry. That was aimed at encouraging further discussion and publication of advice and information about Y2K. The key problems that restricted information prior to that concerned, firstly, people who had received advice that either an item of equipment or a piece of software had caused problems. People may have feared civil defamation suits if they published that information. Secondly, if they published information on fixes for hardware or software they may have been subject to litigation for breaches of copyright and various other trade protection measures. The good Samaritan legislation was designed to get around those problems by allowing for and encouraging the publication of the information if all reasonable steps had been taken to ensure the information was accurate and valid. The legislation provided a legal shield for people who, in good faith, had taken that action to inform the public.

I refer to the powers the bill contains and actions it can take to deal with a potential Y2K emergency. The reserve powers provided for are not automatically available to the minister but would be triggered by a Governor in Council proclamation in the event of a Y2K problem. Some quite tough rules about how those powers should be accessed are provided, and I am sure the Governor in Council will not lightly make a declaration to invoke them.

It is worth examining what the powers may be. Broad ministerial powers are conferred on the Premier by the legislation. In effect, clause 5(2) confers on the minister the power to, firstly, direct companies or persons to do anything that the minister sees fit or thinks is needed regardless of how expensive or time consuming or difficult it may be. Secondly, it allows the minister to prohibit the use of services or equipment if the minister thinks that that is necessary. Thirdly, it allows the minister to order the seizure and use of personal or corporate property. Fourthly, it authorises entry into any land or buildings by consent or subject to a search warrant.

The orders issued under the powers conferred on the minister by the bill can apply to any or all Victorians, or to any corporation in Victoria. They are extraordinarily

wide and cover almost any activity that can be undertaken in the state. The bill provides that compensation may be paid if a person suffers a consequent loss through the use of personal or corporate property in the circumstances described.

I welcome that compensation provision. I also pick up on the point made by the honourable member for Doncaster, that compensation is provided for the use of property but no mention is made in the bill of compensation for loss of earnings if a person who is ordered to do some work loses the opportunity to earn income. I do not know whether that is an oversight by the drafters of the legislation or whether the government has made a conscious decision not to compensate any person whose ability to earn income is constrained by an order issued by the minister. I hope the minister will come into the house and provide an explanation either during the committee stage of the bill, if it goes into committee, or in summing up the second-reading debate.

In line with the broad powers conferred on the minister under the bill some tough penalties may be imposed on someone who breaches an order or obstructs either a person carrying out a direction under the bill or an inspector. A person who breaches an order can be fined up to \$10 000; a corporation can be fined up to \$1 million. The penalty for a natural person who obstructs someone carrying out directions is up to \$10 000, and the penalty for a corporation that obstructs someone carrying out directions is up to \$100 000. If someone obstructs an authorised inspector the penalty is 300 penalty units, which is \$30 000 or three years imprisonment, or both. In the case of a corporation the penalty is 1500 penalty units — \$150 000. They are severe penalties, but no guidelines were provided either in the second-reading speech or in the bill about how stringently the minister intends to apply those penalties.

The minister has the power under the bill to appoint inspectors. The opposition has a range of questions about the inspectorate to be appointed. Firstly, it has questions about what the inspectors' duties might be.

It appears from the legislation that the only duty imposed on an inspector is the duty of checking on a person to see whether he or she is properly carrying out an order issued by the minister. There does not seem to be any other inspectorial role. I would welcome an outline from the minister — when he comes back into the house — of that part of the bill.

Secondly, the opposition would like to know who are going to be appointed as inspectors. Only 39 days remain before 31 December. The minister, in order to

appoint an inspector, must issue a photo identification card, so some time lapse is required before an inspector can take up his or her role. Such things cannot be done instantly. I imagine the minister has in mind a body of people who could be appointed as inspectors. The opposition would like to know who those people are, what their skills and training are and what their duties will be.

The opposition also requests clarification of the broad delegation power in clause 30, which states:

The Minister may by instrument delegate to any person all or any of the Minister's powers and functions under this Part (except this power of delegation) ...

It is clear from that clause that any instruction the minister may issue can be delegated. The bill does not say to whom it may be delegated and the second-reading speech does not make it clear whether a hierarchy of delegation is being envisaged. I would like to know, as would many Victorians, whether the minister intends to delegate those broad powers only to people who have a good deal of experience and a capacity for making executive decisions, or whether the minister intends to delegate the power to issue instructions to, say, a police constable, an occupational health and safety inspector or some other person with lesser skills. It would not be too difficult for the minister to come back into the chamber and give a clear outline of how the delegation power will be used, to whom he intends to delegate his authority and to what level of authority he intends to delegate his powers.

Thirdly, I refer to the section 85 statement made by the minister. For seven years I have listened to the Labor Party bleat loud and long about the erosion of democracy and civil liberties and the absolute destruction of the public's rights through the variation of the jurisdiction of the Supreme Court requiring the making of section 85 statements. It is just a touch ironic that with the very first piece of legislation introduced by the minority Labor government a section 85 statement — that thing that so seriously depletes the democratic process in Victoria and so severely reduces people's civil rights! — is being made.

Members of the opposition recognise the need for the jurisdiction to be varied in this case, just as we advocated the need for a series of such variations over the previous seven years. We point out to the government, however, that during the seven years in which the previous government introduced legislation the Scrutiny of Acts and Regulations Committee (SARC) was in operation. It reviewed each bill and reported to the house on the advisability or otherwise of making a section 85 statement prior to any debate. It

also gave an outline of how and where any restriction of rights or liberties was justified.

I point out to the minority Labor government that at the moment there is no SARC and no source of advice or information to this chamber on whether the provision in the bill requiring a section 85 statement is a justifiable intrusion into the Constitution Act. On my reading of it I think it is reasonable; but it would be better if we had a SARC to make considered advice available to the house.

Mr Nardella interjected.

Mr McARTHUR — The reason we do not have a SARC is because the government will not set up such a committee and has done nothing about it for two months. We are waiting to hear from the government what it will do about committees. We would welcome some advice from the government on that and would very much welcome some discussion about the SARC.

Mr CARLI (Coburg) — I support the Essential Services (Year 2000) Bill, and I am pleased the opposition supports the bill and continues the bipartisan approach to the Y2K question. A number of pieces of legislation, all intended to make Victoria a leader in dealing with Y2K problems, have proceeded through the Parliament.

As the Minister for Finance explained in his first-rate presentation, Victoria and Australia are up there in company with the leaders, Israel, Sweden and the United States, in preparedness for Y2K problems.

One of the characteristics of the Y2K phenomenon is that no matter what resources are put into solving the problem — the ballpark figures for Australia are \$5 billion, \$7 billion or \$10 billion — there can be no guarantee that there will be no system failure. Somewhere along the line things will not work properly. There will be failures and crashes, perhaps of communications equipment, of hospital systems or of airconditioning. A whole raft of equipment may be affected because we cannot foresee all the difficulties.

What we can do, however, is undertake contingency planning to ensure that where failure occurs we are in a position to remedy it. Strategies will be in place to ensure that failures do not become critical to the operation of major systems. We are particularly concerned with gas, electricity, water, telecommunication and hospital systems. We must see to it that so far as possible any Y2K problem is remedied and, where there is no remedy, contingency plans are in place to bring things back to normal as quickly as possible. That is the role of this urgent

legislation, which must be considered immediately because we have only 39 days to go.

To guard against major breakdown emergency powers must be available to the state to keep things functioning. The legislation is critical; and the Governor in Council must be satisfied that an essential service has been affected.

The bill came out of a major review undertaken by the previous government and supported by the Labor Party. It examined existing emergency service legislation and its shortcomings and looked for areas where legislation was not quite up to scratch for use in the Y2K situation. This legislation was prepared to fill any gaps. The bill complements measures already taken and makes provision for appropriate planning and community awareness-raising, as well as ensuring that major businesses have implemented their Y2K strategies. In the event that there is still a major failure, the bill provides the means and mechanisms for appropriate intervention. I need hardly say that we all hope those powers will not need to be brought into play.

Victoria is pretty well prepared, even without this legislation. All government agencies are prepared. Nonetheless, we must have the legislation because it gives us a fall-back position. Both this government and the previous government have done good planning in the public sector, including in emergency services and the utilities.

Good planning has also been done in the area of communications, including multilingual communications. If an emergency is called we will be able to talk to the people of Victoria in the appropriate languages to explain to them the actions they will need to take and what the requirements of the emergency period are. People will need to be told, for example, of any stringent requirements imposed on them and any offences enacted to provide protection against the abuse of declared emergency services. Draconian measures can be adopted when people flout or do not follow set practices and offend against the requirements that apply during emergency periods.

Recently, Victoria experienced the need for emergency services as a result of the Longford gas explosion. There was an incredible mobilisation of emergency services when inspectors went out into the community to ensure that people had turned off their gas supplies. They were able to act quickly in cases where people abused the declared restrictions on the use of gas.

It is clear that it is necessary to have emergency powers in place. There is a series of critical Y2K dates, and we

have already passed one. The date that sticks in most people's minds is 1 January 2000, but a number of critical dates could result in a disaster like that at Longford, or even worse. One does not expect any disasters, but the necessary systems must be in place so that emergency services and the public sector can be mobilised if things go wrong.

I believe Victoria is well prepared. All the indications I have had in briefings and as a result of reviewing contingency plans certainly suggest that the state is well prepared. I agree with the Minister for State and Regional Development when he says that we are world leaders in this respect, but obviously we cannot rest on our laurels. Somewhere along the line failures will occur; it is just a question of where.

The proposed legislation will enable the Governor in Council to declare an emergency. The powers outlined are tough and involve strong enforcement provisions, including a section 85 statement. The bill provides immunity for those people who carry out actions required under the legislation. It is fair to say that in opposition the Labor Party criticised many section 85 statements, but equally it supported various such statements.

Having been a member of the former Scrutiny of Acts and Regulations Committee for five years I know perfectly well that the committee considered that the majority of section 85 statements did not trespass the rights of individuals. Although there were celebrated cases where the committee considered that such provisions possibly trespassed people's rights, in the majority of cases they did not. The committee put enormous pressure on the previous government to reduce the number of section 85 statements, but it certainly believed they had a role in appropriate cases. The work of the honourable member for Doncaster, in particular, markedly reduced the number of unnecessary section 85 statements which had simply become part of the drafting regime in this state. That fact is to the credit of the committee.

The Y2K problem is the result of a failure to plan and think into the future. In the 1960s and 1970s programmers used a shortcut in their programming language and instead of using the full numerical year, such as 1999, they considered the first two digits redundant and used only the last two digits. The years were coded according to the last two digits.

Date-sensitive systems programs will not necessarily recognise when 2000 has passed; they will recognise the year as another year or will not understand the year

being presented. It is possible such systems will break down or react in unforeseen ways.

The failure of programs was reasonable in the 1960s. In those days computer memory was expensive because of the use of magnetic tape. On one estimate, in the 1960s one megabyte of memory was worth \$760 in today's terms, whereas today it is worth around 70 cents. Clearly back then there was a reason to use short cuts, including short cuts with dates, because they saved expensive memory.

It is unfortunate that the computer explosion, particularly in mainframe computers, occurred in the 1960s and 1970s. Programmers looking to the future then believed their programming would not be relevant because their systems would no longer be functioning. They did not expect that the code would be used, reused, changed over time, tweaked at the edges and still be around in computer systems today. But that is exactly what has happened. If the mainframe computer boom had begun in the 1990s there would not be a problem because what would occur a few years in the future would have been foreseeable. Back in the 1960s and early 1970s the problems were not so obvious, and the application of programming short cuts became a fundamental flaw. That programming style continued and was used in the preparation of the logic code in embedded chips — and some of the biggest problems lie in embedded chips.

In Australia the year 2000 (Y2K) issue has resulted in an enormous upgrading of computer equipment — many old mainframe computers have been superseded simply as a result of companies, governments and individuals trying to be Y2K compliant — but it is difficult to identify where embedded chips are located, because they are ubiquitous. In one study conducted by the Commonwealth Bank, 25 000 different embedded chips were examined in a raft of everyday appliances throughout the bank — everything from computers to airconditioning and security systems. It was found that between 3 per cent and 6 per cent of the embedded chips were date sensitive and could fail. Largely the response was to replace a lot of the equipment: because no-one knew exactly what was in the logic code replacement was easier. However, that has not happened everywhere.

It is often difficult to know exactly where chips might be because, as I said, they are ubiquitous, being included in so much equipment. One of the reasons I say the problem cannot be fixed totally is the fear that all the embedded chips cannot be identified and located exactly, and some may well be date sensitive and critical to some systems. The work being done by

utilities — for example, in the electricity system — seems to indicate that the situation will not be critical, but time will tell.

Concern about the Y2K issue should not be totally disregarded in respect of personal computers. In April 1998 Microsoft announced that 20 programs, including Windows NT and Windows 95, had some compliance problems. Honourable members and most others who work in offices and use laptops would know that patches have had to be put in for Windows NT and Windows 95, possibly the most important computer operating systems around. Although the systems, which are Microsoft products, were produced in recent times their programming language uses some short cuts, whereas systems such as Macintosh and Linux are not affected.

However much compliance is sought, however much equipment is changed and however much people act to ensure that systems are working, there are fears of an inability to identify all chips and of problems occurring with personal computers, older mainframes and legacy systems. Contingency plans must be in place, emergency services must be ready and there must be essential services provisions in case of emergency. Australia can compliment itself on being among the leaders in Y2K compliance, together with the US, Canada, Israel and Sweden, because it has taken the necessary steps by raising awareness and ensuring compliance. Earlier this year good Samaritan legislation was passed. It was designed to drive the sharing of information between companies without fear of companies being sued as a result.

I reiterate that contingency planning in Victoria is well developed. Although there are only 39 days to go the plans have been made and preparations are in place. To back up the whole system the government must be prepared for an emergency resulting from a major breakdown. That is where the bill comes in; it is the ultimate safety net. It has tough enforcement provisions. It provides for the punishment of individuals and organisations should they disregard directions and continue to use essential services during an emergency. The bill is an important part of Victoria's preparation for any Y2K problems.

The key Y2K dates are 1 January 2000, 29 February 2000 and 1 January 2001. Importantly, the legislation will be in place at a particular moment for which Victoria has prepared for at least four years, possibly more, and will remain in force until June 2001, when it will sunset and no longer have effect.

I am disappointed that although in opposition the government sought to give all possible support to the former government to ensure that Victoria was prepared for the Y2K problem, the Leader of the Opposition used the debate to play politics. Many political games have been played around the issue and what it entails, but the matter is urgent and the government must move quickly. The legislation would have been introduced by the opposition had it remained in government. It is in the interests of Victorians and Victoria. I commend the legislation. It is the final plank in tackling the Y2K problem. I hope, as I am sure do all honourable members, that the legislation will not have to be used.

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

Mr LUPTON (Knox) — I join with other opposition members in supporting the bill. However, I would like to correct a couple of comments made by the honourable member for Coburg. He stated that Victoria is prepared to fight the Y2K problem. I believe the Victorian government — the public sector — is ready to fight the Y2K problem, but I have a real concern about the private sector. I do not believe it is ready. Many people in the private sector have turned a blind eye to the problem, think it will eventually go away, or that they will be able to get by.

I was fortunate enough to run a couple of seminars on the matter in my electorate. It became obvious that many small business people had no idea how the Y2K problem could affect them. While I concur that the government is ready, I have a real concern that in many cases people in the private sector are not even starting to look at it.

A month ago people in some of the big organisations with whom I dealt had not even started to look at servicing their clients in respect of the Y2K problem. They do not realise the implications if they come in on Tuesday, 4 January, and find their computers have been down. If that occurred they would not be able to order anything; they would not know the prices of half the stuff they sell because of the generated codes; the telephones probably would not work; and their airconditioning and lifts may not work. Certain people in business have not been able to accept that and just think it will not happen.

The current minority Labor government supported all the efforts taken by the previous coalition government, but no matter what the former government did, certain elements in the private sector turned a blind eye to it. I

hope I am wrong, but I believe on Tuesday, 4 January some of those people may be in strife.

One of the saving graces is that Monday, 3 January has now been declared a public holiday and therefore many people will not go to work on 3 January but will go to work over the weekend. If people were not going to their offices and factories over the weekend there could have been big trouble when they arrived on the door step on the Tuesday morning.

The honourable member for Coburg also talked about the computer programs in the 1960s and said that back then the computer programmers were unprepared for problems. I refer to my contribution on 14 April to the debate on the Year 2000 Information Disclosure Bill, when I stated that I was one of those computer programmers in the 1960s who used a language called PL1. Each byte was valuable; each particular figure took up one byte and one byte consisted of eight bits.

Although the computers were probably 8 feet long, 3 feet across and 6 feet high, they were nowhere near as powerful as the laptop being used now by the honourable member opposite — they were massive and had very little capacity. I worked in commercial programming on one of the biggest computers in Victoria. It had 250K of memory, which is just a drop in the bucket compared with what the honourable member has resting on his knee now. When we did calculations it was essential that we saved as much space as possible. In using the calculations for dates and so on we used something called fixed decimal, whereby we could split one byte — which was eight bits — into two and use four bytes for one figure.

For example, for the date 19 October 1999 we would have used three bytes plus another byte for a sign, so we would have got away with four bytes as against six bytes if we used the full terminology. The idea was to save the additional two bytes by not putting a century such as 1960 in full — we used the short cut. We also used a built-in date function. If we wanted to do a calculation, we transformed our figures and called up the built-in function, which required only fixed decimal by which the date used three bytes plus the sign. That is where the whole Y2K problem started.

The Y2K problem was recognised by some programmers in the 1960s, but capacity in computers was of the utmost importance. We reached the stage where we would spend time going over and over bits of coding to try to find the most efficient way to determine something. Even when asking a question we would go over it two or three times to find out how to save even one byte of memory and achieve efficiency.

Earlier this year the honourable member for Preston called the early computer programmers lazy. We were not lazy; the capacity of the computers was so restrictive that we had to save as many bytes as we possibly could. That is why we now face the Y2K problem, which is unfortunate. I suppose many people expected that some 35 years later the computers and programs of those days would be out the door but unfortunately they are still there.

Recently I went to a factory in my area which had taken one computer off line. That private factory had just made all their computers Y2K compliant. They ran a Y2K-compliant test, but the whole system crashed because one little computer in the back shed that was used only occasionally had not been changed over. The firm had prepared its case and spent millions of dollars preparing for the Y2K bug but its system crashed because it had overlooked one computer in the back shed — which looked after the maintenance aspects of the particular organisation.

Just Jeans is another example of a firm trying to get it right. It was considering cancelling orders with any of its suppliers that on 30 June this year were not Y2K compliant because it believed those suppliers could not guarantee supplies after 1 January 2000. Companies in some Third World countries are certainly not Y2K compliant and may have big problems. So the Y2K bug will affect not only Victoria, Australia; it will be a worldwide problem.

Fortunately the problem will be a one-off event. There may not even be a problem; but if what is feared does happen, we could be in real strife. That is why the legislation, which I support, is essential. There is no doubt, as someone mentioned earlier, that if the government had not changed we would have been passing legislation of a similar nature. The previous Kennett government spent something like \$400 million preparing the Victorian government and trying to prepare the public sector for dealing with the Y2K bug.

The concerns I have about the bill relate only to the powers proposed to be given to the minister. I refer in particular to clause 5, headed 'Powers of the Minister in relation to essential services'. In delivering the second-reading speech the Minister for Transport indicated that the clause could be classed as almost draconian, which is probably a fair way to describe it. It proposes giving the minister enormous power so that he will have control over a vast number of things.

The honourable member for Coburg mentioned the Longford gas explosion. Although in that case it was essential to introduce powers to apprehend and control

those people who flouted the regulations by using gas illegally, we do not have to give the minister as much power as is currently proposed.

It is interesting to note that while the minority Labor government is talking about open, frank and transparent government, we do not have a scrutiny of acts and regulations committee. Where is it?

Mr Nardella — You won't negotiate!

Mr LUPTON — The honourable member for Melton has the biggest voice in the house. We want to establish parliamentary committees so that we can go through and consider bills such as this one. Never once under the previous Kennett government did one bit of legislation come before the house before it was considered by the Scrutiny of Acts and Regulations Committee. The government is talking about open and transparent government yet it has not even established a committee to which we can present the bill.

Mr Nardella — You won't agree to it!

Mr LUPTON — Get it through your thick head. We haven't got a scrutiny of acts committee to scrutinise every bit of legislation that comes to the house!

All the opposition is saying is that that committee should be there. I would like to see a committee similar to the former Drugs and Crime Prevention Committee founded again. One of the greatest scourges of our society is drugs, and the government cannot even organise the setting of up a parliamentary committee to address the drugs problem. There is nothing like the Public Accounts and Estimates Committee or the Road Safety Committee. This open, transparent, minority Labor government cannot get one committee up.

Mr Nardella interjected.

Mr LUPTON — I thought you were in the government. You are in the government and you cannot get it up. You ought to get some Viagra. The draconian powers established by the legislation should have been reviewed by a parliamentary committee. Draconian is the only way those powers can be described. I do not have a problem with the rest of the bill, but I have a problem with the enormous powers it gives the minister.

My other concern is the powers and functions the minister is permitted to delegate under clause 30 of division 5. Clause 30 states:

The minister may by instrument delegate to any person all or any of the Minister's powers and functions under this Part ...

in relation to any matter or class of matters or part of Victoria specified in the instrument of delegation.

What power legislation that is! The minister can delegate his powers and functions to anybody he wants to.

Mr Perton interjected.

Mr LUPTON — All his union member hacks! The legislation is good and essential —

Mr Leighton — Your legislation.

Mr LUPTON — It is even better if it is mine. But the powers of the minister have to come under further scrutiny. They are far too powerful. A committee should be set up urgently to review those powers. Victoria has 39 days before the provisions of the legislation could come into effect. As a matter of urgency those powers — as I said, draconian, to say the least! — must be reviewed. Apart from my concern about the powers given to the minister, I believe the legislation is good, and it is essential for the people of Victoria.

Mr LEIGHTON (Preston) — Earlier this year I made a couple of updates to my personal notebook computer, particularly to the Microsoft products updated in service release packs 1 and 2. Only a couple of weeks ago I thought I would test it again. At the Microsoft site you can test your Microsoft software. A couple of applications in my notebook still had question marks against them. If Microsoft has trouble getting it right, it is obviously prudent for the Parliament, the government and the state to be prepared for every contingency.

Mr Perton interjected.

Mr LEIGHTON — I am not prepared to accept a verbal interjection from the honourable member for Doncaster. I thought he had a lot more class than that. I now send him electronic interjections. The least the honourable member for Doncaster can do is show the same style and class. That shows how far the Parliament has come.

If Microsoft can produce Office 97, Windows 98 and Windows NT and still not get it right, it is evident that industry and other computer applications would have to have question marks against them. When Labor was in opposition I would like to think members such as the honourable member for Coburg and I, who spoke regularly on IT bills and particularly the earlier Y2K bill, made a positive contribution.

Mr Perton interjected.

Mr LEIGHTON — There you go again!

Mr Perton — You would make a much better minister than the present minister.

Mr LEIGHTON — Just reply to my last electronic interjection in the normal way. The honourable member for Coburg and I were prepared to give the previous government a tick. There is no doubt Victoria has been a leader in information technology. It is well prepared to address Y2K issues that arise. Interestingly, the previous government did not do an update on the preparedness of agencies after July. The last update —

Mr Perton interjected.

Mr LEIGHTON — Exactly. Yes, we all remember. Agency disclosures stopped about a month before the election. Much legislation debated in this place has enjoyed strong bipartisan support, and it is a little churlish for the opposition to say on the one hand it supports the bill — and that is good to hear — but on the other that it has some concerns. Let's face it — the legislation was in the pipeline. If the coalition were still in government, it would have introduced the same bill.

Mr Perton interjected.

Mr LEIGHTON — Pull the other leg. I sat through seven years of atrocity after atrocity, yet you want to persuade me that you have suddenly embraced civil liberties!

If industry and government had not taken on the year 2000 problem a couple of years ago they would have missed the boat. Obviously with 39 days to go any action, including legislation, had to be well and truly in the pipeline. Philosophically I have concerns about the use of essential services; at the same time I understand the contingency that is being legislated for. I also appreciate the sunset clause.

As I mentioned in passing, earlier this year other Y2K-related legislation came before the Parliament. The Year 2000 Information Disclosure Bill, the good Samaritan legislation, gave the house the opportunity to outline in debate Y2K problems, so I will not go into too much detail. I simply mention that I quoted a computing dictionary that speculated that the original use of the word 'bug' related to a technician pulling a moth out of a computer. The expression 'bug' has been around a lot longer than that. In the Second World War the term was used in relation to interference with radar systems.

A number of members have explained how the Y2K problem has come about. In the 1960s computer programmers wrote programs with a date format of 6 instead of 8 digits. In these days of 9 gigabyte hard drives it is difficult to understand why it would be necessary to save space by omitting 2 digits, but computer space was far more precious in the 1960s and that memory needed to be saved.

I differ with the honourable member for Knox on one point. It was not just a case of memory needing to be saved. Writing programs was labour intensive as everything was done manually, so using 2 digits instead of 4 digits was also used as a short cut. Programmers did not envisage this approach would be a problem in the year 2000 as they assumed that by then it would have been fixed or a completely different system would be in use. They never envisaged that the underlying code would be retained in applications well into the 1990s.

Potential Y2K problems have been pointed out. The honourable member for Doncaster referred to welfare payments in the United States. In a programming language such as Cobol, or Common Business Orientated Language, instead of reading the year 2000 a date might be read as the year 1900. For instance, recipients of aged social welfare can be deemed not to have been born or to have been at kindergarten. That is one obvious issue and there are other more dramatic examples. Last year a heart monitor was tested at the Women's and Children's Hospital in Adelaide. The date was switched forward and a Y2K test performed. The heart monitor shut down. In the United States there have been examples of production lines shutting down at great cost, with goods deemed perishable and being thrown out.

The problem is not so much with government, which I believe is well prepared, or with big business. That is another difference I have with the honourable member for Knox — by and large big business is prepared. It understands the problem and has had the technology and resources to address it. The smaller businesses are more likely to be affected because they have less knowledge of and less money to spend on the problem. However, at the end of the day, any activity, whether it is an essential service or a business, will only be as strong as the weakest link in the chain, and large corporations can be dependent on small companies to provide applications or the goods needed to carry out their production.

As has been stated by a number of honourable members, the bill does not sunset until the middle of the year 2001 because 1 January 2000 is not the only

critical date. There are several others, including 29 February 2000 — we do not know whether computers written in old language will recognise that as a leap year — and 1 January 2001. It is interesting to note — and perhaps this will put the issue into perspective — that we have already passed a couple of critical dates. The first was 1 July 1999 because that was the start of the current financial year. The second was 9 September 1999 because when programmers wanted to write a date as infinity in early programming language they wrote 9/9/99. That indicates how they thought — it was so far off that they made it infinity! Both those dates have passed without anything dramatic happening.

We hope nothing dramatic will happen as the clock ticks over to 1 January 2000. It is obviously prudent for a government to be well prepared. Despite some of the concerns expressed by the opposition, the bill is a continuation of bipartisan support for information technology and being prepared for the year 2000. I wish the bill well.

Mr THOMPSON (Sandringham) — The bill is about the preparedness of the Victorian community in both the public and private sector to be well prepared for the contingencies that may eventuate from the Y2K noncompliance difficulties that have been envisaged. Today learned contributions have been made to the debate by honourable members who have backgrounds in computing or applied interest in that field. During the course of my contribution I will refer to clause 5, 30 and 33, in reverse order.

Clause 33 provides what is generally termed a section 85 provision. It precludes the review of aspects of the act in the judicial system. It is somewhat ironic that the first bill debated in the house under the new government has a section 85 provision when one considers a number of comments made by former opposition members over the past four years.

I direct attention to a remark made by the current Minister for Education. In an address reported in the December 1998 edition of the *Law Institute News* she alluded to the restriction in about 200 bills and acts of the right to appeal to the Supreme Court. The honourable member for Northcote is quoted in the article entitled 'Party politics at the president's luncheon' as stating:

This is absolutely unprecedented in Australia and, no doubt, in most of the Western world. It is a savage and cynical attack on the democratic notion of judicial review.

Such hyperbole represents an attack on the democratic process; a viewpoint is overstated or misrepresented to give a distorted perspective of the truth.

In a letter published in the September 1999 *Law Institute Journal*, I referred to a statement by the former Leader of the Opposition, now the Premier. He was reported in the June *Law Institute News* as saying:

A future Labor government would scrap more than 200 pieces of legislation that stop Victorians from appealing against government decisions in the Supreme Court.

Clause 33 precludes access to the Supreme Court. It limits judicial review of administrative action in part. It is regrettable that historically there has been an overstatement of the case which has detracted from the strength and rigour of parliamentary debate. If parliamentary debate is well founded it can strengthen the role of the opposition in vetting and criticising government.

Earlier speakers have pointed out that the opposition will be supporting the bill. In fairness, a number of current government members have taken a more impartial view of the role of section 85 provisions and accepted that in many cases it is appropriate to limit access or appeal to the Supreme Court — for example, where other bodies or jurisdictions have been put in place. Other cases may involve a public officer or official who is appropriately carrying out his or her duty — for example, where a doctor taking a blood sample is rendered immune from proceedings for assault. There might be cases where medical boards are considering cases of impropriety against a health professional — a doctor, a physiotherapist, a chiropractor or an optometrist — and information about that person's improper conduct can be rightly transferred to and discussed at board level without rendering the person liable for defamation proceedings.

In Victoria alone a raft of situations can arise where it is appropriate that jurisdiction be limited and it may be supported on a bipartisan basis. Regrettably, the remarks made in the past 12 months by the honourable members for Northcote and Williamstown display a misunderstanding of the role and operation of section 85 provisions. Unless the government is able to perform miracles in parliamentary drafting and the interpretation of the current Victorian constitution, it will find itself in the same situation that the Labor government was in between 1982 and 1992, when the Supreme Court's jurisdiction was limited or directly impacted on in more than 300 pieces of legislation.

Some of the other clauses I have alluded to will significantly impact upon the rights of individuals. It is

important that Parliament consider those matters in the full knowledge of what the provisions relate to. In addition to the limitation of the jurisdiction of the Supreme Court, an opportunity should exist for an ongoing contribution to a review of the legislation by a committee such as the former Scrutiny of Acts and Regulations Committee. It is in the context of the wider debate that I am prepared to support the legislation.

Sitting suspended 6.30 p.m. until 8.04 p.m.

Mr THOMPSON — Standing here I have a sense of déjà vu! Before the suspension of the sitting I was speaking about the use of section 85 clauses in bills. In doing so I directed the attention of honourable members to two articles in the *Law Institute Journal*. One article quoted the honourable member for Northcote as suggesting that the Kennett government's decision to restrict access to the Supreme Court was unprecedented in the Western world. In the second article, the then Leader of the Opposition, now the Premier, was quoted as saying that a future Labor government would scrap over 200 pieces of legislation that restricted access to the Supreme Court.

The ACTING SPEAKER (Mr Plowman) — Order! There is too much audible conversation. I am delighted to see so many honourable members in the chamber after dinner but I ask those who want to talk to please leave.

Mr THOMPSON — Thank you, Mr Acting Speaker. However, an anomaly exists, in that the first bill introduced by the new Bracks Labor government contains a section 85 clause. In 1993 some 130 new acts were proclaimed; in 1994, 121; in 1995, 107; in 1996, 84; in 1997, 110; in 1998, 104; and in the autumn sessional period of 1999, some 49, making a total of 705. I am grateful to the parliamentary library for those statistics.

Of those 705 acts the Labor government says it will repeal some 200 that limit the jurisdiction of the Supreme Court. However, the bill contains a section 85 clause, so the government is not off to a good start.

Mr Phillips — That makes it 201!

Mr THOMPSON — The honourable member for Eltham has made the interesting point that rather than repealing 200 bills it will now need to repeal 201.

Several honourable members have asked where the Premier is now and where he will be on New Year's Eve when the bill will come under more serious scrutiny. It may be that he will spend his time going

through the statute book for the past seven years, ticking off the acts his government will remove.

Of the 705 acts I have referred to, I suggest that almost all were vetted by the Scrutiny of Acts and Regulations Committee. That committee, which was instituted by the former Kennett government, had the statutory charter of reporting to Parliament on whether a bill, by express words or otherwise, trespassed unduly on rights or freedoms, or impacted on areas where there were insufficiently defined administrative powers, or made rights, freedoms or obligations dependent on non-reviewable administrative decisions, or inappropriately delegated legislative power, or insufficiently subjected the exercise of legislative power to parliamentary scrutiny.

When a bill contained a section 85 clause the committee was obligated to report to Parliament on whether the clause was appropriate and desirable in all the circumstances. In accordance with the Parliamentary Committees Act some 705 bills would have been reported on. Unfortunately, that committee has not as yet been reinstituted and honourable members do not have the benefit of the wisdom of the honourable members for Werribee, Melton, Coburg, Benambra or Gippsland South or the other members of the chamber who served on that committee during the last Parliament.

Clause 5 contains a number of provisions, some of which are broad in their ambit. I refer to clause 5(2)(e), which deals with the requisition of property of any kind at the discretion of the minister or a person acting under his direction or authority.

There appears to be good scope in clause 6 for instances in which compensation is payable. If that is not adjudged to be sufficient, the power exists to seek a review of a decision at the Victorian Civil and Administrative Tribunal. Today a number of honourable members in their contributions to the debate have queried whether that area of compensation would cover all heads of loss under the circumstances.

On an issue such as this the Scrutiny of Acts and Regulations Committee, under the expert guidance of the honourable member for Gippsland South in the last Parliament and the honourable member for Doncaster in the previous Parliament, provided key insight on whether there had been any trespass on rights or an inappropriate delegation of legislative power under the other heads of the Parliamentary Committees Act.

In addition, clause 30 contains provisions for delegation of powers and functions by the minister.

Mr Perton interjected.

Mr THOMPSON — There are widespread powers. The honourable member for Doncaster interjected to say the delegation power may be appropriate because we still have no undertaking on where the Premier will be on New Year's Eve. He may even be at a party, according to the honourable member for Doncaster, and it will be necessary for him to delegate the powers.

The questions I raise need to be further explored. The Scrutiny of Acts and Regulations Committee, which served in the previous two parliaments, examined 705 bills and had the opportunity of sensibly guiding the deliberations of the house. For the record and so that the record is accurately expressed, I remind the house that the Scrutiny of Acts and Regulations Committee was introduced through amendments to the Parliamentary Committees Act in late 1992. Some bills introduced in the first term of the Kennett government did not benefit from the scrutiny of that committee, but between 1993 and 1999 every bill introduced into this place had the benefit of the guidance and insight of the members and legal officers of the Scrutiny of Acts and Regulations Committee. The benefit of those deliberations will be absent from tonight's vote.

Honourable members interjecting.

Mr THOMPSON — The honourable members for Geelong and Tullamarine may have benefited from the learned insights and expositions on bills being introduced into this place.

With those wider remarks, I commend the bill to the house and look forward to the presentation to the house of the approximately 200 bills that the Bracks Labor government will need to repeal in the present Parliament.

Ms BEATTIE (Tullamarine) — Following the tragic Longford accident in 1998 I am sure all honourable members will appreciate what it is like to live without essential services. Within a few months Victoria was left without gas and Auckland without electricity, and Sydneysiders had to resort to drinking bottled water. I had first-hand experience of the Sydney water crisis when my brother, who lives in that city, compared drinking Melbourne water to drinking champagne, but could not have a hot bath when staying at the Hotel Sofitel.

The government must ensure that it is prepared before 31 December 1999 to cover all contingencies should any unfortunate year 2000 (Y2K) failures or incidents occur. The other significant dates for Y2K compliance are 1 January 2000, 29 February 2000 and 1 January

2001. The government has a moral obligation to ensure that a temporary system of emergency powers is put in place. Transport should be provided to get people home after celebrating the new millennium, because transport services will be important should emergency service workers need to travel across the city or the state.

The provision of light and power also must be guaranteed. The bill will enshrine in legislation the necessary steps to be taken to have services reconnected in case of service failures.

Mr Perton — The Premier will be at a party.

Ms BEATTIE — Hang on, Victor! Recently we witnessed the failure of the emergency services system. We must ensure our water and sewerage systems are completely safe and secure.

The honourable member for Doncaster made much of whether the Minister for Finance, the Premier and the Minister for Police and Emergency Services will be at their respective desks on 31 December. His query amazes me because the honourable member for Doncaster was willing to be led by a one-man band, but now he wants a three-piece band to look after him and the state.

Honourable members interjecting.

Ms BEATTIE — A minister has the overall responsibility for the bill. The bill also seeks to provide the legislative framework for unexpected events surrounding Y2K. I will feel safer when the bill is passed. Under direction, people must ensure the safety of the community. Honourable members know that Melbourne's international airport is located in my electorate — I am sure my predecessor reminded people about that. Not only is the airport a place where planes fly in and out and disgorge their passengers, it is also a mini-city. It uses all the essential services that one can think of. I am confident that both the major Australian airlines, Ansett and Qantas, have taken every step to ensure the safety of their passengers.

The bill must be passed to ensure that, in the event of a major disaster, airline passengers will be safe and the entire airport will be secure. The use of electricity in the airport buildings and the operation of the most sophisticated traffic management systems, air control and radar systems must be safeguarded. Those emergency service powers need to be in place in case anything goes wrong. We must be able to mobilise people at the drop of a hat, with full enforcement powers to support them.

The enforcement provisions are necessary to punish individuals or companies who put their own needs before the needs of the community. Honourable members who think that would not happen should cast their minds back to the Longford disaster, after which the management of the plant was prepared to blame one worker for the complete disaster.

Anybody who thinks some individuals would not flout the law should visit Geelong or Tullamarine, where water restrictions are in place because the former government did not have the foresight to provide those centres with sufficient water supplies. Individuals in both places flout the law relating to water restrictions. That cannot be allowed to happen with Y2K in case a natural disaster occurs.

Mr Perton interjected.

Ms BEATTIE — The honourable member for Doncaster may laugh, but he does not live under an airport flight path.

Mr Perton — On a point of order, Mr Acting Speaker, this legislation is important. The issues are important to the honourable member for Tullamarine, as they are to all honourable members. It is sad that the honourable member for Tullamarine has obviously not read the bill.

Mr Nardella — What is your point of order?

Mr Perton — Just relax. Obviously the honourable member for Tullamarine has not read the bill. It is not a preventive measure, it is an emergency services measure. I ask you, Mr Acting Speaker, to direct her to address her remarks to the bill and not to her fantasies about what the bill is about.

The ACTING SPEAKER (Mr Plowman) — Order! I find no point of order. I have been listening to the honourable member for Tullamarine and wondering when she was going to come back to the bill, but was quite sure she would. I direct her to come back to the bill.

Ms BEATTIE — I am not engrossed in fantasy. The acts are currently administered by three different ministers, which would require cross-portfolio coordination. There is a need for one minister to have the overarching responsibility. Some acts are triggered when actions are taken by persons that may cause disruption to essential services, and the Y2K problem may not fall within that triggering definition. Again there is a need for a minister with overarching responsibility to trigger the legislation.

An Honourable Member — Bring back Bernie Finn!

Ms BEATTIE — Sadly, we can't find him. Honourable members from regional Victoria may wish to highlight a pressing need in country Victoria, but I do not seek to do so. The bill will have a great effect on Tullamarine airport, which is in my electorate. The government does not want any disasters occurring in the Tullamarine electorate. It is cognisant of the fact that Ansett and Qantas have taken steps to look after passenger safety, but does not want the airport to be in a dangerous situation.

I commend the bill to the house.

Mr ASHLEY (Bayswater) — I am pleased to join the debate. To begin, I will help the honourable member for Tullamarine towards a little bit of understanding of the issue. To some degree I can understand her confusion. The point of the year 2000 (Y2K) legislation is not to avoid a terrible event but how to deal with it should one occur. If read literally, the purposes of the bill are:

... to provide a temporary system of emergency powers to deal with events arising from year 2000 computer problems ...

Perhaps it should read 'to provide a temporary system of emergency powers to deal with the consequences of events arising from year 2000 computer problems'. There is every chance — I hope it is minimal — that in something as complex and technologically advanced as an airport the risk of danger is not small. However, the work done during the past 12 months to ensure that any embedded chip that might cause a problem has been dealt with will minimise the chance of its happening at Tullamarine. I trust it will not happen either on the ground or in an aircraft coming in to land. That is an example of one of the reasons for the bill.

In some ways it is an unusual piece of legislation. I do not think 100 years ago it would ever have been imagined that out of the world of science would come a piece of legislation to deal with millennial insecurity. Millennial uncertainty normally has more to do with extreme sects and religious fervour at the point of the cusp of one millennium changing to another, yet as 2000 has approached millennial insecurity has come about as the result of human ingenuity and at the same time the failure of human ingenuity to take account of all the consequences of that ingenuity. The reason for this unusual piece of legislation is purely the lack of capacity of early computers to handle efficaciously the dating techniques that were put in place. I trust the legislation will come and go; that it will not be needed

and will be put to rest on 30 June 2001 without the need for repeal.

I commend the fact that bipartisan legislation begun by one government has been taken on board by another following on. Such bipartisanship is good to see in things that have to do with the real world of politics. When real politics come into play the importance of bipartisanship and how it can act when needed to secure the future can be seen.

The bill poses the question of a fascinating event that has occurred so soon after the election. Given that for a long time prior to the election there was much talk about issues such as limiting the jurisdiction of the Supreme Court, issues that the Kennett government was whiplashed with, it is sweetly ironic that the first piece of legislation to be debated should involve just that.

Secondly, it is interesting with all that has been claimed about the dictatorial and tyrannical powers used by the former Premier that this piece of legislation should confer real powers on a minister to do quite draconian things, as has been pointed out by the minister in the second-reading speech. It is again a sweet irony that such an event should come to pass in respect of the first piece of legislation to be voted on.

I commend the Honourable Roger Hallam, the former Minister for Finance in another place, for the work he did in pulling together a group of people who went out and sold the message of the importance of the Y2K bug to private industry and the public sector, and in requiring progress audits. Back in March, in my own electorate I had the good fortune of chairing a workshop into the Y2K bug and its consequences. It was attended by 132 small business proprietors who were concerned to see that so far as their affairs were concerned they had done their best by themselves, their employees and their customers. Putting the hard word on their suppliers was the one task they could not be sure about carrying through to fruition, just as we in passing the bill cannot be sure of the situation regarding suppliers.

The opposition believes the issue of inspection and inspectors, which has been raised as a matter of significance, has not been as fully dealt with as it might have been. To assist the government in putting together the kinds of people who may be nominated as inspectors and home in on the types of skills and expertise necessary, it might be useful if I read out a list of the areas in which a subsystem, component or wider system could be affected by an embedded chip that failed.

These are the areas — either subsystems, components or full systems — at risk of failure from date-deficient embedded chips: air circuit breakers; airconditioning systems; answering machines; automatic voltage regulators; battery chargers; building management systems; building security alarms; cash registers; closed circuit TV; communication coupling modules; communications; technologies; compressed air systems; continuous emissions monitoring systems; controllers (PLCs); converters; conveyor control systems; data acquisition systems; databases; data lodgers; data readers for electronic metering; detectors; diagnostic systems; digital readouts; distributed control systems; electronic control systems; electronic metering systems; elevator control systems; facilities management systems; facsimile machines; radio communications systems; reclosers; recorders; security monitoring systems; scientific calculators; smart metering systems; smart transmitters/positioners; stacker/reclaimer PLCs; stock control systems; stock flow systems; street lighting controls — the kind of inspectors needed is obvious there — telephones; time clocks; time recording systems; timers; traffic control systems; transaction dates; transport schedules; uninterruptable power supplies — which will be interrupted — variable speed drives; vehicle engine management systems; video cameras/recorders; voicemail systems; voltage regulators; weight control systems; wind speed and direction systems; wind turbine controls and word processing software.

Some of the items seem innocuous, but if they should be the cause of a shutdown, they could be the cause of significant damage to essential services. If the government has no other source of information, those items are recorded so it knows where it must find expert inspectors to deal with possible problems.

Finally I come to the draconian powers of the minister — —

An honourable member interjected.

Mr ASHLEY — Exactly! Another list, from pages 4 and 5 of the bill. In their use the powers are tyrannical. They are real and necessary powers, not invented powers as were attributed to the former Premier.

Clause 30, which is headed ‘Delegation of powers and functions by minister’, states:

The Minister may by instrument delegate to any person all or any of the Minister’s powers and functions under this Part (except this power of delegation) in relation to any matter or class of matters or part of Victoria specified in the instrument of delegation.

Is it a multiple delegation to a multiple of persons, a multiple delegation to a single person or a series of delegations to a series of persons? As the bill reads, it is a single person, so the tasks that befall whoever that person may be — if that is correct and those powers are to devolve on a single person — are no different and no less difficult than those the minister would have to deal with.

Equally, the withdrawal of powers is no small matter. Clause 5(5) provides:

The Minister may at any time by direction under this section amend or revoke a direction made, or purportedly made, under this section.

It not only refers to revoking a direction made but also to a direction 'purportedly made, under this section'. I am concerned about that power lest it leaves certain individuals high and dry as a consequence of the utilisation of power which is then withdrawn and may be said to have hardly occurred. It gives an extraordinary amount of power to a minister who can make an edict not only in writing but orally. I suggest the oral giving of a command or a requirement is open to massive reinterpretation down the track in only a matter of minutes let alone days or weeks. That is a real concern.

Taking into account the reality of those concerns and trusting that in a democracy draconian powers are used responsibly and not irresponsibly, I join with all honourable members who have given their consent to the passage of the bill.

Ms DUNCAN (Gisborne) — Over the past twelve months much has been heard about the Y2K problem. Honourable members have certainly heard a lot about it today, and if they thought they had heard it all they were wrong as they are about to hear more!

Some people predict that as a result of the Y2K problem planes will fall from the sky, automatic teller machines will close down affecting access to money, traffic lights will fail — everything from fire to flood. Major problems have certainly been predicted with respect to telecommunications, electricity and, of course, essential services. Many books have been written with people making their fortunes as a result of those predictions, some of which verge on hysteria. Others suggest that nothing will happen, other than a few hangovers, a late night and a very late morning the next day — a good time had by all!

No-one can provide any definitive answers; no-one can give any guarantees. Lots of work has been done in the public and private sector to ensure that, so far as

possible, nothing will go wrong. Many millions of dollars and many hundreds of thousands of hours have been spent in checking systems to make them, so far as is possible, Y2K compliant. We live in uncertain times and it is difficult to predict to any extent the problems that may or may not arise. Therefore, wide-ranging legislation is needed to deal with unpredictable and unforeseen problems.

Victoria and Australia have prepared well and various reports, some of which have been quoted here today, suggest as much as possible has been done. No-one has been down this road before and consequently existing legislation does not cover the situation. There is no doubt that things will go wrong; a problem could be created by either the smallest component or a major piece of software. The potential for problems is horrendous.

One of the strengths of this legislation is the broad nature of its application. The legislation allows the appropriate minister to take the necessary steps to ensure the continuation of essential services. The definition of essential services has been broadened considerably. It allows the Governor in Council to declare almost any service essential. The penalties are fair but absolutely necessary. The legislation will give peace of mind to people living in provincial and rural Victoria.

Mr Perton interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Doncaster has had a field day. If he wishes to remain in the chamber he will have to restrain himself.

Ms DUNCAN — All honourable members hope the legislation will never have to be put into effect. However, as I said earlier, the potential is there and the consequences could be huge.

Come New Year's Eve 2000 my constituents will once again face the real and frightening consequences of bushfires. You have to experience a bushfire to appreciate how frightening it is — and bushfires are not just frightening but deadly. People's awareness of the dangers of bushfires and the steps they need to take to protect themselves are being raised by a terrific campaign being conducted throughout regional Victoria. Honourable members must have seen the 'Plan to Survive' signs.

Country Victorians take bushfires very seriously because their lives depend on their awareness of the dangers. All the plans and extraordinary steps they take to ensure their safety rely on several factors, the most

important being communication, which is crucial to successfully fighting bushfires. The State Emergency Service and the Country Fire Authority must be able to communicate and to be communicated with. They must know where a fire is, which way it is heading and its ferocity, and they must know about wind changes and the other variables that change continuously. Residents who plan to stay on their properties during bushfires must rely on appropriate lines of communication, whether by radio, telephone, mobile phone or land line. They need to communicate with their local CFA or SES, neighbours, friends and families.

As pointed out earlier, the legislation cannot guarantee that the state does not suffer a failure in communications, but it will allow the authorities to take the action required to alleviate the problems resulting from that eventuality. If a systems failure results in a breakdown in communications, my constituents want to know that the government has contingency plans to deal with the situation. These are life and death issues for country Victorians who, among other things, face the real threat of bushfires. The legislation is needed and needed now. The countdown has begun.

Mr RYAN (Gippsland South) — I am pleased to join the debate on this important piece of legislation. Although the opposition parties support the bill, believing it to be imperative having regard to the calendar, some elements of it are in issue. The first is the absence of any consideration of it by a scrutiny of acts and regulations committee, and I say that having been the chairman of the committee in the last Parliament. You, Mr Acting Speaker, were a member of the all-party Scrutiny of Acts and Regulations Committee (SARC), which contained five members of the then government and four members of the then opposition. The committee contributed enormously to the proper functioning of the Parliament.

During a debate of this nature members of Parliament can normally refer to a SARC report, which is tabled prior to the debate commencing. The Parliamentary Committees Act refers to legislation being referred to the Scrutiny of Acts and Regulations Committee at the time of its being introduced. The inclusion of the word 'introduced' in the act makes it clear that when a bill is introduced it should be referred to the committee for its consideration and that the report that is prepared as a result of that consideration should be tabled in Parliament so it is available to members to inform the debate that ensues. It also serves the important function of giving the public appropriate notification of the matters pertinent to the committee's terms of reference.

It is unfortunate that the bill — the first to be considered by the new Parliament — is being debated in the absence of a report from a scrutiny of acts and regulations committee, especially given that no such committee exists in the form we knew it and no such committee is proposed in the response the opposition parties made to Independents charter. However, I point out that the response contemplated the activities of the former Scrutiny of Acts and Regulations Committee being broken into three parts and dealt with by committees in the other place. I stand to be corrected but I think I am right in saying that during the time I was the chairman not a single piece of legislation was introduced in either house without its being subject to a report by the Scrutiny of Acts and Regulations Committee.

Mr Nardella interjected.

Mr RYAN — I hear the interjection from the honourable member for Melton. He was an esteemed member of the committee and made an invaluable contribution to its reports, which were tabled in this and the other place for the benefit of all parliamentarians. Although he referred to what may have occurred prior to the 53rd Parliament, I am sure he shares my view that it is unfortunate that Parliament does not have the benefit of a report for the assistance of the members contributing to the debate and the public at large.

My comments are appropriate when one has regard to the content of the bill. For example, it contains wide powers of delegation. It would enable the minister to delegate his or her powers to anybody he may think appropriate. I assure the house that the former Scrutiny of Acts and Regulations Committee would have corresponded with the appropriate minister to get some idea of the scope of those powers.

Unfortunately that process is not available to us. The bill contains a section 85 provision. No doubt, honourable members will be aware that the previous opposition — the present government — made much of the fact that section 85 provisions were used to limit people's access to the courts. That issue was of particular concern to the Scrutiny of Acts and Regulations Committee, and every time such a provision appeared in any piece of legislation a report on it was tabled. However, we now have to rely solely on the content of the minister's second-reading speech for justification of the use of the section 85 provision. Given that the committee system has long been a respected part of the operation of Parliament, it is most unfortunate that the Scrutiny of Acts and Regulations Committee has not been established in time to enable it to perform its proper function.

The bill is necessary because we are faced with the prospect of events occurring at the turn of century that will cause great difficulty for us as a community. In fairness to the minister, he has recognised that an enormous amount of work was undertaken by the former government to ensure that Victoria had in place the proper protections against what might eventuate. Under the leadership of the Honourable Roger Hallam in another place a team was established to consider the general operations of government. I heard the minister say today that compliance with the audit of the prospective performance of government departments to ensure that appropriate defences against unfortunate events are in place was something in the order of 99 per cent.

I also heard comments about responsible ministers being at their desks on the night in question. Under the former government the plan was for not only the Premier but every cabinet minister to be at his or her desk at the stroke of the clock so that if the minister's department happened to be confronted with some unfortunate event the minister would be able to deal with it. During the contribution of the honourable member for Doncaster I heard queries about whether the Minister for Police and Emergency Services will be in situ at the appropriate time, and it is unfortunate that we did not get an assurance of that from him. I hope the Premier and/or the ministers will be at their desks at that time and be ready to do what they are sworn to do — to uphold the interests of Victorians and ensure that services are maintained.

The former government was able to achieve world recognition for the work it undertook. That in large part is due to the efforts of the former minister, the Honourable Roger Hallam in another place, who did great work in that area.

This bill applies to not only government agencies but also private enterprise. Clause 3, the definition provision, refers to transport, fuel, light, power, water, sewerage and a service that may be declared to be an essential service by the Governor in Council under proposed subsection (2), whether or not it is of a type similar to the foregoing. Those references are within the notion of what constitutes an essential service for the purposes of the legislation. However, I note that in defining an essential service the bill makes no specific reference to food. From a country Victorian perspective, given that country Victoria provides food supplies across the state, I would have thought that omission should be given particular consideration by the minister.

Clause 5 deals with the powers of the minister, and they are wide ranging. Other speakers have referred to those powers, so I will not go through them. Suffice it to say that they are so wide ranging that one would hope they will be exercised carefully during the proclamation period referred to in clause 4.

Clause 6 deals with compensation. It seems to me that, although the clause relates to a person's property being used under a direction referred to in clause 5(2)(e), a prospective deficiency of the clause is whether or not in addition to compensation for the use of a property compensation is also available for the use of any personnel who are essential to the use of the property. For example, if food were to be declared as an essential service under clause 3, one could envisage a situation in which a trucking company might need to be engaged to bring that food to the metropolitan area. I do not see on the face of the bill a provision that would allow truck drivers employed by a proprietor of a business specialising in the provision of food services to be compensated. Nor do I see a provision allowing forklift drivers who load commodities onto the backs of trucks to be compensated. Although clause 6(2) enables a person whose interests are affected by a determination of the minister to apply to the Victorian Civil and Administrative Tribunal, I hope any interpretation applied by the tribunal is wide enough to include not only the use of a person's property but also employees used for the purpose of ensuring that the property is used in the manner intended.

An adjunct to that is the question of the loss of income that might arise from the use of that property and personnel. It is not difficult to see that, if a determination were made by the minister that a particular service involved the use of a property that had to be acquired for the purpose of the operation of the legislation, a business could be made to suffer from not having the equipment and the people on hand to enable that business to conduct its normal affairs. I do not see on the face of clause 6 a sufficient definition of compensation to accommodate those needs, and I urge the minister to clarify that important issue.

I make those points on behalf of country Victorians in particular, because although those matters are important for all Victorians it should be taken into account that the provision of services in country Victoria might entail more people being away from their businesses than in metropolitan areas.

Clause 13 deals with inspectors. The minister may appoint a person to be an inspector, and an identity card must be supplied to each person who is appointed. Subclause (5) touches on the issue of competence. I

hope the minister gives appropriate regard to who is appointed to the task. I say that in the context that the very nature of this legislation anticipates emergency circumstances, and as such we need to ensure that the people who fulfil this important role are appropriate and have fully rounded skills to enable them to do the job. I have no doubt that a variety of skills will be needed in the sorts of situations that come to mind, not the least of which is the ability to talk to people in a manner appropriate in all the prevailing circumstances to ensure that the outcomes achieved are in everyone's interest.

I have already referred to the capacity to delegate powers. The minister needs to be very careful about that issue, because delegation powers that are as widely drawn as those contained in the bill should be exercised in an extremely responsible manner having regard to all the circumstances.

The National Party supports the bill. Given the situations the bill contemplates, the National Party understands the need for legislation of this ilk. The former government undertook an enormous amount of work in relation to the bill. I hope, as I am sure do all honourable members, that there is never a need to bring the proposed legislation into effect. However, I am pleased all honourable members have had the opportunity to consider the bill and its formation. With those thoughts in mind, I wish the bill a speedy passage.

Mr HARDMAN (Seymour) — The Essential Services (Year 2000) Bill is about responsible and accountable government — a hallmark of the Bracks government. The year 2000 (Y2K) millennium bug has the potential to threaten the livelihoods and quality of life of all Victorians for a significant period. The sorts of problems that could potentially be caused by the Y2K bug are exemplified by such recent events as the Longford gas explosion, the Auckland electricity supply failure and the Sydney water supply contamination. Those events and the loss of essential services in each of the incidents affected the economies of the respective communities and placed citizens in intolerable situations for long periods. Businesses and industry in general were left with significant losses in profits, which in turn led to workers being stood down and general negative effects on the overall economies of the communities affected.

The bill demonstrates that the Bracks government is proactive. Victoria needs such a government to ensure that industry and the citizens of the state — —

Mr Perton interjected.

Mr HARDMAN — I beg your pardon?

Mr Perton — You are better off writing your own speech.

The ACTING SPEAKER (Mr Loney) — Order! Speaking across the chamber is disorderly. The house will listen to the honourable member in relative silence.

Mr HARDMAN — It is essential that industry has the confidence to maintain its investment in Victoria. In order to further expand and grow, industry needs to have confidence that the government cares about what happens in Victoria. If the government were to sit back and let the year 2000 arrive without putting in place a plan to fix any problems that could arise as a result of the Y2K bug, the state would be in strife. The fact that the Y2K compliance level in the public sector is 99 per cent and the Y2K contingency planning level is greater than 98 per cent and increasing is reason for some confidence. However, the government must ensure that it has appropriate legislation in place in the event of a major failure of essential services. The supply of electricity is a major issue, and the existing essential service legislation — —

Mr Honeywood — On a point of order, Mr Acting Speaker, although the honourable member for Seymour is new to this place and although some latitude is given to new members, I put to you that he is reading word-for-word from his speech notes and is, on that basis, contravening standing orders

The ACTING SPEAKER (Mr Loney) — Order! Is the honourable member reading or using notes?

Mr HARDMAN — I am using notes, Mr Acting Speaker.

The ACTING SPEAKER (Mr Loney) — Order! There is no point of order.

Mr HARDMAN — I take the issue of essential services seriously, and I want to speak intelligently on the topic and provide the house with relevant information. The legislation provides for the effective management of the Y2K bug.

Opposition members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! I remind the house that interjections are disorderly. The honourable member should be heard with courtesy and silence.

Mr HARDMAN — Victoria's Y2K contingency planning and compliance are world standard. However, the bill and the planning behind it are necessary to ensure that Victoria gets it right if problems arise.

The bill is about risk management, which is an important part of providing the Victorian community with the confidence that the government can do the job — unlike the previous government, which neglected the issue. The bill is about responsible and accountable government, and I urge bipartisan support in the event of an emergency. Victorians need to feel confident, and the bill streamlines the power —

Mr Steggall — Who wrote this?

Mr HARDMAN — I wrote it. The bill streamlines the powers to a single minister. A coordinated approach to effective management will be needed if problems arise. A breakdown in the electricity supply would obviously have wide-ranging effects. Seymour District Hospital, for example, has a large diesel generator to use in the event of something occurring to the supply of electricity when the year 2000 arrives.

It is also important to realise that issues relating to the incompetence, ignorance and negligence of people need to be addressed in the event that the Y2K bug proves to be a problem. As a former school principal, I am aware the school received software packages designed to ensure that the programs in its computers were Y2K compliant. While those packages were good, at times they would only partly fix the problem. The school would be told, 'Just hang on, wait. There is another bit to come. The program doesn't quite fix the problem'. Those situations can build up. The government must rely on the expertise and competence of the people producing the solutions. While the government believes, as does the private sector, that it is doing the right thing, it may not have been doing all that well on the ground.

I commend the bill to the house and hope it will have bipartisan support to ensure that Victorians have confidence in the government's ability to handle any emergency or problem relating to the Y2K millennium bug.

Mr DIXON (Dromana) — It gives me great pleasure to make a brief contribution to the debate. The Essential Services (Year 2000) Bill provides for contingencies relating to the advent of the year 2000. However, it also incorporates several other dates, being 29 February 2000 and 1 January 2001. Twenty-nine February is one of those dates everyone would like to have as a birthday because you only get one year older every four years!

I misled the Leader of the Opposition earlier with my explanation of why next year is not a leap year. Most people expect it to be a leap year because leap years

occur every four years, the last one being in 1996. However, that is not always the case. The exception to the rule is that any year that ends in '00' — in most cases the turn of a century — is exempt from being a leap year.

However — and this is where I misled the Leader of the Opposition — if that year is divisible by 40 it reverts to a leap year. The year 2000 is therefore a leap year. The last year to be a leap year for that reason was 1800. I am keen to put that fact on the record because the information came from my 85-year-old father, who seems to know all about these things even though he was not there in 1800!

Victoria has been well and truly acknowledged as a leader not only in Australia but also around the world in its preparation, mainly through the work of the previous government and especially through the work of the Honourable Roger Hallam in the other place. The previous government prepared not just its own backyard but many businesses and the community for Y2K through advertisements on television, numerous talks and seminars, putting literature out and about and spending a lot of money. The former government had prepared the departments, which are almost 100 per cent compliant. Victoria is ready to face whatever might happen on 1 January 2000.

The state government is responsible not only for its own departments but also for the important instrumentalities and services, including the emergency services, which impinge on the life, safety and wellbeing of the community.

The previous government also took a leading role in the guidance of local councils in their preparations for Y2K. It took a keen interest in the preparedness of local government services. Local government is close to the people, so the coalition government was keen to know what sorts of contingencies local councils had prepared for if things did go wrong.

One of the best examples of local preparation is the activities of local Country Fire Authority (CFA) brigades. I have 11 brigades in my electorate and make a point of attending their meetings regularly. Over the past two years the main point of discussion has been the readiness of individual brigades in townships and the authority itself, including its communications equipment, for Y2K. Very thorough work has continued over the two years, and I am convinced the brigades are more than ready to cope not only with their own problems but with the community's, as an important community service group should be. Local brigades have, for example, wired up the electrical

systems of their buildings to petrol generators so that communication systems, lighting and other equipment will work even if there is no electricity supply. They have also arranged for local volunteers to give up their time and the company of their families on New Year's Eve and to remain sober so that they will be ready to serve their communities. Every station is required to have a team on stand-by, and in some cases two teams. I take my hat off to them.

The previous government showed leadership about Y2K preparations and was very public and open about potential problems. Reports from each department were made public. Such accountability provided a good example to local businesses and organisations by showing them how seriously the Victorian government took the matter. The implication was that since the government was serious and required high compliance rates, community groups should be equally serious about the matter. The former government led by example.

The bill is a natural corollary to that sort of leadership. It makes provision for the government to be ready at the end of the year to meet any contingency that may arise in any part of the community.

Unfortunately, however, this bill, like all the legislation introduced by the Labor government, has not been subject to any scrutiny by a committee. That is disappointing. The longstanding convention is that legislation of this type requires scrutiny. That is not to say that anything in the bill is hidden or needs special scrutiny. If that were so honourable members on both sides would have picked up the fact by now. We have bipartisan support for the legislation; but the sooner the Scrutiny of Acts and Regulations Committee is up and running the sooner legislation coming before this house will be subject to proper scrutiny.

Clause 13 deals with the appointment of inspectors, and some of the roles of inspectors are set out in clauses 14, 15 and 16. They include obtaining assistance from and working closely with police officers; entering land and premises and searching when there are reasonable grounds for suspecting that evidence of the commission of an offence is located there; and applying to a magistrate for a search warrant to enter land or premises if the inspector believes on reasonable grounds that there is, or will be within the next 72 hours, evidence of an offence there. Those are crucial powers, but they are very wide ranging and so, because of their nature, must be defined carefully.

The bill falls down in that respect because it offers only general descriptions of the roles of the inspectors. The

identification card they must wear is an exception: it is clearly described and must be personally signed by the minister. That is a good provision, but there is no precision about who the inspectors might be, where they might be drawn from or at what stage they will be selected. Their exact job description is not clear. We have only a couple of surface explanations of their powers, which should be more clearly specified.

More needs to be known about the accountability of inspectors in carrying out their duties and in follow-up procedures. In addition, no time limits are specified. I realise the bill covers three dates — 1 January 2000, 1 January 2001 and 30 June 2001 — but that seems to mean that the inspectors can be employed during any period from the passage of the bill until June 2001. Considering the wide-ranging powers conferred on them, the period of employment should be much more specific.

There has been bipartisan support for Y2K legislation. A few weeks after the recent state election I was amused when my Labor counterpart wrote to one of the local papers pointing out that it was my responsibility as the member for Dromana to ensure all the emergency services and utilities in the electorate were up to speed. He apparently wrote that I should give the community an iron-clad guarantee that nothing would happen and that, if anything did happen, there would be sufficient follow-up.

Because of the tremendous preparations that had been undertaken, as a member of the former government I would have been able to provide that sort of guarantee. I believe the Labor candidate has lost sight of the fact that a Labor government is now in place and it is its responsibility to see the issue through, give guarantees and meet any of the contingencies that might arise. It is certainly not my job to do that.

Many people do not realise that one way to escape 1 January 2000 is to take a flight to the Antarctic. Qantas has a flight that takes off from Melbourne and circles in the Antarctic. The aeroplane time is Greenwich Mean Time so you can go there, see in a couple of New Years, and come back and land before you meet your own New Year. Some of my good friends could take a collection to send me up, but otherwise I will be keeping my feet on the ground. I will be monitoring the situation in my electorate, just like the key government ministers who will be sitting behind their desks on that evening in case anything goes wrong.

I hope on the three key dates, especially 1 January 2000, nothing untoward happens and the powers granted in the bill do not have to be invoked.

Ms OVERINGTON (Ballarat West) — I support the Essential Services (Year 2000) Bill. Victorians must be prepared and take a proactive approach towards the unseen. We are all moving into uncharted waters — we do not know what the stroke of midnight for 2000 will bring.

It is important that essential services affecting the daily lives and safety of ordinary Victorians be protected. Longford will long live in our memories as a disaster for Victoria. Lives were lost and issues of safety for workers and consumers were raised. At the time of the disaster I was working at the coalface as a welfare worker, and I felt the full brunt of the concerns and the desperation of people affected by that disaster. At that time the former government immediately enacted legislation to deal with the crisis. We now need to be ready for 2000 because we are moving into an unknown period. Legislation must be updated to provide for all elements of safety and services for the community. The government must be proactive and ensure the safety of all Victorians. It must have a contingency plan in case the public and private sectors fail in their plans for Y2K problems that may lie ahead.

I come from a local government background, and for a long time local councils working with emergency groups have been ready with municipal emergency plans. The government must match that level of readiness.

I have listened to members opposite as they have contributed to the debate, and it seems as if they have either been scaremongering or have attempted to misrepresent the provisions of the bill. They have raised the issue of inspectors with continual reference to how inspectors would be appointed. The attitude they have adopted has been of saying, 'Isn't it dreadful. They will be given these powers and nobody knows their qualifications'. The bill provides for inspectors to be appointed by ministers. But I refer honourable members to legislation passed previously by the house, the Gas Safety Act, which provides for directors to appoint inspectors to carry out works. I ask members opposite where the ministers were then. They were happy to leave the appointment of inspectors to directors.

I also bring to the attention of the house other misrepresentations made this afternoon about the powers of inspectors. Clause 15 deals with powers of entry. If members opposite wish to do the research they will find that clause 15 is an exact copy of section 94 of

the Gas Safety Act. The honourable member for Doncaster — I note he has left the chamber — in debating the gas safety legislation obviously was not aware of its provisions or did not bother to read it. He did not jump to his feet at that time to question the appointment of the inspectors. He was uninformed.

Section 89 of the Gas Safety Act states:

- (1) An inspector may enter any land or premises at any time in an emergency ...

As I said, clause 15 of the Essential Services (Year 2000) Bill is an exact copy of section 94 of the Gas Safety Act, which states in part:

- (1) If an inspector has reasonable grounds for suspecting ...

I suggest the Gas Safety Act did not go one step further, it went 100 steps further in providing total power to inspectors. I am not sure what the concerns of the opposition are. Other issues raised by members opposite include when the bill will cease to have effect — 'Fancy giving these people this power!'. The bill contains a sunset clause. It will terminate in 2001, unlike the powers that remain in the Gas Safety Act, which can be acted on at any time. I am confused because many of these powers are already contained in legislation.

The other issue raised by members of the opposition to which I took offence is that of civil liberties. The honourable member for Doncaster claimed that every Victorian's civil liberties were endangered. I draw the attention of the house to the fact that the previous government was the most undemocratic government modern Victoria has ever seen.

Mr Honeywood — On a point of order, Mr Acting Speaker, the matters raised by the honourable member have nothing to do with the bill. The bill deals specifically with Y2K issues, which have nothing to do with the style and structure of the former government.

The ACTING SPEAKER (Mr Loney) — Order! So far the honourable member has related her remarks specifically to the clauses of the bill. She was straying about half a sentence down the line, about which the honourable member for Warrandyte is complaining. I think he would be wise to wait to see what develops before raising a point of order.

Ms OVERINGTON — Thank you, Mr Acting Speaker. I will continue because I believe what I have to say is relevant, given that civil liberties was raised and questioned by the opposition. In its seven years in office the previous government attacked the democratic rights of ordinary Victorians. It attacked independent

office-holders, closed courts and gagged public servants. The point of the bill is to put into place an emergency plan to ensure essential services for all Victorians.

It is not a political bill. The bill contains responsible measures. The last thing the Victorian community needs is scaremongering from the opposition. Parliament has a fundamental responsibility — to protect the safety of all Victorians. The bill is a responsible and proactive measure that I hope will prepare Victoria for the unknown and uncharted waters ahead.

Mr STEGGALL (Swan Hill) — It is a delight to join the debate towards the end of the evening and to follow the new member for Ballarat West to whom I will point out a couple of matters. She spoke about being prepared and proactive. The previous government spent the past four or five years being prepared and proactive in getting Victoria into a state of readiness for the year 2000 problem.

Mr Trezise interjected.

Mr STEGGALL — My friend from Geelong asked what happened at Longford. Longford had nothing to do with Y2K.

Essential services or emergency legislation is already in place. The last time I remember it being invoked in my time here was by Premier John Cain when the milk did not get through. Honourable members may remember that in the 1980s when dairy farmers had a bit of trouble getting milk through and the poor people of Melbourne were a bit short of it, the then Premier invoked the Emergency Management Act to move it.

The bill picks up any issue that might arise as a result of the Y2K problem, about which much has been spoken today. Victoria and Australia are fortunate in being as well prepared as possible in both the public and private sectors. That preparedness is due to the first-class and transparent work done on the issue by the Honourable Roger Hallam, the former Minister for Finance, particularly over the past four years. For the past two or three years a web site has been set up by which people could measure the Y2K compliance of Victoria's essential services. It has been open for everyone to see and I have mapped it through, particularly this year, to find out not only about the state's readiness but also about its contingency plan readiness.

I say to the honourable member for Ballarat West that the proactive action and preparedness of the state is due to the terrible government she mentioned earlier — the

previous one! I am proud of the work it did in getting the operation to where it is today.

I have difficulty with some areas of the legislation. The first is the lack of a scrutiny of acts committee, which for many years has acted as a filter to check legislation coming before Parliament. The government has not appointed any parliamentary committees and needs to do so as soon as it can. In the past two weeks I have listened to many members and ministers talking about how open, democratic and thorough the government is and how it will ensure it is accountable and that everything that happens in this place and in the government will be up to scratch. I accept that the government has drive and good intentions, but in this and quite a few other matters its actions do not match its rhetoric. It is good to have scrutiny of legislation by a committee, and it is a pity the government does not yet have a committee to do so. I am sure that will happen.

Ms Gillett interjected.

Mr STEGGALL — The reason is you are a bit short of numbers, aren't you, Mary?

Honourable members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! I remind honourable members that interjections are disorderly. I remind the honourable member for Swan Hill that responding to them is also disorderly.

Mr STEGGALL — Thank you, Mr Acting Speaker, I appreciate your assistance. The Y2K issue will be debated in the house for the next year or so, and the government has raised the expectations of Victorians to a level it will find difficult to deliver on.

The opposition is worried about the enormous powers provided in the legislation. In normal circumstances such legislation would not get bipartisan support. The Y2K bug — the unknown — might really bite Victoria, so Parliament is being asked to agree, and it will agree, to a range of practices to overcome any problem that might beset the community as a result of computers malfunctioning. Opposition members and Victorians generally expect and trust that the powers given to ministers and public servants by the legislation will be respected. The expectations the government has raised in many areas is a dangerous thing. I hope that any contingent problems that come up will be treated in the manner in which the opposition is treating the legislation — that is, that the necessary tools will be provided to handle whatever might arise.

As a country member I was interested to see what impact the bill would have on country constituents. Clause 3 of the bill defines essential services as meaning transport; fuel, including gas; light; power; water; sewerage; and a service declared to be an essential service by the Governor in Council under subclause (2). People in country areas expect the necessary steps to be taken on any matter that will genuinely have an impact on them. I support the legislation because it will enable that to be done.

Country Victoria relies on volunteers in the Country Fire Authority and the State Emergency Service. They are people we respect and hold in high regard. The volunteer services they provide to communities could not otherwise be provided. The volunteer sector is important and the government should not water it down. Country areas rely heavily on the police force. The service provided is second to none and the police play a different role from that played by the force in metropolitan Melbourne. The country police force is called upon to carry out many services and to coordinate many activities. If essential services break down it will be the police chiefs in those areas who will be responsible for coordinating events and dealing with the crisis.

If things go wrong two other areas of the bill will be important. Firstly, in an emergency the municipalities that supply services must rely on the help of the volunteer services to rectify problems; and secondly, the water boards need to rely on volunteers for water and sewerage services. It is dangerous to give such powers to people. When in government the coalition considered such legislation but, as I interjected during the speech of the honourable member for Seymour, the bill was not drafted by the current government. It was put in place by the previous government and had been properly introduced.

The bill introduces draconian powers, some of which the honourable member for Ballarat West mentioned. As a country member of Parliament, I consider the agricultural legislation to be draconian. The agricultural bills provide more powers than the police currently have. Many acts on the statute book give more powers to inspectors than to the police force. The draconian provisions in the bill should be treated carefully — that should be the case with other bills — to ensure that those powers are properly carried out. I am unhappy with the delegation powers. They would not have passed the bills committee when the coalition was in government. The delegation powers are not specific; they are throwaway powers. They should have been more closely defined.

The bill is far too open. Once again one must rely upon trust. There is no Scrutiny of Acts and Regulations Committee to put bills before the people and members and to test ministers on how they will guarantee such powers will not be abused and that guidelines are in place to make them work.

I turn to the section 85 statement. It is fascinating that the first bill to be introduced by the government includes a section 85 statement. For the seven years the government was in opposition the coalition had to put up with its continual carping about section 85 statements being used to restrict the powers of the Supreme Court and to make constitutional change. The very first bill of any significance introduced by this government includes a section 85 statement. The Minister for Transport must have choked when he had to refer to a section 85 statement in his second-reading speech. Welcome to the real world!

When in government the coalition found that section 85 statements were a problem. The previous government could not get around them because of parliamentary counsel. Section 85 statements are not the end of the world. However, when Labor was in opposition it considered their use to be evil. Now that it is in government it has lifted the people's expectations, particularly those of country Victorians, beyond what it will ever deliver — on your head be it!

Victorians will remember how critical the government was in opposition about the use of section 85 statements. The government should be aware of what it is doing and where it is going. I hope the Premier will ensure that in the event that the legislation is used his ministers and delegated officers will be thoroughly scrutinised and the people of Victoria will not be let down and disappointed by smart-alec, power-hungry people.

In my electorate we have to handle not so much fire situations but floods. In an emergency it is not always beer and skittles to implement such legislation. Often when emergencies arise families are pitted against families and communities against communities. The Premier should ensure that his ministers and those with delegated powers handle the legislation in the manner defined. I hope those powers will not be tested.

Along with others, some years ago the honourable member for Doncaster and I met those undertaking consultancies for the British government to see how they were tackling Y2K problems in the public sector. Victoria's strategies are similar to those in England. We hope their thoroughness will bear fruit. We know that many countries have not put much effort into the Y2K

problem because they have not had the necessary skills. I trust that the comparison will be good and that people appreciate and understand it.

In conclusion, the legislation is necessary and the opposition supports the bill. However, I emphasise that responsibility goes with it. This is the type of legislation that I hope honourable members will not see again during their careers. One does not often see such legislation and usually an opposition would not support legislation that overrides people's rights and powers thoroughly and without accountability.

I wish the bill well, as I do the ministers, including the Premier and those who are given the task of handling any misadventure we may have with the Y2K problem.

Mr LENDERS (Dandenong North) — I also support the bill, and make some observations about where the debate has gone. Clearly there is universal agreement that the bill is a good and necessary thing. The event it addresses is approaching us, and it will not arise again for another 8000 years. Presumably the same debate will be conducted in 8000 years time, when the year goes from 4 to 5 digits, presenting whatever the Y2K problem will be called then.

Clearly the bill is necessary now, and it is safe because it has a sunset clause. To be absolutely frank, an identical bill would probably have been before us if there had not been a change of government after the 18 September election.

I welcome the contribution from the honourable member for Swan Hill, because in traditional National Party style he was far more pragmatic and less emotional and spoke with less hype than some of the other members of the chamber. His speech addressed many of the genuine issues and reflected the fact that the bill is not unusual. It deals with emergency circumstances. As the honourable member for Swan Hill said, the same sort of legislation applies to every agricultural product; the same sorts of powers are already available to the police force; and in the Westminster system we have a certain assumption that government ministers, particularly those of the Bracks Labor government, are trustworthy and prudent, as are the people to whom they delegate, especially the Minister for Transport.

I welcome the comments of the honourable member for Swan Hill. Honourable members should have a great degree of confidence in and be pleased to be debating and passing the measure. Without labouring the point, I mention that the bill has a sunset clause with a specific purpose — and there must be more checks and balances

on this government than there have been on any other government for a long time.

One can have confidence that the government will be acting in a more sane and sober fashion than any government at almost any other time in our history. First and foremost, we have a responsible and sensible government headed by a level-headed Premier. Secondly, the checks and balances are such that the government's legislative program is possibly under more scrutiny than that of any other government since the Dunstan minority Country Party government all those years ago. The government also has the double scrutiny of an upper house that is not particularly friendly to its legislative agenda. For all those reasons honourable members can have absolute confidence that no ministers will be running around on centenary evening, as seems to be a concern on the other side.

I refer to some of the obsessions reflected in today's debate. Having addressed the fact that there is a unanimity of purpose, I am intrigued that some people opposite who are new to this place — and I do not mean National Party members — have such an obsession with the scrutiny of bills. I would have thought the very absence of a scrutiny of bills committee is a reflection on a range of political circumstances, but it certainly does not in any way jeopardise this chamber's scrutiny of the bill. The bill has been debated since 2.45 p.m. today; it has had more scrutiny than most people would credit for such a short measure. The absence of a committee is not the fault of the government; it is due to a breakdown in the negotiation process between members of this chamber. It is a furphy to say that somehow presenting a bill that has not been scrutinised by members of a bills committee is a dangerous precedent.

I also note with some interest the obsession with section 85 of the constitution. The government can rest its argument on this not being a common procedure and this being a unique bill with a sunset clause.

I direct the attention of those in the chamber who have read any of the Tom Clancy works to *Executive Orders*, which was one of his best pieces of literature written in the past few years. The novel is about a series of situations in which the entire US congress and executive branch were killed by a Kamikaze pilot.

Legislation such as the bill is designed only to deal with the unexpected and extraordinary. Presumably, when 31 December 1999 comes, we will all — especially the ministers of the Crown — be going to New Year's Eve parties in a very prudent and sober fashion and presumably we will all get there; the traffic lights will

work; the planes will fly overhead; all the telecommunication systems will work; and the transition to 2000 will all go smoothly.

The reality is that the night of 31 December will be the biggest let-down of all time — because nothing will happen. We have gone through an absolutely thorough process of addressing the Y2K problem. I know from my contacts in the corporate sector that the amount of time and energy that has gone into getting it all in place has been extraordinary. The legislation is designed purely for the unforeseen circumstance.

Listening to the contributions to the debate from the senior members of the partnership opposite one would have thought that all truth and light has come from the previous government. I will respond to a few of the comments of the Leader of the Opposition and the honourable member for Doncaster. Firstly, they cannot have it both ways. Today I have heard many attacks on the Premier because he is not in the chamber listening to the debate or is not taking on the multimedia portfolio. Those attacks have come from the same people who in one breath are saying he cannot be both Premier and Treasurer and in the next breath are saying he must be Minister for the Arts, the minister for multimedia and the minister for everything else. There is only so much he can do. He is doing an excellent job, and he has a great team around him.

As the Premier is now in the chamber, I will move to another subject. The next item I address is the obsession opposite, particularly on the part of the honourable member for Doncaster, with the need to have the entire ministry sitting at their desks on millennium eve. In this day and age of high technology, and with such a good group of senior ministers, we could certainly rely on their communicating with the rest of their government and the world without having to sit in an office. I should have thought that the honourable member for Doncaster in particular would have had a far more high-tech view of the world than such an old-fashioned view as was expressed — that one must be sitting at one's desk at midnight while the rest of the world is going around!

I am sure that if he is at his desk at midnight on New Year's Eve the Premier would be delighted to know that he is sharing that great honour and experience with the Leader of the Opposition and the honourable member for Doncaster!

Given how close we are now to the transition to 2000, for the past few years every single repatriated Cobol and Pascal programmer in this state has been at work — on good rates — getting ready for 2000. Every

major corporation is clearly ready for the occasion, so we can look forward with a great deal of confidence to an enjoyable evening on 31 December, knowing also that if anything unforeseen occurs on that evening, if any glitches have got through the system, at least we have a prudent piece of legislation in place to deal with it.

We have a good government to administer the legislation; and the usual regular emergency service procedures will come into place to deal with any problem. We can be confident that there is no danger or reason for fear and we can be confident about the measure because the bill has a sunset clause. Fundamentally we can be confident that we have a decent government that sets checks and balances, that wants to do the right thing by the state, and will use the legislation prudently if it needs to do so.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! Under the sessional orders the time for the adjournment of the house has arrived.

Trams: stops

Mr LEIGH (Mordialloc) — I raise for the attention of the Minister for Transport a matter concerning the Melbourne metropolitan tram system and the various companies that operate it. Even the *Age* now supports the concept of the privatisation of the tram system. Under the last Labor government a record number of trams sat still during the strikes of 1992. In the past two days the minister seems to have been somewhat confused about whether he is the shadow minister or the minister.

The minister has had access to the contracts concerning the privatised tram system since well back into his time as opposition spokesman on transport. On 17 November the *Herald Sun* ran a story on the axing of 50 tram stops: route 48 is to lose 7, the St Kilda route is to lose 2, route 86 to Bundoora is to lose 7, and obviously a number of other stops are to be lost. As the minister is aware, tram companies can incur significant penalties if they are not operating as they should be, including arriving on time for passengers. The minister would also be aware that the state has benefited in recent times from that arrangement.

After the *Herald Sun* published that article both the Minister for Transport and the Premier ran around town saying, 'It's that bad old Kennett government again and

its awful privatisation. There is nothing we can do'. Nothing was going to be done to improve the situation.

The former shadow minister, now the Minister for Transport, had the files. The minister has a responsibility to tram passengers and Melbourne road users to make the decision. It is not the responsibility of the tram companies. They have to come to him. By now he has the report. What is he going to do? Yarra Trams is about to be fined. Is the minister negotiating with Yarra Trams about what will take place? Will he agree to reduce the number of tram stops? Rather than saying it is the fault of the Kennett government, the time has come for the minister to tell the house what he is doing.

Racing: country clubs

Mr ROBINSON (Mitcham) — I raise for the attention of the Minister for Racing the state of confidence in country racing around Victoria. I seek from the minister the necessary action to offer assurances to country racing clubs about their future and the role they will play in the broader Victorian racing industry.

Recently with the Minister for Racing I attended the Dunkeld race meeting at the southern end of the Grampians. It is the one race day of the year there, and 4000 to 5000 people were in attendance. The hospitality was first class. It was a very successful event, as is the case with all the annual race meetings in Dunkeld. I indicate my indebtedness to members of the Armytage family, who hosted the minister and me, and to the secretary of the Hamilton Racing Club, Mr Bill Picken, known to members of the house for deeds in a former life. About that we might say more at another time.

The very strong sentiment in racing circles is that in the past there has been a lack of direction from the government about the future of country racing and a want of confidence at a more senior level. That is regrettable because country racing has a great deal to offer. Although it is true that country racing clubs do not contribute the major proportion of turnover generated in the Victorian racing industry, they comprise the majority of clubs; some 55 of the 59 racing clubs in Victoria are country clubs. With apologies to the honourable member for Werribee, we are not sure whether Werribee is country or city, but we will work that out at a later time!

The concerns of country racing people are manifest. There is a lack of race days, a lack of security about the future and a lack of recognition by the city administration. The racing industry generally respects

the role of country racing but the previous government failed to deliver on the need for confidence in that industry.

I seek firstly the assurance of the minister that country racing has a vital role to play, and secondly, the assurance that the necessary steps will be taken to ensure that that message is received loud and clear in country Victoria.

Bass Valley Primary School

Ms DAVIES (Gippsland West) — I raise an issue for the Minister for Education. Bass Valley Primary School has been housed in portable buildings for 20 years. Both previous Labor and Liberal governments must accept responsibility for that. The last state budget allocated \$1.563 million for a rebuild — or rather, a build. That offer was confirmed by the previous Minister for Education in a letter he wrote to the school on 6 May. Between May and September the figure of \$1.563 million seemed to shrink. It waxed and waned for a while, and despite some empty promises made by an honourable member in another place the figure seemed to settle at around \$59 000 less than that originally promised in the budget.

I ask the minister to clarify the amount to be made available to Bass Valley Primary School. I hope she will be able to lift the figure back to the original sum allocated in the budget earlier this year. Clarification is sought so that the school can finally complete its planning and end the uncertainty and considerable anxiety the school community has been put through because of the previous government's preparedness to prevaricate.

Gaming: problem gambling

Mr HOLDING (Springvale) — I direct to the attention of the Minister for Gaming a report released on 11 November by Jesuit Social Services entitled *Asian Gambling — Family Losses: a Study of Gambling-Related Violence in the Vietnamese Community*. Will the minister inform the house of Labor's policies on problem gambling and the effects it is having on the Vietnamese community in particular?

The report highlights a range of issues, the most important being that the impact of gambling in Victoria and particularly the increase in electronic gaming machines has led to increased family violence in the Vietnamese community as its members have attempted to come to grips with the issue. In particular the report suggests that perhaps men are not attending services because they believe they cannot change or they may

think their gambling and drinking are acceptable. Underlying issues that men might be facing, such as trauma and torture from the refugee experience, loss of status, conflicts about their role in the family and unemployment, are therefore not addressed.

These people have fled often from traumatic experiences in their homeland. When they come to Australia they face a range of cultural, economic and social uncertainties. Those uncertainties and their impact, causing family dislocation and confusion about traditional roles, combine to create a great deal of conflict and uncertainty in the household.

Coupled with the impact of problem gambling, it sadly leads to a great deal of family violence. The report contains many meaningful recommendations to which I direct the minister's attention. I hope they can assist Labor's policy development process in the area.

Warrnambool courthouse

Mr VOGELS (Warrnambool) — I draw to the attention of the Attorney-General the inadequacies of the Warrnambool courthouse. Further to the briefing note he so eloquently referred to and tabled on 11 November, will he concede that he did not fully identify the extent of the capital works projects referred to in that note? Will the Attorney-General confirm that the note clearly identifies the purchase of land for a new multi-jurisdictional court at Warrnambool under the heading 'New complexes'? Will the Attorney-General also confirm that the same note, under the heading 'Future work', also identifies the construction of a new Warrnambool court as only one of two priorities? As a new courthouse at the Wodonga complex has been previously funded, will the Attorney-General also agree that the Warrnambool court is not, as he stated on 11 November, way down the barrel, but considered by his department to be both significant and important and that the purchase of the land in Warrnambool will secure the site for the construction of a new court?

The following are but a few incidents that have occurred at the Warrnambool court during the past 12 months. On 28 October a defendant in the Magistrates Court, who was handcuffed in the only interview room, escaped through a window. In October, when a County Court jury was being empanelled, the members of the jury panel could not fit in the courtroom, so a number had to wait outside the door of the court. In September four defendants and their counsel in a County Court case could not fit at the bar table. Family law cases can be heard for only one week in Warrnambool; the rest have to go to Hamilton, which is 100 kilometres away. In July this year, Justice

Kellam, of the Victorian Civil and Administration Tribunal, was required to sit at the TAFE college. In superior court cases Warrnambool has seven County Court circuits compared with four in Mildura. The Supreme Court sits for two months solid in Warrnambool and one in Mildura.

In conclusion, the first priority is to secure a site for the new courthouse close to the police station; and secondly, provision needs to be made for a new courthouse in Warrnambool in 2000.

Buckley Street, Essendon: crossing

Mrs MADDIGAN (Essendon) — I ask the Minister for Transport to investigate the current status of a pedestrian crossing in Buckley Street, Essendon. Buckley Street is well known as the border between the electorates of Niddrie and Essendon, so the crossing is in both. I understand it has been on the Vicroads waiting list for traffic lights for some years. As the minister is probably aware, over the past few years the City of Moonee Valley fared badly in the funding it received from the previous government. The year before last the city received no funds from Vicroads for road works, and last year it received minimal funding. When the funding was queried, the council was told that no funds were available because any funding in the area had to go to works associated with the City Link project. That did not impress the council because it had many concerns about City Link that were not addressed and have not been addressed to this stage.

The crossing is in a dangerous part of Buckley Street because the street rises steeply opposite Batman Street and is used heavily by school children in the area.

A public meeting took place some six months ago to discuss concerns about the number of accidents in the area and the constant danger experienced by the crossing supervisor in trying to protect children from being hit by cars. The angle of the road makes it difficult for motorists to see the crossing until they are right on it. People speed up Buckley Street believing they can quickly pass through the vicinity.

The area is frequently used by children. The Aberfeldie Primary School is in Batman Street and Our Lady of the Nativity, a Catholic primary school, is just around the corner. The Ave Maria kindergarten and the Ave Maria College are also in the area, which has a substantial elderly population.

The municipal councillors who spoke to Vicroads were told that the people who made the biggest fuss were most likely to get a crossing. Working on that premise, the people of Essendon would like to make a fuss! I ask

the Minister for Transport to investigate the status of the crossing and to advise when local people can expect to receive some protection from Vicroads.

School buses: Yarra Valley

Mrs FYFFE (Evelyn) — I refer the Minister for Transport to the plight facing 70 year 6 children in the electorates of Evelyn and Seymour in gaining access to the school contract bus service. Most schoolchildren at that level are coming to the end of their primary schooling and looking forward with excitement and apprehension to the move to senior school. Many students have met their new teachers and their parents have bought new school uniforms and books.

However, the 70 children whose parents have chosen to send them to a non-government Catholic school at Lilydale do not have the surety of knowing which school they will be attending next year. Students from Mount Lilydale College have been travelling on the contract bus service for more than 50 years. Those seeking permission to travel on the contract buses experienced difficulties this year, with permission not being granted until March.

The Department of Infrastructure has advised parents that the situation will be worse next year. There is a strong possibility that passes will not be issued for any new enrolments at non-government schools. According to the department a decision will not be made until late February 2000 at the earliest. Some 35 of those 70 children already have siblings attending Mount Lilydale College. It is important that they attend the same school as their brothers and sisters.

Many of the students not only live in parts of the Yarra Valley that are not serviced by public transport but also have no access to it. In some cases those students who live in areas serviced by public transport will be forced to hang around schools or local shopping centres for up to an hour while they wait for public transport. That is an unsafe practice that must be avoided.

It is wrong that young people who already face making the difficult transition from small rural schools to much larger secondary schools are unaware of which school they will be attending next year. I ask the minister to urgently consider the issue so that those children and their parents can confidently plan for the new school year.

Geelong: tourism

Mr TREZISE (Geelong) — Tourism is a major industry in the electorate of Geelong. The region has many natural assets whose value can be maximised for

the future. I refer the Minister for Major Projects and Tourism to the importance of government boards being prepared to listen to the needs of country Victoria. It is vital that the government take heed of local wisdom. That highlights the importance of the community cabinet meeting last week — and I look to the Premier in saying so — when the government began the process of listening to the people, something that the former Kennett government did not do during its seven years in power.

When speaking about tourism in Geelong I refer not only to Eastern Beach, where the former Premier used to stand and talk about merry-go-rounds, cafes, restaurants and boutique casinos, but also to real tourism projects for the Geelong region.

I ask the minister to visit the Geelong region and seek the advice of diverse industries such as those involved in ecological tourism. I ask that he and departmental officers seek first-hand advice from people in the tourism industry so that tourism in Geelong can be enhanced. I seek the minister's commitment to such an approach.

Bellarine Peninsula: gas supply

Mr SPRY (Bellarine) — I direct to the attention of the Minister for State and Regional Development the extension of natural gas to Portarlington, Indented Head and St Leonards on the Bellarine Peninsula. In 1993 the Kennett government introduced legislation to make it possible for isolated rural communities, in particular, to enjoy the benefits of natural gas, albeit at a non-uniform tariff. Since then many rural communities have taken advantage of that opportunity.

The minister is aware of the situation in north Bellarine because a couple of years ago he attended a public meeting on the issue held at the St Leonards bowling club. I am pleased that Labor has singled out my electorate for special attention through its subsidisation of a private gas company's construction of a gas main. The residents of hundreds of Victorian towns will take a keen interest in that precedent.

However, there is confusion about when gas will become available. The residents of Portarlington, Indented Head and St Leonards are looking for answers. My colleague in the other place, the Honourable Ian Cover, has asked a series of questions of the new Minister for Energy and Resources and has received some unexpected answers. At first the minister said it was not part of Labor's election commitments. She later said it was, but, by contrast, that it was not

part of Labor's policy. Her distinction escapes me — it must have been subtle.

The minister's attention was directed to the fact that the Labor candidate for Bellarine, Ms Kerri Erler, is reported to have said on 16 September, when the private gas company subsidy was announced by the minister, that the decision meant gas could be turned on within the first year of a Labor government. At this stage it got a bit much for the Minister for Energy and Resources in the other house and she referred the matter back to the lead minister who had made the commitment in the first place — that is, the Minister for State and Regional Development.

I acknowledge the tremendous work that the Bellarine North natural gas committee has done in the past 12 months. Was the Labor Party candidate for Bellarine, Ms Erler, correct when she said gas would be available in 12 months or was she merely pork-barrelling to gain extra votes in my electorate?

Footscray Primary School

Mr MILDENHALL (Footscray) — I direct to the attention of the Minister for Education a matter concerning Footscray Primary School. The school was allocated more than \$300 000 for urgent repairs under the physical resource management system but the previous government said, 'No, even though the repairs are needed urgently you cannot spend it until you agree to demolish the most recently constructed building, called the grey building. After you demolish that building you will demolish the staffroom, the school canteen and the art room, but we will not replace those facilities in any upgrade'.

In addition, the Maribyrnong business centre, which provides a vital business incubator program, has looked at the grey building and said, 'The building may be surplus to the school's needs but it could play a valuable role in the community. We will lease it from the department, provide employment for local people and maintain the building, and it can stay part of the vital community infrastructure'. The department was most reluctant to consider either that proposal or a total upgrade of the school that would allow the art room, the canteen and the staffroom to be relocated into the main building.

I ask the minister to intervene in and investigate the matter to achieve a win-win situation by which a vital community project could be located in the surplus building at the school. That would allow vital new businesses and employment to be created in an area that has a high level of unemployment.

At the same time, I ask her to review the priority of the total upgrade of the school. I understand the cost is around \$600 000 — not a large amount in this day and age. Such action would result in both the continuation of a vital community enterprise and an upgrade of an historic school in Footscray, parts of which were constructed in 1865. It is located on the corner of Barkly Street and Geelong Road, and as the honourable member for Mitcham said, it is a landmark in the area.

The matter warrants close attention. I hope that with the change of government commonsense will prevail and the bureaucratic barriers that have prevented the upgrading of the school will be overcome.

Seniors Card

Mrs PEULICH (Bentleigh) — I raise a matter for the attention of the Minister for Aged Care. Unfortunately I did not have an opportunity to forewarn her, but I am grateful for the time that is available. I am sure the matter is close to her heart in the closing months of the International Year of the Older Person and would be of interest to her because of her association with the Family and Community Development Committee, of which I was a member.

The matter was drawn to my attention by an elderly constituent. As the minister would appreciate, the Bentleigh electorate has many older residents, as its population profile demonstrates — it has the third highest number of people over 65 in Victoria. Following a fairly extensive interstate and overseas trip — it was not just to Tasmania — the constituent has raised the idea of reciprocal rights for Seniors Card holders. She was flabbergasted that some states in the United States of America extended to her the sorts of entitlements she has with her card — obviously some of the benefits are not huge, but to people who are on fixed or limited incomes they are certainly worth while — but was disappointed that those entitlements are not available in other Australian states.

The constituent asked whether ministers responsible for aged care in other Australian states could be asked to consider establishing reciprocal rights to extend the benefits of Seniors Card holders. In the closing months of the International Year of Older Persons this positive initiative would be welcomed, not only by many of the constituents of my electorate but also other older Victorians. It is a practical and achievable goal. I urge the minister to follow through by liaising with her counterparts in other states.

Eastern Freeway: extension

Mr PERTON (Doncaster) — I raise for the attention of the Minister for Transport a matter concerning the Eastern Freeway. Last night the shadow Minister for Transport and I met with the residents of Savaris Court, who are concerned that their properties are being blighted by the early release of the Howard Croft report. I ask the minister to visit the residents of Savaris Court as the shadow minister did, or to receive a delegation at Parliament House.

Responses

Mr BATCHELOR (Minister for Transport) — Transport is a truly popular event at the nightly adjournment debate, which shows how the previous government neglected transport issues.

Honourable members interjecting.

Mr BATCHELOR — ‘Hear, hear!’, the chamber says. The previous government neglected roads and public transport and your performance tonight is a sad — —

The SPEAKER — Order! The Minister for Transport will direct his remarks through the Chair and not across the table.

Mr BATCHELOR — The honourable member for Essendon raised a request from her local community for pedestrian lights to be installed in Buckley Street, Essendon. She said the area had been victimised and discriminated against by the previous government, which was not prepared to consider community needs in her electorate or adjoining electorates because it wanted to divert money available for road management to the City Link project.

According to the previous Treasurer, the City Link project — supposedly private — has consumed some \$300 million of road improvement funds. Around \$20 million was spent on the gateway treatment — a monument to the former Premier’s ego. But the former government was not able to address important community issues such as traffic lights in Buckley Street, Essendon for school children, the elderly, and parents and toddlers on their way to the kindergartens.

The honourable member for Essendon asked me to investigate the matter and advise her on the priority of the project on the Vicroads list. I undertake to investigate the matter and report back to the honourable member.

In a similarly constructive manner, the honourable member for Evelyn raised the problem of children’s access to a school bus to Lilydale. There has been a good deal of ministerial correspondence on the matter in recent times, but it may have been raised with me through a letter from an action group or a representative community group. It is currently being investigated. When the matter is reported to me I will make the details available to the honourable member for Evelyn and to the community group that raised it with me independently.

In stark contrast, the honourable member for Mordialloc rambled incoherently, so much so that I am not sure whether what he said constituted a formal contribution to the adjournment debate. I was tempted to raise a point of order, but I felt it would be more — —

Mr Leigh — What are you going to do? You can make the decisions.

Mr BATCHELOR — What am I going to do? What an embarrassment the honourable member for Mordialloc is. He is a longstanding member of this Parliament, having represented two electorates, yet he does not even know how to properly raise a matter during the adjournment debate. New members on his own side can competently raise adjournment matters, but the honourable member still cannot.

In the most incoherent ramblings I have heard during an adjournment debate this session, the honourable member attempted to raise a clutch of issues. I do not know what they were about, because he was absolutely incoherent. However, they appeared to relate to an article in the *Herald Sun* of 17 November. He has taken all that time — from then until today, 23 November — to try to understand what the newspaper article meant. Because he has been unable to figure it out he has asked me to interpret it for him.

Mr Leigh — On a point of order, Mr Speaker, everyone wants to know whether there will be more tram stops or fewer — yes or no.

The SPEAKER — Order! There is no point of order.

Mr BATCHELOR — QED! I do not know how the opposition puts up with the honourable member for Mordialloc. I am grateful that he is the hand-picked choice of the Leader of the Opposition, who said that of all the members of the opposition he wanted the honourable member for Mordialloc to act like an idiot every night in this place.

The honourable member raised several points about a Yarra Trams proposal set out in a secret internal document to axe tram stops from a number of tram routes. I want to know what the proposals are and whether they represent the thin end of the wedge. The Yarra Trams network extends to the no. 86 tram to Bundoora; the no. 11 tram to West Preston; the no. 96 tram to East Brunswick; the no. 109 tram to Port Melbourne; the no. 75 tram to East Burwood, where a by-election is under way — the honourable member does not even understand the significance of what he has raised; the no. 70 tram to Wattle Park, in the same general region; the no. 48 tram to North Balwyn; and the Mont Albert tram. The proposal affects a large part of metropolitan Melbourne.

The Yarra Trams proposal was revealed in an article in the *Herald Sun* of 17 November. On the radio that morning the sycophantic honourable member for Mordialloc justified the proposal to remove certain tram stops. Not only has he taken all this time to read a newspaper article, he has the temerity to ask for the article to be explained to him. He has already been on the radio telling the community it is a good idea. I do not think it is a good idea. I have already told Yarra Trams publicly and privately that my base position is that the current tram stops ought to stay, and that in justifying the proposal it must put to me a strong public interest argument as to why the tram stops should be removed.

The honourable member for Mordialloc obviously received a telephone call early on the morning of 17 November and responded off the top of his head by saying that it was a good idea to get rid of tram stops. He said, 'I will go on radio and support you, Yarra Trams'. The honourable member did not have any documents, did not see a report and did not understand the contents of the newspaper article.

The honourable member can rant and rave in performing to his audience, but he ought to turn around and look at his colleagues. If he did he would know that they are not impressed by his performances. The government wants the honourable member to stay on because he is a gift — the hand-picked gift of the Leader of the Opposition. As a member of the previous government the honourable member for Mordialloc voted for and approved of the Yarra Trams contract.

All these months later the honourable member for Mordialloc comes into the chamber and wants me to tell him what he voted for. What a disgrace he is! Jeff Kennett said, 'Put up your hands', and he comes in all these months later and asks, 'Peter, what did I vote for?'. What an idiot!

I will give him a clue. The power in the contracts to approve or reject the axing of the tram stops rests with the Director of Public Transport. If the honourable member for Mordialloc had paid any attention to his shadow portfolio or to the discussions in the party room instead of merely putting up his hand because the former Leader of the Liberal Party told him to, he would understand the most basic parts of those contracts. The Director of Public Transport has the power to accept or reject the axing of the tram stops, and almost everyone in Parliament knows that is the case.

I have already had a meeting with the representatives of Yarra Trams, and I put forward my views to them forcefully. They said they did not want to proceed with the proposals that were circulating in the media. Notwithstanding the solid and instantaneous support given to them by the honourable member for Mordialloc they have decided to back away from the proposal. They have left him standing out there like a shag on a rock as the only person in Melbourne who wants to axe those tram stops.

The honourable member for Doncaster raised the issue of Savaris Court and the proposal put forward by the previous government to bulldoze the homes in that street to make way for the extension of the Eastern Freeway. I will take the request to meet with a delegation of the residents on board, and I will look at the availability of time in the next couple of weeks. It is an important matter, and I understand the residents' concern. I also understand why the honourable member for Doncaster has raised the issue with me in an effort get it resolved. However, I point out that the proposal to bulldoze those homes resulted from a process that was designed to produce a different outcome. The honourable member for Doncaster will know the former government has been caught out by the issue.

I have asked Vicroads to supply me with not only the proposals that were put forward by the previous government, which included the bulldozing of the homes in Savaris Court, but also some other options and costings. The government intends to make the proposals available to not only the residents of Savaris Court but also the residents in that corridor generally so they can engage in rational community consultation about the many issues that affect the residents of the street, other people concerned about the environment and any others who may wish to make their voices heard on the extension of the freeway and its route.

I acknowledge that the issue needs to be addressed quickly, and I will do so as quickly as I can. As soon as the government has garnered all the information it will

be made available so the people concerned are given more than the restricted choice they were offered under the original proposal.

Ms PIKE (Minister for Aged Care) — The honourable member for Bentleigh has rightly drawn the attention of the house to the International Year of the Older Person, which has been a marvellous year with many programs and activities designed to draw attention to the participation of older people in the community. The theme of 'A Society for All Ages' has looked at ways in which the active participation of older people in the community can be facilitated so that all generations can embrace the contribution that older people make to society.

Using the Seniors Card is one way older people can have that kind of enhanced participation in the community. Holders of Seniors Cards can access public transport, go to the movies and to many tourism facilities, and receive special discounts on certain goods and services. Many Victorians are proud to be Seniors Card holders and enjoy them very much.

The honourable member for Bentleigh has also rightly drawn the government's attention to the fact that Victoria does not currently enjoy reciprocal rights with other states for the use of Seniors Cards. Victorian Seniors Card holders can use their cards in Victoria, but when they go interstate they are not able to enjoy the same benefits. My parents, who are South Australians, hold Seniors Cards from that state, but when they come to Victoria they cannot use them.

That is a dismal situation. It is unfortunate that the previous government was instrumental in axing the reciprocal relationship that previously existed between states. In spite of all the rhetoric of the former government about encouraging tourism to Victoria — and I remind honourable members that senior citizens across Australia constitute the growing number of people known as the grey tourism band — and Victoria being open for business and wanting people to come here, it was not prepared to offer reciprocal rights to Seniors Card holders from other Australian states, resulting in the whole nationally integrated program falling apart.

The Labor government is committed to raising this issue with its colleagues in other states. It believes a national framework is in everybody's interests and wants to open up dialogue and discussion. I will be happy to raise the matter with my department and obtain a briefing so the government can look at how it can facilitate that kind of conversation and consultation.

Ms DELAHUNTY (Minister for Education) — I am responding to a matter raised by the honourable member for Footscray concerning the use by the Department of Education, Employment and Training of a historic building on the Footscray Primary School site. I am advised the building is currently surplus to school requirements.

Initially the honourable member for Footscray was told that the department was reluctant to lease the spare building for the purposes of a vital community project, even though the project was supported by the Maribyrnong City Council. I am informed that the project was a business incubator. All honourable members would appreciate that the unemployment demographic in the electorate of Footscray is high and that a project such as a business incubator would have valuable social effects. I am informed that under the previous government the department was reluctant even to examine the feasibility of the building being used for that vital community project.

I undertake to examine what appears to be a sensible solution to the problem — that is, using valuable education department property for a useful social project. I will examine the situation and invite the honourable member for Footscray to participate in discussions between representatives from the department, the local council and Footscray Primary School in an endeavour to achieve a win-win situation by using the property successfully and encouraging the establishment of the business incubator, which is clearly needed in the electorate of Footscray.

The second issue, raised with me by the honourable member for Gippsland West, is a disturbing story concerning Bass Valley Primary School being placed on a merry-go-round by the previous government. About six months ago the school was informed that it had been allocated \$1.563 million for its rebuild. The allocation was announced publicly and planning in accordance with that amount commenced. Subsequently, however, according to the school, the amount promised started to erode for some unknown reason. It went down and down to \$1.447 million. Then, just as inexplicably, it crept up again to about \$1.595 million, and that amount was declared to be the original signed-off project budget figure.

After that, in August 1999, about a month before the election, there was another yo-yoing of the funding allocation, this time down again to \$1.504 million. The school pointed out to the previous government that the new figure was at least \$59 000 less than the amount originally publicised and announced by the minister, my predecessor.

As well as to the yo-yoing up and down — substantially down — of the figure, the local upper house member, the Honourable Ken Smith, wrote a letter to the school in which he insisted that the agreement between the previous minister and the school had been put in writing by the department. Despite those assurances by the Honourable Ken Smith, however, the written memo remains unsighted by either the department or the school, notwithstanding public announcements made again and again.

Ms Davies interjected.

Ms DELAHUNTY — Yes, a vanishing memo and a promise being constantly eroded and changed.

That is the way the previous government treated our schools. It did not care about them, about the volunteers who work on school councils, about the amount of effort put into proposals or about the amount of planning required. That treatment was an insult to Bass Valley Primary School, to the children who attend the school and to their parents.

I can now clarify for the honourable member for Gippsland West the exact status of the rebuild. An amount of \$1.563 million was indeed approved by the previous government. I can assure the honourable member that despite the high jinks and, in particular, the nasty little revision downwards just before the election, the money has been budgeted for and ticked off, and it will be delivered to the school so that the rebuild can proceed and the anxiety of school community members is alleviated.

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Bellarine raised the matter of the extension of natural gas to the northern Bellarine Peninsula, and in particular to the townships of St Leonards, Indented Head and Portarlington. Those areas of the northern Bellarine Peninsula were going to be connected to gas, and when the gas industry was publicly owned and under the policy settings of the previous Labor government they could have expected to be joined up to the natural gas grid within a reasonable period.

However, with the election of the Kennett government in 1992 and the subsequent privatisation of the gas industry, the extension of natural gas to those areas was put on hold indefinitely. Consequently the residents still rely for heating on either electricity or bottled gas, which currently costs approximately \$50 to \$60 a bottle.

I am familiar with the issue because in 1998, along with the honourable member for Geelong North, I attended a

public meeting at the bowling club at St Leonards. I was invited to address the meeting because the residents of St Leonards, Portarlington and Indented Head were getting pretty angry. In fact, they were getting extremely angry at the continued failure of the Kennett government, and particularly their local member, the honourable member for Bellarine, to support them in their efforts to get natural gas connected to the northern Bellarine Peninsula.

I remember the meeting well because I addressed it. The honourable member for Geelong North also addressed the meeting, and we both committed ourselves to doing everything in our power to help the residents to get natural gas connected, as was their basic right. During the meeting I was amazed that when the honourable member for Bellarine was asked whether he would support the local residents and make an approach to the then Premier to see if the state government would assist in connecting the area to natural gas his answer was no. He offered no assistance to the residents.

Mr Spry — On a point of order, Mr Speaker, the question I asked of the minister was quite explicit. I asked him to address the issue of whether he would force the natural gas through to the people of Portarlington, as they expect, within the next 12 months. The minister is debating the issue and getting right off the track.

The SPEAKER — Order! The honourable member for Bellarine cannot use a point of order to restate his question. The minister's response was relevant to the matters raised by the honourable member for Bellarine.

Mr BRUMBY — Anybody who is familiar with the Bellarine Peninsula would know that towns at the bottom of the peninsula — Clifton Springs, for example — were connected to natural gas by the former Labor government. The other areas missed out during the years of the Kennett government when the honourable member for Bellarine has been the local member. Townships along the north Bellarine Peninsula got absolutely nothing. When the honourable member was asked to help he said no, he would not even try. He would not go to his government and would not help to have natural gas connected.

The residents have a special case. Many of them are elderly; Portarlington and Indented Head are great areas in which to retire. Many of the residents travel north in the winter, so when the gas company did its numbers under the Kennett government policy they did not add up, and the gas company said it would not extend the gas reticulation.

At the meeting to which I have referred these matters were raised with me by the honourable member for Geelong North, an honourable member for Geelong Province in another place, Mrs Carbines, and the Labor candidate for Bellarine, Kerry Erler. Consequently earlier this year I met with members of the Gas Action committee to listen to their case.

I contacted the Geelong council and also spoke to the gas company. As a result, in the state election campaign the Labor Party committed \$1.5 million from the regional infrastructure development fund towards the cost of extending natural gas to the northern Bellarine Peninsula. That commitment was made, and that commitment will be honoured. The only thing that is motivating the honourable member for Bellarine tonight is a five-letter word — spite. For seven years he did nothing for the people of those areas.

Mr Leigh — On a point of order, Mr Speaker, I believe the minister should not refer to another member of the house, who is only doing what he regards as his duty in the chamber, by using words such as ‘spite’.

The SPEAKER — Order! What is the point of order?

Mr Leigh — I do not believe it is appropriate that he should be using words such as ‘spite’. It is not true.

The SPEAKER — Order! The honourable member for Mordialloc has raised a point of order, but the Chair has difficulty in understanding what he is actually raising. If the matter he is raising is that the minister is using offensive language, I find that there is no point of order and I will continue to hear the minister.

Mr Spry — On a point of order, Mr Speaker, I object to the inference that my character is spiteful. There is not a spiteful bone in my body, and I ask the minister to withdraw that statement.

The SPEAKER — Order! Is the honourable member for Bellarine saying that he found the words used by the minister offensive?

Mr Spry — Absolutely.

Honourable members interjecting.

The SPEAKER — Order! Is the honourable member for Bellarine asking that the words be withdrawn?

Mr Spry — He is, Mr Speaker.

The SPEAKER — Order! The honourable member for Bellarine has said that the words used by the

minister are offensive to him and asks that they be withdrawn.

Mr BRUMBY — Mr Speaker, I would be happy to comply with the Chair. However, when he checks *Hansard* the honourable member for Bellarine will find that his ears need a good clean out and that I did not refer to him as spiteful. The *Hansard* record will confirm that.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bellarine! The house is getting itself into difficulties similar to those it got into last Thursday. The tradition of the house is that when a member finds words used by another member offensive, the member that used the words withdraws them. The record will show the situation when it is read in the calm light of day. I ask the minister to withdraw.

Mr BRUMBY — Mr Speaker, I withdraw.

The residents of Bellarine, particularly north Bellarine, will draw their own conclusions about the motivation of the honourable member for Bellarine. My point is this. In seven years not one centimetre of natural gas pipeline was laid in this man’s electorate — not one centimetre. We have done more in two months than this member did in seven years!

Mr Leigh — On a point of order, Sir, the minister used the words ‘not 1 metre was laid in this member’s electorate’. He should refer to the honourable member in the way he is supposed to be referred to in the house — as the honourable member for Bellarine.

The SPEAKER — Order! The honourable member for Mordialloc is now beginning to raise frivolous points of order. I do not uphold the point of order. I ask the minister to conclude his answer.

Mr BRUMBY — A commitment was made to provide \$1.5 million from Labor’s \$170 million regional infrastructure development fund towards the project. The legislation to establish that fund has been introduced and will be debated next week. On the assumption that the bill is passed in this house it will be conveyed to the other place and should be law by the end of the year. I assume the opposition parties are prepared to support it.

On that basis applications for funds will be advertised early next year and the Department of State and Regional Development will consider them. That will take some months. As the honourable member for Bellarine would know if he read the *Geelong Advertiser*

because it printed an article on the subject, I anticipate that the project will be undertaken, and when an agreement between the government and the gas company is agreed upon the government's \$1.5 million will be forthcoming. The challenge is with the gas company to ensure its commitment is forthcoming. On the assumption it is, the project will commence next financial year.

Mr HULLS (Attorney-General) — The honourable member for Mitcham referred to country racing and mentioned that he and I attended the Dunkeld races recently. As Minister for Racing I was invited to the Sandown Cup on the same day, but why be at Sandown when one can be at the Dunkeld races? It was a great meeting. Dunkeld is at the foot of the Grampians in the shadow of Mount Abrupt. The horse that won the race was called Another Chance, something members on the other side may not get. It was trained by a well-known local trainer and keen Labor supporter!

The point of going to Dunkeld was to confirm to all Victorians that country racing is the lifeblood of many country towns. A great crowd attended that race meeting. Peter Armytage, a well-known identity in racing circles, unfortunately was unable to attend because he had been bitten by a spider — obviously a Liberal spider — and was ill. However, his son, who is president of the local club, was there and was most hospitable to the honourable member for Mitcham, me and a number of others.

Unless there is vibrant country racing in Victoria there will not be strong metropolitan racing. It is crucial that there be an increased focus on country racing. As the Minister for Racing I have made it clear at every race meeting that I want to ensure that country racing not only survives but thrives. Unfortunately certain people involved in the industry look at the bottom line when it comes to country race meetings, but they must understand there is more to the bottom line than that.

Country clubs are huge employers in country regions and are the lifeblood of many country towns. As racing minister I will continue to plug country racing and to do what I can to ensure that it thrives. One has only to look at the recent annual review of Racing Victoria to see some of the excellent country clubs around the state that have won awards. The Kyneton District Racing Club won the country racing club of the year this year. I recall that as shadow Minister for Gaming I attended a Kilmore race meeting with the honourable member for Broadmeadows.

Again, the hospitality shown on that occasion was typical of country hospitality. I cannot remember

whether the honourable member for Broadmeadows backed a winner; I certainly did not, but nonetheless the whole town turned out to that meeting. That is what country racing is all about. So we will do what we can to ensure that country racing thrives.

While I am on the topic of the Dunkeld races I wish to thank Billy Picken, the ex-football star, who is secretary of the Dunkeld Racing Club and also of the Hamilton Racing Club. He did a fabulous job organising this annual race meeting — and while I am here I'd like to send a cheerio to my mum!

The honourable member for Warrnambool raised the issue of the Warrnambool courthouse. It is very interesting when a new government takes over the running of the state and looks at what the previous government did and failed to do. Although we have been in government for only about a month, it is astounding to see the amount of lobbying that has taken place during that period, particularly by members of the now opposition, to get certain things done in their electorates. For seven years they had the opportunity to get things done, but because of the one-man band nature of the previous government they were unable to achieve very much. It is only now that they have a more inclusive, consultative government that they regularly come with their begging bowls, not just asking us to fix up matters in their electorates but impatiently wanting to know when they will be fixed up.

It is an absolute disgrace, considering what the previous government did about the Warrnambool courthouse, for the new member for Warrnambool to be wanting something done about it almost yesterday, when the previous government had seven years to fix it up. Only during an election campaign when there was a blue between the Liberals and the Nationals did the former Premier, Mr Kennett, go down to Warrnambool and promise \$7.8 million for the Warrnambool courthouse. The fact is that the Warrnambool court was not at the top of the priority list, as I understand it, and, as the honourable member would know, I produced a list that showed that the Mildura and Wodonga courthouses are at the top of the list. I should advise all people living in the Warrnambool community that the \$7.8 million commitment was totally unfunded. It was a hollow promise that I do not believe the former Premier ever meant to keep.

The Bracks Labor government is not in the business of making hollow promises and pork-barrelling to try to get particular candidates up. The fact is — and I am on the public record as saying this — that if the honourable member does not understand it he should go back to his local community and make it quite clear: Warrnambool

will be looked at by the government and by me as Attorney-General as one of a number of urgent priorities, but Mildura is before Warrnambool.

Mr Leigh — We know why!

Mr HULLS — Let's not kid each other about this. The former Premier went down to Warrnambool in an attempt to pork-barrel, to get his Liberal candidate up. He made a hollow promise that was unfunded.

I am very keen to come down and have a look at the Warrnambool premises. The honourable member who raised the issue has not had the courtesy of raising this matter with me face to face; in fact he has left it to the President of the upper house, who showed some courtesy by raising it with me at, of all places, the Dunkeld races! The President was at the races and took the opportunity to mention the Warrnambool courthouse to me. He said the Leader of the Opposition — the local member for Dunkeld and the honourable member for Portland — could not be there because he was at the state conference doing a backflip — —

Mr Perton — On a point of order, Mr Speaker, on a number of occasions in his response the minister has referred to the fact that the honourable member for Warrnambool is a new member. Mr Speaker, you have a right and a duty to indicate to all members of the house that the adjournment debate is an appropriate occasion for members to raise matters of concern to their constituents. Members do not have to raise matters privately with a minister. It is done occasionally, but a member has a right to raise a matter in the adjournment debate.

While the Attorney-General is entitled to be belligerent, there are certain courtesies to be observed in the adjournment debate. Mr Speaker, I ask you to make it clear that the adjournment debate is an appropriate forum for members to raise matters of concern to their constituents.

The SPEAKER — Order! There is no point of order. The matter the honourable member for Doncaster raised has not come into question in the response the minister has been giving.

Mr HULLS — In winding up I mention that the local ALP branch at Warrnambool has invited me to look at the state of the courthouse. I am keen to do that at the earliest available opportunity. If the needs of the Warrnambool courthouse are seen by me as Attorney-General and by the government as a priority, the matter will be viewed in light of that priority, but I reiterate that I will not kid the people of Warrnambool.

Mildura is a higher priority than Warrnambool. That courthouse will be dealt with, and Warrnambool will be dealt with in due course.

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Springvale raised with me the recently released Jesuit Social Services report entitled *Asian Gambling — Family Losses: a Study of Gambling-Related Violence in the Vietnamese Community*. The honourable members for Footscray and Richmond and a few other members including me have large Vietnamese communities in our electorates. We are all very concerned about the recommendations in the report and the issues it highlights.

The report has made 12 recommendations. The issues are complex and obviously do not relate only to the services the state government can provide to assist communities to deal with problem gambling. Although the report is focused on the Vietnamese community, I am sure its findings would be replicated in many other communities — not only non-English-speaking communities. Governments have a role in assisting communities to deal with this complex issue.

Many of the recommendations in the report highlight the lack of support from the federal government in welfare areas that fall within its responsibilities — for example, in programs such as Grant in Aid and in employment programs that impact on the Vietnamese community. It is interesting that 6 of the 12 recommendations refer to cases where the federal government is failing to provide the welfare-type support that communities need.

The other recommendations relate to the state government. The government is very much focused in its election commitment policies to swinging the pendulum back to greater and better regulation that will ameliorate the impact of gambling on all communities, not just the Vietnamese community. Some of the issues raised are common to all communities. For example, there is much focus on what the role of local government should be and on local government having more of a say on whether applications are approved by the Victorian Casino and Gaming Authority. Our policy states that we will give more authority to local councils, allowing them to have a say.

Gaming impacts on some communities more than others. Gaming machines are concentrated in low and middle socioeconomic areas and that concentration impacts severely on certain communities. The impact on the City of Maribyrnong, on which the report focuses, is significant. I recently met Phong Nguyen,

the executive officer of the Springvale Indo-Chinese Mutual Assistance Association (SICMAA), who is also president of the Vietnamese Community Association in Victoria. The entire Vietnamese community looks to Phong Nguyen to express its united views about the services and support it needs from the government. He has certainly been doing an excellent job at SICMAA with very little support from the state or federal governments.

I was recently talking with the Minister for Community Services, who is the minister responsible for problem gambling services and the advertising campaign. I inform the honourable member for Springvale that we have agreed to meet next week with staff of the Department of Human Services to review the problem gambling and advertising programs. The government is greatly concerned that there is no ethno-specific funding for organisations such as those representing the Vietnamese community. They directly assist members of their own communities who recognise they have a problem and need assistance and come to them for support. At the moment no resources are provided to those organisations. The government cannot reach out to those communities unless ethno-specific funding is available.

The information on problem gambling in languages other than English is limited. Certainly the advertising campaigns do not adequately cater for or target particular ethnic communities.

Mr Perton interjected.

Mr PANDAZOPOULOS — The honourable member for Doncaster wants to interject.

The SPEAKER — Order! The minister will ignore the interjection.

Mr PANDAZOPOULOS — Members on the other side of the house were in government for seven years but never properly dealt with problem gambling. Programs were severely underfunded and ineffective. I will certainly report to Parliament on the ineffectiveness of those programs.

The report highlights the lack of research on the impact of gambling on ethnic communities. It also highlights the urgent need for research on gambling-related violence. I certainly want the Victorian Casino and Gaming Authority to consider the recommendations made in the Jesuit Social Services report. The government wants that research to be independent of the authority. At the moment the government is considering how that can be achieved and how to

ensure that adequate research is carried out in key target areas to ameliorate the impact on ethnic communities.

The report also highlights the inadequacy of the Community Support Fund. Part of the government's policy is to review the Community Support Fund, to provide adequate funding for problem gambling and to return revenues to local communities. I assure the honourable member for Springvale — it is a matter I take very seriously — that the report is serious and Parliament needs to consider the issues it raises in great detail. The Bracks government is very much committed to addressing the impact of gambling on all Victorian communities.

The honourable member for Geelong raised with me as Minister for Tourism the need for government and decision-makers, including tourism decision-makers, to listen to local communities to identify the issues of concern facing tourism operators and local councils as well as the infrastructure projects that are important and will make a difference to local communities.

In the short time I have been in government I have visited many communities, including Mansfield, Geelong and Ararat. The government is very much committed — as it was in opposition — to visiting and listening to local communities in both country Victoria and the suburbs.

The honourable member would be aware that in the election campaign the then opposition committed \$12 million in capital works funding in the Geelong central business district to create a more positive outlook in Geelong.

On my recent visit to Geelong I was informed that the previous government had rejected applications made under the Community Support Fund for the bollard project at Steampacket Place and Eastern Beach.

Mr Baillieu — They are all in place.

Mr PANDAZOPOULOS — The honourable member for Hawthorn says they are all in place. On my visit to Geelong on Monday I had extensive meetings with the people involved with the project, including the members of Geelong Otway Tourism. They said there is much work to do on the bollards, and they expressed surprise that such a unique project, which is doing its bit to put Geelong on the tourism map, missed out on funding. The Community Support Fund has been used as a slush fund for inner city projects rather than to provide funding for places such as Geelong, which has a high number of gaming machines.

I advise the honourable member for Geelong that I will continue visiting local communities. I want to spend a lot more time in the Geelong region, which is a unique destination in its own right. I was pleased that Geelong Otway Tourism received another award as part of the national tourism awards that were presented only a week or so ago. Victoria can learn a lot from the cooperative arrangement entered into by tourism operators in the Geelong region, which includes the Great Ocean Road and the Twelve Apostles.

I have been advised by the Tourism Victoria board that it will be visiting the Shire of Colac–Otway on 1 December to meet with local tourism operators. It is pleasing that the board wants to visit the various parts of our state to get a better idea of the issues.

The government will have a stronger focus on regional and country tourism. It will examine its marketing programs to ensure not only that people come to Melbourne but that they get out of Melbourne to look at some of the great things outside the city. I have asked the Tourism Victoria Board to give me a list of its prospective meeting dates so that the communities it is planning to visit will know the dates in advance.

I assure the honourable member for Geelong that the government intends to work with the Geelong community and tourism operators to highlight the benefits of tourism in the Geelong and Great Ocean Road region.

The SPEAKER — Order! The house stands adjourned until next day.

House adjourned 11.27 p.m.

Wednesday, 24 November 1999

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

PETITION

The Clerk — I have received the following petition for presentation to Parliament:

Grace McKellar Centre

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 sheweth we strongly object to the Kennett government privatising the beds of the elderly citizens who are residents of Grace McKellar Centre in Geelong.

Your petitioners therefore pray that the Kennett government reverse its decision with regards to the privatisation of the said beds and allow those affected citizens to remain at Grace McKellar.

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

By Mr TREZISE (Geelong) (5334 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Housing Guarantee Fund Limited — Report for the year 1998–99

Parliamentary Committees Act 1968 — Interim Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Report on Criminal Liability for Self-Induced Intoxication

Patriotic Funds Council — Report for the year 1998

Planning and Environment Act 1987:

Notices of approval of the following new Planning Schemes:

Buloke Planning Scheme

French Island and Sandstone Island Planning Scheme

Knox Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Baw Baw Planning Scheme — No C6

Brimbank Planning Scheme — No C3

Casey Planning Scheme — No C4

Glen Eira Planning Scheme — No C1

Macedon Ranges Planning Scheme — No L29

Mornington Peninsula Planning Scheme — No C3

Nillumbik Planning Scheme — No L22

Wyndham Planning Scheme — No C10

Yarra Planning Scheme — No C8.

MEMBERS STATEMENTS

Parliament: sitting hours

Mrs ELLIOTT (Mooroolbark) — Honourable members have had delivered to their offices over the past few days a broadsheet about the health of members of Parliament. The document contains an article by the Minister for Post Compulsory Education, Training and Employment about the challenges of combining family life with being a parliamentarian. Last night Parliament sat until about 11.30 p.m. and today commenced at 9.30 a.m. Those hours can be accommodated, but the new procedure of sitting through lunchtime is hard not only on members of Parliament, but also on Hansard, the Clerks and the attendants, who have to keep working through that period.

The broadsheet on health recommended that members of Parliament take plenty of exercise, eat healthily and get plenty of sleep. None of those are possible under the current sessional orders. A lunch break where members can take a walk, or even dash out and do some shopping, should be restored.

Remembrance Day

Mrs MADDIGAN (Essendon) — I pay tribute to a moving ceremony held on Remembrance Day this year involving the rededication of The Boulevard in Essendon. In 1920 sailors from the British ship HMS *Renown* planted trees in memory of ships lost in the Battle of Jutland, a significant battle fought in 1916 involving British and German navies. The British navy lost 14 ships and the German navy 11, but for the rest of the First World War the British navy held control of the North Sea and the German navy was forced to stay in the Baltic Sea.

The trees planted by the sailors in 1920 have been replaced by memorial plaques because they were in a dangerous condition. The plaques mention all the ships involved in that battle. I pay tribute to the deputy mayor of the City of Moonee Valley, Cr Trevor Sinclair, the Essendon and East Keilor RSL sub-branches, the Essendon Historical Society and many of the local

people who worked hard to research the history of this event and to be part of the dedication. The trees that were cut down have been used as the basis for the name plates to record the British ships involved in that battle.

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

Leopold Primary School

Mr SPRY (Bellarine) — I express regret at the apparent oversight in the government's funding priorities of the Leopold Primary School. A hastily made vote-buying promise by the Labor Party in the lead-up to the election to fund a \$700 000 indoor community centre at the Leopold Primary School ignores the real priorities for that school community, which has been working hard to develop a master plan to accommodate an increased number of students in the early years of the next century and to plan for the upgrade of the existing facilities.

The former Kennett government announced that nearly \$1 million would be applied for that purpose during the next two years with immediate additional funding for the finetuning of the master plan. The neighbourhood centre and school expansion program have my enthusiastic support and encouragement and that of the entire Leopold community which, as I said, has been working hard to achieve this end. But the school's first priority is the essential expansion and upgrade of the facility. The new minority government must recognise that and move quickly to assure the school that it will provide the cash for both programs simultaneously.

Dairy industry: deregulation

Mr MAXFIELD (Narracan) — Next week I will table in this house a petition regarding deregulation of the dairy industry; it has been signed by many Victorian dairy farmers. Deregulation is a major issue in my electorate, and if we do not get this right, many farmers could lose their livelihood. The job losses that could flow from the deregulation, if it does not go well, will have major impacts on many rural centres.

I welcome the chance for farmers to vote on the proposed deregulation of their industry. The time has come for open and democratic processes, with no more secret deals, in Victoria. Many dairy farmers have put enormous efforts into having their say about the deregulation of the industry.

Chillin' Out

Mr SMITH (Glen Waverley) — I congratulate two young men who have been involved in a remarkable

initiative in my electorate. They have published a brochure or pamphlet, entitled *Chillin' Out*, which is meant to reward grade 6 students for their literary skills. It grew out of an initiative launched last year when the captains of 26 schools in the area came together for a leadership program. Consequently, it was decided that sponsors would be sought to provide prizes for the best compositions, essays, poetry, book reviews or the like that young people could provide for the magazine. Two of the young people involved are Vic Rajah and Asher Judah. The sponsors are Novotel at Glen Waverley, Piping Hot, Scallywag Socks, Callen Cricket, which provides the cricket bats, Mitch Dowd Design and Faber-Castell Pty Ltd.

The initiative has generated an incredible amount of interest from the young people who have managed to contribute about 50 original articles.

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

Mount Pleasant Primary School

Mr HOWARD (Ballarat East) — Recently I had the pleasure of attending the Mount Pleasant Primary School's 125th anniversary. It was an enjoyable occasion for me, the students who attended, and former students, teachers and parents. It was a terrific day, when the older former students shared their history with the present students. They talked about how the school operated in the past and how it operates now. I enjoyed being part of the celebrations, being shown around the school and seeing the new master plan developed by the school. I look forward to working with the school to ensure its master plan is implemented in the years to come.

The only unfortunate aspect of what was a great occasion for the school was that the other five schools in the zone, which used to be my council ward — Golden Point, Eureka Street, Richard Street, Humffray Street and Queen Street primary schools — were all closed during the term of the last government. None of those former schools will have the pleasure of celebrating its 125th anniversary.

Kyabram and District Memorial Hospital

Mr MAUGHAN (Rodney) — Recently the Kyabram and District Memorial Hospital has been rebuilt at a cost of about \$6.5 million and is about to be opened. The Victorian government provided a mere \$1.2 million or about 20 per cent of the total cost. Kyabram is a generous community, particularly when anything to do with the hospital is involved. It has

raised the remainder of the money required, either through direct contributions or from reserves.

Last Friday my wife and I attended the hospital fete, which turned out to be a successful fundraising venture. The local community has made generous contributions and, as I said, the government has given a mere \$1.2 million, but the hospital still needs to complete its car park and landscaping. I seek from the government a capital contribution to assist the hospital to complete its successful rebuilding program through the completion of the remaining car park and landscape works.

Melton youth activity service

Mr NARDELLA (Melton) — I congratulate the young people of the Melton youth activity service on their staging of the *Planet 2000* performances on 19 and 21 November at the Melton community hall. The performances, which were well received, revolved in an innovative way around the year 2000 bug. The production was directed by Jenny and Crystal, and starred Sarah, Samantha, Stacey, Kim, Lauren, Jodie, Sabrina and Darcy.

The concept was the Y2K bug being a global threat, and the young people had to visit the planets of Janet, Dance, Will Smith and Prince to look for another world in which to live. The production was a success thanks to the work of Lisa Mete, Brook Bugeja, Melanie Doherty, Felicity Wooden, Bridget Riley and Tennille Alivizatos, as well as the women who made the costumes.

It is great that young people are developing their skills in dancing, choreography, drama and stage presentation in staging the performances, which were well supported by the community, in their endeavours to further their careers and education. The assistance of the Shire of Melton and the Department of Human Services was also appreciated.

Electronic document management systems

Mr PERTON (Doncaster) — I refer to the *Connecting Victoria* ministerial statement made in this place by the Minister for State and Regional Development. An omission from the statement was reference to the electronic business framework legislation which was on the Multimedia Victoria web site for some time and involved a lot of work by many people in the last government.

Records Management Australia Association (Victoria) (RMAA) is concerned that the Victorian legislation on electronic data and, more specifically, the state Evidence Act have not appeared in the government's

agenda. The RMAA (Victoria) branch understands the introduction of the commonwealth Evidence Act was to be the forerunner of amended state legislation; that would have happened under the Kennett government.

To date, the branch has been unable to obtain any further information from the Bracks government regarding the issue. In a letter to me the branch indicated that it is well aware that the Public Record Office Victoria has released a Victorian electronic record strategy and will publish a standard electronic records management to be used by Victorian government agencies in establishing and maintaining its electronic records.

Reports indicate there has been substantial international interest in the strategy. In its letter to me, the branch asks the Bracks government to address the issue urgently and to introduce amendments to provide an up-to-date and adequate Evidence Act for Victoria. Because of the framework of the current legislation, several organisations have resorted to using the federal Evidence Act to establish electronic document management systems. Australia was the first country to introduce a standard on records management — that is, AS4390 — —

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

Pascoe Vale RSL Pension and Welfare Office

Ms CAMPBELL (Minister for Community Services) — I wish to place on record the importance of the Pascoe Vale RSL Pension and Welfare Office for the residents of the northern and western suburbs, which provides services to veterans and their families from around Victoria and in my local area.

John Horan's vision and commitment was the driving force behind the establishment of that office, and that commitment has continued through John Horan, Ted Richards, Kerry O'Connor and Brian Thomas. The Pascoe Vale RSL Pension and Welfare Office has assisted many of my constituents, their families and friends and other local people. It provides pensions to people who are entitled to them and assists with any administrative difficulties experienced at the local hospital, including inappropriate billing that has occurred. It has fought and won many battles with the Commonwealth Veterans Affairs Office, and it provides a huge amount of reassurance to families in my electorate.

I wish to express my gratitude and that of many veterans and their families for the approachable and personal way the office performs its work.

Werribee swimming pool

The SPEAKER — Order! I advise the honourable member for Werribee that she has only 15 seconds.

Ms GILLETT (Werribee) — I wish to thank some of the wonderful constituents of Werribee who have saved our local swimming pool, which was built by the community 30 years ago.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Government leadership

Dr NAPTHINE (Leader of the Opposition) — Today I grieve for Victoria because of the lack of genuine leadership provided by the Bracks Labor government.

In the government's mediocre six weeks in office the Bracks Labor government has demonstrated that it is more interested in a retrospective consideration of the previous government than it is in providing vision, leadership and direction for the future of Victoria.

We are only 40 days from the turn of a new century and a new millennium, and Victoria needs genuine leadership and direction. What situation do we want for Victoria in 2005? What sort of Victoria do we want in 2020? Victorians are asking those questions and seeking leadership, and the government should be providing that leadership.

The government has an absolute obsession with the previous government rather than providing any leadership or direction. Time and again in question time dorothy dix questions are put to the Premier and government ministers about the past rather than the future. It is clear that the government has no vision for the future and no plan or direction for Victoria. We need to know what new projects are on the agenda for Victoria.

What will the major developments be? Where are the visions for projects such as City Link or the new museum development? Where are the major developments that will bring economic growth to Victoria? Where are the plans for agriculture? The previous government had plans to increase agricultural exports to \$12 billion by 2010. Is the current government committed to or doing anything about that

plan? Is the government interested in the economic development of regional and rural Victoria?

We are already seeing the first evidence of that lack of leadership, direction and vision for Victoria. Recent surveys have shown that small business confidence is already plummeting in Victoria; it has dropped seven points below the national average. Small business confidence has fallen seven points since the election of the Bracks Labor government. Under the previous government the level of small business confidence in Victoria was always near the top for all the states and territories. Under this government it has already fallen behind the national average. No wonder small business is losing confidence in the government when its long-term vision is about what will happen at 5.00 p.m. The government has no vision, no plan and no direction for the long-term future.

Clearly the new century we are entering will revolve around information technology and communications, which the government seems to have forgotten. Victoria led the world by having the first minister for multimedia and information technology. In the book Bill Gates wrote after visiting our state he praised Victoria for its leadership on information technology and multimedia and said Victoria's schools provided the best IT education in the world. Our schools had the best computer-to-student ratio in Australia. Under the previous government there was a clear vision for the future of Victoria as an information technology and multimedia state. Unfortunately, this government has dropped the ball and does not even have a minister responsible for these issues. The government does not accept that the future of Victoria is in information technology and multimedia.

They do not want to create world-competitive information and communications technology (ICT) in Victoria. They do not understand that for many young people future employment opportunities arise from ICT or that the world will pass us by and we will become irrelevant if we cannot equal the world's best in that area.

The growth and development of opportunities in regional and rural Victoria is heavily dependent on improved ICT, even more so than in metropolitan areas. The previous government recognised that and established Ballarat as a major IT centre.

As we enter the new century it is perfectly clear to anyone looking into the future that the heart of economic growth and opportunities for the people of Victoria lies in IT and multimedia. It is, therefore, terribly disappointing that the current government does

not have a minister responsible for that area. It has no vision, no plan and no strategy. It is essential that the Bracks Labor government reconstruct its ministry and appoint someone to that position.

The Minister for Education, too, must take up the challenge and recognise that the previous government was a world leader in IT education in both primary and secondary schools. She must make sure that under the current government Victorian schools continue to lead Australia and be equal to the best in the world in IT education.

If we are to have a strong, vibrant and healthy state we must have a strong and vibrant economy. That requires genuine government leadership, not government inaction with ministers sitting by or following others who are trying to set the direction of the state. There must be genuine leadership from the top. This government is devoid of that leadership.

In particular there is a lack of long-term vision. For example, the government has decided to scrap the Scoresby freeway proposal. People might see that decision initially as purely a road transport decision, but that would be to take a narrow view. I believe the current government has made its decision based on that narrow view. The Scoresby freeway is about more than just transport.

Consider the Western Ring Road, which has become an absolute boon to the western suburbs. It delivers enormous economic benefits to the local area as well as to Melbourne as a whole and to regional areas. It provides for an efficient transport system and therefore attracts industry and investment to its vicinity. The Scoresby freeway could have done a similar job in the east, opening up all of the eastern and southern suburbs as far as Frankston and the Mornington Peninsula. It would have delivered job opportunities into the next decade. That is what the government should be on about.

The Melbourne–Geelong road redevelopment, another major infrastructure project, is already the subject of strong rumours to the effect that the government is planning to delay and frustrate it. What a disgrace! That road, in line with the leadership, vision and direction shown by the Kennett government, was to have been upgraded. Money was allocated, and the federal government was forced to come up with matching funding. By contrast, this government is backing away from the project and slowing it down so that it is now a five-year project rather than a two-and-a-half-year project. Another disgrace! Again, economic growth and

development, as well as opportunities for Geelong and western Victoria, have been lost.

The government should have the vision and the direction to look at the next stage. It should consider linking an upgraded Melbourne–Geelong road with a bypass around Geelong.

Mr Trezise interjected.

Dr NAPTHINE — I am pleased to hear the honourable member for Geelong saying, ‘Hear, hear!’.

I suggest that instead of a bypass to the west of Geelong, as previously discussed, a more innovative approach would be an eastern bypass through Avalon and across the bay to Point Henry. That would offer enormous opportunities and would open up the Avalon and Point Henry areas for industrial development just as the Western Ring Road opened up the western suburbs of Melbourne, and it would show the sort of long-term vision the government should be providing.

I suggest that the government immediately provide funding for a feasibility study for a Geelong bypass, and I urge the government to do it as soon as possible so that the work can go ahead. The Melbourne–Geelong road must be upgraded within the shortest possible period and we should then move straight onto the bypass.

The government must also pick up the previous government’s commitment to duplicate the Princes Highway as far as Colac to remove the bottleneck in the Waurn Ponds area. As I said before, such projects are not merely about road transport, they are about opening up whole areas to economic opportunities, in this case western Victoria.

Similarly, the government should be considering linking the major regional centres of Geelong, Ballarat, Bendigo, Shepparton and the Latrobe Valley so that they can all be opened up for growth and development.

Projects of the kind I have just outlined, projects with a 5, 10 or 15-year time line, are the sorts of things the government should be thinking about. That is what leadership and vision are about. That is not, however, most unfortunately, what the government is about. The government is concerned with procrastination, not decision making. Consider dairy deregulation as an example. It is as plain as the nose on your face that dairy deregulation will go ahead. The Senate select committee says it will go ahead and the dairy farmers, through the United Dairyfarmers of Victoria, want it to go ahead.

The government's procrastination is putting at risk Victorian dairy farmers and opportunities for investment and growth in value-adding for dairy products. It is putting at risk \$760 million in compensation payments.

This government's lack of decision making can also be seen in a simple thing such as payments for public servants who must work on New Year's Eve. The Premier of this state — the leader of this state — says, 'Don't ask me about what public servants should be paid on New Year's Eve; ask the department secretaries'. That is a total abdication of responsibility, leadership and direction.

The Bracks Labor government has inherited a state in good condition. The previous government generated a significant budget surplus and left a significant lower unemployment rate than it inherited in 1992. The infrastructure the current government has inherited — that is, schools, hospitals and roads — is in much better condition than it was in 1992. In 1999 people are returning to Victoria after leaving the state in droves in 1992. Victoria is now known as a leading state — it is not a follower. People around Australia say, 'I wish we were like Victoria'.

It is incumbent on this government not to drop the ball and waste the good work that has been done. As we move into the 21st century the government must move away from its blinkered vision and pick up the binoculars to look forward to provide the state with the direction and leadership needed to take it into 2005, 2010 and 2020. Victorians must be absolutely confident that they have a secure future for themselves and their children.

Film and television industry: government support

Ms DELAHUNTY (Minister for Education) — Today I grieve for the Victorian film and television industry in decline. The Victorian industry led the renaissance in Australia's film and television in the 1970s. After seven years of the Kennett government's neglect of the industry Victoria is now sadly lagging behind New South Wales and Queensland. The Leader of the Opposition bleats, whines and carps about lack of vision. That goes with the territory. If he wants to know about vision for the Australian film industry, particularly Victoria's revival under the Labor government, he might learn what real vision is.

The Victorian film and television industry working party comprises representation from all areas of the illustrious industry: the Screen Producers Association

of Australia, the Australian Writers Guild, the Australian Screen Directors Association, Australian Screen Editors, the Media Entertainment and Arts Alliance, the Australian Guild of Screen Composers, the Australian Cinematographers Society and the Australian Interactive Multimedia Industry Association. The working party has produced a comprehensive report looking to the future of the industry and the options for the Victorian sector.

The report was presented to the former government in July this year. What did the working party report to the Kennett government about the parlous state of Victoria's film and television industry?

The report said bluntly — the alarm bells were ringing all over Victoria, but unfortunately the Kennett government was not listening — that the contraction of the Victorian film production industry represents a serious decline. Ten years ago there was relative parity between the New South Wales and Victorian film and television industries. The Victorian industry was worth \$73.1 million and the New South Wales industry was worth \$92.3 million. Since then the growth in the New South Wales and Queensland industries has outstripped the growth in Victoria. In July the working party told the Kennett government that if parity had been maintained the Victorian industry would be worth around \$200 million today.

Mrs Elliott — How much?

Ms DELAHUNTY — Around \$200 million. Instead, it is worth less than half that — \$94 million. There is your vision. That is what the former government left this government to fix up. It wanted vision; this government will give it vision.

Firstly, let us get the facts on the table. The working party presented the detailed submission to the Kennett government — the can-do kind of government, the great government for the arts. The rhetoric was terrific, but what was the reality?

An honourable member interjected.

Ms DELAHUNTY — I will get to that. The working party went through chapter and verse where the gaps were and said to the previous government, 'You have completely ignored the Victorian film and television industry'. Those in the industry are the storytellers of Victoria's culture, but the Kennett government was not interested in anybody who wanted to talk about ideas.

The Kennett government's arts policy was an obsession with edifices — it was about saying, 'Mine's bigger

than yours, and if we haven't got a big one we'll build a big one'. Furthermore — and the emphasis on how destructive it has been should not be diminished — the Kennett government's arts policy was built on an obsession with imported popular culture. That is why our film and television industry was the poor cousin. It was left languishing by a government that did not care about Australian culture — about Victorian stories and Victorian storytellers.

The executive summary of the working party report dealt with content creation, production investment, services industries, training — a vital part of increased development of the industry — distribution and marketing. It said that at present there is no strong distribution presence in Victoria. That was the can-do kind of government Victoria had during the past seven years. That was the problem presented to this government.

What did the former government's arts policy for the last election campaign say? I looked and looked — and I am still looking. Its arts policy was silent on the state of the Victorian film and television industry. I do not know what the former parliamentary secretary for the arts was doing. We know what the Premier was doing. But together they were doing nothing for the industry. Their policy was absolutely silent on the matter. That silence can be compared to this government's arts policy. Its policy agrees that the problems as outlined by the film and television working party are absolutely accurate and that Labor wants Australian stories told in Australian voices. That means there must be government support for a Victorian film and television industry.

The government wants Victoria to again be at the centre of excellence for new media, film and television production. It must back Victorian product and provide the training facilities to encourage and develop new talent. The government's policy contains part of the solution to fixing the savage decline. Spending on film production in New South Wales is three times that in Victoria, and Victoria's share of domestic production and post production is 21 per cent, compared to 58 per cent in New South Wales.

Under the last government people in the industry did not look across the border at Victoria and say, 'We wish we were like them'. People who were formerly in Victoria's film industry have moved to New South Wales. They have picked up their cameras, editing machines and money and moved north. That is what you left. How will we fix it? That is what you are interested in. You could not fix it, because you did not

acknowledge there was a problem and you did not care. So how will we fix it?

The SPEAKER — Order! I point out to the minister that debate must be directed through the Chair. The constant use of the word 'you' across the table is not part of normal parliamentary debate. I ask her to make all her remarks through the Chair.

Ms DELAHUNTY — Thank you, Mr Speaker; I am suitably chastened. The Labor policy to revive the Victorian film and television industry has several components. Today I would like to announce two of its initiatives.

Firstly, the government will reprioritise the budget of Cinemedia. Under the last government Cinemedia spent a lot of energy on multimedia and the proportion of its budget spent on film encouragement and investment dropped by 31 per cent. This government will reprioritise the budget so that Cinemedia's money will return to supporting the Victorian film industry. The government will ensure that funding to Film Victoria is commensurate with the level it was at before it was consumed by Cinemedia. It will also provide extra incentive for novice film-makers under a novice film-makers fund. It will commit an additional \$400 000 over four years to creative producer, writer and director teams for short film productions. It will also put money into regional Victorian — —

An honourable member interjected.

Ms DELAHUNTY — That's new. There was no debate for seven years when everyone was gagged or napalmed. The government will also introduce a regional Victorian film location assistance fund. The former Deputy Premier would be aware that any film company that shoots a film in the country increases the disposable income of that regional centre exponentially. The government wants to encourage that effect and the \$400 000 over four years will be allocated for that purpose. The former government did not bother encouraging it and all the film-makers moved north.

The government will also encourage filming around Melbourne and cut through a lot of the red tape involving the service sector. It also wants to revive cinemas in country Victoria. That is another initiative for country and regional Victoria, which I know all country members will welcome. Another component of the policy is to encourage the professionals of the future, which will include nurturing the young talent in film-making and film production at the Victorian College of the Arts. The former government was silent on supporting the Victorian College of the Arts. The

new government is putting money into its recurrent and capital budgets.

A further investment by this visionary government is its restoration of the pre-eminence of the Victorian film and television industry by moving Cinemedia to the arts portfolio. The move is in response to an overwhelming demand, particularly by the film and television industry, which believes it belongs in the arts portfolio — and the shouts of joy can be heard all over Victoria.

In conclusion, I refer to the words of a man who has been central to popular culture around the Western World over the past 30 years. Last night I welcomed to Melbourne Lord David Puttnam to give the 1999 Cinemedia Grierson lecture.

The lecture had not been given under the last government. The last government did not want debate, ideas, democracy or any sort of discussion, particularly about the film industry, for obvious reasons. The Bracks government has revived the lecture. The Grierson lecture was given by no less a person than Lord David Puttnam. Honourable members will recall some of his film credits — *Chariots of Fire*, *Midnight Express*, *The Killing Fields*, *The Mission* and *Local Hero*. Last night he delivered a powerful *cri de coeur* about the nexus between journalism, visual media, movies, education and the arts. I was delighted to hear that not only is he such an eminent and successful film-maker, but he is a Labour politician who has just finished reforming the upper house in the United Kingdom, which gave me a lot of heart that the Victorian Labor Party will also be able to renovate that other place.

It is the responsibility of government, and particularly the education and arts areas, to work together to undo the damage that some of the violence in our popular culture is doing to our young people. The government will focus on screen literacy and attempts to diminish the damage of crude violence in some of our movies and multimedia. I look forward to accepting David Puttnam's invitation to work further with him to achieve that. It is a vision the government will pursue as it revives the film and television industry in this state.

I was terribly disappointed to learn that the honourable member for Mooroolbark has stooped so low by issuing reckless press releases. If the honourable member would like to work with the government to revive the industry that she was so silent about for seven years, I welcome her assistance. But I urge her: please do not be a ninny!

Dairy industry: deregulation

Mr McNAMARA (Leader of the National Party) —

The issue I raise today concerns the lack of leadership shown by the government in the Victorian dairy industry. At the outset we need to recognise the importance of the dairy industry to the state. It is our largest agricultural industry and our largest food exporter. It comprises 40 per cent of Victoria's food exports and in an international sense Victoria is very much a major player. In fact, half of the world trade in dairy products comes from Victoria and New Zealand. So on any scale it is an important industry.

It has been built up by a lot of investment over many decades and has experienced further acceleration in the past seven years under the coalition government. In fact, the value of Victorian dairy exports in the past seven years has grown from \$600 million to \$2 billion.

It is one of our fastest growing industries in the state. It is our largest export earner and is a major industry across many regional areas of Victoria, with important investment and employment on farm, processing undertaken in areas adjacent to farming areas, and providing valuable investment in factories across the state.

I will give the house an idea of the level of confidence the industry has had up to date. Under a coalition government companies across the state made investments worth billions of dollars, upgrading their process and capacity. The recent plant built by Bonlac at Darnum in Gippsland was the largest dairy processing plant ever built on a greenfield site in the world.

I am concerned that the government, when in opposition, was opposed to deregulation of the dairy industry. It was poorly advised when it took that view and had little understanding of how the industry operates. It locked itself into that position. It has now come into government and is in a bind because it promised to hold a plebiscite of dairy farmers across the state. It has spent the past 12 months running a scare campaign. The Minister for State and Regional Development was gleefully going around country Victoria telling people that half the dairy farmers in Victoria would go broke under deregulation. He is on the record as saying that between 3000 and 4000 dairy farmers will go broke under deregulation. The government is now in the bind that if the plebiscite gets up a revenue stream of \$760 million will be lost.

A very good arrangement has been reached by the Australian Dairy Industry and by dairy farmers across

Australia, led in Victoria by people of foresight such as Max Fehring, head of the United Dairyfarmers of Victoria, and unanimously supported by his state council which all take the view that they support deregulation. It is also supported by all the dairy processing companies in the state. The national leader of Australia's dairy farmers, Pat Rowley, has also been one of the main driving forces in getting the program up. The commonwealth government has agreed, through a levy process on consumers, to provide by way of compensation to dairy farmers a package totalling \$1.8 billion. Some \$760 million from that total will come to Victorian dairy farmers, but not unless the government deregulates the dairy industry by 30 June next year. If that fails to occur the deal is off, and there is no compensation.

One must then ask the question: what will be the impact? Clearly we will have deregulation without the parachute. The recent Senate inquiry headed *Deregulation of the Australian Dairy Industry*, a report of the Senate Rural and Regional Affairs and Transport References Committee, states at page xiv:

The committee concludes that sooner rather than later the market will force deregulation and that a managed outcome with a soft landing is preferable to a commercially driven crash. The committee also concludes that the proposed adjustment package will need significant refinement.

That refinement was to make it tax effective. Previously the commonwealth government was offering \$1.3 billion. Now it is offering \$1.8 billion, and \$760 million of that will flow to Victorian dairy farmers — but only on the basis that the government legislates prior to 30 June. We must have legislation in the house by March or April next year or the package will not be passed.

The government has not given an indication about what will happen if the plebiscite is not carried — if Labor's scare campaign prior to and during the campaign frightens dairy farmers into voting no. If you are not sure about something many might say the safest course is to vote no, as we have seen with the republican debate. If we get a no vote at the urging of statements by current ministers, will the government give an assurance to the house that it will supplement the money that was coming from the commonwealth? Will it provide, out of state coffers, the \$760 million to make up for the money that will now not be coming from the commonwealth? Will it also advise the house on how it will budget for the lost revenue stream through national competition policy? If we do not deregulate for six years Victoria's national competition payments — on an annual basis they are expected to be \$200 million — will be affected.

In discussions I have been having with the National Competition Council, it has indicated that the penalty for non-compliance, without removing deregulation, will be equivalent to what it would see as a cost to consumers when the regulation system is in place — for example, in New South Wales, where that state was not fully deregulating the rice industry, the National Competition Council estimated the cost to consumers would be between \$2 million and \$12 million. As a result of there being no move to deregulate that industry in New South Wales, the National Competition Council and the commonwealth government are placing an annual penalty of \$10 million on the New South Wales government.

Existing regulations are estimated to cost consumers \$500 million a year. Victoria's share of that is between \$95 million and \$120 million. So, over the six-year period, Victoria runs the risk of losing 60 per cent of those payments — \$120 million out of our \$200 million annual payment or \$700 million in total. That is on top of the \$760 million that will be lost to Victorian dairy farmers to enable them to pay off debt, buy the adjoining paddock, expand their operation, put in a rotary dairy or adjust to the issues involved in this deregulation process.

The Senate Rural and Regional Affairs and Transport References Committee produced the report entitled *Deregulation of the Australian Dairy Industry*. The committee was chaired by Senator Woodley, who started clearly on the basis that he was totally opposed to deregulation. He has done a full circle after considering the issues for obvious reasons. There is no constitutional basis for the existing regulated system to be sustained.

I draw the attention of the house to section 92 of the constitution, which provides for free trade between the states. Apart from whole milk no other product I can think of, agricultural or otherwise, is subject to restriction. There are no restrictions on horticultural product from Sunraysia. Growers from that area ship their food produce to Brisbane, Sydney and Adelaide. There is no restriction on beef cattle producers or manufacturers. Ford motor vehicles produced in Victoria are shipped around the country. Is the sale of materials extracted from mines restricted? Of course not!

It has been stated clearly by companies such as National Foods and other milk producers that they will test whether state legislation regarding milk regulation is sustainable under the commonwealth constitution. I can tell the house now that that will last 5 minutes. Those companies will go straight to the High Court.

From 1 July next year, as National Foods have said, we will have deregulation with rigour. That was the word used by National Foods. There is no way Victorian milk tankers can be stopped from delivering milk to Canberra, Sydney, Adelaide or anywhere else. Every other state knows that and is waiting to see what Victoria does. Representatives of every other state have said they are against deregulation but that if Victoria deregulates they are in favour; they realise it is a fait accompli.

Victoria produces two-thirds or about 66 per cent of Australia's milk. That percentage is growing year by year. The premium price of whole milk is twice the price of the manufactured product in Victoria. The proportion of whole milk sold at the premium price is shrinking every year. Victoria is getting a premium price on only 6 per cent of the milk produced, which amounts to roughly 44 cents a litre. The other 94 per cent of milk produced is sold at about 22 cents a litre — half the price.

Other states are fearful because they produce around 50 per cent of their milk at the whole milk price. In some cases the percentage is as high as 65 per cent. Following deregulation the phoney cross-subsidies in other jurisdictions will help Victoria's long-term investment. Anyone who wants to have a future in the dairy industry processing area in this country will have to move processing plants into Victoria to be competitive.

Our farmers are competitive. They are producing milk on farms on average for between 16 and 22 cents a litre. The cost of producing milk in New South Wales and Queensland is between 30 and 35 cents a litre. When visiting the electorate of the honourable member for Rodney I met a New Zealand farmer. He milks 1000 cows and is planning to milk 2000. He believes he can get his milk production costs down to 10 cents a litre — about a quarter of the cost of producing milk in states such as New South Wales and Queensland.

Deregulation is not in any way going to reduce the size of the Victorian dairy industry but will expand it further. We will have to lift production by at least 50 per cent to meet the demands of the processing industry. Companies such as Bonlac, building the largest processing plant on a greenfield site in the world in Gippsland and with other plants in the Murray–Goulburn area in northern Victoria, and Nestlé in Warrnambool are investing between \$30 million and \$150 million in plants across the state because they believe there is a future in the industry.

I am concerned about the scurrilous comments we heard from the Minister for Finance, telling the dairy industry that half the number of farms would go out of business and that there is no future in the dairy industry. The minister is mute now because he realises the comments he made in opposition were wrong. He realises that the only future for the industry in this state is to deregulate. That will expand the industry.

The package of \$760 million is being put at risk. I want a firm assurance in the house from the government that it will substitute that \$760 million from the finance coffers of Victoria if the state does not deregulate the industry by 30 June this year. The dairy industry has a great future. It is an international player. It must be given a vision for the future, and needs a government that shows some leadership.

The DEPUTY SPEAKER — Order! For the future reference of Leader of the National Party I point out that my title is Deputy Speaker, not Mr Speaker or Mr Acting Speaker.

Rural Victoria: services

Mr SAVAGE (Mildura) — Honourable Deputy Speaker, I grieve for the citizens of rural Victoria, especially those in my electorate. One of the positive results of the recent referenda was that they highlighted in a way that can no longer be ignored the differences between the attitude of white-collar professionals and blue-collar workers and people living in regional Australia. The widening gap has been evident for some time but, with the tendency of political commentators to analyse elections within a political framework, it has been ignored or has gone unnoticed.

Explanations for this development such as the inference that most Victorians who live in rural Victoria are stupid are counterproductive. Observations of the benefits of economic progress during the 1990s have been unevenly distributed between inner metropolitan Melbourne and the rest of Victoria and do not give people an appreciation of why regional Victorians increasingly are seeing things differently from the way Melburnians see them.

Perhaps the view from where I live can be summed up by a conversation that took place between a Melbourne resident and a friend in regional Victoria whom he visits regularly. The friend said that regional Victorians had once thought of Melburnians as brothers and sisters. In recent years, however, they had come to think of Melburnians as cousins. Now they wonder whether Melburnians even knew they were on the planet.

The story about Hopetoun that Kerry Conway told the State of the Environment Advisory Council in my electorate three or four years ago gives some understanding of why the sentiment has changed so dramatically. In 1976 the population of the town was about 850 people. By 1996 it had fallen to 700. As farm income fell the solicitor left and the courthouse closed, as did the branch of the Westpac bank, the State Rivers and Water Supply office and the Elders office. The weekly visit by the dentist ceased. As teachers left they were not replaced. The youth headed to Ballarat, Bendigo and Melbourne to find jobs. The population in 1996 included 80 widows and widowers living alone.

Farming families have had to take part-time jobs, as have shearers. Today the population has fallen to 650 people, and it continues to decline. The Shire of Karkaroor has ceased to exist, as has the shire office. The future for Hopetoun looks bleak. Hopetoun may be an extreme case but it is not an isolated instance of what is happening.

One person most conscious of this increasing gulf and who spends a great deal of time trying to quantify the differences in the social and economic environments of Melbourne and regional Victoria is Dr Bob Birrell from Monash University. He has analysed differences in income levels by age group, job growth rates and levels of service.

Dr Birrell's latest research is into medical services available to Victorians living in different parts of the state. Dr Birrell's findings are disturbing. He ascertained that in 1997-98 the 81 000 people living in the Mallee general practice division were served by an equivalent of 50 full-time doctors, translating to 1 doctor for 1620 people, the highest ratio in the state. Since then the number of doctors has increased to 56, of which 8 are overseas trained and therefore subject to visa restrictions. Since then the population has increased by 3000 so the ratio has also increased. That number is of even greater concern if one excludes Mildura, which has a population of 24 000 and is serviced by 22 general practitioners, an average of 1 doctor for every 1090 residents. However, Swan Hill, with a similar population of 21 000, has barely half the number of general practitioners — 12. By comparison, in Melbourne there is 1 general practitioner for every 998 residents.

One response to those statistics could be that they demonstrate that people living in regional Victoria are healthier than Melburnians and they do not need the same level of medical services. As one who sings the praises of regional Victoria at every opportunity, I wish

I could say that such an assumption was justified. Regrettably that is not the case.

The publication *Australia, State of the Environment 1996* is worthy of study by anybody who wants to know the reasons that lie behind the election results in Victoria in 1996 as well as this year — despite the former Deputy Premier's claim on the night of the election that it had been a great victory for the National Party — the Queensland results last year, the New South Wales election results this year, and the results in the latest federal election, in which One Nation attracted 1 million votes, despite Tim Fischer's pronouncements of victory over One Nation on the night of the election.

The State of the Environment Advisory Council, which commissioned the report, states:

The health of Australians as measured by broad indicators shows little variation between metropolitan and non-metropolitan settlements ... Rural and remote settlements have higher mortality rates for coronary heart disease than metropolitan ones.

Between 1990 and 1992, the standardised mortality ratio for cardiovascular diseases in metropolitan areas was 0.97 per cent, but for rural Australia it was 1.05 per cent. Those figures are significant because cardiovascular disease, according to the council, is Australia's biggest health problem, contributing to 25 per cent of all deaths in Australia.

A similar story can be told about respiratory diseases. The standardised mortality ratio for deaths caused by pneumonia, influenza and bronchitis was 0.97 per cent in the metropolitan area and 1.05 per cent in rural areas. For asthma sufferers the numbers were 0.96 per cent and 1.16 per cent respectively.

Turning from health to economic indicators, the Australia Bureau of Statistics (ABS) is continuing to develop an index of economic resources that enables comparisons between urban, rural and remote regions. The index measures employment and housing as well as the economic circumstances of households. The more resources households have the higher the number of units they accrue. In 1994 the index for households in major urban areas was more than 1000. For other urban areas it was slightly less and in rural areas it was about 950.

Not surprisingly, an examination of employment statistics reveals more of the same. *Australia, State of the Environment 1996* publishes the 1991 ABS data which reveals that the level of unemployment in major urban areas was about 11 per cent. For other urban areas the level was more than 12 per cent and for rural

areas close to 13 per cent. Since then the national unemployment rate has declined appreciably. However, the gap between metropolitan and regional areas probably has widened.

A report to be published shortly by Bob Birrell and Jo Wainer, *Regional Victoria: Why the Bush is Hurting*, states:

Since the recovery from the early 1990s recession, Melbourne has outstripped regional Victoria in job growth. Most of this has been in the property and business services area. The numbers employed in the cultural and recreational services sector, which include sport and gambling, have also grown rapidly, again primarily in Melbourne. The former Liberal government's initiatives in this area have worked! Regional areas have also benefited from growth in these two service areas, but from a much lower base than is the case for Melbourne. Regional Victoria has also suffered more — in employment terms — from the rationalisation of government services initiated by the Kennett government. Since 1991, employment in education and health services has held up better in Melbourne against the Kennett onslaught than it has in regional Victoria.

I turn to a comparison of employment in Melbourne and the rest of Victoria. In 1991, the number of employed persons in Melbourne was 1 434 700 and the rest of Victoria was 529 300. From 1991 to 1999 the percentage increased in the city by 13.3 per cent and in the country by 4.6 per cent.

To complete the picture I turn to income, and again I am indebted to the work of Dr Birrell. A couple of years ago he published his analysis of incomes based on the 1996 census. He drew attention to the income of males aged 25 to 44 years, the years in which the average male faces major financial responsibilities because he has obligations to children. Therefore, those years need to be the prime income-earning ones. The result of his research warrants greater attention than the 24-hour headlines it received at the time. The figures for males earning between \$0 and \$15 000 in Melbourne were 15.6 per cent and in country Victoria 23.4 per cent. At the highest end of the scale, which is \$52 000 plus per annum, it was 15.2 per cent in Melbourne and only 7.3 per cent in country Victoria. It is not easy to find ways to turn those trends. If it were, something would have been done by now.

The concern is that because there is no easy answer regional Victoria has always been put in the too-hard basket, or worse still, the decision-makers in Melbourne have been seduced into taking the easy way out and saying that the decline is inevitable, that that is the price that must be paid for progress and that there are no answers. Understanding the problems may not be the answer, but it is the start. The challenge that faces us all is to take that first step and to persist in looking for

effective responses until they are found. It is important to take up this challenge. If we do not, it will reinforce the sense of alienation and disillusionment of country Victorians that can no longer be denied in today's political consequences and emerging signs.

Unions: funds

Mr LEIGH (Mordialloc) — I raise a matter that concerns political intrigue, the loss of money to various members of the community, and a lack of trust that some people may have in particular individuals. This trail commenced in the 1980s, when a gentleman by the name of Mr Felix Dias came to Australia from Uruguay. He and a number of other people participated in the collection of \$100 000 from local churches, social organisations and political parties — definitely not from the Liberal Party, I hope. The money was supposed to be returned to Uruguay but allegedly was not.

I should say at the outset that I am not making these allegations — they are allegations and material that I have been given. I can supply the house with a statutory declaration if needed.

The matter also involves the potential misuse of a significant amount of money, at least \$5000 of one individual's money, that was used for travel to both Cuba and Switzerland. For the interest of honourable members I have a copy of postcards that were sent describing what a wonderful time some of those individuals were having. For a communist to invite a person over because that person pays suggests communism has some elements based on capitalism after all.

In the course of all this, other individuals who, to my knowledge — and it is alleged in documentation — —

Mr Nardella interjected.

Mr LEIGH — In fairness, I spoke to the individuals and I understand the value of a statutory declaration. Making a misleading declaration is, in effect, an offence of perjury. Up to \$200 000 has gone missing, \$5000 was used in another way and \$17 500 was supposed to go into a bank account but did not go to any account, and the person who signed the statutory declaration ended up in hospital undergoing a coronary bypass operation. I will pass on information to the police and I hope the matter will be investigated. I have told the individuals concerned that if they are wrong they should be charged with perjury, because they raised the matter with me in good faith.

Consequently, they filled out the form in Spanish. I had a Spanish-speaking person translate the document and I took it back to them. They agreed that what the document stated is what was said. They signed it and I co-signed it, and if the house is interested I can make a copy available. This matter also involves a takeaway business in which a substantial amount of money was lost.

Mr Nardella — You had better table it.

Mr LEIGH — It involves a takeaway shop that went bust and an individual who worked in the Honourable Brian Howe's office who had an involvement with Andrew Theophanous, who is in another place and, at the moment, as I understand, is facing — —

The DEPUTY SPEAKER — Order! I ask the honourable member for Mordialloc to resume his seat. I remind the honourable member, who has been here for many years, of standing order 108. I will read it to him. The standing order states:

No member shall use offensive or unbecoming words in a reference to any member of the house and all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

I remind the honourable member for Mordialloc of that provision and if he makes any personal reflections on members of this house or this Parliament, I will no longer hear him.

Mr LEIGH — At this point I have named Mr Felix Dias, who is not a member of any Parliament that I know of — —

The DEPUTY SPEAKER — Order! I ask the honourable member to resume his seat. The honourable member for Mordialloc seems to have a memory problem in that he referred to a member of the other house. I inform him that I will not tolerate such reflections on Mr Theophanous.

Mr LEIGH — I made the point, and I said 'Andrew Theophanous'. If I did not, that is my first point, but I accept what you say, Madam Deputy Speaker.

Many questions need to be asked. Can people take money from other individuals and not account for it? There is, in effect, a union known as the ALHM union. It, along with its organisers, participated in the scheme. A gentleman by the name of Warren Butler was involved in extracting — a fair word, I believe — \$4300 from the takeaway shop owner. It has been alleged — —

Mr Nardella — Where is your evidence?

Mr LEIGH — In the old days of the Mafia in the United States of America that action would border on criminal activity, because somebody can claim money has been taken from an individual without having any real evidence. The individuals allegedly went to the union, but were told that Mr Butler was not involved there any longer and they knew nothing about it.

I have a handwritten note about the \$17 500. It was alleged to me that the money should have gone to individual bank accounts on behalf of several people, but it did not. We are talking about the livelihood of people. I met two of the people after they contacted me; they are now on the pension. They seem to be a nice old couple with a son in the real estate industry. They are obviously hardworking people who, as migrants, have made a great contribution to our country. I can only take people at face value.

According to my information, the bank account held \$10 000, of which \$5000 was withdrawn on 20 January 1989 and used for travel to Cuba and Switzerland. When you trust somebody to look after your money you literally sign a power of attorney. I have a copy of the document, dated 13 October 1988. The power of attorney was used to hand over the bank account and assets including unit 2, 504 Punt Road, South Yarra; unit 706, 500 Flinders Street, Melbourne, and \$10 000 in a bank account. According to the statutory declaration, \$5000 was removed from the bank account and used for personal holiday travel.

It was not until 1990–91 — or was it 1999 — when the people returned to Australia that they became aware the money had been removed from the bank account and used for personal travel. These are serious allegations. There was an involvement by some elements of the extreme left of the Labor Party and the way it is mismanaging money. It must be remembered that when the Communist Party of Australia collapsed, they all joined the Socialist Left arm of the Labor Party.

Honourable members interjecting.

Mr LEIGH — You can laugh, but John Halfpenny was a member of the Communist Party. The Socialist Left faction effectively became the Communist Party of Australia. You could say a more extreme group was the Pledge Group, whose members on more than one occasion seemed to have more principles than many of the Socialist Left members.

The individual I mentioned came to Australia from Uruguay to collect the money — —

Mr Nardella — On a point of order, Madam Deputy Speaker, the honourable member has referred to a number of documents. Will the honourable member table the documents?

Mr LEIGH — I have my notes and they will all be made available to the house when I conclude; it is not a problem.

I seek a police investigation, at the very least. This matter needs to be aboveboard and the truth needs to come out, because the people I am talking about — Mr Roberto and Mrs Lillian Martinez, who struck me as nice people — are owed an explanation of what happened to their \$200 000. They are owed the cost of the pain they have endured, and they have lost their livelihood. They have lost everything: they have nothing. If the Bracks government is to be the open government it talks about, here is its first challenge.

I never thought I would quote the former honourable member for Sunshine, the Honourable Ian Baker, but when he left this house he said that unless the ALP gets a solid injection of participating democracy its support base will continue to dwindle at an alarming rate. He described the Labor Party as being full of bodgies and goats who are used for preselections.

Ian Baker was the architect of Workcover. He was a minister and probably was the most likely person to replace the honourable member for Broadmeadows had he fallen over earlier.

This is one of those great mysteries — one of the whodunits. Who did it? Which person seems to be a socialist — a communist — and is allegedly good at taking other people's money? I wonder whether we should play pick-a-box. Are we talking about a member of the Communist Party — the Labor Party? Are we talking about the likes of ex-ministers such as Ian Baker, who was a very credible person to stand up and say what he did. We are talking about the current member for Sunshine.

The DEPUTY SPEAKER — Order!

Mr LEIGH — On a point of order, Madam Deputy Speaker, one of the things I have noticed, and I have found references to it in the past so I think it is appropriate for me to raise a point of order — —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr LEIGH — If you look to — —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr LEIGH — If you look — and material supplied to me — —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr LEIGH — Just listen. What I am trying to say is that since 1983 the procedures of the house have changed. If you look at the references you will see that prior to 1983 you were able to raise matters.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc was told previously about standing order 108. It was read to him and he was informed that if he breached that standing order he would no longer be heard. I now call the Deputy Premier

Burwood: Liberal candidate

Mr THWAITES (Minister for Planning) — I grieve about the way the previous government conducted planning in Victoria, in particular the special deals that were done by the previous planning minister for Liberal Party mates.

One particular matter brought to my attention prior to the election was described to me as an absolute shocker. I could not understand why the then minister had intervened in the way he did — that is, until the government found out that the applicant in the particular case had Liberal Party connections. The matter became even more interesting when the government discovered that the applicant was Lana McLean, who was at that stage the Liberal candidate for the seat of Melbourne. She has now gone on to bigger and better things and is the Liberal candidate for Burwood.

Despite Mrs McLean's claims about her origins and where she grew up, she in fact lives in Prahran. The planning matter concerns her property in Alfred Street, Prahran. Mrs McLean wanted to develop her property and wanted to remove a carriageway easement that runs along one side of the property. The easement was of considerable benefit to her neighbour, Mr Ian McDonald, who lives on Punt Road at the back of her property, but Mrs McLean wanted to remove it so she could develop her property to increase its value.

Not surprisingly, Mr McDonald was not keen to lose the benefit of that easement, which was valued at some \$51 000. Mrs McLean could have applied to the Supreme Court to have the easement removed, which

would have been the proper course. Instead she went to the Stonnington council and applied for a planning scheme amendment to take away the property rights of her neighbour, Mr McDonald. Her aim was to benefit herself at the expense of her neighbour.

She was not prepared to go through the proper process by applying to the Supreme Court; she wanted to get a planning scheme amendment so she would not have pay. The Stonnington council did the right thing. It refused to remove the easement on the basis that it was an improper avenue to settle a civil matter — the amendment process should be reserved for wider strategic needs — and there was no net community benefit for the amendment. The council was not prepared to grant a planning scheme amendment to take away a neighbour's property right, which is what Mrs McLean wanted.

Mrs McLean was not satisfied with that determination. She did what so many Liberal Party members did under the previous administration, she applied to the minister for a ministerial amendment, which was done in 1998.

In support of her application to remove the easement she swore a statutory declaration before the police. If a person makes a false statement in a sworn statutory declaration he or she is liable for perjury. Mrs McLean needs to look carefully at that declaration and obtain careful advice about the statement she made. She said in her statutory declaration that her neighbour, the owner of 170 Punt Road, Prahran, had not used the right of way over 1 Alfred Street, Prahran, since he moved into the property in 1987. A blatant statement — her neighbour had not used the right of way. That statement in the statutory declaration is false, and Mrs McLean may well be liable.

Mr Perton — On a point of order, Madam Deputy Speaker, this is clearly an attempt by the minister to slur the name —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr Perton — The point of order, Madam Deputy Speaker, is that this is an abuse of process and an abuse of the grievance debate. In a grievance debate a minister of the Crown should be restricted to matters of government business and his or her own responsibilities. The minister is abusing the forms of the house in order to attempt to pervert the Burwood by-election.

The DEPUTY SPEAKER — Order! There is no point of order.

Mr THWAITES — As I said, Mrs McLean sought ministerial intervention.

Recently, as a candidate, Mrs McLean claimed in an interview on this issue that the matter had now been resolved. She also implied that the whole thing was handled by a town planner. The neighbour, however, had no knowledge of the matter being resolved and, as for a town planner being involved, the file reveals extensive personal involvement of Lana McLean in applying to the minister to get him to intervene.

Following Mrs McLean's request the former minister appointed a one-man committee to advise him on a proposed amendment. In June 1998 the advisory committee in the person of a Mr Kneebone recommended that the minister refuse to accede to the request and gave a number of reasons, the principal one being the reason the council had given — namely, that it was not a matter for a planning scheme amendment and should be handled by the Supreme Court.

Mrs McLean was not prepared to abide by the umpire's decision. She attacked the umpire and wrote to the minister on 26 June last year to say that the advisory committee had a clear bias against the removal of restrictive covenants. She asked the minister to reconsider the panel's recommendations.

The minister, in a somewhat unusual move, did exactly that. Rather than adopt the umpire's decision he brought in another umpire and set up another advisory committee, presumably to get the right result. The second advisory committee was set up early this year in the person of Mr Egils Stokans, and the matter was reheard in April. As revealed in the files, in May the second committee reported to the minister in exactly the same way as the first committee had done. It recommended the minister write to Mrs McLean and advise her that the easement would not be removed.

There was also, on 17 May — about the same time — advice from the department to the minister recommending that he send a letter to Mrs McLean to the effect that he would not accede to her request. At the bottom of the letter advising the minister something is written in handwriting that I believe to be the former minister's own. The text is as follows:

Hold and discuss.

That shows that the former minister got the advice and failed to act on it. Very interesting! He did nothing to follow the advice of his department or of the two committees. Why would that be? The file reveals that in the meantime Mrs McLean had written to the minister —

Mr Perton — On a point of order, Madam Deputy Speaker, in his last contribution to this debate the honourable member for Mordialloc was warned by you on a number of occasions about imputations against another member. You went so far as to prevent him from completing his speech. I ask you now to give the same warning to the Deputy Premier, and if the Deputy Premier strays, as the honourable member for Mordialloc did according to your ruling, you immediately rule that he be no longer heard. That would ensure that the Chair may continue to act in a fair way towards all members. I ask you to give that warning to the minister because, as you can quite clearly see, Madam Deputy Speaker, he is trying to cast some very wide slurs in order to gain political advantage, and he is misusing the forms of the house.

The DEPUTY SPEAKER — Order! There is no point of order. I have been listening carefully to what the Deputy Premier is saying. He has quoted words of the previous Minister for Planning, and I am sure he will continue in a manner that does not infringe standing order 108.

Mr THWAITES — I am simply laying out the facts as they appear in the file. The minister failed to follow the advice of the expert committee and his own department to send a letter to Mrs McLean. Instead, he sat on the advice he received and waited until the election so that Mrs McLean would be able to get her special deal.

Mr Perton — On a point of order, that was a clear imputation, Madam Deputy Speaker. If the minister merely wants to lay out the facts as they appear on the file, he is entitled to do so. The minister is now, however, trying to impute a motive to the minister. I put it to you that that is a clear breach of standing order 108. I ask you to rule that, in so far as the Deputy Premier is reading from the file, that is appropriate, but when he tries to interpret the reasons for the minister's conduct I ask you to rule that that is inappropriate and a breach of standing order 108.

Mr Brumby — On the point of order, Madam Deputy Speaker, having listened through this and the previous debate, I see clear differences. The minister is relying on facts. He has presented those facts to the Parliament. The only observation he has made is that the former minister did not make a decision on the matter until the election, which is factually accurate. I ask that you rule him in order.

Mrs Peulich — On the point of order, reading from *Rulings from the Chair 1920–1999* a ruling made by former Speaker Coghill —

Mr Thwaites interjected.

Mrs Peulich — Am I allowed to take a point of order or not?

The DEPUTY SPEAKER — Order! Is the honourable member addressing the Chair?

Mrs Peulich — I am expecting to be protected by the Chair impartially, as would any other member who attempts to raise a point of order.

The DEPUTY SPEAKER — Order! Perhaps the honourable member for Bentleigh would sit down. If the honourable member for Bentleigh wishes to be heard she will address the Chair in an appropriate manner.

Mrs Peulich — I appreciate the directions of the Chair and expect that the rules will be applied impartially to all members irrespective of which side of the house they sit on. I attempted to raise a point of order and quote a ruling of former Speaker Coghill:

A member is not allowed to make imputations against members of this house and the other place in debate by using documents prepared by someone else or in someone else's name.

Clearly, the minister is breaching the conventions of this house.

The DEPUTY SPEAKER — Order! I will hear no further speakers on the point of order. I do not uphold the point of order. The Minister for Health is referring to actions taken by the previous minister, and he is going through that process.

Mr THWAITES — I am simply laying out the facts, which I propose to continue to do.

Lana McLean has filed a false statutory declaration. The declaration states that since moving into the property the neighbour 'has not used the right of way'. That is false; the expert committee found that the right of way had been used. The expert committee specifically stated that it preferred the evidence of the neighbour regarding the use of the carriageway over that filed on behalf of the McLean's.

The poor old neighbour who was suffering under the attack by Mrs McLean states that he had used the road on a number of occasions:

On one occasion I became bogged in the road when using it after some sewerage works had been carried out ... On one occasion my eldest son stalled his vehicle on the road and was verbally abused by Lana McLean. Subsequently I was also verbally abused by Lana McLean regarding the same incident.

It is clear from the file that Lana McLean knew the carriageway had been used during the time the neighbour had lived there. Despite that, she filed and swore a false statutory declaration. Is that the sort of person who should be standing for Parliament? Mrs McLean is not a good neighbour. She says she will move into Burwood. No-one in Burwood would want her as a neighbour! She is not fit for office; anyone who swears a false declaration is not fit for office.

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

Burwood: Liberal candidate

Mr MACLELLAN (Pakenham) — I join this grievance debate to briefly respond to the matters raised by the Deputy Premier and Minister for Health. He has sought to use the privilege of Parliament to attack a citizen. He has shown his political motivation in the matter. One of the few things I share with the Deputy Premier is that I am qualified as a lawyer. I would have thought that he would have known that if he wished to raise issues about a statutory declaration and the truthfulness of such declaration the Parliament is not the place for a deputy premier to do that. If he wished to attack the reputation of a citizen for political purposes, I would have thought he would know that Parliament is not the place to do it. Who is there to defend the citizen?

The Deputy Premier has ascribed motives and has attempted to interpret in a way which has led him into error, and his error is gross. I am not sure whether he was using the term in relation to the honourable member for Bentleigh or a citizen or me, but I heard him use the word 'crook'. I do not know whether Hansard recorded it or whether you, Madam Deputy Speaker, heard it. He used the word while the honourable member for Bentleigh was attempting to raise a point of order. Being a man of honour, the Deputy Premier would not deny that he used the word 'crook' in the house. He will, of course, take advantage of the fact that he did not say who he meant to be the crook. I start by saying that I am not.

Mr Thwaites — Do you want to start getting to the point?

Mr MACLELLAN — The Deputy Premier is interjecting in an attempt to cover his tracks.

What the Deputy Premier said — and he knows it not to be the case — by which he inadvertently misled the house was that I appointed a second panel. The answer is that I did not appoint a second panel. The second panel was appointed in the name of the minister —

Mr Thwaites interjected.

Mr MACLELLAN — The reaction from the Deputy Premier is what I would expect. The Deputy Premier, who is also Minister for Planning, knows that panels are appointed by the three permanent panel people, and that it is not a personal —

Mr Thwaites interjected.

Mr MACLELLAN — It is not, and has not been a personal decision of the minister; it has been put at arm's length from the minister. I hope the Deputy Premier will continue that practice and will allow the independence of the appointment of panels to be of great and continuing benefit.

Mr Thwaites interjected.

Mr MACLELLAN — Of course the Deputy Premier is still trying to smudge the issue and justify his use of Parliament to besmirch the name of a citizen by his ascribing of motives beyond facts, because he does not like facts coming out when he is corrected. The truth of the matter — and he knows it but did not share it with Parliament and therefore inadvertently misled Parliament — is that he knows the appointment of panels is done independently.

The first panel report to which he referred by Mr Kneebone was observed by the chief panel person to be, in effect, protested about. I might add that all panel reports become public. There is nothing strange about them, they are made and become public.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I would like to be able to hear what the honourable member for Pakenham is saying.

Mr MACLELLAN — Madam Deputy Speaker, it is not as if the Deputy Premier has revealed some panel report that was hidden to the world, far from it. The panel reports become public documents, and Mr Kneebone's panel report became a public document. On its receipt it was reviewed by the chief panel person and it was that person who decided that Mr Stokans should conduct a further panel review of the matter. Why did the matter get to the minister at all?

Mr Thwaites interjected.

Mr MACLELLAN — I suppose the present minister is finding it hard to come to terms with the fact that he is the minister and people will be making requests to him. How did it get there? It was as the

result of a letter which was reported about in the press. The good officers of the City of Stonnington said, 'If you don't like the decision, Mrs McLean, raise the matter with the minister', which is exactly what she did. She wrote a letter, and the letter is on the file.

Mr Thwaites interjected.

Mr MACLELLAN — Having had his chance, the poor Deputy Premier wants to deny other people theirs. Madam Deputy Speaker, I note that I did not interject during his presentation, I wonder why he feels he has to interject during mine. However, Mrs McLean was advised by officers of the good City of Stonnington that if she did not like their decision on her request for an amendment to remove the easement and free her property to have a reconfiguration of its car parking, she should take the matter up with the minister. That is what she did. The same amendment which she had requested and which the City of Stonnington had refused to advertise or put into any process was put into the public arena, and responses to it were made by the neighbours.

There was an objection to the requested amendment and the matter went to an independent panel for report. Those reports are public. Because both panel reports were adverse to the suggestion of the amendment — that is, they both reported on the facts that they did not believe the amendment ought to be approved — it was not approved. So the person — —

Mr Thwaites — You deliberately sat on it.

Mr MACLELLAN — Again the Deputy Premier is anxious to ascribe motives to people. He said, 'You deliberately sat on it'. His reference is to the words 'hold and discuss', which he alleges — and I have not seen the document, but never mind — were written by me and discussed, meaning discussed with the department. The Deputy Premier would not allow that proposal or that idea to infect his mind. He has a keen desire to make his own fevered imagination the truth. His own fevered imagination is that there were two publicly available panel reports, both of which in their end recommendations said that the amendments should not be approved. That was the appropriate outcome to the request made by Lana McLean. She did not get the amendment; she did not get the removal of the easement.

If any process other than approval of the panel reports had been even contemplated it would have been a public matter that would have been made public in Parliament, because any amendment made to any planning scheme is presented to Parliament. Parliament

then has the opportunity to not only debate its merits and other aspects, but also to disallow it. It was inappropriate for Lana McLean to be given the amendment, and the amendment was not approved.

Mr Thwaites interjected.

Mr MACLELLAN — The Deputy Premier has such concern about the matter that he is going red — I presume with some embarrassment — and interjecting.

Mrs Peulich — Either that or blushing.

Mr MACLELLAN — Maybe it is blushing. It does credit to him that he blushes, even if he has left it a bit late. In his anxiety to try to influence the good electors of the Burwood electorate, he has gone right over the top. It is a misfortune that the minority Labor government, in its desperation to influence the outcome of a by-election in Burwood, would involve the good reputation of the Deputy Premier in such a sordid little assassination exercise. It might have sounded rather good if, after two panel reports against it, I had approved the amendment. That might have been something he could well have raised through the parliamentary process — not about the citizen, but about me. But he knows he cannot do that because the amendment was not approved. He then covered that little possibility with the suggestion that the matter was being held for five months.

Mr Thwaites interjected.

Mr MACLELLAN — Let me assure the honourable member that during the five months the panel reports were perfectly clear and perfectly public, and the result of the application was perfectly clear — the amendment was not approved.

Mr Thwaites interjected.

The DEPUTY SPEAKER — Order!

Mr MACLELLAN — It seems to me that the Deputy Premier is desperate in his assassination attempt on a citizen's reputation. His political motivations are all too clear. His excess in interpreting the file in Parliament is simply directed at trying to make something out of nothing. The bare facts were that an application was made to the Stonnington council and it refused to process the amendment.

But very thoughtfully they added that if she did not like their decision she could go to the minister. She then wrote to the minister and the minister arranged that the same amendment would be made public and that people could object to it in any way they liked.

Objections were received and the matter went to a panel. The chief panel person, Helen Gibson, reviewed that panel report and decided to ask Mr Stokans to undertake a further panel report, which was done. It maintained that the amendment should not be approved, and the amendment was not approved.

The bare facts of the case do not support the assassination attempt made in Parliament by the Deputy Premier. I believe he has dishonoured his reputation.

City Link: air-quality monitoring

Ms GARBUTT (Minister for Environment and Conservation) — I grieve today for those people living near the City Link Domain and Burnley tunnels. I advise the house and the people of Victoria of a serious failure by the City Link builder, Transfield Obayashi Joint Venture (TOJV), to meet its obligations to the public regarding background air quality monitoring prior to the opening of the City Link tunnels. Unlike the previous government, which no doubt would have covered up the matter and told nobody, I will provide the information today so that everyone is fully informed. I have also asked the chairman of the Environment Protection Authority, Dr Brian Robinson, to be available to answer further questions on the problems revealed and the actions undertaken and proposed by the EPA.

Serious flaws have been uncovered in the data from the monitoring of background air pollution from the City Link tunnels by TOJV. It is not clear how much of the data will be useful and accurate for the Domain and Burnley tunnels. That is an outrageous situation. The community was depending on those figures. They were fundamental to establishing the base line for measuring the impact of City Link on existing air quality. Without those figures the local residents have no way of knowing what impact City Link will have on their health and their quality of life. Such information is essential to building public trust in the project.

There has been serious concern and controversy about the levels of pollution to be expected from the City Link, and the background monitoring was an attempt to reassure the public, but particularly local residents, that their concerns were understood and could be addressed if they were proved correct and the previous government was wrong.

The community has been let down again by this project. The public has a right to be angry because its protests were ignored by the previous government. Now the information it was promised to give assurance about the health concerns is in doubt. The works approval

required TOJV to provide monitoring data to the EPA each 12 months. The data was required to be provided in a National Association of Testing Authorities (NATA) certified report.

The initial data provided to the EPA in April of last year for Burnley was satisfactory. However, the information provided in June of this year, following investigation by the EPA, has uncovered serious problems with the data from South Melbourne and Burnley. The main issues include serious malfunction of sampling equipment and serious problems with quality control, including regular servicing, calibration and record keeping for the monitoring equipment. The collection of the data was undertaken by a contractor, Enviroeng, a NATA-accredited organisation, on behalf of TOJV.

I will outline the action the EPA has taken. It has been taking strong action and is following it up. The authority has advised me that it has now served a notice on TOJV requiring monitoring equipment and procedures to be fixed. It has issued two penalty infringement notices on Transfield Obayashi in respect of the provision of misleading monitoring data to the EPA for the South Melbourne site.

The Environment Protection Authority is currently undertaking a check of all the data that has been provided and is available, to establish whether it is useful and accurate and for how long and for which particular pollutants. The EPA is also undertaking a formal investigation into the most serious reporting breaches relating to the Burnley Tunnel, and this may well result in legal action being taken by the EPA in the future. The authority will also appoint an independent auditor to audit future data collection, and the works approval will be amended by the EPA to require all outstanding monitoring issues to be addressed.

Although the authority has received a licence application for the opening of the Domain Tunnel, it is unable to deal with it until the works approval has been complied with, including the provision of adequate monitoring data. There is also a need to provide correctly positioned sampling ports at the Grant Street ventilation stack for the Domain Tunnel. The EPA believes the outstanding issues on the Grant Street site can be resolved quickly. There are more doubts, however, about the Burnley site.

In line with the government's clear commitment to community involvement on issues that affect the community, the EPA will ensure that residents and local councils are considered prior to finalising the licence for the City Link tunnels. The EPA will also be

working with the community and local government to establish a monitoring committee, and that committee will provide a forum for the local community to participate in an ongoing review of City Link air monitoring data. It is an open process, and it contrasts totally with the previous government, which was secretive and hid everything as long as it possibly could.

Before the tunnels can be opened TOJV must demonstrate to the EPA's satisfaction that it has complied with the works approval. Only then can a licence be issued to operate the ventilation systems. It is now up to the builders to show their commitment to the community and to ensure that City Link is open on time. The government is demanding answers. It wants a full report from the Environment Protection Authority on what went wrong and why; how it has affected the data on background air pollution and for how long over the 12-month period; what legal action can be taken by the EPA, when and against whom; and most importantly, what impact it expects this problem to have on the opening of the two tunnels.

The government will ensure that public confidence is restored by guaranteeing that the monitoring data will be sufficient to allow accurate and reliable comparison with data collected once the tunnels are open. That fundamental requirement must be met so that the public understands the current situation and a valid comparison is available in the future. There are major concerns about the impact of the project on the surrounding air quality. The project may increase the level of pollution close to the tunnels and have a significant impact on the health of local communities.

Despite those concerns the previous government pushed ahead. It pushed the concerns to one side and said the public could be reassured by having the current air pollution levels monitored accurately for 12 months to allow for seasonal conditions, which would provide a valid benchmark against which the impact of the City Link proposal could be measured. With those background and operating figures the public would know exactly what impact any increase in pollution would have on community health and lifestyles. There is also the possibility of putting equipment into the air vents to allow the pollution to be cleaned up.

All of those promises will have come to naught if this measuring system fails and if there is not that baseline information against which to measure any anticipated increase in pollution. It is a fundamental flaw because it will take away the public's confidence in measuring pollution levels. Without that confidence and those pollution figures the public will feel totally let down,

even conned, by the previous government because it will not be able to measure the impact, if any, of City Link pollution.

I stress that the Environment Protection Authority cannot allow the tunnel to open until it is satisfied that the background monitoring of existing air pollution is available. The EPA must be satisfied that the works approval process has been complied with. It is now up to the City Link to show its commitment to the community and ensure the City Link opens on schedule.

Parks Victoria: restructure

Mr PERTON (Doncaster) — I grieve for the state of Victoria's environment and conservation activity under the administration of the government and the Minister for Environment and Conservation. The house has just seen the most extraordinary attempt to slur the names of commercial entities and beyond that to sabotage infrastructure in the state of Victoria.

The opposition certainly supports clean air for Melbourne residents and high environmental standards for air pollution. The minister has full authority over the Environment Protection Authority but comes into the grievance debate and essentially attempts to make a ministerial statement under the guise of a grievance debate. What extraordinary words the minister uses — 'the EPA should'. The minister is responsible for the EPA. She has the power to direct the EPA. Yet she comes into the house like a backbench member of Parliament trying to act in a grievance debate from an opposition perspective. This is not an example of ministerial competence. The government is full of vengeance and is demonstrating a lack of vision, a lack of policy and a lack of management skills.

Mr Hamilton interjected.

Mr PERTON — The Minister for Agriculture interjects, saying, 'Still learning'. Of course the government is still learning.

The matter I raise in the grievance debate relates to the extraordinary policy proposals by the Minister for Environment and Conservation. The policy proposals are shameful. I have copies of two environmental policies from the Labor Party that were issued in the last election campaign. One is called 'Greener cities — Labor's plans for the urban environment' and the other is called 'Our natural assets — valuing Victoria's natural environment'.

The Minister for Environment and Conservation, who is at the table, was the Labor spokesman responsible for

the release of both policies. Either she is not good at proofreading or alternatively she has advisers and groups pushing the agenda and not letting her make a logical decision. Perhaps her decision to make a grievance statement today was a further tribute.

I refer the house to 'Greener cities — Labor's plans for the urban environment'. Under the heading 'Protecting and preserving urban open space' it is stated that the Labor Party, in government, will do the following:

Revamp Parks Victoria into a new Melbourne Parks and Bays Service under its own act to care for our parks, to protect their recreational, environmental and historic qualities and ensure that they are left intact for the next generation. It will also coordinate development of local parks in partnership with local government.

This policy also states:

A one-off allocation of \$0.5 million will be provided in 1999–2000 to the Department of Natural Resources and Environment to assist in revamping Parks Victoria into a new Melbourne Parks and Bays Service.

It is impossible to do that with that amount of money. The administration and re-signing of every facility of Parks Victoria within the urban area alone would cost many times that. But what is stranger and sillier still — the minister is obviously in consultation with the Minister for Transport, who is shocked that his City Link tunnel is going to be sabotaged by the Minister for Environment and Conservation — is that the Minister for Environment and Conservation in her other policy, 'Our Natural Assets — Valuing Victoria's Natural Environment', states:

Labor will restructure Parks Victoria and establish a separate government National Parks and Wildlife Service ... specialising in the environmental management of conservation areas and endangered wildlife ...

A maximum of \$4 million will be allocated over four years from 1999–2000 to 2002–2003 as additional funds ...

The first question the minister has to answer is whether the figure is \$4 million or \$0.5 million. Today I rang a sign-writer to get some assessment of the sign-writing cost of engaging in those two absurd policies. Those costs extend well beyond \$2 million.

Why is the minister doing this? Is it because the Victorian National Parks Association wants it? Is it because any of the green groups in Victoria want it? The answer is no. There is no organisation working in the green movement in Victoria that wants to shut down Parks Victoria. Why is that the case? It is because Parks Victoria is one of the best agencies in the world. Members do not just have to ask me or other members on this side of the house. They can ask the environment

protection agencies and national parks services of Canada, California and New Zealand, all of whom admire the work being done by Parks Victoria and consult Parks Victoria on a regular basis.

Parks Victoria manages 4 million hectares of parks and reserves, 36 national parks, 3 wilderness parks, 31 state parks, 83 regional parks, 11 marine and coastal parks and reserves and 3000 Crown reserves. Parks Victoria works so well because it engages in some of the best professional research and training in the world. If parks administration can be merged so that the people operating in rural areas and those operating in city areas can share their expertise, great synergies result.

Anecdotal evidence I have received from rangers, for instance, is that rangers who have operated in the metropolitan environment and are used to dealing with large numbers of park visitors and who are relocated to national parks in rural and country areas are able to help in that management. That synergy is fantastic. At the same time rangers who have traditionally worked in country areas and are brought to metropolitan Melbourne can identify weeds, pests and the like, bringing new expertise to metropolitan parks services.

The community has to ask itself which policy is right. Is it the \$0.5 million or the \$4 million? Can \$4 million cover the costs, and why should \$4 million be spent on what is clearly an ideological pursuit of the minister against Parks Victoria? That money could be spent saving our environment. Why couldn't the \$4 million, if it is \$4 million — I doubt it could be done so cheaply — be spent on serving the national parks?

Yesterday morning I walked through the Warrandyte state park, a fantastic tribute to Parks Victoria — koalas in the trees, platypuses — all achieved under the coalition government and the administration of Parks Victoria.

Mr Hamilton — How many did you sack?

Mr PERTON — Some \$4 million to pursue the ideological agenda of those across the table! I ask the Minister for Agriculture, interjecting across the table, what could be done with \$4 million in restructuring Parks Victoria. It is extraordinary.

It is clear that the minister did not read her own policy documents before she released them. She certainly did not proofread them before she released them. Is it a revamp of Parks Victoria? Is it the destruction of Parks Victoria? The people of Victoria expect better than this. The rangers, who do such excellent work, are in an utter state of confusion. They have no idea why this approach has been taken in the policy document. They

have no idea why the minister would want to pursue it. The minister, in an utterly mindless and vengeful way, wants to destroy an organisation that is the best of its kind in the world. She wants to destroy the morale of the work force. She wishes to take \$4 million that would be better spent on research and the management of parks out of the budget for re-signing and re-badging.

Does the minister want to run around unveiling signs? The minister believes in grandstanding. She has used the grievance debate to raise the matter rather than delivering a ministerial statement on City Link. There clearly is confusion. The record should show — and the television cameras should show — that Peter Bachelor is as utterly confused as everyone else.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member will refer to honourable members by their correct titles.

Mr PERTON — The Minister for Transport is utterly confused. He is engaged in consultation with the Minister for Environment and Conservation because, rather than behaving appropriately the minister has misused the grievance debate, thus preventing one of her new backbenchers from raising a matter. Perhaps the honourable member for Springvale wishes to talk about the drugs issue. The honourable member for Footscray has been reduced to using the adjournment debate to raise matters. It is strange to see a government minister following another government minister, misusing the forms of the house and misusing the grievance debate. I grieve for environment and conservation in Victoria under the minister's administration.

City Link: air-quality monitoring

Mr BATCHELOR (Minister for Transport) — I begin by making it clear that environmental laws have been broken, as a result of which the Environment Protection Authority (EPA) has issued penalty infringement notices (PINs) against Transfield and Obayashi, the subcontractors that are building City Link. The shadow minister for conservation and environment has just defended the breaking of those laws, which is absolutely outrageous.

Mr Perton — On a point of order, Mr Speaker, firstly I ask the Chair to rule that the minister's statement is out of order as a breach — —

Mr Hamilton interjected.

Mr Perton — Have you read the standing orders? Perhaps the Minister for Agriculture has not read standing order 108.

Mr Hamilton interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The Minister for Agriculture will remain silent.

Mr Perton — Secondly, as you will acknowledge, Mr Acting Speaker, I indicated that the opposition will hold the government to the highest air-quality standards. The minister is misleading the house. I take objection to the words and I ask the minister to withdraw the statement.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Doncaster has taken exception to the words used by the Minister for Transport and I ask the minister to withdraw them.

Mr BATCHELOR — Mr Acting Speaker, you have asked me to withdraw them, and I withdraw. However, environmental laws have been broken and the government will not stand by and allow that to go unheeded. Neither will the government try to keep secret information it has received that is important to the community. Today's grievance debate has enabled the government to bring such matters to the attention of Parliament and the public.

What has happened? The opposition has criticised the government for being open and accountable. The government will not keep things secret, which the previous government did. When things need to be brought to the attention of the public the government has given an undertaking that that will happen. PINs have been issued, and it is only fair that the Parliament and Victorians know about it.

If the City Link project is to proceed on time it must satisfy a number of criteria, one of which is that it must meet the requirements of environmental law. It must meet to the satisfaction of the EPA all the requirements that were laid out in the works approval. The works approval document issued by the EPA sets out the things the contractors and their subcontractors must do. In the agreement between Transfield Pty Ltd, the Obayashi Corporation and the EPA, various requirements were set out as long ago as 10 June 1997, under the administration of the previous government. The opposition wants the government to keep it a secret, but we will not.

Under the works approval agreement, the EPA told the builder of the City Link project, the Transfield Obayashi joint venture, that it must do certain things. If

it does them properly and in accordance with the law, the EPA will issue a licence. TOJV can then take the licence and the evidence of its meeting all the other engineering requirements to the government, which will give it permission to open and operate City Link. I refer to paragraph 2.18 of the works approval document, which states:

The occupier must conduct an ambient monitoring program acceptable to the authority in the vicinity of each exhaust stack to measure air quality.

To understand what that means, it is worth noting that the exhaust stack at Grant Street is the outlet for the fumes from the Domain tunnel, the shorter tunnel. The exhaust stack at Burnley is the outlet through which the fumes and other pollution from the long tunnel, the Burnley tunnel, are to be discharged into the environment for people to breathe. The proposal is to have a monitoring station at each end of the tunnel to establish the background level of pollution. As City Link becomes operational, the community can measure and monitor the change, if any, in pollution. The system was designed to be clear, accountable and open. For the process to work, a base line is needed. One must know what the prior conditions were. That is what the 1997 works approval process attempted to set out. Paragraph 2.19 states:

The monitoring program referred to in condition 2.18 must commence at each of the sites no later than within three months of the date of issue of this approval and continue until the ventilation system is operational.

That means, firstly, that the pre-existing levels of ambient pollution at both vent stacks — both sources or sites of pollution — have to be measured. The works approval sets out the time over which that has to be done. It states that the ambient monitoring was to commence no later than three months after the date of issue of the approval. The joint venture was to have commenced the monitoring process within three months of 10 June 1997 and continued to monitor in a fashion acceptable to the authority, providing the EPA with a report every 12 months.

That monitoring process continued. The reports rolled in in due course and were handed to the EPA, which monitored and analysed them. It detected problems and further investigated what was happening. As a result the EPA has issued PINs. Today the government is advising the Parliament, as it should, that there is a further problem with the City Link project that could well result in its being further delayed.

It appears we now have a gap in the background information. The gap in time is not of only one day but of a longer period. You cannot establish definitively the

background or ambient level if you have gaps in it. It is as simple as that. That gap must be filled.

Mr Perton — You are the minister.

Mr BATCHELOR — The honourable member for Doncaster interjects. His is the most pathetic defence I have heard.

The ACTING SPEAKER (Mr Lupton) — Order! The minister should ignore interjections.

Mr BATCHELOR — It is clear that a program was in place, but the data has not been collected. If one cannot establish the ambient record over a period, the difficulty that TOJV will find is in being unable to satisfy the Environment Protection Authority's requirements. This is a terrible situation because again, Transurban has been let down by its contractors. We have seen it before with the Data Connection company at the call centre. It massively let down Transurban and the wider community, but now its contractors and subcontractors have let it down. Enviroeng Pty Ltd, a company that is NATA accredited, has been carrying out a monitoring program that is an absolute disgrace. Day after day, month after month it has used equipment there which has been found to be faulty and did not work properly. The equipment had a crack in it. The company representatives would collect the information, package it and send it to the EPA.

Then the EPA started to notice things were not going right. It made inquiries, did not get satisfactory answers and conducted an audit. It went to the vent stacks, opened the monitoring equipment and there it was — cracked and open so it could not work properly! No wonder the data being provided was faulty, and it is no surprise that infringement notices have been issued for providing misleading monitoring data. How can anyone have faith in equipment which, when the EPA inspected it, was found to be cracked and had not been operating properly — not just for that one day but for months, apparently?

This is a most serious matter. The community must know over time that the air people breathe is clean, and the only way that can be ensured is by taking measurements at the commencement and subsequently. But if the first job is not done properly, the second and subsequent jobs cannot be done properly. The government guarantees that in relation to the City Link project, Transfield, Obayashi and Enviroeng will not be able to move away from their responsibilities. They will be required to live up to their responsibilities and to the law.

The project has been one tragic disaster after another. The Kennett government set this project up and structured it in such a way that the risks were to be passed down the subcontract chain. It said the risks should be placed with those best able to handle them. That is what it may have said, but it allowed not only the risk but also the responsibility to be subcontracted. It passed from one person to another. It was a little like using binoculars around the wrong way — when you look through them everything seems far away or small.

That is what the Kennett government tried to do. It wanted to subcontract out and pass the risk down the line. It was warned that it would not work and would create a disaster. It has now created huge difficulties for Transurban in trying to resolve the problem that clearly confronts the company.

The government undertakes that the City Link project will not be allowed to open until it has satisfied the requirements of the EPA, until the tunnel is made safe or until the tolling technology can operate properly. They are the three requirements that the government says must be met. The government will look after the interests of motorists and — —

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

Shepparton: coalition record

Mr KILGOUR (Shepparton) — I grieve for the people of my electorate and country Victoria who in recent days have had to put up with the minister responsible for decentralisation bagging and putting country people down by saying it has to be rebuilt. My electorate does not need to be rebuilt. If honourable members want to see how a vibrant country centre operates, they should come to Shepparton and my electorate, into the Goulburn Valley, and see what is happening in country Victoria.

I also warn the government that it has another think coming if it believes it can get country Victorians onside by servicing the cities of Bendigo, Ballarat and Geelong. In the real heart of country Victoria people are sick to death of the pork-barrelling and promises made to Bendigo, Ballarat and Geelong only because Labor seats were won there.

The real strength of country Victoria is in the outer regions, from where important dairy and fruit products are exported. Things are not so crook in the bush as people will pretend. Yes, we may have problems in some areas, but rural Victorians, who have a great quality of life, understand that and would like their city cousins to understand it.

Rural Victoria does not necessarily need to be rejuvenated. What has happened under the coalition government in the past seven years in my electorate has been magnificent; in every part of my electorate I see evidence of the great things that occurred during that period.

Frequently I travel to visit the 21 or 22 primary schools in my electorate. Each is in magnificent condition. When I was first elected those schools were 14 years behind in the cyclic maintenance program. Now the maintenance program has provided not only maintenance dollars but has made improvements — for example, to erect sails or new roofs in certain areas to ensure children are safe from the harsh sun.

The maintenance program for schools is okay. I have not one complaint in my office from a school in my electorate about maintenance problems. For example, a new science and technology centre has been built at Shepparton's McGuire College. A new arts technology wing is soon to be opened at Wanganui Park High School. Those magnificent facilities will ensure country students are kept up to date with the latest technology to serve them well into the next century.

A new food technology centre is about to be built at the TAFE college in Shepparton. That will be of vital importance because of the importance of food technology and processing in the Goulburn Valley. Students will not need to move to Melbourne to learn about food technology in particular because they will be able to learn it in their home town.

Yesterday I heard the Minister for Education talking about schools being closed without consultation. It is obvious she was not in this place when some of the small country schools were being closed. In my area proposals were put forward at meetings with school communities to decide whether it was necessary for schools to close and for the students to be sent to bigger schools. Not one primary school closed in my electorate at that time, but a couple of schools have closed since then because the school communities went to the education department and said, 'We believe in the best interests of the students the school should close and the students should travel by bus to schools 8 or 10 kilometres away to give them better opportunities'.

The grade 2 child of a former president of a school council came home crying after having a row with the only other child in grade 2. The gentleman came to me and said, 'Under no circumstances will our school close'. Following that incident he took two children out of the school, which meant its enrolment fell below the

criterion. The school community decided to close the school, and I supported that decision.

The former students of the senior secondary college that was closed because it had fewer than 300 students are now being well catered for at the other two schools. The local community is committed to using the site of the old school to bring together the special development school in Shepparton and the Goulburn Valley special school, which will provide a brand new school that will give students the best opportunities in later life. That was all being done under the previous government, and the people of my electorate and country Victoria are very appreciative of that work.

Health is the other area in which a large amount of taxpayers' money is being spent. The Goulburn Valley Base Hospital has a magnificent acute care centre. Some \$12 million was spent to provide a psycho-geriatric centre and a new psychiatric centre at that site, and more than \$2 million was spent on the new hospital in Tatura, one of the great towns in my electorate. My electorate has been well looked after and does not require anything in the area of acute care. The people of my electorate are appreciative of the excellent facilities in the area.

Crossing the Goulburn River and approaching the town of Mooroopna one sees a brand new art centre, the Westside centre for the performing arts. In the Goulburn Valley performing artists have the best possible facilities to work with — for example, fly towers provide the easiest and best way of creating sets. The centre is a great impetus to the performing arts in rural Victoria. The former government also committed funding for the refurbishment of the town hall, which will provide another great facility.

A brand new, \$6 million law-and-order complex has been established not far from my office. It will bring together into one operation the police units that formerly operated from seven different buildings. It will be of great benefit to Shepparton and the Goulburn Valley, and it will support the excellent work in law and order performed by police in my area.

Further funding was allocated to provide new facilities at Dhurringile low-security prison. There will be a great improvement because the prisoners will no longer be housed in one large dormitory, they will be housed in cottages around the prison area.

On the way to Dhurringile from Shepparton is the magnificent Institute of Sustainable Irrigated Agriculture. That institute was to be closed by the Labor Party, but the coalition government ensured that

the 130 employees continue to work at the institute. I invite the new Minister for Agriculture to visit that magnificent facility to see the work being done to ensure the continuation of sustainable agriculture that is so important to food production and future exports. I know the minister will visit the facility, and he will then realise that the \$7 million being spent to bring together all the agricultural areas is being well spent.

The minister in charge of decentralisation has tried to put down rural Victoria by saying that the facilities need to be rebuilt, but the facilities provided by the previous government are working well.

The best example of what the previous government did for rural Victoria is the huge improvement it made in water and sewerage services. Some \$400 million was provided in country Victoria to ensure that country towns have water that meets world health standards. The previous government was able to ensure that country towns had the best possible facilities for treating waste, including the waste from food processing plants. In my electorate more than \$40 million is being spent on works of this kind, including setting up a new pipeline to provide good quality water from the new Shepparton facilities to Mooroopna and Toolamba.

When I visited the new Tatura sewage works recently I saw covers being put over the sewage ponds to trap the gases coming from the ponds, which are subsequently burnt to generate the electricity needed to run the aerators. That first-rate infrastructure makes good use of the latest technology. Excellent work is being done in rural Victoria, yet it is being put down by the Minister for State and Regional Development.

The people of wonderful country towns such as Horsham, Warrnambool, Mildura, Swan Hill, Wangaratta and Shepparton, as well as all the others that are contributing so much to the production of wealth in country Victoria, are put down by the Labor government when it says they all need to be rebuilt.

To see what needs to be rebuilt one has only to go across the border into South Australia where towns are either dead or dying because they do not have irrigated agriculture or the same ability as towns in my electorate and the rest of northern Victoria to get up and get going.

Our arterial roads are good but we are being let down by the federal government, which is using too much of the road tax on other areas instead of providing enough funds through the Commonwealth Grants Commission

to enable local government to provide the best quality local roads.

It should be said that local roads are not a state responsibility, but we have to see what we can do. I urge the government to say to the federal government, 'Give back what we need. Give country Victoria what it needs to ensure that its local roads are good enough to allow rural producers to cart their produce to market in Melbourne and the main regional centres'.

I grew up in one of Victoria's small country towns, Katamatite, where my family had a general store for 40 years. It is now closed. Some might ask why that happens, but the answer is that it is because country people have done well. They have bought cars and now go shopping in Shepparton, Numurkah and the bigger country towns. They do not support their own small towns any more — and they wonder why the banks close and why solicitors and accountants need to move out! Centres such as Shepparton, Wangaratta and Wodonga are important for regional Victoria.

We have a thriving vehicle industry in the Goulburn Valley, including the best BMW and Toyota agencies in country Victoria, plus a magnificent Ford agency. Why? Because people are purchasing from those businesses. They are successful and people are buying their products. We have many such retailers and other businesses in the Goulbourn Valley. At the moment I am having trouble getting a builder to do a small piece of work because the builders are so busy at the Kialla Lakes estate at Shepparton. Our unemployment rate is less than 6 per cent. The employment rate is so good it is hard to find people to work on farms and in country industries.

Our train service is good, and the food processing industry is doing well. Our sporting facilities are great. Investment in the fruit industry has been fantastic. Over a million trees have been planted; and fruit-growers do not plant trees if they do not think they will make a dollar out of them. New rotary dairies that can milk up to 80 cows at a time are being installed, and some farms are milking between 800 and 1000 cows.

There is new investment throughout the area, including in the retail marketplace in Shepparton. New restaurants are opening. The lifestyle and quality of life in the Goulbourn Valley are second to none. We do not care about what happens in Melbourne, we need the support in country Victoria. The country areas do not, however, need to be rebuilt. In my electorate people have done extremely well and will do better in the future.

Travel times from where you live to where you work are low. The cost of a block of land to put a house on is much less than an equivalent block in the city. We are happy with the way things are in the Goulbourn Valley.

People in my electorate live there because they choose to. We hope the government will support us and not just concentrate on Geelong, Bendigo and Ballarat. The Goulbourn Valley is a vital part of country Victoria and needs support. Country people don't ask for a lot of government handouts. They are resourceful.

Yarraville: traffic congestion

Mr MILDENHALL (Footscray) — I grieve for the residents of Yarraville, particularly those who live in the areas surrounding Francis Street, where more than 3000 truck movements a day have been recorded. That many trucks have a significant effect on air quality and noise amenity for residents.

Consultants have been employed to identify a solution to the problem, and it appears that a new ramp on the West Gate Freeway may be helpful. Research base data is needed, and councils and honourable members in the area, along with residents, will need to review the base data when it is to hand.

Question agreed to.

WATER (WATERWAY MANAGEMENT TARIFFS) BILL

Introduction and first reading

For Ms GARBUTT (Minister for Environment and Conservation), **Mr Bracks** introduced a bill to amend the Water Act 1989 to remove the power of catchment management authorities to set tariffs in respect of certain functions exercised by those authorities under the Water Act 1989 and to provide for transitional arrangements for fees previously imposed by those authorities under those tariffs and for other purposes.

Read first time.

CONSTITUTION (REFORM) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to reform the Constitution Act 1975 by making provision for the constitution, duration and powers of the houses of the Parliament and for the election of members of the Legislative Council using proportional representation, to amend the Constitution Act 1975, The Constitution Act Amendment Act 1958, the Electoral Boundaries

Commission Act 1982, the Parliamentary Committees Act 1968 and the Parliamentary Salaries and Superannuation Act 1968 and for other purposes.

Read first time.

PUBLIC PROSECUTIONS (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Constitution Act 1975 to provide for the appointment of the Director of Public Prosecutions under that act, to amend the Public Prosecutions Act 1994 to remove restrictions on who may apply to a court for punishment of a person for contempt of court, to amend the Supreme Court Act 1986 to provide for the restoration of the common law relating to contempt of court and for other purposes.

Read first time.

MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL

Introduction and first reading

For Mr PANDAZOPOULOS (Minister for Gaming), Mr Hulls introduced a bill to amend the Melbourne Sports and Aquatic Centre Act 1994 to alter the title of that act, to alter the name of the Melbourne Sports and Aquatic Centre Trust and to enable the trust to manage the State Netball and Hockey Centre and other sports, recreation and entertainment facilities and services and for other purposes.

Read first time.

HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL

Second reading

Debate resumed from 11 November; motion of Mr THWAITES (Minister for Health).

Mr DOYLE (Malvern) — The bill had its genesis with the previous government, and it allows visiting health practitioners to provide health care services in this state for special events without the requirement to be registered under state law. A couple of weeks ago the opposition agreed to a shorter adjournment period for debate on this bill because we assumed that the work necessary for a bill of this complex nature would have been done before it was debated. I regret to say that, after looking closely at the bill, it is far too broad

in scope, far too imprecise in detail and contains a couple of small alterations which may be technically acceptable but which have been done in a somewhat administratively sneaky manner between the introduction print and circulation print of the bill.

Mr Holding interjected.

Mr DOYLE — The honourable member for Springvale should wait until I point out the anomalies between the two before he opens his mouth.

The opposition has a number of questions about the bill. I believe they may be resolved, and the opposition will look to help resolve them in a bipartisan way. However, I emphasise that answers are needed to some of the serious matters that will be raised. Assurances that the questions will be considered will not be good enough.

Over the past couple of weeks I have listened to the new government's mantra — and I am sure I will get used to it — that the previous government did not consult, did not listen and did not talk to relevant unions and other groups and that this government would be different.

Mr Mildenhall — He is listening at last!

Mr DOYLE — The honourable member for Footscray knows all too well that I have always been a listener!

Clause 3 of the bill lists in detail a number of associations affected by the bill. If honourable members are to believe the mantra of the new government that this is a new world of consultation and discussion with people affected by legislation passing through this place, I have a series of questions to ask. They are entirely rhetorical because I already know the answers.

Mr Thwaites — You had already done it.

Mr DOYLE — The Minister for Health interjects kindly that I had done it all. While I am delighted that is the case and am grateful that we can work together on that, I will not be diverted from this point.

My point is: was the Chiropractors Association of Australia consulted? The answer is no. Was the Chiropractors Registration Board consulted? The answer is no.

Mr Thwaites interjected.

Mr DOYLE — I certainly did it. Was the Australia Dental —

Ms Pike interjected.

Mr DOYLE — The Minister assisting the Minister for Health — I am not sure of her other portfolios; she is the Minister for Bits and Pieces — said I wrote to them. That is true, and that is part of my job. I am pointing out that the mantra from the other side is that this is the brave new world of consultation. Those boards will have a major stake in the bill and its effect on the way the public of and visitors to Victoria will be treated by health care professionals, and their cooperation will be needed to make it work. I should have thought the government might have talked to them, but the answer of course is no.

Did the government consult the Australian Dental Association or the Dental Board of Victoria? The answer is no. What about the Australian Medical Association, Victoria? The answer is no. What about the Medical Practitioners Board or the Nurses Board of Victoria? The answer is no. What about the Victorian branch of the Australian Nursing Federation? Again I believe the answer is no, and I assume the federation will be upset it was not consulted by those on the other side.

Did the government consult the Optometrists Association of Australia, the Optometrists Registration Board of Victoria, the Osteopaths Registration Board of Victoria, the Pharmacy Guild of Australia, the Pharmaceutical Society of Australia, the Pharmacy Board of Victoria, the Physiotherapists Registration Board of Victoria, the Podiatrists Registration Board, the Psychologists Registration Board of Victoria or the Australian Physiotherapy Association? The answer in every case is no, yet all those associations and boards will be instrumental to making the provisions of the legislation work and to assuring the Victorian public and visitors to Victoria of the proper workings of the legislation.

I wrote to all the associations and boards, and a number have been kind enough to provide me with a response. I understand the Australian Dental Association has sent a copy of its response to the minister. I will raise some of its concerns, but I am sure the minister will respond to the association because its concerns are reasonable and need to be addressed.

My next point is not to criticise but to seek an explanation from the minister, because I do not have a firm view either way on the matter. A bill of this kind is needed for major events in this state, whether it be the Olympics, the Commonwealth Games or the range of other events for which the state would properly wish to provide health practitioners to visiting teams or

organisations, so the opposition has no quarrel with its central thrust. However, there are two ways to go about allowing health practitioners to offer health services to visiting teams or organisations.

The first is the way for which the bill provides — that is, to exempt health practitioners from the provisions of the registration boards. It may well be that that is a reasonable way to go, so long as some of the opposition's questions can be answered. The other way is to ask the boards to extend specific registrations to individual practitioners who wish to practise in Victoria. That may or may not be practicable because of time constraints in the lead-up period. Difficulties may also arise if a board were prepared to recognise the qualifications of and register practitioners from one country but not from others. It may lead to concerns about anomalies in the health services provided to different teams.

I do not have a firm conviction about a correct answer. In his response the minister may not have time to address the issue, but I will raise it in committee. I would appreciate an outline of the rationale behind the government's going down the exemption track. I think it will lead to problems later, when a registration board is asked to take a firm hand with things such as the offences provision in the legislation. I see some difficulties with offering either specific or limited registration to particular professionals. I should be interested to hear the rationale behind the bill's approach. One my concerns is the relationship between the visiting health professional and the special order, because in the bill visiting health professionals are not defined or described by the health services they provide but in terms of employer-employee relationships.

The bill also refers to contracted visiting health professionals. That presents a difficulty concerning the qualifications of people the special order will allow to practise in Victoria; for instance, whether their qualifications will be comparable to those obtained in Australia. The opposition has a number of questions about the difficulties that will arise. I refer to a couple of areas as examples. I turn first to chiropractic. In Australia chiropractors do not have prescribing rights, but in the United States they do — and many provisions in the bill provide for the prescription of serious scheduled drugs. The question arises of how the special orders will deal with the issue of Australian chiropractors not being allowed to carry out functions chiropractors in other countries are allowed to perform.

My questions get a bit more serious as I look at some of the other professions. In the United States optometrists are permitted to perform certain invasive procedures,

such as surgery. The question arises of whether the qualifications and realms of practice allowed in each country will be simply recognised and allowed to occur here with the visiting teams and organisations.

One of the most difficult areas of the bill will need to be spelt out in detail. There are some qualifications that our boards simply do not recognise. A particular British qualification in optometry is not recognised here. I do not offer that as a deliberate stumbling block or wish to be a spoiler, because I do not imagine that visiting teams or organisations will need to bring optometrists with them, but offer it as an example of the specific detail that may have to be thought through. I will pre-empt the answer a little. It is not all right just to say, 'They will not be allowed to practise on Victorians; they will only be allowed to practise on the visitors as defined in the act'. That would be an unsatisfactory and inappropriate precedent because it would be like saying, 'We have certain standards here in Victoria, but it is okay for the visiting health professionals to offer a lower standard of care to these people because, after all, they are only visitors'. That would be untenable in both intellectual and health terms.

The issue of not creating an unsatisfactory precedent and how the qualifications of visiting practitioners will be evaluated against the health care standards in Victoria is important. One of the problems I have with the bill is that some issues have not been thought through, including the quality of care issue. The way the drafting instructions have been given effect in the bill is a little sloppy, I suspect because of the haste required to introduce legislation. However, I would not be so ungenerous as to say so more than two or three times during my contribution.

I have particular concerns I will raise in the committee stage. I have some difficulties with clause 5, which talks about the definition of a visitor, and with clauses 6 to 8. I have a problem with the specificity of the order and would appreciate the minister taking it up in his response. The specificity of the order will be one of the real determinants of the success or failure of the legislation. The order will have to deal with such things as the definition of an event; the time and duration of an order — it will need a general approach as opposed to a specific detailing of time and duration; the notice of procedure that will be given and the decisions made about the procedure; and a little about what the health care provided will be. I will go through that in some detail later. The opposition asks that a notice of procedure rather than a description of the health care itself be provided in the bill.

I will also look at clause 10, which is where the real problems in the bill lie — they lie not in the intent or the thrust of the bill but in its implementation. Clause 10 deals with drugs and their prescription for visiting teams. I will not be an alarmist, but I seek some assurances about the specificity of the order to protect against poor or deliberately criminal practice.

I have already briefly mentioned clause 11. It deals with the qualifications of visiting health professionals and what health care they will deliver. I am interested in that provision versus the way such people are defined in clause 4, which is that they have a contractual relationship, and the nexus between the two. I will tease out that matter later on.

I also have concerns about clauses 13 and 17, which deal with offences, complaints, liabilities and responsibilities. It seems that without the advice and input of the registration boards I mentioned earlier, the offence procedures of the legislation will simply not work. The opposition is interested in how the order will be specific about the powers the boards will have to offer advice. I foreshadow — again I do not wish to be a spoiler, but I raise the issue I raised during the briefing — a possibility that this area of offences should be subject to section 85.

I would appreciate it if that could be examined. I give an undertaking that the opposition will not oppose provisions covering offences and complaints using a section 85 provision. It is the area where, if a board is asked to proceed with offences and it transmits its findings or statements about a particular health professional, it may be liable for slander or libel. We simply protect our own registration boards by including a section 85 provision.

The minister may recall a case where a medical practitioner intended to sue a board for transmitting its findings about him to other registration boards around Australia. That would obviously be inappropriate. The practitioner was trying to prevent one board from transmitting necessary information through the *Government Gazette* to a range of other boards. The government inserted section 85 statements in all those registration acts to say that no action lies against a registration board for transmitting information as appropriate about a particular practitioner, and the then opposition supported those safeguards. If boards are involved in determining whether offences have been committed by practitioners, the government may need to offer them the statutory protection of a section 85 against libel and slander for promulgating their findings about a particular practitioner.

I recognise that this is a difficult legal question, and I would not ask for it to be resolved today. Perhaps that could be done informally, and if an amendment were needed while the bill is between houses I would offer bipartisan support for section 85 protection being provided to a board.

I do not want to make too much of this final point because it is a small matter, but it is not an appropriate precedent. In the copy of the bill that was put before the house on the day the bill was read a second time — the so-called introduction print — there was an error in clause 18 which the house would agree was a typographical error. The clause header read ‘Act does limit the practice of registered health practitioners’. The body of text underneath clearly demonstrates that the word ‘not’ was left out in the clause header. The word appears in the bill that was circulated a few days later. So an alteration was made to the original bill, and the opposition is now debating the bill that was circulated when the debate was resumed.

This is a small matter, and legal technicality would suggest that because it is a clause header it is not part of the legislation, but I would argue it does go into the statute book. So although there are no grounds for complaint, and although I would agree that that word should be inserted, it directly changes the meaning of the clause header by reversing the meaning. Although that is not part of the bill — and I agree it is a technical alteration which should have been made and which does not need to be made by amendment — I request in future that if there are such changes between the introduction print and the circulation print, or the circulation print and the ‘as sent’ print, which goes to the Legislative Council, it is appropriate that the Clerks and the opposition are informed.

Mr Thwaites — And the minister!

Mr DOYLE — Yes, that is not a bad addition. It would be good practice, and in most cases it is entirely appropriate and not a difficulty. I suggest it is a practice that we should adopt.

Although the opposition will not be opposing the bill, it requires answers about how the bill will work. The point has already been made, and I do not wish to enter an across-the-table argument about, ‘It is your fault’ and ‘No, it is your fault’. But it is regrettable that Parliament does not have a Scrutiny of Acts and Regulations Committee (SARC) in place to examine a bill like this because, by its nature, it is generic headline legislation. It requires a copious regulatory regime to go with it. It is unfortunate that such a committee is not in place to inform not only the opposition or the

government but also the Parliament about the answers to questions such as, ‘If we wish to make this act work — and both sides do — what questions do we need to answer and how can this be more felicitously phrased, in some cases?’. SARC is meant to look at a bill on its introduction. A retrospective examination is not in the spirit of the legislation, but I am sure it will happen at some point down the track.

I will raise my central questions now rather than in committee, and honourable members will probably get through them quickly, even if the answer is that the minister will get back to me or provide assurances on those questions.

My first point concerns the visiting health practitioner, the visitor, and the definition of both. There are some difficulties with the proposed legislation. The first question is: who is a visiting health practitioner? At its worst the bill would allow, under a special order, someone without qualifications to be deemed a visiting health practitioner. Although that may be appropriate in areas like psychology — where a team motivator or a sports psychologist can be brought in — it is obviously inappropriate to bring in a person for the purposes of medical or clinical practice. The opposition would want to be assured about the level of qualifications.

What consultation will occur with the boards to ensure that the qualifications are appropriate for the very strong powers the legislation will confer upon a health practitioner once that special order declares him or her to be a visiting health practitioner? I ask that question because beyond that point the legislation takes a number of steps to allow that practitioner to do a lot of detailed clinical work. That is one area where Parliament requires close consultation with those boards. The boards are disappointed that they have not been consulted. They are disappointed they have not been asked to consider how Parliament would document, for instance, the qualifications of various health professionals coming into the state.

In two of the bill’s provisions ‘health practitioner’ is defined not in terms of qualifications, not in terms of what it is that person will do when he or she is here, but in terms of the relationship to that particular team. The practitioner is an employee or contractor of that visiting team. That creates some difficulty.

The second point I raise is that there are different standards of practice in areas like dentistry, medicine, nursing and chiropractic. The opposition would like some objective standards before someone becomes a visiting health professional in those particular areas. That can be done with appropriate consultation, but

who polices it? How do we know what those practitioners are doing when they are in Australia? I know the legislation says they may treat visitors only as defined in the act, but how will we know that if Parliament gives them the prescribing rights that clause 10 gives them? Who will look at that?

These are not areas that honourable members could reasonably expect officers of the Department of Human Services to examine. They will be peripatetic events subject to a special order from time to time; and even though it is the Olympics or the Commonwealth Games — which may come to our shores only once in a lifetime — they may have long lead times where health professionals are in the country, and prescribing and practising for, in some cases, years before the event is to take place. Who will police what they do? There is also a problem with the definition of ‘visitor’. I understand the inelegance and the necessity of the way it is phrased in the legislation, but at its widest definition a visitor to Australia, under this act, can be a full-time resident of Australia. That is obviously an anomaly or paradox that is necessary. I can foresee, for instance, a full-time resident of Australia who is eligible to compete for another country for various reasons. The difficulty is to be able to make allowances for those people and ensure they can be treated as members of a team. It appears to be an unfortunate piece of drafting that the definition of ‘visitor’ has to include someone who may well be a long-term resident of Australia. I suggest that is not ideal but it may be the only way around it, convoluted though it is.

My second area of concern centres on the event itself. The bill allows a class of events to be described by the special order. Perhaps it would be better if the minister of the day could turn his or her mind to the actual, single event because, otherwise, one could say that a class of events is all international rugby, cricket or soccer, and that would have a specific knock-on effect through the provisions of the act. Instead of this generic approach, it may be better if the minister nominated specific events as the only ones that could be covered by the legislation. That would have particular implications for whoever had the right to treat the members of those visiting teams.

Parliament should get those two things right and define ‘visitor’ so that everyone knows exactly who visitors are and are comfortable with that. Once a visiting health professional is defined, his or her qualifications meet the required standard and the prescribing rights are outlined under the act, what happens if a competitor is injured outside the event? If there is a motor car accident or a different type of recreational accident involving a visitor to Australia, does the legislation

envisage that the visiting health professional can treat a visitor in circumstances that relate to injury outside the event described by the special order? That is a concern with most of these events because that is where many injuries occur.

The third issue I raise is a contradiction within the proposed legislation. I will not raise it in committee because it deals with two different provisions. Clause 5(a)(ii) refers to people who are preparing, training or practising for an event as described in the special order, which is reasonable. It also covers the period of acclimatisation that many top athletes would require well before an event.

But clause 6(2)(a) states that the event must be in Victoria. The anomaly can be seen. That is acceptable for a sport such as Olympic soccer, where the event is in New South Wales but an official part of it occurs in Victoria. So Olympic soccer will take place in Victoria. But what if the event is in New South Wales, as is the case with the Olympics, yet the weight-lifting team, swimming team or gymnasts wish to prepare in Victoria?

Honourable members interjecting.

Mr DOYLE — They can’t use it. They are caught by the New South Wales act. That is fine so long as the event is Australia-wide and is caught by another act. My point is that the special event or occurrence might not be Australia-wide, yet someone in a different state may be concerned.

I do not want to overemphasise this point, which concerns a small part of the bill. It might be said that if that occurred a way could be found around it because obviously we want the person to be treated. But it is an example of needing to think about how individual parts of the legislation interact with each other. There will not be many chances to test it because the events will not occur very frequently.

More important is the idea of the resident. That might be a contradiction we have to answer by saying, ‘This is the way we have chosen to do it — by exempting the health professionals’. If someone is clearly a resident of Australia but also capable of playing for an overseas team, the health professional registration acts in Victoria are circumvented. That may be the consequence of the act, but the difficulty for any board would be to distinguish between when the normal practice obligations before them and those applicable under such a special event order take precedence. That is a communications issue. The boards must know who is affected and when, and what the practising

obligations are. I mentioned that that is one of the problems the house will come back to when the bill is considered in committee.

The general philosophical thrust of the bill exempts practitioners from registration boards, but we will then rely on those boards to take a view of the qualifications of people coming in, offences that may occur under the legislation, as the act states, or of how the act will work with input from a particular board. On the one hand, the boards are exempted from oversight of those practitioners; on the other hand, the boards will be needed to follow through, particularly with some of the offence provisions.

The fourth matter I raise concerns the timing of the event. Again this is a contrary view that might not necessarily be taken up. Should the minister turn his mind to specifying in the act what the timing of an event is and exempting it if a longer period is needed? The period covered might include 180 days before and 7 days after the event. The special order could make provision for any variation on that, but within the act a period could be specified that would offer a degree of comfort while not being completely open-ended.

The answer may be that that is impractical. Many events have long lead-up times and an individual order may be specific enough. That would be satisfactory so long as each time a special order is made the specific timing required for the event is considered. That goes back to my early point regarding specificity. If two things happen together and it is said an order is okay for a class of events and for an indeterminate time period, I could foresee some problems. I do not think it is something that cannot be fixed if we view it with flexibility to sports with long lead-up times. Again, this may be an anomalous example, but I go back to the case of a visitor resident in Australia. The lead-up time may be four years in the case of the Olympic Games or six years in the case of the Commonwealth Games. It is particularly important to consider that in light of people being caught under clause 5(b) of the bill.

I am interested as a general rule in the interaction between visiting health professionals dealing with their teams and our own health professionals who may be called in to deal with teams. The question would be: what is the relationship, legal and professional, between health practitioners in Victoria and health practitioners brought in under a special order associated with a particular event? The house must consider not just professionals registered in Victoria. What is the role of volunteer organisations such as the Australian Red Cross or St John Ambulance Australia, which would

also have some input at large cultural or sporting events?

That matter of communication with registration boards needs to be very clear. One of the opposition's major areas of concern is that the act is silent on much of the interaction between visiting health professionals and our own system. I will give three or four examples of the need to be specific about visiting health professionals and our registration boards.

Firstly, I mention the role of invasive procedures that may need to be taken not just in the course of an event but also if an accident outside an event gives rise to a visitor needing treatment. What is the regime for access to our public hospitals by visiting health professionals? What qualifications would enable someone to perform surgery, and what is the interaction between our system and the visiting health professional?

What is the cost to our hospitals? That has a federal implication. One presumes such visitors would not be covered by Medicare, so would there be full cost recovery to the institution? If a visitor incurred a serious injury, the visitor may well be in Victoria long after the rest of the team has departed. In the grand prix or other major dangerous events that might be the case. What is the cost to the system, and how is that cost recovered? There may be a simple contractual answer, and that is again fine, so long as the order is specific on those matters. Assuming the qualifications of a visiting health professional are accepted, what are the rights for admission to a public hospital and what would general anaesthetic rights be? Visiting teams need to have answers to those questions. There may be an arrangement whereby the visiting health professionals understand they have to pass the responsibility of management for a patient to a registered health professional in our state, but that protocol of management should be clear because the arrangement in the event of such a crisis will need to be outlined before the event.

Finally, when talking about treatment responsibility, interaction with the federal government is particularly important. Will any of the prescribed drugs be subject to PBS prices or quantities? Will they be covered by the National Health Act requirements? Those protocols can be worked out quite simply, but again the act is silent on those points.

Let me come to the area that will give rise to the greatest number of questions and problems, an area that will require people to work together if this is to operate effectively — namely, poisons and drug prescription. I am afraid to say clause 10 of the bill at its worst

construction is quite lax. I will raise specific questions in the committee stage. Victoria has tight regulations on what health professionals can and cannot do. In its worst construction, clause 10 wipes away all those regulations.

Who advises the Department of Human Services and the Minister for Health, for instance, about authorities issued and the monitoring of visiting health professionals? I assume protocols will be in place, but in light of the provisions of clause 10 not just formal protocols are needed. The communication lines are wide-reaching. How do pharmacists become aware of such a ministerial order? Do we have central pharmacists, or are prescriptions able to be filled by any pharmacists around the state? How do pharmacists know who is exempted through the act as a visiting health professional, and who is a visitor? How do we know orders are being complied with?

Although there may be a reason for it, I am a little puzzled as to why schedule 2 and 3 drugs are specifically mentioned in the bill. They are available through community pharmacies so I am not sure why they have been included.

The real problems that need to be addressed concern schedule 4 and 8 drugs and poisons and questions of liability. I am not trying to be alarmist or to point the finger. Schedule 8 drugs are among some of the most serious drugs of addiction — that is, narcotic drugs, anabolic steroids or masking drugs for anabolic steroids, and other illegal drugs. It may well be appropriate to allow those drugs to be prescribed, but where does the liability lie when anabolic steroids or drugs of addiction are appropriately dispensed but then misused?

Without being dramatic about it, schedule 8 must be addressed in specific detail. It may well be that the proposed regulatory regime will be able to deal with the problem, which is one of the most serious of those confronting us. I will not regale honourable members with the stories with which I am sure they are familiar about the misuse of anabolic steroids or with the details of the tight controls that are required for drugs of addiction and narcotics.

Mr Thwaites interjected.

Mr DOYLE — I find myself in complete agreement with the Minister for Health. Whose idea was it to sit through the lunch hour? It certainly was not mine. I am enjoying it about as much as I suspect the Minister for Health is — but we will suffer together, if nothing else.

Of course I would not suggest that a person with no demonstrated qualifications should be given prescribing rights for schedule 8 drugs — that would be obviously ridiculous. On the worst construction of the bill, disreputable people or those whose bona fides we cannot be sure of will be able to bypass customs. Anyone in Australia with the right qualifications will be able to prescribe schedule 8 drugs, dispense them and misuse them. I want to know about the protocols detailing the quantities of schedule 8 drugs that can be prescribed, how they will be tracked, including their tracking through the various suppliers, and what the law will say about the movement of such drugs once they are in the possession of a visitor.

For instance, once a visitor has the drugs in his or her possession, will he or she be allowed to take those drugs out of Australia? What offences will apply to the misuse of such drugs? That will not be covered in the various registration acts but may come under the Crimes Act. However, if someone with prescribing and dispensing rights misuses them, it will be hard to know where the charges should lie. Those questions must be addressed. Again, that is the worst-case scenario. I do not wish to be overly dramatic, but we must consider what should be done in the event of an abuse of the legislation governing schedule 8 drugs and the possibility of such prescribed drugs being taken out of the country.

Although I do not want to be a spoiler, my concern is that if three elements of the bill are combined the resultant regime will be loose. If clause 14, which details the circumstances under which a visitor is exempt from prosecution for certain drug offences, is combined with the wide definition of ‘visitor’ and the loose definition of the qualifications a professional must have, and if to that is added the range of drugs and narcotics that can be prescribed and dispensed at wholesale prices, on the worst construction we have a recipe for disaster. I am sure all honourable members would want to work together to ensure that such a disaster does not happen.

I am not saying that because I want to take the worst view of the matter. The recent history of Olympic sports such as cycling, weight-lifting and athletics shows that we need not look too far to be reminded that the protocols that are designed to protect us must not be open ended, vague or sloppy. Although laws should not be predicated on the worst of human behaviour, we need to be cautious and to ensure that disasters do not happen because the converse has been applied — that is, because a law has been based on the best of human behaviour. We must prepare for the worst and ensure,

for instance, that if a visiting health practitioner commits an offence a protocol is in place to deal with it.

I seek some explanation of clause 13, which exempts visiting health professionals from prosecution for certain offences. Clause 17(2) does not prevent the bringing of proceedings for an offence against a visiting health practitioner. How will that work? On the one hand, we will have excluded professional registration boards from the process; on the other hand, we will be relying on them to help prosecute offences under the act. I mentioned that matter before, so I need not go over it again.

If we involve boards in prosecuting offences, as we should, it may well be that we will need to protect them with a section 85 provision to ensure that they are not subject to legal proceedings for merely transmitting information that has been sought about visiting health practitioners. We are talking about some of the world's best athletes potentially losing millions of dollars in earnings if they are wiped out of competition. We are also talking about a highly litigious community. Therefore we need to be sure that our own investigatory bodies are protected so that they can do their work as well as possible. I ask either that the provision be reconsidered or that protection be provided for the people who are investigating misuse or other offences under the registration acts.

Finally, under the heading 'Act does not limit the practice of registered health practitioners', clause 18 provides that:

This Act does not prejudice or affect the lawful occupation, trade or business of any person who is registered under a health registration Act.

I have no idea what the clause means. If its consideration is based on a normal construction, it cannot be said that the act will not affect the practice of registered health practitioners in Victoria. Unless the bill is passed, those people will have to treat visiting athletes, teams and other visitors. In a sense it affects their practice and the way they conduct their business. Even if that were accepted, what is the purpose of the clause? What does it add either to what our own professionals do or to the powers of visiting health professionals or other visitors? I am not sure why clause 18 is necessary. Again, I am happy to be informed on that. As it is small matter, maybe it can be briefly dealt with in the committee stage.

The opposition does not oppose the bill and is keen to join with the government in making it work. It is an important addition to the way special events in this state are dealt with. However, the opposition has concerns

about the generic nature of the bill, which has been hastily introduced. In many cases, the implications and the worst-case scenarios have not been thought through to ensure that the Victorian public and visitors to the state are protected from poor health practices. Victoria has set high standards for health professionals. It would send a bad message and be a bad precedent if we allowed any other standard of care to be practised — even if not on Victorians or Australians.

I am happy to make available to the minister the responses from the members of the various associations and boards who have in their replies raised a number of questions, many of which I have covered. The opposition would be happy to work with the government on introducing a regulatory regime or any other means of ensuring that many of those questions are answered, people are protected and general and practising rights are not abused.

The legislation is necessary not only for the Olympic Games and Commonwealth Games but for a range of other events. Everything will rest on the answers received from the minister and the department on two matters. The first is the specificity of the orders, so that protections are built into each order. The difficulty is that there are no formal protocols for making an order. For instance, will we have a check list? We all know the corporate history of departments and individual ministers. It is important to have a formal protocol for the specificity of an order.

Secondly, it is not good legislative practice to include in a bill on such an important matter a generic set of powers, relying on copious regulations to stitch up all the loopholes. Protections should be clearly stated. The government should not rely on regulations which, after all, are not open to the scrutiny of this place or the public in the same way that legislation is. The adopted process seems to be bureaucratic and not particularly open to scrutiny.

That having been said, the opposition will not oppose the bill. We want to see the bill work for the benefit of the events, the practitioners and the visitors. It may be that answers to our questions can be provided. We look forward to what I hope will be a brief but productive committee stage, during which members can address some of the specific concerns or at least develop an understanding of how we can together to make the legislation work. I look forward to the contributions from other members. I am assured that on this side they will be brief so that the house can go into committee reasonably quickly.

I note again what a pleasure it is to be contributing to a debate at 11 minutes past 1 in the afternoon, but after all we are suffering together!

Ms PIKE (Minister for Housing) — Firstly, I thank the honourable member for Malvern for reminding the house about the significance and importance of consultation when developing legislation. I remind the house also that the approval in principle for the bill was sought from the cabinet of the former government. I assume that in that process a significant amount of consultation with the boards identified by the honourable member for Malvern was entered into, as approval in principle assumes that consultation has taken place.

The government welcomes the overall commitment to a bipartisan approach on this important measure. I thank the honourable member for Malvern for raising a number of questions about process and implementation and I look forward to having additional discussions about some of the questions. I will not be seeking to address all the questions now but I trust that some of the substance will be expanded upon so that some matters are clarified.

The need for the bill should be apparent to honourable members. We are now facing the scenario of an increasing number of international visitors to Australia to engage in significant sporting and cultural events. While they are in our country there is a likelihood that they will need the services of medical practitioners. Many overseas medical practitioners and other health professionals come here to service the teams, and continuity of care is important.

The genesis of the bill is a memorandum of understanding with the Sydney Organising Committee for the Olympic Games. That memorandum outlines details of agreements relating to events associated with the Olympic Games, and Victoria signed it on 3 June this year. The agreement includes requirements that the government must take on board to assist SOCOG in meeting its commitments to the International Olympic Committee under the host city agreement. It has annexed to it an agreement that SOCOG will ensure that no national law or provision exists to prevent Olympic medical staff from providing medical care and treatment to athletes and officials of the respective Olympic teams of the competing countries.

New South Wales was quick off the mark in enacting legislation in 1997. Its Health Professionals (Special Events Exemption) Act enabled New South Wales, as the host state on behalf of Australia, to fulfil the requirement that no legal impediment exists to preclude

overseas medical staff from providing necessary care. In 1998 Queensland followed suit in enacting legislation similar to that in New South Wales. Since then, mirror legislation has been enacted in Tasmania and Western Australia. Now Victoria is fulfilling its obligations under the commitment made in the June memorandum of understanding to ensure that this state complies with it.

Apart from the Olympic Games, as has been mentioned, the grand prix is the other significant event in Victoria that attracts large groups of participants and health professionals who are contracted to treat and attend to the needs of participants.

I turn to the broad scope of the bill to enlarge on members' understanding of it. After that I will deal with some specific issues that have been raised by the honourable member for Malvern and so provide further explanation.

The broad scope of the bill includes, firstly, the provision that the Minister for Health has the capacity to declare a special event under the act. Secondly, following that declaration, exemption is provided for visiting health practitioners from the offences provisions contained in the health registration acts and the Drugs, Poisons and Controlled Substances Act and its regulations. Thirdly, visitors who are members of teams or groups visiting as part of the declared special event mentioned previously are exempted from any offence provisions of those acts or regulations, particularly offences relating to the possession or use of a drug or poison where the drug or poison has been prescribed or supplied to them by visiting health practitioners as previously defined.

Fourthly, a person licensed to sell the drug or poison is exempted from offence provisions of the Drugs, Poisons and Controlled Substances Act and subsequent regulations where the sale or supply is to visiting health practitioners. Fifthly, pharmacists who dispense a prescription are exempted from offences under the previously mentioned acts.

Sixthly, visiting health practitioners are authorised to provide health services to any visitor during the exemption period of the special event. Seventhly, any visiting health practitioner is authorised to use any title he or she would usually use in providing health services and to hold himself or herself out as being able to provide those services. Eighthly, visiting health practitioners are authorised to prescribe or supply drugs or poisons to visitors and to obtain or purchase drugs or poisons for supply to visitors.

Lastly, there is a broader explanation and definition of the provision for the minister to specify in the special event order the exemption period that will apply and the conditions, restrictions and limitations on visiting health practitioners relating to services to be provided and, of course, matters such as the security and storage of the drugs and poisons in their possession.

I turn to two specific areas that need a little further explanation. Clause 6 spells out the process for determining what is a special event. The government assures the opposition that it is quite clear. The minister, by order published in the *Government Gazette*, can declare an event or a class of events to be relevant as specified under the act. That does not mean that any international event will be declared a special event. For example, the Melbourne International Flower and Garden Show would not be the kind of event that would be declared as appropriate. It is clear that the events declared will be those where the services of a visiting medical practitioner are required. Cabinet will have to give its approval to the declaration of the special event. A number of constraints will be in place and justification must be provided for cabinet to approve the declaration of a special event.

Following cabinet's decision, an order under the act will be necessary only when the particular constraints exist of overseas teams wishing to employ or contract their own health practitioners to attend them while they are here in Victoria. The approval given will not be carte blanche; it will be given in specific circumstances. Needless to say, the experience of the Olympic Games will be watched very closely as we move to the implementation of the specific regulations. In other words, New South Wales has established the model and it will be very informative and interesting for Victoria to see how that proceeds.

The timing of an order has been raised in the context of the process for determining a special event. Clause 7 provides the details of how the decision will be made:

A special event Order must specify a period or periods as an exemption period ...

Again, it is not open-ended but a defined period or periods. It includes the possibility that the periods may be before or after the specific event to allow for matters such as training.

I direct the attention of the house to clause 6(4) which provides:

A special event Order may be revoked, varied, substituted or amended by a further Order or Orders made under this section.

In other words, the bill provides the capacity for the minister to revoke orders or change the situation as deemed necessary. We are not talking about open slather.

Next I address briefly the accreditation of overseas practitioners. The bill does not envisage that a special event order could be made unless advice was received from the organising committee on how its members intended to administer an accreditation process. The government understands that the IOC has prepared a set of very stringent accreditation documents governing practitioners. The organising committee for the Commonwealth Games has in place existing documentation, but as the time draws closer for those games to be held in Victoria, very comprehensive documentation from particular organising committees will be prepared to govern the accreditation process for visiting health practitioners.

In providing advice to the Minister for Health, the Department of Human Services will be responsible for collating advice and information about relevant overseas practitioners. In doing so, a very stringent process of evaluation will be entered into.

Of course existing bodies in Victoria, not only the professional organisations that are listed and have been mentioned previously but also others, can contribute expert advice. I refer, for example, to the Poisons Advisory Committee established in 1981 under the Drugs, Poisons and Controlled Substances Act. The committee comprises two medical practitioners, two pharmacists, a pharmaceutical industry representative, a poisons manufacturer and a nominee of the Chief Commissioner of Police. In other words, a body is already in place whose members can provide significant advice and information. For example, on the supply of drugs that committee would be able to put in place some constraints on the order, such as which pharmacies could be used for the supply of drugs or to what locations the supply might be able to be restricted. One could imagine that the order may limit the supply of drugs to certain facilities in geographical proximity to an athletes village.

The capacity exists for gaining such advice and for consultation with the relevant bodies. All of those things will form part of the special event order and the framework for accreditation of overseas practitioners. The advice prepared by the department for the development of the order will also be developed according to guidelines that will in turn be prepared in consultation with the relevant professional body. In other words, it is not envisaged that any process will be

closed but that the advice will be prepared with the broadest possible framework and consultation.

Honourable members will appreciate that the bill comes to the house with a time imperative as we are on the cusp of the Olympic Games. We have signed a memorandum of understanding — —

Mrs Shardey — Madam Deputy Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms PIKE — I was in the process of summarising my comments and drawing the attention of the house to the fact that a memorandum of understanding is in place with the Sydney Organising Committee for the Olympic Games that the then government signed on 3 June. That provides the framework for this bill. Nevertheless, given the fact that many groups of athletes and cultural groups visit Victoria, it is timely to provide a framework from which continuity of care for our visitors can be upheld.

Ms McCALL (Frankston) — As this is the first time I have spoken in this chamber in front of you, Madam Deputy Speaker, I take this opportunity of congratulating you. You and I are obviously on the same diet as we are both in the chamber during the lunch period, which can be described only as incredibly bad for those with eating disorders!

As the honourable member for Malvern mentioned, the opposition does not oppose the bill. However, it has serious reservations about it. I wish to clarify a number of issues the minister raised earlier. Although the initial legislation may well have been drafted, thought of and approved in principle by the previous cabinet, one would have hoped the incoming Bracks minority Labor government would have done its own consultation before introducing the bill rather than relying on the work of others.

The minister also mentioned that the decision regarding whether special events could be conducted would be made by the cabinet based on the nature of those events. My reading of the bill leads me to believe it provides for the minister to make that decision.

As tradition dictates that I start most of my speeches with a quotation, I dug around for a suitable one in relation to this bill. I quote from Isaak Walton, who said:

Look to your health; if you have it praise God, and value it next to a good conscience; for health is the second blessing that we mortals are capable; a blessing that money cannot buy.

I refer specifically to the words 'good conscience'. Nobody would doubt for a moment the government's conscience in introducing this bill. Australia is a nation of sport lovers and cultural events lovers. We are only too happy to encourage international participation in those events and to encourage participants, particularly athletes, to be looked after as well as any other member of the community would be. However, I have some reservations about the drafting of the bill. I cite the words of the honourable member for Malvern, who said that the specificity of the detail in the bill is too loose.

I am particularly concerned about the provisions dealing with drugs, poisons and prescribed medicines and that visiting practitioners will be able to prescribe substances to athletes or members of a group visiting for special events. I am aware of the reservations that have been voiced by the Pharmacy Guild of Australia and the Pharmaceutical Society of Australia. Those groups are very concerned about the issue of liability and the fact that visiting health practitioners may not be open to prosecution.

All honourable members recognise that there is a gross misuse of both drugs and prescribed medicines. It is the great scourge of the late 20th century and can be anything from the overuse of Panadol to the overuse of an illegal substance. For those who are not totally au fait with all provisions in the Drugs, Poisons and Controlled Substances Act, I am happy to explain that section 4 relates to prescription drugs and section 8 deals with narcotics and painkillers.

I am from overseas, and although English, with slight variations, is my first language, many people who will be participating in special events and supporting those events will be from countries where English is not their first language. I happen to be bilingual and am very aware that there is always a danger of misunderstandings in translation. When one is dealing with substances as dangerous as drugs and their potential misuse or abuse, language becomes even more important. I am certainly not suggesting that we would not accept people from non-English-speaking backgrounds to participate in sporting or cultural events in this state. However, safeguards must be in place to ensure there is no room for misunderstanding about the prescription and allocation of drugs, narcotics or painkillers to those participants.

I wish to focus particularly on one of the events that will be held next year that does not attract the same level of media attention as the official Olympic Games — I refer to the Paralympics. Unlike Arthur Tunstall, I am extremely proud of those who participate in the Paralympics. I have nothing but admiration for

those who participate in sports that those of us who are able bodied should be more skilled at. I recognise that their medical needs may be very different and that they may focus on the use of painkillers and prescription medicine. I want the government to reassure the house that the provisions in the bill are specific and careful enough that they do not create misunderstandings of language with visiting health professionals or problems with the use of prescribed medicines.

The second-reading speech states:

Visiting health practitioners are also able to prescribe or supply a drug or poison to a visitor and to obtain or purchase drugs or poisons for supply to a visitor.

That is far too broad and is far too easy to abuse. The steps that have been taken at a federal level to ensure a drug-free Olympic Games should be prescribed very clearly in state legislation so that Australia continues to maintain very high standards of protection for members of the public.

Mr ROBINSON (Mitcham) — The Health Practitioners (Special Events Exemption) Bill is largely a product of the previous government, and members on this side of the house have no difficulty in recognising it as a sensible measure; far more sensible than the calling of quorums during the lunch period, but honourable members may hear more about that later.

The bill sensibly facilitates the provision of medical services for visiting sporting teams during periods of sporting activity that have an international aspect. To that extent, the bill focuses on the forthcoming Olympic Games, about which everyone in this house and this country is confident will be an outstanding success. In so recognising the need to provide appropriate arrangements for visiting medical practitioners during the Olympic Games, the bill recognises that international competition is an increasing characteristic of sport in this day and age. One does not have to think too hard to find other examples of international sporting events which might also benefit from the application of this bill at some point in the future. I think of such events as the Masters Games, the 2006 Commonwealth Games and the increasing spectacle of corporate games.

On Monday evening I had the opportunity of attending the awards presentation for the Victorian Corporate Games, which were held last weekend. They were an outstanding success and involved some 4000 competitors representing 120 different companies. It was the third Victorian Corporate Games and was a tribute to the organisers, particularly the director, Walt Hiltman. The concept of corporate games started in Sydney eight years ago and Melbourne took up the idea

three years ago. Brisbane will be conducting similar games next year. International corporate games are staged, and it is the fervent hope of the people involved in the Victorian Corporate Games that Melbourne will one day host an international event. That would be a very good thing.

When speaking with Walt Hiltman on Monday about the increasing number of international sporting events, I canvassed the possibility of the Victorian Parliament forming a team for the Victorian Corporate Games. I shall use this opportunity to extend an invitation to all members of this place who have any interest in being involved in a parliamentary team in the year 2000. They should let me know of their interest and I will be happy to see whether something can be facilitated. I am sure there would be a role for everyone should they wish to participate.

The bill focuses largely on the Olympic Games in Sydney next year and the need for this state to do its bit to facilitate the provision of medical services for the Olympic events to be staged in Victoria. I know I speak for all honourable members when I say there is great enthusiasm and interest in the progress of this bill. I have spoken to many members in the corridors and the dining room — that is for those lucky enough to get there! — and it is almost an obsession. Honourable members are talking very excitedly about the legislation. They want the Olympic events being held in Victoria to be carried through successfully. There is great interest in the logistical management and the facilitation of medical practitioner services.

I am sure I speak for all honourable members when I say that we would be very supportive of you, Honourable Deputy Speaker, conveying to the Speaker our great support of measures to ensure that this house does not sit during the Olympic Games in September next year. It is not that we want to sit at home and watch the events on television, and we are not keen to take up the D grade seating in the stands to watch volleyball or synchronised swimming. We are interested in seeing the implementation of this bill. I know all honourable members want to spend time looking at the events in Victoria and seeing how medical services are provided. I ask you, Honourable Deputy Speaker, to convey that sentiment to the Speaker. In his infinite wisdom he may be able to accommodate us. I certainly hope that is the case.

The bill effectively exempts medical practitioners from the operation of Victorian laws in certain respects. Those laws have been detailed by previous speakers, and there is a reasonable understanding across the chamber as to what that entails. It is a necessary step if

we are to facilitate smooth operation. Nevertheless, it takes us into the difficult area of drugs in sport.

Much as this state and nation have a very proud record in attaining the highest standards of keeping sports drug free, it is not an easy area. To a large extent, that is a consequence of different nations applying different standards. Quite rightly, this nation and state have taken a leading role in insisting that sport, particularly international sport, should be kept drug free. People such as Don Talbot have spoken about that for many years, and that has created some difficulty for Australia from time to time. I refer to the incident involving Samantha Riley and a headache tablet. Under strict definitions the tablet was treated as a drug, and the incident involved a great deal of heartache and disappointment for Samantha and her supporters.

Similarly there have been problems closer to home with the Australian Football League and its efforts to maintain an up-to-date series of rules and regulations regarding substances which should and should not be permitted. I refer in particular to the case of Alistair Lynch who was suffering from chronic fatigue syndrome. He was prescribed medication that was not unreasonable in the circumstances to deal with that complaint, but it was held at a later date and under later circumstances to be a medication which should not be permitted. They are examples of necessary evils, and Australia will continue to set high standards regarding the use of drugs in sports. From time to time, however, difficulties will arise due to the different standards that apply, rapidly advancing knowledge and technology and the continual development of synthetic drugs. To some extent we will simply have to learn to live with that, painful as that may be.

I am not a doctor so it makes assessment and analysis of some aspects of this bill a little difficult. All members of this chamber are in a similar situation as there are no doctors in the house. Someone pointed out to me earlier that we should not forget the Leader of the Opposition, Dr Napthine. I point out to new members in particular that the Leader of the Opposition is a veterinarian by profession, not a medical practitioner. It is vitally important that new members understand that if they are feeling poorly and ask the Leader of the Opposition in his guise as a doctor to take their temperature, they are in for a very rude shock. That would give a whole new meaning to the expression 'Open wide'. Under those circumstances, one could say that the cure could be worse than the illness!

Some difficulties exist with honourable members dealing with provisions of the bill to any great detail beyond their presentation by virtue of our selective lack

of knowledge on issues of medical practice. That is in contrast to debate on legal bills in this place as a number of members have legal training and can speak with practical experience.

The bill exempts medical practitioners from the operation of Victorian law, but it does so under two reasonably strict provisions. Firstly, clause 7 explicitly requires that a special event order must state a fixed period or periods of time as an exempt period during which an exemption or authorisation provided by or under the act has effect in respect of the particular declared special event. That is a vital rider on the power to declare special event orders. It ensures that visiting medical practitioners understand their exemptions from the operation of Victorian laws operate only for fixed terms and that should they wish to stay in the state beyond the term declared, which would presumably match the period over which the special event is staged, they will be treated in the same way as any other medical practitioner. That is important because it is not uncommon in this day and age for medical practitioners associated with sporting teams to travel independently of those teams outside the strict competition periods. The government wants to send a clear message to visiting medical practitioners that should they contemplate staying on after an international event they will then be subject to the normal operation of Victorian law.

The second restraint on visiting medical practitioners is an implicit constraint — that is, they are still governed by Australian law. The bill in no way, shape or form attempts to water down or provide any exemption to the very strict customs laws with regard to the importation of materials. Honourable members will recall the unedifying spectacle early last year of a visiting swimming team being caught up in all sorts of strife following a search by customs officials at Sydney Airport which revealed substances which should not have been brought into the country. That incident dragged the whole international event into a degree of disrepute. It did nothing to increase the credibility of the visiting team or the organisers responsible for sending the team. It was very regrettable.

The government would wish to think that all visiting medical practitioners to Victoria will respect the fact that Australian laws banning certain substances remain in force regardless of this bill being passed. The government hopes and trusts that that implicit restraint on visiting health practitioners will be recognised.

In summary, the government wishes the bill a speedy passage. It is necessary to facilitate international competition in the future, with particular emphasis on

the forthcoming Olympic Games. The government wishes for a very clean Olympic Games but recognises that that requires the wholehearted cooperation of competing teams, the overseas organisers of those teams and, in particular, the visiting health practitioners. With all the steps being taken and with this house doing its part, Victorians can be reasonably confident the message will go out loudly and clearly to visiting health practitioners that the state and nation demand a clean games and that its requirements should be observed.

Mr ASHLEY (Bayswater) — I am pleased to join the debate on the Health Practitioners (Special Events Exemption) Bill. Before I begin my remarks, I wish to congratulate you, Mr Speaker, on being elected to that high office. I trust your time in the chair over this Parliament will be rewarding and will always live in your memory.

The bill provides two significant dimensions for the provision of health care to visitors to this state, and they are contained in two paragraphs within the second-reading speech. One is the setting aside of requirements of a health registration act in relation to the provision of services to a member of a visiting team or group. It covers those health care professionals who may be from outside the state or the country who provide services and who may normally be subject to the provision of the acts that apply in this state. I do not have too much difficulty with interstate practitioners, whether they be medical practitioners or members of the allied health or paramedical professions as listed at page 2 of the bill — that is, chiropractors, dental technicians, nurses, optometrists, osteopaths, pharmacists physiotherapists, and the list goes on. I will come back to that issue later.

The second provision of the bill enables a person licensed to sell a drug or poison to be exempted from the provisions of the relevant act when selling a drug or poison to a visiting health professional. One must seek assurances about the provision of drugs to visiting health practitioners to ensure they are prescribed for a visiting member of a team or group and not a resident of this state or nation. To do otherwise would be against the principles upon which this bill has been devised and thought out.

The ramifications and impact of the bill transcend well beyond the time of the Olympic Games and will affect cultural events and other activities down the track. To some extent they are a recognition of Australia's place in a world which is becoming very global in its movements. Reasonable care needs to be given to where the bill will take us in the future.

The force of this bill provides a kind of quasi-diplomatic immunity for visiting teams and health professionals. That is not necessarily a bad thing. However, it is set in state law rather than federal law and, as such, perhaps should be considered at the federal level.

The SPEAKER — Order! The time for questions without notice has arrived. The honourable member for Bayswater will have the call when this matter is again before the Chair.

Debate interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Taxation: ALP commitment

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to his commitment to the business community on 22 July this year that under a Labor government taxes and charges would be pegged to the national average. I ask the Premier when this target will be reached.

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his first question in 10 questions in this house. The commitment that was given during the campaign is one that the government will stand by in the future. I have indicated that the legacy of taxes and charges left to the state by the previous government — which is some \$300 million-plus higher than the national average — will be benchmarked against the average taxation level of other states. The government will seek to progressively reduce taxation levels in Victoria. This is good news for Victorian business. Under successive Bracks Labor governments they can expect taxation relief and improvements in the taxation position.

As I have indicated — and as is contained in the policy documents, if the Leader of the Opposition cares to look at them — the timetable is contingent on growth revenues accruing to the Victorian economy. Those growth revenues are matters for further discussions with the commonwealth and other states, subject to the negotiations on the GST and the implications it has for revenues accrued on increased consumption in Victoria.

I guarantee that the government will seek to achieve its aim, which is to have competitive taxes and charges in Victoria. That means looking at business taxes in Victoria to see what tax relief can be achieved in the future. As I said during the campaign, and previously, the government's first target is the tax on jobs — payroll tax in Victoria. The government will seek to

devise a scheme so that business can receive payroll tax relief for new job starts in Victoria where they are identified, similar to the initiative taken by the Carr Labor government in New South Wales which has linked payroll tax deductions to apprenticeship and traineeship starts. They are the sorts of schemes that can drive new job growth, and the sorts of schemes we want in Victoria.

The government is committed to achieving competitive taxes and charges. It has been left with a legacy of \$300 million-plus on taxes and charges higher than those in the rest of the country. It is another mess for the government to clean up in the future.

Australian Gallery of Sport and Olympic Museum

Ms BARKER (Oakleigh) — Will the Premier inform the house of the government's support for the upgrade of the Australian Gallery of Sport at the Melbourne Cricket Ground (MCG)?

Mr BRACKS (Premier) — I thank the honourable member for her question and her interest in tourism and sporting development in Victoria. I am pleased to announce — and I am sure all honourable members will be pleased with this announcement — that the government has approved a \$400 000 grant from the Community Support Fund to upgrade the Australian Gallery of Sport at the MCG. As most Victorians know, the gallery of sport is a magnificent tourist attraction for Victoria. The MCG is among the top eight tourist attractions in Victoria, and something the government holds dear to its heart as one of the best stadiums in the country.

Most of the \$400 000 will go to the Olympic museum within the gallery of sport. The museum contains Olympic medals and torches from various past games. It has memorabilia from sporting legends such as Betty Cuthbert, Murray Rose, Cathy Freeman — apparently the spikes Cathy Freeman used in Atlanta form part of the memorabilia — and the Oarsome Foursome's Nick Green and James Tomkins. The medals, uniforms, and other memorabilia will be housed in new display units and more floor space will be given to the museum.

The move comes at an appropriate time given the Olympic soccer events that will be held at the MCG next year. The gallery is visited by 100 000 people each year, and more than 1 million people have visited it since its opening in 1986. The government is committed to continuing to support the gallery in conjunction with the Melbourne Cricket Club.

An upgrade of the Australian Rules exhibit will also be undertaken as part of the \$400 000 development. The project will cost \$800 000; the \$400 000 grant is half the cost of the project and will go a long way to improving what is a world-class exhibit at the MCG. It is something Victorians can be proud of and can share in. It will be upgraded in time for the Olympic Games next year. I am proud to announce the government's support of this important event for Victoria.

CFA: paid firefighters

Mr RYAN (Gippsland South) — Will the Minister for Police and Emergency Services advise the house of the government's response to attempts by the United Firefighters Union to extend the boundary of the Metropolitan Fire and Emergency Services Board to include traditional Country Fire Authority (CFA) districts in the outer metropolitan area?

Mr HAERMEYER (Minister for Police and Emergency Services) — The Country Fire Authority is currently attempting to place full-time firefighters in a number of suburbs that have previously been serviced exclusively by volunteers. It recognises the growth in those suburbs.

Mr McNamara interjected.

Mr HAERMEYER — Mr Speaker, it is interesting that the retiring Leader of the National Party should interject.

The SPEAKER — Order! The minister should ignore interjections.

Mr HAERMEYER — The manning strategy that the CFA is currently trying to introduce was put in place by the former government — in fact by the Deputy Leader of the National Party in the former government. He is now canning it and asking if the government will scrub the volunteers. The reality is that the volunteers of the CFA are highly valued and, I should have thought, have always had a strong level of bipartisan support on both sides of the house.

The Country Fire Authority recognises that there is a difficulty in serving some areas in the outer western and northern suburbs. Sometimes it is difficult to provide volunteers during certain daylight hours. It is attempting to put in place an arrangement so that full-time firefighters can service some of those times. Those matters are currently being negotiated between the CFA and the United Firefighters Union. I am confident that the process will ultimately be satisfactorily resolved.

Swifts Creek timber mill

Mr INGRAM (Gippsland East) — At a recent meeting at Swifts Creek the Minister for Environment and Conservation made a commitment to the community to investigate all possible ways to return an operating sawmill to the town. Will the minister now advise the house what has been done to achieve that?

Ms GARBUTT (Minister for Environment and Conservation) — One of the first things I did after the election was to attend with the honourable member for Gippsland East a meeting organised by the Swifts Creek residents action group. The entire town population attended and the level of anger of people at the meeting was enormous. The sawmill, the major employer in the town, was closed in April this year. The former government did nothing to stop the closure; it did not lift a finger to stop the mill from closing and jobs from being lost, leaving the town without a major employer. Something could have been done then, when it would have been relatively easy to do so, but the former government was not interested in supporting rural towns. It did absolutely nothing!

Opposition members interjecting.

Ms GARBUTT — You are still not listening — you did not listen then and you are not listening now!

Honourable members interjecting.

The SPEAKER — Order! There is far too much interjection across the chamber. I ask the opposition frontbench to cease interjecting.

Ms GARBUTT — One of my first actions on becoming minister was to ask the department to investigate how the mill could be reopened. During the government's first full week in office I met with the owner and the chief executive officer of the company, Neville Smith Timber Industries. I asked the company to go away and consider options for reopening the mill and to return with proposals that the department could evaluate.

Mr Mulder interjected.

The SPEAKER — Order! The honourable member for Polwarth will cease interjecting. He is disrupting the house.

Ms GARBUTT — It is obvious that former government members are still not interested in and do not care what happens at Swifts Creek. As I said, I met with the company and asked it to go away, consider a range of options and return with proposals. The

company has held three meetings with departmental officers to discuss how that can be done. A report has now been presented to me for my consideration. The company has raised several issues and presented options that would lead to a reopening of the mill.

The government is committed to reopening the mill. It is now a matter of working through the options and sorting out the best way that can be done. That is being done, but it is pity it was not done by the former government when the opportunity first presented itself.

Parentline

Mrs ELLIOTT (Mooroolbark) — I refer the Minister for Community Services to the successful Victorian Parenting Centre, Parentline and regional parenting services to which the previous government had committed recurrent funding. Will the minister assure the house that those vital programs will be fully maintained?

Ms CAMPBELL (Minister for Community Services) — It is a shame that the honourable member for Mooroolbark has been set up in her first question. The Victorian Parentline that is now being funded is funded on a three-year program. If it were such a critical item that it required an ongoing or recurrent program it would have been advantageous for Victorian parents to have been informed of that fact.

The other important point that honourable members should be aware of is that a range of organisations provided an enormous amount of advice and service to parents and families about parenting and children, but both were defunded by the present Leader of the Opposition, formerly the Minister for Youth and Community Services.

Honourable members interjecting.

Ms CAMPBELL — A number of organisations have had their concerns raised during the adjournment debate in this place. The former Minister for Youth and Community Services ignored the high level of professional and voluntary support that was provided at a sound grassroots level. The Bracks government is committed to ensuring that parents have advice, as required. I am discovering fascinating information in the emerging documentation being provided to me. The Parentline files are providing very interesting reading.

Workcover: common-law rights

Mr LANGUILLER (Sunshine) — I refer the Premier to the government's commitment to restore

common-law rights to seriously injured workers. What action has been taken to implement the promise?

Mr BRACKS (Premier) — I again inform the house that the new government is committed to implementing its policy of restoring common-law rights to seriously injured workers. The government will not tolerate a situation where a worker is seriously injured by the negligence of an employer or third party but is then barred by law from having an action brought in the courts because of the injury.

The former government removed the common-law rights of seriously injured workers. My government will give that right back to workers as soon as possible. However, as has been said by the Minister for Workcover, the government has inherited a financial crisis in the Workcover scheme. A growing liability has been appearing in the authority's finances and it is clear that no corrective action was put in place by the former government to fix it.

My government is committed to having a fully funded scheme. It will not accept a continuing deterioration of the scheme, which was allowed by the former government.

Today I announce that a special common-law working party will be established to assess and develop options to implement the government's two key objectives — that is, the restoration of common-law rights for seriously injured workers and a fully funded scheme in Victoria. The working party will examine both objectives.

The group will comprise a wide range of representatives from the key interest groups or stakeholders in this issue. They will include the Department of Treasury and Finance, the Victorian Workcover Authority, the Victorian Employers Chamber of Commerce and Industry (VECCI), the Australian Industry Group, the legal profession, including the former head of the Law Institute of Victoria, union representatives — —

Honourable members interjecting.

Mr BRACKS — Isn't that interesting? The opposition is happy for the government to have VECCI, the Australian Industry Group, the Law Institute of Victoria and private insurers involved in the working party, but when it comes to a proper tripartite arrangement with the unions, what does it do?

The reality is that the previous government involved the union movement in the process, as the former Minister for Workcover knows. The government is involving the

union movement as well, and we have also invited VECCI and other employer groups, and they are very happy and keen to be involved.

This is a representative working group, and, as I mentioned, it will have two clear aims. The first will be to implement our policy of restoring common-law rights to seriously injured workers, and the second will be to have a fully funded scheme. I have asked this working group and the Minister for Workcover to report to the government in March 2000, and their recommendations will form the basis of legislation that will come before the house in the autumn sessional period. That legislation will restore common-law rights and will implement a fully funded scheme in Victoria to fix the mess and overcome the increasing liability left by the previous government.

Futures for Young Adults

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Community Services to advise the house of the government's commitment to the highly successful Futures for Young Adults program and the funding provisions for that program over the next three years.

Ms CAMPBELL (Minister for Community Services) — The simple answer to that simple question is that the government supports the Futures for Young Adults program. It is a highly successful program, and I hope there will be bipartisan support for its continuation.

Casino: bidding process

Mr TREZISE (Geelong) — I refer the Minister for Gaming to the serious concerns raised about the tendering process for Melbourne's casino. I ask him to advise what action he will take to fully inform the public about the tender process.

Mr PANDAZOPOULOS (Minister for Gaming) — The issues raised by the Premier yesterday were extremely serious, and I understand the opposition is tender about the types of answers the government has been giving.

This government is about openness and transparency. The public should be made aware of the many contracts and commitments made by the previous government. The previous government spent thousands of dollars trying to hide the details of the process from the public, and it is this government's job to put the reasons for the decisions made by the previous government on record. The issues raised by the Premier yesterday highlighted the range of concerns about the sort of documents that

might have been available to previous ministers in relation to the casino tendering process.

I advise the house that on 4 November I authorised the release to the Premier of documents held by the Department of Treasury and Finance. Those documents related to the financial analysis of the competing bids undertaken by Coopers and Lybrand, and the documents released yesterday were part of those documents.

I was advised today that the Victorian Casino and Gaming Authority is in possession of a number of additional documents. Those documents were inherited from the old Casino Control Authority and relate to the tender process. The documents include some 20 expressions of interest submitted by interested parties. More importantly, the three short-listed preferred bidders supplied further documentation, including financial analyses in response to the information supplied in the expressions of interest, analyses of each bidder's financial capability to run a casino, and drawings and other design documents.

Today I have sought the release of all those documents to me. I will review the large number of documents that will be made available to me and keep the public fully informed of the process. I assure the house that the government will release all the documents, because this government believes the public has a right to know what happened with the casino tendering process. The government will trawl through the massive volume of documents and release them at the appropriate time.

Hospitals: funding

Mrs SHARDEY (Caulfield) — Given that the deadline for meeting commonwealth accreditation standards for nursing home beds is 1 January 2001 and that the Labor Party policy identifies the fact that 1224 beds are below that standard, I ask the Minister for Aged Care to inform the house how the government will be able to urgently upgrade those beds when only \$12.5 million has been allocated by the government — enough to upgrade only 150 beds between now and the deadline.

Ms PIKE (Minister for Aged Care) — I thank the honourable member for Caulfield for her question. She is correct in stating that a significant number of nursing home beds in Victoria do not meet the standards for commonwealth accreditation.

I begin by asking why we now find ourselves in a situation in which the lives of many vulnerable Victorians are made very difficult. Many families in Victoria are concerned about the future of their parents

because under the previous government the significant maintenance required in nursing homes was let slide. Why was it let slide? Because the previous government had only one agenda for nursing homes, and that was privatisation.

Opposition members interjecting.

The SPEAKER — Order! The Chair is of the opinion that the minister is beginning to debate the question. I ask her to come back to answering the question.

Ms PIKE — I was explaining to the house the significant underfunding that occurred under the previous government and the situation this government inherited and is only now in a position to address. The solution put in place by the previous government was to privatise nursing home beds and add them to the for-profit sector.

Mr McArthur — On a point of order, Mr Speaker, you have already advised the minister that she was debating the question. She is now flouting your ruling by again engaging in debate. I ask you to draw her to order and require her to answer the question.

The SPEAKER — Order! I uphold the point of order raised by the honourable member for Monbulk and ask the minister to answer the question.

Ms PIKE — The Bracks government has given a clear commitment in its pre-election promises on the way it will deal with the issue. Firstly, the government is halting the privatisation process put in place by the previous government. Secondly, the government has already committed significant funds to provide for the upgrading of nursing home facilities. That upgrading will go ahead in a planned way. The department is currently advising me as to the schedule for the planned upgrades.

The government gives a guarantee that elderly people in state-run nursing homes in Victoria will have a secure future, and that the funding will come from the commonwealth because Victoria has complied with its regulations.

Burwood: Liberal candidate

Mr VINEY (Frankston East) — I refer the Minister for Planning to the conduct of the former government in providing a special planning deal for a Liberal Party candidate, Ms Lana McLean. I ask whether the minister will inform the house of action he has taken to ensure a fair and proper outcome of this matter rather than

engaging in special deals such as those given to Liberal Party mates.

Mr THWAITES (Minister for Planning) — I thank the honourable member for Frankston East for his question and for the interest he shows in planning issues. Planning is a matter of importance right around Melbourne and Victoria. It is very unfortunate that the previous government had a policy of special deals for Liberal Party figures and candidates.

In the case in question the person, Mrs McLean, wanted to get rid of an easement on her property and sought a ministerial amendment to achieve that end. She wanted to develop her property, but in so doing caused her neighbour, Mr McDonald, great hardship. As it turns out, Mr McDonald got a very raw deal — —

Mr Perton — On a point of order, Mr Speaker, there is a rule in this house against tedious repetition. The minister made this speech during the grievance debate. I ask you to rule that the repetition of statements he made during that debate is out of order now.

The SPEAKER — Order! There is no point of order. The Minister for Planning was responding to a question asked by the honourable member for Frankston East.

Mr THWAITES — The honourable member for Doncaster is clearly embarrassed by this issue, as are other members of the opposition. That is why they are trying to intervene. In support of her application Mrs McLean filed a signed statutory declaration stating that her neighbour, Mr Ian McDonald, the owner of 170 Punt Road, Prahran, had not used the right of way over 1 Alfred Street, Prahran, since he moved into the property in 1987. The advisory committee that heard the matter made a determination in relation to that statement to the effect that it rejected Mrs McLean's contention that Mr McDonald did not use the easement. The report states that:

Mr McDonald said that both he and his son have used the easement for both pedestrian and vehicle access.

The committee went on to say that:

The advisory committee prefers this evidence to the three statutory declarations submitted on behalf of the McLeans.

There is a question about the credibility of Lana McLean.

The previous government appointed an advisory committee to do a special deal for Mrs McLean, but the committee made a determination that the amendment

should not proceed. That decision was communicated to the minister in June of last year.

Mrs McLean and the minister, however, were not satisfied with that so they got another umpire to hear the matter again.

In May this year the umpire reported to the minister, who claimed this morning that the panel report was not hidden and the matter was not resolved. My department has advised — —

Mr Maclellan — On a point of order, Mr Speaker, clearly the Deputy Premier misunderstood my remarks this morning, possibly because of the embarrassment he was suffering at the time. Both panel reports were received and are public documents.

The SPEAKER — Order! There is no point of order. I ask the minister to be succinct and to conclude his answer.

Mr THWAITES — My department has advised that the panel report was given to one of the parties, Mrs McLean, but not to the others: the council and the objector did not get a copy of the report. Further advice is that the relevant file and memos sat in the minister's office from May to September — some five months.

This morning the former minister implied the matter was resolved — —

Mr McArthur — On a point of order, Mr Speaker, I refer to rulings by former Speaker Coghill that question time is an opportunity for ministers to be questioned and to provide information on government administration. It should not provide an opportunity to attack members of the public or the opposition.

The SPEAKER — Order! There is no point of order. The minister was providing information to the house. However, he is taking an extraordinary amount of time to answer the question and I ask him to conclude.

Mr THWAITES — I have received further advice that in May the former minister was advised by the department that he should sign a letter indicating to Mrs McLean that her application for an amendment had been rejected. The normal process in relation to such an amendment is that the minister either signs the document approving the amendment or indicates that it has been rejected and informs the parties of the decision. In this case no decision was made. The amendment was left in limbo and has never been finalised.

No doubt the former minister hoped for a different election result and the matter would have gone through as another dodgy deal. There will be no dodgy deals with this government. I am pleased to advise that today I will reject the amendment; notify the applicant, the objector and the council; and release the advisory committee report to all parties.

The SPEAKER — Order! The time for asking questions has expired and a minimum number of questions has been asked and answered.

HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL

Second reading

Debate resumed.

Mr ASHLEY (Bayswater) — Taking up the debate following question time is a humbling experience. It is one that everyone in the house should learn from, as I have learned from it today.

In the three or so minutes before question time I had simply introduced my remarks. Essentially the legislation provides what might be called quasi-diplomatic immunity for non-residents of Australia so they may provide health care services to those to whom they are contracted as members of a group while in this country, particularly this state. The legislation also gives prescribing rights to pharmacists who are resident in Australia to provide to the visiting health care professionals and practitioners the drugs and poisons they seek for members of the groups for whom they are providing the services — in other words, for non-nationals.

As I said, I believe in one sense the legislation is a recognition of the changed world in which we live — a world of increasing leisure, entertainment and travel — and that it will be meaningful and applicable well beyond the days of the Olympics and into the first years of the new century.

My remarks are limited. I draw attention to what I think are real concerns about issues of definition and will restrict my remarks to the term ‘visitor’. In the way the bill uses the word it is probably applying to it its normal lay meaning, which does not accord with the more technical meaning that immigration law at the federal level applies to it. To that extent I can see some difficulties occurring. I suggest the legislation should be revisited to clarify what is meant by the term ‘visitor’ and to perhaps adopt the terminology used at the federal level to distinguish between a visitor who comes in

from overseas on a visitor’s visa and a visitor from interstate, who is an Australian resident and is visiting this state.

It is no small matter. In many ways the word ‘visitors’, which the legislation applies to people coming into the country, is inappropriate. Mostly those who arrive in special groups for special events are termed ‘temporary residents’ and would be defined in their visas as having non-business occupations. The term ‘temporary residents’ includes distinctions, such as a special subclass for medical practitioners, another subclass for working holiday-makers, another for entertainers — entertainers may be part of special groups that are involved in special events — and another for sporting persons. Their passports are more commonly stamped that they have entered Australia as ‘temporary residents’ rather than as ‘visitors’.

It might seem to be a pedantic point, but confusing temporary residents and visitors as defined by the federal Department of Immigration and Ethnic Affairs is running the risk of getting us into complex waters, particularly when thrown into the scenario are people who are simply coming from interstate as visitors and who, from my point of view and by the common use of the word, are visitors. The failure of the proposed legislation to distinguish between the two is a significant matter.

I seek greater clarification of the word ‘visitor’ for future use. The legislation will not just apply to the Olympic Games; its meaning and value will continue beyond that. For that reason the government needs to take cognisance of the federal experience and delineate between a person who is a resident of another country and who is in the state of Victoria for the purposes of a special event, and a person who is a resident of Australia and who may be assigned to a team or group to provide health care services to that group within Victoria during the time of a specified special event.

The matter is of real significance because the federal legislation and immigration regulations specifically restrict the capacity of individuals to provide particular services as confined by the visas stamped in their passports and to the period of time allowed on those visas or permits. Once that event and that time has passed, individuals such as health care professionals or providers do not have let under immigration law to provide services. Such persons are confined by their entry stamps and must abide by those rules and provisions.

To clarify the distinctions between one set of visitors from overseas and another set of visitors from interstate

one should turn to federal law and the immigration regulations. I do not have too many problems with Australian residents who come from interstate, because even if they do not meet the specific registration board criteria for a particular professional health care group or professional occupational group, they can nevertheless be accorded a de facto form of mutual recognition for the period they are in the state. That does not apply in the same way to someone from overseas, except as to their abiding by the provisions of the particular special event and the group within the special event to which they are assigned.

I raise the issue for another reason. From the time their permits expire certain temporary residents or visitors are illegal immigrants if the permits are not renewed. The question to be looked at is: in technical terms what rights does a person who has been given the green light to provide a service to an individual from overseas as part of a very small group have to provide those services to a person who is deemed to be an illegal immigrant?

I can envisage certain people coming to Australia and being granted resident status in this country without meeting the requirements of particular registration boards. They may settle in Victoria, New South Wales or Western Australia and may let it be known overseas, to all and sundry, that they are available in Australia to provide services to visiting special groups such as entertainers, or cultural or sporting groups. I suggest a person making a trade out of that kind of activity would not be deemed acceptable within the spirit of the bill.

Although the government might frown upon such activity, as it currently stands the bill does not proscribe it. It is therefore possible for an individual who has failed to be accorded the right to practise a profession by a registration board in Victoria to create a livelihood for himself or herself by letting it be known overseas that he or she is available to provide services to any incoming team, whether or not that person is a prior resident of a certain specified country. Although it throws a kind of quasi-diplomatic immunity over the provision of health care and drugs to visiting members of teams or groups, the words 'diplomatic immunity' suggest confining the activity to members of a particular country, either as visitors in a team, or as the person providing health care to that team.

By utilising the words 'diplomatic immunity' I am confining an activity, as it would be practised in the home country, to the period of the special event. It would facilitate what happens within the national boundaries of a country being transplanted into Victoria for a short period. However, I do not believe it is in the

spirit of the legislation that individuals should be able to create a living for themselves out of providing, willy-nilly, ongoing services to all sorts of travelling groups that are passing through from whatever nation around the globe.

I trust that in one way or the other Parliament will deal with those aspects of the bill because individuals, being as clever and devious as they sometimes can be, will find ways and means of pushing the proposed legislation to extreme ends for which it was never designed.

Mr HOLDING (Springvale) — The Health Practitioners (Special Events Exemption) Bill establishes a regime to ensure that health practitioners coming to Victoria for an event that has been declared in accordance with the act by the minister can provide a level of medical and associated care for visitors to Victoria for those events, and ensures that they are not unduly encumbered by the provisions of the legislation.

Honourable members are very supportive of the fact that Australia, and Sydney in particular, will be hosting the Olympic Games in the year 2000, and they want to ensure that there are sufficient legislative provisions for that hosting to occur with the minimum of fuss. Honourable members are also eager to ensure that where other special events can be hosted by Victoria, visitors and sports people from overseas can come to the state and bring with them or access in Australia the range of medical care that is appropriate for them and with which they are familiar, and to ensure that that is done without unnecessary legislative complexity.

Before I provide some background information as to why the bill is necessary, I will briefly refer to the contribution of the honourable member for Mitcham, who mentioned the increasing number of sporting events now being hosted by Victoria and his involvement in the corporate games. Honourable members should not forget the Australasian Public Sector Games and the World Police and Fire Games. Recently Victoria was host to the latter, which meant that many people involved in providing police, emergency, fire or related services could compete with people from all over the world who are also involved in those sectors. It does a lot to establish international camaraderie and the exchange of ideas. It also builds goodwill and is an important promotional activity for Victoria.

The bill will not only facilitate the conduct of those aspects of the Olympic Games that will be occurring in Victoria but will also promote the Commonwealth Games in 2006 and other events. Honourable members

should welcome the opportunity to be part of enacting a legislative regime that facilitates in an efficient manner visitors to Australia, and ensures that they can provide an appropriate level of care to sports people from overseas.

By way of background, the current legislation has become necessary because of the memorandum of understanding that was signed by the Sydney Organising Committee for the Olympic Games and Victoria, on 3 June 1999. The purpose of the memorandum was to ensure that SOCOG's international commitments, particularly those commitments with the International Olympic Committee under the host city agreement, were facilitated for the purposes of the state of Victoria.

In an annex to the host city agreement there is a requirement that SOCOG ensure that no national law or provision exists that prevents Olympic medical staff from providing medical care and treatment to athletes and officials of the respective Olympic teams of the competing countries. In other words, in order to facilitate athletes coming from around the world to compete in this country, Australia has to ensure that there are no impediments at the commonwealth, state or territory levels that would impede visitors from having with them the medical care that is required to enable them to compete in Australia during the Olympic Games.

As a consequence of that memorandum of understanding and the host city agreement, in 1997 New South Wales enacted the Health Professionals (Special Events Exemption) Act, which essentially ensures that athletes coming from overseas to New South Wales to compete in the Olympics can bring with them their health practitioners to provide them with the medical support they require. Alternatively, as envisaged under the act, visitors can access medical care in Australia that is consistent with that required to enable them to compete during the period for which the exemption applies.

In 1998 Queensland enacted the Health Practitioners (Special Events Exemption) Act, which is very similar to the legislation enacted in New South Wales. The legislation ensures that Queensland is able to facilitate the speedy entry of visiting medical or health practitioners for Olympic events centred in Queensland. It has become necessary for Victoria to introduce a similar legislative regime to ensure it also can fulfil its obligations under the memorandum of understanding and the host city agreement Sydney has signed with the International Olympic Committee.

My understanding is that there will be both men's and women's football — that is, soccer events — in Victoria. Those Olympic events in Victoria will give rise to the need for competitors to bring in medical and health practitioners to provide a level of care for athletes and competitors. The legislation will ensure Victoria can facilitate the entry of those practitioners into Victoria. The bill establishes a set of provisions that will enable the government in the future to identify other events as worthy of exemption under the act and to similarly facilitate the entry of health practitioners where required.

The legislation is necessary essentially because under the current provisions the different health registration acts, collectively referred to as the health registration acts, all have separate sets of accreditation requirements for health practitioners. Were visiting health practitioners to come from overseas and operate under the current legislative regime in Victoria, many different requirements, obligations and standards would need to be met. Qualifications are recognised by some boards but not others. As implied in the legislation, that would be unnecessarily cumbersome and bureaucratic and would not be consistent with the agreement SOCOG has reached with the International Olympic Committee.

To give honourable members a sense of the range of medical health practitioners covered by the legislation I will read from the bill a list of the different registration acts and other registration-related legislation for medical and health practitioners. Each of the acts has a different set of requirements and obligations that would have to be met by people coming from overseas and wishing to operate as medical and health practitioners in Victoria if not for the bill.

The legislation affected includes the Chiropractors Registration Act of 1996, obviously covering chiropractors; the Dental Technicians Act of 1972, covering dental technicians; the Dentists Act of 1972; the Medical Practice Act of 1994; the Nurses Act of 1993; the Optometrists Registration Act of 1996; the Osteopaths Registration Act of 1996; the Pharmacists Act of 1994; the Physiotherapists Act of 1998; the Podiatrists Registration Act of 1997 and the Psychologists Registration Act of 1987.

Those pieces of legislation together establish a complex and cumbersome set of requirements to be met by people coming from overseas to provide medical care for athletes coming to Australia for the Olympic Games and other events. The legislation is to be commended in its provision of a much simpler, more streamlined, efficient and far less cumbersome mechanism for

enabling health practitioners to come from overseas and provide that level of care, including health practitioners who are already in Australia.

I will mention how the bill will effectively operate. The minister will be required to declare a special event in the *Government Gazette*. Clauses 6 and 7 outline the conditions under which the minister can declare a special event and have notification of the event published in the *Government Gazette*. The effect of the publication of order specifications will be that visiting health practitioners will be exempted from all the health registration acts I referred to earlier.

Health practitioners will also be exempted from provisions of the Drugs, Poisons and Controlled Substances Act and associated regulations. Teams members meeting the definition of ‘visitor’ in clause 5 of the bill will also be exempted from the relevant provisions of the existing legislation where prescriptions are obtained from visiting health practitioners. Pharmacists are also exempted from the current legislative provisions where the prescription was written by a visiting health practitioner in accordance with the procedures laid out in the bill. Collectively those provisions ensure the level of health care to be provided by those visiting health practitioners will not be impeded or encumbered by existing legislation.

I will briefly touch on some of the matters raised by the honourable members for Malvern, Bayswater and Frankston in their contributions on the legislation. I listened carefully to the contribution of the honourable member for Malvern. He went to great lengths to describe the amount of consultation — —

Mr Doyle — Someone had to talk to them.

Mr HOLDING — It is a bit rich that members of the opposition berate the government about consultation. After all, this bill was originally the previous government’s bill, a bill agreed to in principle by its cabinet. Presumably the former government, in drafting the legislation and setting the principles, would have conducted a certain amount of consultation. It is fascinating that members of the opposition have suddenly discovered the concept of consultation when for the past seven years they have introduced a raft of measures across public and social life in Victoria on which consultation has been strangely absent.

The bill was agreed to in principle by the cabinet of the former government. The present government is merely ensuring that the regime that has been agreed to in the

memorandum of understanding signed by Victoria and New South Wales is given legislative effect.

The honourable member for Malvern also raised some concerns about the definition of ‘visitor’ in clause 5. I was equally fascinated to hear his contribution on that. He seemed to go full circle. He began by saying he foresaw a variety of problems with the definition, but went on to say there was really no other way in which the word ‘visitor’ could be defined and still give proper meaning to the purpose of the bill.

The honourable member for Malvern also expressed some concerns about clause 7, which refers to the period of time for which an exemption period will apply. It rightly requires that any order placed in the *Government Gazette* about the legislation must apply for a specific period and must clearly indicate what that period is to be. I do not think honourable members would have a problem with the legislation requiring that degree of specificity. However, one of the strengths of the bill is that it accepts that a range of sporting events can have long lead-in times and can also require the possibility of medical care or health care after the event has concluded. It is appropriate that the bill is not unduly specific about that and allows the minister to judge each sporting event effectively on its merits, to accept the different requirements of sporting events and to take that into account when orders are being made.

The honourable member for Malvern also referred to clause 18 and appeared to be a little puzzled about the purpose behind it. I understand that this is a frequently used form of legislative drafting. Clause 18 states:

This Act does not prejudice or affect the lawful occupation, trade or business of any person who is registered under a health registration Act.

That means that the operation of the act does not prejudice any person who acts in accordance with the current health registration acts. Such provisions are familiar to most honourable members; they protect people acting under the current regime from the unintended consequences of special bills such as this. It is a common drafting technique and I have seen it in other legislation.

In conclusion, I point out that the bill provides flexibility for a legislative regime to cover people visiting from overseas. It is not too draconian a form of legislation. The bill accepts that every special event declared in accordance with its provisions will require a different sort of response that is sensitive to people coming from overseas.

Mr WELLS (Wantirna) — I am pleased to join the debate on the Health Practitioners (Special Events Exemption) Bill. My contribution will be brief. I will raise some concerns I have with two clauses of the bill. The aim of the bill is set out in the second-reading speech:

... to authorise visiting health practitioners to provide health care services to visitors in Victoria in connection with designated special events while exempting such practitioners from the provisions of Victorian law relating to health practitioners.

In theory that is to be commended. I pick up a point made by the honourable member for Springvale when he said it was the previous government's bill. The opposition agrees to the bill in principle, but the detail has been formed by the minority Labor government, and that is where I have some difficulties.

When a sporting team goes overseas or interstate — we have all been associated with sporting teams — it makes a lot of sense if it takes its own medical people, whether they be physiotherapists or doctors, to deal with injuries. When the Australian cricket team travels to England or Pakistan, you would expect it to have its own medical team, as would the rugby team. You would expect that members of those teams would prefer to be treated by someone who knows them and is well qualified.

I have a problem with clause 4 and the meaning of 'visiting health practitioner', which when it comes to the detail does not mean anything. Clause 4 states:

A person is a "visiting health practitioner" if—

- (a) the person is an individual who is a resident of another country; and
- (b) the person is appointed, employed, contracted or otherwise engaged to provide health care services to a visitor ...

It does not state what sorts of services he or she can provide to that visitor. The more devastating point that needs to be made, and I hope the Minister for Health will address this in his response to the shadow minister, is that people who are residents of another country do not even have to be registered or have a licence to practise in their own country. The clause just says that they have to be residents of another country — end of story.

Australians expect a certain standard. People in Victoria cannot perform medical procedures without a licence or some sort of special registration. I should have thought that a better way of doing this would be for the person from overseas to be accredited by one of the Victorian

boards. That would mean that he or she would not have to go through all the individual examinations but would at least have some sort of accreditation — for example, under the Medical Practice Act, the Dentists Act, the Dental Technicians Act, or maybe even the Nurses Act. That responsibility to accredit appropriate people would then be put back onto the boards rather than allowing the possibility of untrained people coming here and working on their own athletes without necessarily being registered or having a licence from their own country. That part of it does not make any sense at all.

I also raise concerns about clause 11, which deals with the provision of health care services by visiting health practitioners. It does not set out what health provisions can be provided by the visiting health practitioner. It sets up a contract between the visitor and the sportsperson. That is not what health services should be about. It is misleading, and the heading of clause 11, 'Provision of health care services by visiting health practitioner', is not highlighted in the detail of the clause. What degree of management is the person providing the health services entitled to provide to the sportsperson? If a sportsperson is injured — for example, a boxer — who makes the decision that the boxer goes to hospital? Is it the person registered under the exemption who makes the decision, or does he need to get a Victorian doctor to make it? This part of the bill is certainly unclear.

Another problem I am concerned about is if the person — again using the example of a boxer — goes to hospital, who has the right to manage the boxer while he is in hospital?

The legislation is unclear. Is it to be assumed that the visiting person is to hand the case over to a Victorian doctor? The legislation does not make that provision. A patient in a critical condition could be concerned about the process. When the event concludes, who becomes responsible for rehabilitation? A member of a sporting team may remain in an Australian hospital when his or her team returns to its country of origin. If we go by the letter of the law, which supervising doctor or medical officer is responsible for that sportsperson?

Clause 11(2)(a) specifies that the provisions apply during the exemption period for the relevant special event. What does that mean? For example, the grand prix runs for a week. Does the exemption finish at the end of the week or does it extend to cover the situation of a car driver who has been seriously injured in a crash and remains in hospital after the week of the race? Who will supervise the driver's care in hospital? Will that responsibility transfer to a doctor? If that be the case, why is the situation not provided for in the legislation?

Or would the responsibility remain with a doctor from overseas who may not be accredited to work in a Victorian hospital?

Who will be responsible for the health care of a sportsperson who must remain in hospital well after the special event has finished? Will Victorian taxpayers, Medicare or the persons or organisations staging the event be responsible, or will the cost become the responsibility of the sporting team? The bill is unclear and it should specify who becomes responsible for a sportsperson who must remain in hospital for a number of weeks.

It is unfortunate that the minority Labor government has not stuck to its policy commitment to have transparent and open government because it has yet to re-establish the Scrutiny of Acts and Regulations Committee. If it had done so, the queries I am raising would have been researched by that committee so that greater detail may have been included in the bill.

The theory behind the bill is good. However, the detail leaves a lot to be desired. When the Minister for Health responds in the debate I hope the house will get the answers to my questions. Then the bill can be passed with bipartisan support.

Ms BARKER (Oakleigh) — I am pleased to contribute to debate on the Health Practitioners (Special Events Exemption) Bill. As other honourable members have said, the bill will allow visiting health practitioners to provide health services in Victoria in connection with special events, as declared by the minister of the day. It is important to reiterate that the bill arises primarily through Victoria's commitment to host Olympic Games soccer matches in Melbourne in September 2000 and results from a memorandum of understanding signed by the Sydney Organising Committee for the Olympic Games (SOCOG) and the Victorian government on 3 June 1999.

The honourable member for Springvale outlined the requirements detailed under the memorandum of understanding, and I need not repeat them. This bill mirrors legislation passed in Queensland, Western Australia and New South Wales to allow for health-care services in those states to cater for special events. Honourable members will understand that it is important to recognise that international athletes and visitors to special events have language and cultural needs. In many instances, athletes have trained under one health practitioner or a number of specific health practitioners in the lead-up to their events. It is only right that the government make the effort to continue

the care of athletes as they travel to and from another country or state.

The bill has been introduced primarily because of the soccer matches to be staged in Melbourne as part of the 2000 Sydney Olympic Games, but I remind the house that Victoria will host the Commonwealth Games in 2006.

I draw attention to the way the care of athletes has changed over the years. Last Saturday in Oakleigh the Monash City Council recognised the marathon footrace, which was regarded as a significant event in the 1956 Melbourne Olympic Games. Dandenong Road, Clayton North, in my electorate contained the halfway turn of that race. The race was commemorated last week when the gold medal winner of the 1956 marathon, Alain Mimoun, now aged 80, ran up Dandenong Road at the halfway mark. Australia's Steve Moneghetti was also present. I understand that at the time of the marathon in 1956, Mr Mimoun did not slow at even one point during the entire marathon to take a drink of water. The needs of athletes are certainly different from what they were then.

Other honourable members have raised concerns about the way the bill will operate for special events. The importance of clause 6 cannot be underestimated. A special event will stem from an order made when the event is organised. Clause 6(2) states:

A special event Order may be made in relation to any sporting, cultural or other event that —

- (a) is to take place or is taking place in the state; and
- (b) in the opinion of the Minister, will attract a significant number of participants from other countries.

We should not underestimate the importance of the special event order that will be developed. The detail of the way the event will be staged in Victoria will be included in the special event order. The process by which it is established is important. I understand it is not envisaged that any event could be declared a special event without cabinet consideration, even though the need for cabinet approval is not specified in the bill. That would allow a process of discussion or consultation on what the special event would be.

Following cabinet's decision, an order under the bill is necessary only if the organising committee — I emphasise, the organising committee — of the event advises that a significant number of overseas teams or individuals wish to employ or contract their own health practitioners. The special event order will need to be quite detailed about how an event is to be declared a special event.

All the events — particularly the Olympic Games and the Commonwealth Games — will have their own organising committees. It is not envisaged that a special event order will be made unless advice is received from an organising committee about the way it intends to administer the accreditation process or processes for the visiting health practitioners.

So, a special event would be held in the state or in the country, but an organising committee of the Olympic Games or the Commonwealth Games would oversee it.

An honourable member interjected.

Ms BARKER — We all know the IOC is an overriding body.

An honourable member interjected.

Ms BARKER — A special event could be anything, so its definition needs to be discussed; we need to determine what sort of event will be declared to be a special event.

The bill states that a special event order may be made in relation to any sporting, cultural or other event, so someone will have to make a submission that a particular sporting or cultural event should be declared to be a special event, and that would trigger the process.

We have heard much about the process of consultation, and I have also seen a copy of a letter from the Australian Medical Union — I am sorry I suppose I should have said the Australian Medical Association.

The honourable member for Malvern raised an issue concerning clause 10, which provides for the supply and use of certain poisons. I am sure we are all concerned about that issue. The clause states that a special event order may authorise the supply and use of certain poisons, and it will specify which poisons or pharmaceuticals may be supplied. Discussions will be undertaken as to what those poisons or pharmaceuticals will be, and they could be limited in many ways after consultation with, for example, the Poisons Advisory Committee. That committee, which is established under the Drugs, Poisons and Controlled Substances Act, comprises a number of specialists, including medical practitioners, pharmacists, a pharmaceutical industry representative, a poisons manufacturer and a nominee of the Chief Commissioner of Police. The special events order will outline which drugs will be supplied, and in some instances which pharmacies should supply them. The professional obligations and responsibilities of pharmacists and wholesalers under Victorian law will remain unchanged, so a pharmacist would still be

required to report excessive supply. Those safeguards will be in place.

It is necessary for the bill to be passed to allow special events to take place. The minister will ensure that all the details are written into the order. It is important to recognise that flexibility is needed to allow for the different types of cultural and sporting events that can take place in Victoria or Australia.

I reiterate that the bill was introduced as result of Victoria's memorandum of understanding with the Sydney Organising Committee for the Olympic Games, which was signed on 3 June. It is important for the bill to be passed to ensure that Victoria is able to host special events and that overseas visitors for those special events are able to come to Australia with their own health practitioners in the future.

The bill mirrors legislation passed in other states and fulfils the memorandum of understanding signed with SOCOG. I understand it has bipartisan support, although some clarification is required. I look forward to the passage of the bill.

Mr PLOWMAN (Benambra) — I am delighted to follow the honourable member for Oakleigh in this debate on the Health Practitioners (Special Events Exemption) Bill. I wonder about a few things she said. She found it difficult to determine which events the bill might cover. Obviously it will cover almost any event to be held in Victoria, whether or not a team event, but particularly events involving international teams. It will allow such teams to be serviced by their own medical practitioners. It is important to recognise that that will mean the bill will cover a vast range of events, not just the Olympic or Commonwealth Games.

I was pleased to hear the honourable member for Oakleigh state that complementary legislation has been introduced in other states, particularly in New South Wales, because I have a special concern about the areas in which that complementary legislation will be needed. For example, coming up to the Olympic Games at least four teams will be coming to the Albury–Wodonga area for training, including the vast Lithuanian team, which I believe is the fourth-largest Olympic team that will come to Australia. They will be training in Albury–Wodonga, and we will have an enormous responsibility for their health care. The bill will be valuable, but it is most important to have complementary legislation in both states.

The River Murray marathon is one of the major kayaking events in the world. I believe the honourable member for Wantirna has participated in it, and anyone

who has taken part in it will understand how arduous it is. That event attracts teams from around the world who bring their own assistants, and that may involve health practitioners from other countries coming to Australia.

Other events include the Kangaroo Hoppett and WIS cross-country international ski race. Events such as that attract the world's best cross-country skiers. It is the only cross-country event in the world series of Loppett events to take place in the Southern Hemisphere. It attracts international teams that bring their own medical practitioners, and if events of international significance are included in the bill those medical practitioners will be helped in caring for their athletes. I see no reason for their not being included.

The honourable member for Wantirna mentioned some of the difficulties associated with the bill, including the question of who would be responsible for an international team member once the team had left the area and the event was over. If the team member had an accident or developed a physical condition brought about by the event and remained in the hospital after the event was over, what would happen?

We have hospitals, including the Walwa Bush Nursing Hospital, all along the border. The Walwa hospital is right on the border and overlooks the Murray River, a river famous for kayaking and training. That hospital also needs to be covered. In addition to the visiting medical officers attached to international teams competing or trialling for the Olympics or other major events held in the area, the hospital's own medical practitioners would need to be in a position to give assistance.

I am concerned about the future of hospitals like the Walwa Bush Nursing Hospital because they cannot afford to pay for treatment needed by team members who have ailments that require them to remain here after the events have concluded.

I will read from a letter written by Elaine Mitchell, a resident of the area, the wife of a former member of this place and a woman in her 90s:

I am writing to you to ask for your help in getting ongoing funding from the Premier for the Walwa Bush Nursing Hospital ...

I have had two stays in the Walwa Bush Nursing Hospital in the last few weeks and find their care excellent ...

Mr Bracks has made large promises for the rural communities and he would be letting these communities down badly if he allowed our own bush nursing hospital to close.

That is from the wife of a former member of this place who is in her 90s. She really knows the value of

community hospitals and community health in isolated areas.

The Walwa hospital is right on the river. It could well be called upon while teams are training along the Murray. The point is, who has the ultimate responsibility under the act and who pays for the service? It is important to bring such things to the government's attention.

Jill Singer, in an article about this hospital in the *Herald Sun* of 19 November, says:

If Walwa Bush Nursing Hospital is forced to close, as threatened, it will be over my dead body.

Or the body of some farmer caught under his tractor, or that of an asthmatic child, or some tourist ...

The tourist she refers to could be a member of a travelling Olympic team up there for training. She goes on:

... the hospital is the major employer, with about 20 part-time staff ...

essentially they're community-managed non-profit organisations and are a world apart from the major private hospitals in our cities ...

every brick of it was paid for by the community ...

six acute beds filled with elderly nursing-home-type patients. One bed was taken by a man discharged from the Royal Melbourne Hospital after getting a pacemaker, another with a severe asthma case, and one dialysis bed was used every second day.

That illustrates the breadth of services provided by that hospital. It would be a valuable resource for a team training on the Murray. I need to know who takes responsibility for an athlete being treated there and that the hospital is able, as a bush nursing hospital but not a public hospital, to provide the services required.

Jill Singer's article goes on to state:

A major problem is the many people who require emergency care because of farm accidents or some other medical emergency who don't have private health cover ...

As a matter of policy, the hospital treats these people, but it gets no fee for doing so.

It can't cross-subsidise this vital service any longer. Why should it have to?

It could be a travelling athlete who requires the service.

The previous state government was well aware of the debt it owed many of Victoria's remaining 40 bush nursing hospitals.

A private consultant's report published this year found that Walwa is an isolated community requiring special consideration to ensure it maintains its health service. The report recommended the state government fund the Walwa hospital's accident and emergency service. Jill Singer concludes her article by stating:

Now it's time for the Bracks government to put its money where its mouth is.

That is absolutely true. Bush nursing hospitals are a service needed in country areas and one that could well be called on by visiting athletes and their support teams when they suffer injuries as a result of accidents or other emergencies. It should be possible to continue to deliver such services from the Walwa hospital with the support of the state government.

A letter from Dr Graeme Banks published in the *Herald Sun* of 23 November, again dealing with bush nursing hospitals, states:

These are the community hospitals built entirely by the citizens of country towns to care for local patients and provide rooms for a doctor.

The commonwealth used to acknowledge this unique contribution to the health system with a daily subsidy of about \$20 for every patient.

Paul Keating took this away in 1986 and removed the tax deductibility of hospital insurance.

This meant financial disaster for community hospitals and most have had to close.

I have seen these hospitals throughout Victoria and I see them in my region, and because they are close to the border and the places where the teams are going to be training, it is essential to keep in mind the value of the hospitals and the service they give.

The article in the *Herald Sun* continues:

If our hospital closes, 20 jobs will go, \$500 000 in wages will be lost from our town and the supermarket, butcher and milk bar will lose their biggest customer.

Our frail and elderly inpatients will have to be moved elsewhere into the public system.

We pay our taxes and only ask that a fraction return to our town to provide, for example, a subsidised public bed to care for our terminal and respite care public patients — \$100 000 would be ample.

In the past week the Minister for Health has been in the Benambra area and has talked to representatives of the bush nursing hospitals. He ceded the point that the previous government granted \$6 million for capital works, but he will not accept the need for recurrent funding to maintain an accident emergency service. The

hospitals are the lifeblood of these isolated communities and might treat a motor car accident victim or a member of one of the training teams.

It is sad that the minister regards these as private hospitals — like the megahospitals. There is no comparison between them. These hospitals have been built by the communities — people who saw a need to have their own medical and hospital services — and serve them. The current minister underrates these hospitals: he does not understand why community hospitals were built initially, nor the service they give.

I return to the bill. The hospitals may be called on to serve a member of one of the training teams on the border. It is now essential to look at the future of the hospitals and give them the opportunity to provide an accident emergency service by allocating funding.

Honourable members interjecting.

Mr PLOWMAN — I am glad to hear I am getting support from the other side. A needs analysis was conducted on each of the three bush nursing hospitals in my region, and from it came the Kerr report, which recommended that accident emergency services be delivered from the bush nursing hospitals as a public service and that they be funded as a public service. The needs analysis was conducted only two months before the election was called and the report was published six weeks before the election. The coalition government was on the point of providing the service.

It is disappointing to me as a local member that the current minister cannot see the value of and will not accede to the fact that the hospital is providing a public service. It happens to be a community hospital. So be it. Why should it be denied the opportunity to provide a publicly funded public service, such as an accident emergency service? Why is there a need to take people out of their own community and put them into another community either to be treated or to be given inpatient bed service?

It is difficult to understand how a government that says it will do everything for country people and communities denies that bush nursing hospitals are the lifeblood of smaller communities and need to be funded — for accident and emergency services, as the Kerr report recommended. I ask the minister to reconsider the matter.

Returning to the bill, if country hospitals cannot be utilised when called on in emergencies the state will be found wanting, no matter how effective the legislation.

I support the bill. It is great to see support for the bill from both sides of the house. I am delighted New South Wales has complementary legislation, because given the border situation that is absolutely important. I commend the bill to the house.

Mr NARDELLA (Melton) — The government supports the bill, as do I. It is important because it sets up Victoria for the forthcoming Olympic Games as well as for other future events. It allows for international health practitioners to provide health care services to visitors in Victoria.

In many instances international health practitioners know the contestants as colleagues, have worked with them and know their previous injuries and needs. The legislation recognises and caters for that important fact.

Next year the Olympic Games will provide an important opportunity to promote not just Sydney but also Victoria and what the state has to offer. Victoria will host some shooting events, which I understand will be held in Bendigo, as well as the soccer. Teams will have their own health practitioners to provide assistance if needed.

The legislation was initiated by the previous government and is being continued by this government. It is a recognition that Victoria needs to attract more events and that there will be instances where international health practitioners will attend with the teams competing in the those events. It provides for flexibility in the handling of such matters by means of executive government processes. The minister will be able to exercise control over international health practitioners by declaring events and imposing restrictions and time limits.

Honourable members have also raised the issue of drugs. Members on this side of the house are just as concerned about drugs in sport as anyone else. The bill will provide protection and will not allow for illicit drug use.

Mr Doyle interjected.

Mr NARDELLA — It will probably not, and I will explain why. If someone gets a prescription from an international health practitioner and goes to a pharmacy, the pharmacist will question its validity, as pharmacists do from time to time with ordinary members of the public. If an illicit or inappropriate drug is prescribed a pharmacist will be able to phone the international health practitioner to discuss the situation and will have the discretion to not provide drugs in such an instance. The government understands that

pharmacists are professionals who will use judgment as appropriate.

Mr Doyle interjected.

Mr NARDELLA — But it is also a matter of commonsense. Opposition members need to understand that much legislation is about commonsense and putting decisions into practice. A whole range of what-ifs can be explored, but the international community and Victorian society do not agree with illicit drug use and checks and balances contained in international rules and in other legislation will prevent their use. That is in addition to the commonsense approach of pharmacists who may receive and possibly question prescriptions from international health practitioners. The professionalism of pharmacists should not be underestimated.

I turn to an issue raised by the honourable member for Benambra. Government members find it interesting that after seven years in government opposition members now say that bush nursing hospitals should be looked after instead of being closed down. It is pleasing that they have gone through a metamorphosis.

Mr Doyle interjected.

Mr NARDELLA — That is right; your side has gone through a metamorphosis and opposition members now care about their bush nursing hospitals instead of treating them as third or fourth-class institutions.

In his contribution the honourable member for Benambra said that the Minister for Health visited some of the fine institutions in his area. They are fine institutions; they provide a fantastic community resource for and are a central part of the communities.

Mr Plowman interjected.

Mr NARDELLA — Absolutely. Unlike the previous government, this government will respect those fine institutions and the volunteers who staff and raise funds for them.

The government will not be arbitrary about how those institutions are funded. It will consider the needs of the institutions and deal with their communities in a caring and compassionate way, unlike the previous government, which went out of its way to ensure that they were not looked after. It is important to put on the record the differences between the caring, compassionate Bracks Labor government and the seven years of neglect of country Victoria under the previous

government. I support the bill and commend it to the house.

Ms LINDELL (Carrum) — I am pleased to contribute to the debate on the Health Practitioners (Special Events Exemption) Bill. The purpose of the bill is to allow visiting health practitioners to provide health care services in Victoria for special events, without the practitioners becoming registered under state law.

It is a simple bill, and it arises out of a memorandum of understanding that was signed by the Sydney Organising Committee for the Olympic Games and the former government of Victoria in June 1999. It was signed, obviously, in the spirit of the Olympics themselves — a spirit of international cooperation — and it aspires to all those things that the Olympics stand for, including the fact that Australians will respect people from other countries who come here to participate in the Olympic Games. The ideals of the Olympics are treasured far and wide across Australia. This bill, in the spirit of the Olympics, simply enables people from other countries to bring with them their own health professionals.

The honourable member for Malvern, in his contribution, questioned the standard and registration of those health professionals. It is true that in many countries health professionals do not have the standard of learning and qualification that those in Australia are fortunate to enjoy. However, that does not mean we should question the right of people to their own choice of health practitioner when they travel to Australia to participate in the Olympic Games. When honourable members consider that issue, they should be careful that they are not spurning some of the ideals that they are purporting to support in the memorandum of understanding. There is no compulsion for visiting sporting teams to bring their own medical health practitioners. However, the bill enables those who choose to do so to do just that.

The International Olympic Committee has set up an accredited registration scheme for those people accompanying various teams to Australia, and that should be sufficient for Victoria to accept. The legislation exists in New South Wales and Queensland, and I firmly believe honourable members should support the many cultural, sensitive — perhaps the member for Malvern might not understand those words — issues that surround some of the teams coming to Australia for the Olympics.

Mr Doyle — Get off your high horse and address the bill!

Ms LINDELL — Sorry, the honourable member for Benambra was on the bill, was he?

The ACTING SPEAKER (Mr Phillips) — Order! The previous speaker spoke about commonsense in the bill. The rules of the house also have commonsense. If we allow interjections to become disorderly, the rules of the house become disorderly. The Speaker encourages debate in this place, and both sides are encouraged to participate in the debate. But it should be done in a civil manner and not so that the speaker is distracted from his or her task. I also ask the honourable member to direct her comments through the Chair, which will help the debate to continue in an orderly fashion.

Ms LINDELL — Similar legislation has already been enacted in New South Wales and Queensland, specifically to address the issues in the bill.

There seems to be a view that drug abuse in sport will somehow be assisted by the bill. I believe that tries to draw too long a bow. It is unfortunate that there is drug abuse in sport. In one sense the legislation will protect Victorian pharmacists, doctors and health professionals from inadvertently prescribing a banned substance to elite athletes.

Honourable members will recall the incident involving Samantha Riley and her headache tablets. It is easy for people to inadvertently miss the addition of certain drugs onto the very wide and long list of drugs proscribed by international sporting organisations. In that sense the best way for Victorians to protect themselves is to allow the elite sports people to bring their own elite medical support team with them, particularly those support staff who are fully conversant with the drugs that are allowed and not allowed by the sporting bodies.

It would be extremely embarrassing if, inadvertently, an Australian or a Victorian were to issue a prescription for an elite athlete and it was then found to be not a legal drug according to the sporting administration. Much of the debate about the bill concerns a lack of detail, but that is necessary because it merely establishes the framework for a special event order to be raised. The details of how long an order would last and the medical procedures that would be covered would all be included in the order. They are obviously not in the bill because the bill simply cannot be that specific.

The issue of costs of health and allied services and hospitals comes under commonwealth regulation. It has been sorted out with the International Olympic

Committee and it is not addressed in this bill because it is not within the realm of the legislation. The bill merely allows for a special event order to be struck, and the order would then specify the visiting medical practitioners and the conditions that would apply to their services in Victoria. I commend the bill to the house.

Mr LANGUILLER (Sunshine) — I am delighted to contribute to debate on the Health Practitioners (Special Events Exemption) Bill. I understand it has to be placed in the context of a memorandum of understanding between the Sydney Organising Committee for the Olympic Games (SOCOG) and the previous government, which this government fully endorses and is willing to carry forward in a most constructive and intelligent manner.

The principal objective of the bill is to authorise visiting health practitioners to assist sportsmen, sportswomen and other people in the context of what are called special events by exempting such practitioners from the provisions of Victorian law relating to health practitioners. The government made a commitment to host a range of events for men and women, particularly the football event, as it is typically known abroad, called soccer in Australia. Olympic Games competitions will be held around September 2000. Other visiting teams associated with the Olympic Games will be using facilities in Victoria for training prior to the games.

In any given year Victoria hosts special sporting, cultural and other events, bringing groups of participants from other countries into Victoria specifically to take part in them. I fully endorse the bill. It ought to be implemented in a most comprehensive manner.

The provisions of the bill bring to mind my involvement in the trade union movement. I served as occupational rehabilitation officer for the Health Services Union. There are parallels between the rights of injured workers and the rights of sportsmen and sportswomen who come to this country. I recall clearly that the previous Labor government recognised the significance of allowing injured workers to have access to their own medical practitioners, occupational rehabilitation providers, osteopaths, chiropractors and other health practitioners. It was recognised that that assisted the injured worker to recover quickly and return to meaningful activities.

There is a parallel between the rights of injured workers and the way they deal with their injuries and the rights of athletes when they go abroad, whether from

Australia to other nations or from other nations to Australia. It is important for the athlete to have his or her own doctor. The medical practitioner, having a knowledge of the athlete's clinical history, can treat the injured person — the athlete, in this case — in the most effective and efficient manner, facilitating that person's speedy recovery.

The ongoing engagement of a doctor who has built up a knowledge of that person's body and mind over a long period has not only physical but also psychological benefits. Also the doctor can continue to build a clinical, medical and psychological history of the sportsperson while that person is visiting another country and living in a different environment. One could confidently suggest that an athlete's sports performance would be enhanced and facilitated should that person have the opportunity to continue to use his or her own health practitioner.

When doctors visit this country they would typically be collecting data on physiological memory. That information is very important to the performance of athletes because it allows the doctor to see the athlete perform in a different climate and a different social and cultural environment. The doctor can subsequently prepare reports. It is my clear understanding, based on my recollection of studies conducted principally by the Victoria University of Technology, that athletes who have the benefit of working with the same medical practitioners on an ongoing basis tend to perform better.

I support the bill because it shows the government embraces partnerships with the international community in a serious manner. Also it makes economic sense. The government is not in the business of disadvantaging athletes who visit this nation. Our cultural history has shaped our commitment to an egalitarian society that ensures athletes equity and the same opportunities as other athletes have.

In conclusion, I believe this good legislation shows the openness and accountability of government and its commitment to democracy. The government is confident of its own people. At times government has to intervene and regulate for the benefit of all. The bill sends the right signals to the international community and ought to be supported. I commend the bill and the minister's contribution. In my judgment the bill makes medical, sporting, cultural and linguistic sense.

Mr THWAITES (Minister for Health) — I thank the honourable member for Sunshine for his inspiring speech. He has certainly seen more in the bill than I did. I propose to address in detail the matters raised by the honourable member for Malvern. By way of

introduction it is important to note that the bill was prepared by the previous government. Honourable members opposite have made a number of criticisms of various aspects of the bill. Those criticisms, while some of them are valid, are properly directed at those responsible, and that is the members of the previous government who prepared the bill.

Comments were made on the drafting of the bill. The honourable member for Malvern suggested that the bill was drafted sloppily in the way the drafting instructions for the bill were implemented. I reject that contention. I have had a chance to look at the drafting instructions and I believe the bill is consistent with them.

On the key issue of the prescription of drugs — schedule 2 poison, schedule 3 poison, schedule 4 poison and schedule 8 poison — the drafting instructions given by the previous government were that the bill should authorise visiting health practitioners to obtain, prescribe and supply substances that are schedule 2 poisons, schedule 3 poisons, schedule 4 poisons and schedule 8 poisons within the meaning of the Drugs, Poisons and Controlled Substances Act and to that extent exempt those practitioners and the visitors who are prescribed or supplied with any of those poisons from that act and the regulations made thereunder.

In answer to the opposition's central contention, the bill simply reflects the instructions that parliamentary counsel were given by the previous government.

Be that as it may, some important points need to be addressed. I also share some of the concerns that have been raised about the broad scope of the bill, and I am concerned that the act contains broad provisions. For that reason I want to ensure that the orders I make under the act are specific. The bill is broad because the previous government gave instructions to parliamentary counsel to draw it up that way. To be fair to the previous government, the states agreed to draw up mirror legislation so that each state involved in the Olympics Games would essentially have the same legislation. That is the case in New South Wales, Queensland, Western Australia and Victoria.

The honourable member referred to a lack of consultation, and I share his concerns. Given that the previous government had already gone through the whole process and approved the bill, I assumed that it had carried out the consultation. My advice is that the first draft of the bill had been completed before Labor came into office. The drafting instructions were given while the previous government was in office, so I

should have thought it would have carried out the consultation.

I will deal seriatim with the specific issues that were raised by the honourable member for Malvern. He asked why the government had proceeded along the lines of exempting visitors to Australia from the provisions of the health practitioner registration boards rather than asking the boards to extend specific registration to them. That was the agreement the previous government entered into, and that is the way it will apply throughout Australia. Many members opposite fail to recognise that the only visiting health practitioners who will be approved will be those approved by the event accrediting organisation. For the Olympics, that means the medical commission of the International Olympic Committee (IOC). Despite the suggestions of some honourable members, there will not be an influx of unqualified people.

The honourable member for Hawthorn intimated that the Olympics is only one event, and that is true. However, the legislation, which was prepared pursuant to the instructions given by the previous government, applies to other special events. I will ensure it is applied and the orders are implemented only if the organising committee of whatever function it is — and the obvious next major event is the Commonwealth Games — has set up a proper accreditation process. The philosophy behind the legislation is that the organising committee of the specific event does the accreditation rather than leaving it to individual states. That is a requirement for those major events. The agreement that has been reached with Victoria states that there will be no practice restrictions on visiting health practitioners. As I said, the legislation mirrors the legislation passed in other states. It would be an administrative nightmare if the medical practice and other health boards had to assess every visiting practitioner, and it would also be expensive. The bill has been drafted in a way that means our health boards do not have to carry a burden they should not have to carry.

The honourable member then asked if the qualifications of overseas practitioners will be picked up. The answer is no, they will not. The only people who will be involved are those who are accredited through the IOC medical commission or other major event bodies. We will ensure that that is appropriately limited.

The next point is that with an event other than the Olympic Games the government would want to ensure that the organising committee had been through the proper accreditation process. If I am not convinced of that I will not make the order. Because of my general concerns I will take a cautious approach. The act will

apply to special events only where a significant number of overseas practitioners are involved. It will be used only where necessary, and it will not be used for other purposes.

The honourable member for Malvern asked how specific the orders will be. I intend to make the orders very specific. They will be drawn up after I have received advice from the department, which will make recommendations for specific orders. There is a need to be practical, but I will make the orders as specific and as narrow as is consistent with reasonable practice based on the general principle that visiting health practitioners will not be treating people other than overseas visitors.

I propose to limit the suppliers of schedule 4 and schedule 8 poisons to specific pharmacies and wholesalers, so the pharmacies and wholesalers would be identified in the order. For example, I understand an Olympic team will be staying at the Hilton, so I propose to identify the pharmacy that will be set up at the hotel — and perhaps one or two others. However, it will not be statewide. It will mean that the specific pharmacists involved will know that they are the only ones who are entitled to hand out the drugs to the visiting health practitioners. It will be well contained.

Mr Plowman — What about the teams in the bush?

Mr THWAITES — I will consider the concerns of teams in the bush and make specific orders to meet that eventuality, but there will not be a statewide provision. If the Olympic organising committee is able to identify a particular place and time, the order will be limited in that way.

Victorian pharmacies will not be exempt from exercising professional judgments about amounts, so accountability will still apply there. I understand the International Olympic Committee will provide details about which practitioners are required to prescribe certain drugs. The IOC sets down strict rules about drug taking by athletes, and my advice is that it will advise which of the practitioners will be prescribing which types of drugs. In the order I intend to specify the practitioners who are able to prescribe schedule 4 and schedule 8 drugs. That will be an additional level of specificity to safeguard the public.

A question was asked about a visiting health practitioner giving drugs to someone other than a visitor. Anyone who does that will be committing an offence under Victorian law, and as is the case with anyone else who breaks the law, that person will be prosecuted in the usual way.

The shadow minister referred to clauses 13 and 17 concerning offences and liabilities and to the need for a section 85 provision. My advice is that that is not necessary because if the board prosecutes somebody in the ordinary way — for example, if there has been a breach — the existing immunity will apply. There is no need for any immunity under the bill.

The shadow minister asked about the deletion of the word ‘not’ in the heading to clause 18. That mistake in the initial draft was corrected in the draft circulated by the Deputy Chief Parliamentary Counsel, and I am advised that the change has been effected. The shadow minister raised the issue of the event itself and asserted that the bill allows for a class of events. I will not be giving a broad order but will limit any order to a specific event — for example, the Olympic Games soccer matches in Victoria.

He also referred to an anomaly amounting to events having to be staged in Victoria. The bill will not protect teams that are training in Victoria, for example, for a New South Wales event. There may well be an anomaly in the bill, but I repeat that the previous government entered into the agreement, as have other governments in Australia. That may need to be fixed later. A clear gap exists and it is my understanding that if a team is training in Victoria for a New South Wales event, no protection will be afforded. As to the timing of an event, I will specify the time and will have clear time limits so long periods are not involved.

The issue of visitors being confined to hospital was raised. The bill has no effect, as different countries have reciprocal rights. Any visiting athlete confined to hospital will be treated in the same way as would any other international visitor.

The next point raised related to disreputable people bypassing customs and handing out drugs. That is the reason for the International Olympic Committee accreditation process. The only people entitled to the benefits of the bill will be specified in the order and will be accredited by the IOC.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Mr DOYLE (Malvern) — Clause 4(c) talks about specifying notices and an intention to provide health-care services. I was delighted at the minister's comments about an order being specific and narrow. Will that specificity mean that he specifies the health care that is required if it is not already specified by a group accreditation body, such as the International Olympic Committee? When the minister exercises discretion more broadly for an event such as the Olympic Games will he be specific in saying what health care can be provided by the individual practitioners?

Mr THWAITES (Minister for Health) — I cannot give an undertaking to be so specific. The shadow minister is asking me to specify every type of medical service that a doctor may render. However, certainly any services that a particular health practitioner might give would be limited to the services ordinarily given by such a health practitioner.

Clause agreed to; clause 5 agreed to.

Clause 6

Mr DOYLE (Malvern) — I thank the minister for his comments about following the accrediting bodies for certain events. However, I am not entirely happy that the state should hand over powers willy-nilly to such organising committees. It is the state's role to determine the quality of health care in the state, which is why states have different registration legislation. Although we want consistency between states, I ask the minister to assure the committee that if the issue of quality of care were at hand, the state would be prepared in those circumstances to override an organising committee's insistence that a particular practitioner have practising rights that we in this state could not agree to.

Mr THWAITES (Minister for Health) — The shadow minister puts me in an impossible position. His government entered the agreement to introduce the bill in its present form. The government has agreed to proceed with it. It is not possible to interpose some new philosophy that the shadow minister is now pressing for. However, if it were seen that there were gross abuses of the legislation, I certainly would be open to an approach for a review.

Clause agreed to.

Clause 7

Mr DOYLE (Malvern) — My query about this clause may have already been answered. As regards clause 7(2) I want an assurance that we would only be allowing an absolute minimum period before and after an event. The answer the minister gave earlier about prescribing drugs contained the implication that committees have certain rules about competitors. The opposition wants to ensure that the period once the event is over and a practitioner is treating somebody when the testing regimes are no longer in place is as short as possible. If the answer is that an absolute minimum will apply in the circumstances of clause 7(2), the opposition would be satisfied.

Mr THWAITES (Minister for Health) — I certainly wish to ensure that the orders are as specific and narrow as is reasonably appropriate for the practical performance of the agreement.

Clause agreed to; clauses 8 and 9 agreed to.

Clause 10

Mr DOYLE (Malvern) — I thank the minister for his answer during the second-reading debate about specificity in this clause. That offers some reassurance. Even though he has limited it to pharmacies and wholesalers, I would ask for guarantees about the process to be put in place for the tracking and audit of schedule 8 drugs: what quantities are involved, who uses them and what happens to the remainder? It does not necessarily have to be in the legislation — the issue may be handled by regulation — but the opposition wants protocols for drugs of addiction to be strict and rigid.

Mr THWAITES (Minister for Health) — I will take on board the matters raised by the shadow minister. As I said, the order would specify the pharmacies involved. That will make it possible to carefully account for the drugs that have been handed out and prescribed.

Clause agreed to.

Clause 11

Mr DOYLE (Malvern) — Clause 11 raises the question that was partly dealt with in the minister's answer — that is, the relationship between the practitioner and the employing body is a contractual one. It is interesting to compare this with the provisions in clause 12.

It seems to me that we need to know how they will react so that we know a little about the employment

nexus and the health nexus of the visiting health professional. If we are to allow people to write schedule 4 or schedule 8 prescriptions we need to know who determines their qualifications. I suppose it is a similar point to my earlier one — it is important not to give prescribing rights to people who would otherwise not have access to those sorts of drugs.

Mr THWAITES (Minister for Health) — The International Olympic Committee medical commission will determine which health practitioners should supply the services and which services are appropriate for them to supply. That is the agreement that was reached and that is the discipline that will be applied.

Clause agreed to; clauses 12 and 13 agreed to.

Clause 14

Mr DOYLE (Malvern) — I pick up the point made by the minister — if someone misuses drugs of addiction the normal laws will apply. However, the difficulty with clause 14 is that it leaves a hole you could drive a truck through because it states that a visitor will not have committed an offence if a poison has been prescribed or supplied to them by a visiting health practitioner. I suggest that in practice it would be difficult to determine whether the misuse of a substance such as an anabolic steroid, a masking agent or a drug of addiction has occurred under schedule 8 unless a more rigid and stringent regulatory regime is in place to ensure the reasonable and appropriate use of particular drugs of addiction.

Mr THWAITES (Minister for Health) — The shadow Minister for Health has not noticed or has not referred to the last line of the clause, which states that the protection applies only if the visiting health practitioner supplies the poison in accordance with the proposed act. Therefore, no protection will be provided to a visiting health practitioner who supplies drugs outside the specific order.

The difficulty of enforcement applies across-the-board whether or not an offence occurs under this or any other act. Doctors who are fully accredited in Victoria may wrongly supply anabolic steroids or other drugs, and it is always difficult to catch them. There is no difference between accredited doctors and visiting health practitioners. However, the government will take all the necessary steps to ensure that anyone who breaks the law is prosecuted.

Clause agreed to.

Clause 15

Mr DOYLE (Malvern) — Clause 15 picks up on the same point, and I am not sure whether I agree with the minister's last summation. He said there was no difference between a visiting health professional and a health professional who practices in Victoria. The difference is that a health professional who practices in Victoria is governed by the provisions covering certain offences under the relevant health professional registration act.

So not only may a health professional be caught by the scrutiny of his or her own board during the normal course of its investigations, but he or she could also be subject to criminal sanctions under the provisions in the proposed act. Not only could the health professional be deregistered, he or she could also be caught by the criminal code. I am not sure whether that would be the case for a visiting health professional. That is why I am asking about the single word 'if' in the clause. The clause states:

... or Schedule 8 poison by wholesale to a visiting health practitioner if the visiting health practitioner is authorised in accordance with this act ...

Part of the answer may have been given by the minister earlier when he said that a narrow group of wholesalers and pharmacists will be authorised to supply the drugs, but how will other health professionals know that? How will we be able to communicate to health professionals outside the regime of professionals identified by a special order that they are not authorised to supply the drugs?

Mr THWAITES (Minister for Health) — We will know whether someone is doing the wrong thing under the proposed act in the same way as we know when anyone does the wrong thing when prescribing or handing out drugs. Under the current law people who are not doctors might wrongly hand out anabolic steroids. No medical board covers those people, yet they are prosecuted by the department. The same protection will apply in this instance — the department will have the ability to prosecute people who are wrongly handing out drugs.

I believe the ability to oversee the handing out of drugs under the proposed act will be much greater than is the case generally because the orders made will be narrow. The pharmacists or wholesalers supplying drugs will be identified, and if pharmacists suspect that the supply of drugs to a particular practitioner is too great they are likely to report that — indeed, they will be duty bound to do so.

Clause agreed to; clause 16 agreed to.

Clause 17

Mr DOYLE (Malvern) — Again, I am not quite sure whether I agree with the minister's line of logic when he says that drugs are already being wrongly supplied by various pharmacists and practitioners. It is true that that already happens in our society, but much more of that sort of activity will occur under this regime. It is inappropriate to say it already happens and we already have to catch offenders so it does not matter. I know that is not quite the line of logic the minister was arguing, but we are talking about including in this already difficult area people who are not subject to any of our registration acts.

I wish to refer to part of clause 17 and to an answer the minister gave earlier about the section 85 provision, which I do not accept. His argument was that the normal immunities will apply to the board, but I point out that any board normally deals with people who are registered under its aegis, who are Australians and who are practising here. That is not the case in this instance. Visiting health professionals might be pursued or investigated or reported on by a particular board, but they will not be registered with that board so the normal immunities will not apply.

I do not believe the minister's answer can extend to people who come from outside Australia and are not residents or citizens of Australia but who may still have legal rights or arguments against a registration board. I reiterate that we should not be deciding on the run that we do not need a section 85 provision to protect the board, if it is doing the investigation and transmitting information to, for instance, the minister — and that may well be the situation — from being the subject of such an action to prevent the information from getting to the minister.

I do not think it is captured by the immunities available at present because the person about whom the information is being transmitted is not covered by any present registration act. The answer might be, once again, to simply go away and reconsider the matter. We may need to consider it fully. I do not, however, believe the answer to the question about a section 85 statement is entirely satisfactory.

It is a necessary bill, and I thank the minister for this productive and speedy committee debate.

Mr THWAITES (Minister for Health) — I thank the shadow minister. I note, however, the extraordinary lengths to which he has gone to criticise a bill drafted by the former cabinet led by his own party.

As I said before, the bill follows the drafting instructions handed down by the previous government, and presumably all the major issues were considered by the cabinet of the time. The Leader of the Opposition was, I am sure, present at the table, so he had the opportunity to speak out. Evidently he did not speak out in the same way that the honourable member for Malvern now says he would have done. There is a little tension between those two, and perhaps it is reflected here.

If people are acting in an illegal way the department will prosecute them. Section 85 statements have nothing to do with that; they do not protect people who commit illegal acts. The shadow minister talks continually about the various health boards including the Medical Practitioners Board of Victoria. Those boards would not be relevant because a visiting health professional would not be registered under the act. It would be the department, not a medical practitioners board, that would do the investigating.

The department will also be responsible for investigating and prosecuting other unregistered people who break the law or prescribe incorrectly, as it is in the case of unregistered dentists, for example. I am advised that the department has always been able to act in that way. The government is not changing that. Perhaps it is something we might need to change in the future. All we are doing here is putting in place an agreement to assist the Olympics. It is an agreement entered into by the previous government and one this government is happy to support.

Mr Doyle interjected.

Mr THWAITES — I am sure this has been a fascinating intellectual exercise for the honourable member for Malvern. He has come up with some good points. I have sincere concerns about the breadth of the legislation and will ensure that any orders made are as narrow as is practicable and reasonable in the circumstances.

Clause agreed to; clauses 18 to 20 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

LEGAL PRACTICE (AMENDMENT) BILL*Second reading*

Debate resumed from 11 November; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — I rise to for the first time respond to legislation from this particular vantage point. I trust I will not stay here for long.

It is interesting to look across the chamber and see, from the perspective enjoyed by the honourable member for Niddrie in his former capacity, the place where I used to sit.

Honourable members may be interested to observe the way I approach my new task relative to the way the honourable member for Niddrie approached it when he stood here. There will be some differences. Even more interesting will be the way the honourable member for Niddrie operates sitting in the seat he now occupies compared to the way he behaved when he was standing here.

This provides an opportunity to break with the past because the opposition agrees with the legislation and will not seek to amend it. The Attorney-General has realised the legislation was so superbly drafted by the previous Attorney-General and her department that it should be introduced without any changes and supported wholeheartedly.

I hope and trust there may be a number of occasions when government legislation can be supported — certainly more than when the honourable member for Niddrie occupied this spot. When it is appropriate, I may be more supportive of government legislation and my criticism will be constructive. I will not be crying wolf, like the previous opposition, but will be more surgical and intense about those areas with which I disagree.

I believe it is good legislation. For the first time in my career here I read one of the now Attorney-General's responses to the Legal Practice Bill. He moved a reasoned amendment proposing that the bill be withdrawn and redrafted; attacked the bill on a number of grounds; and generally attacked the government and the former Attorney-General. In the original Legal Practice Bill he criticised the ombudsman and his powers; the recognised professional associations (RPAs); and changes to the Law Institute of Victoria. He referred to section 110 and other matters.

I also read my own response to the then shadow Attorney-General's criticism of the original bill, now

the act. At the time, I said that much of his criticism was political — I will return to that point in relation to the amendments. I also said that it would be necessary to wait and see how this revolutionary piece of legislation operated — a 400-and-something section bill that completely overhauled the legal profession — and that changes would be required. Legislation of that size, with that level of reform, not previously attempted by either Labor or Liberal governments, could not be introduced without subsequent changes.

In relation to the first of my predictions I was correct: many of the objections of the then shadow, now Attorney-General, were political. The Legal Practice Act has settled down well. At this stage there are no great cries from the Attorney-General that the act ought to be withdrawn, structurally altered or changed. Many people in the profession who had doubts about the legislation now respond that it is working well.

That is why a lot of the criticism originally levelled at the act by the then shadow Attorney-General was political hot air. That was a shame because it undermined the capacity of that important piece of legislation to lay a foundation and work effectively. Despite that, it has.

One could ask the Law Institute about all the things the then shadow Attorney-General said would have dire consequences and about which the institute had genuine concerns. I refer to questions such as, 'Now you are an RPA and the monopoly is broken, how are you going as an institute? Have you collapsed? What is your membership like?'. I happened to ask that very question recently.

Mr Hulls — Have you been talking to them?

Dr DEAN — I have always been talking to the institute. The President of the Law Institute volunteered to me that it is going extremely well. The institute has about 80 per cent or above of its previous membership. Before it was compulsory that all practitioners join the institute. Now that it is open for anyone to go to the Legal Practice Board or to another RPA, the institute has a membership of 80 per cent. It seems it is attracting its members on the basis of quality of service. If one asks about the services it provides and the vigour with which it provides them, it will be clear that they have all improved.

The object of the act was to say to those associations, which were effectively compulsory trade unions within the legal profession, that membership was no longer compulsory, and that has had the desired effect. Those associations have doubled their efforts to provide

services to their members and work hard to ensure that their members are happy and stay there. The system is operating.

Another important consequence of the act is that members no longer hear comments that were regularly made by members of the public and various community groups to the effect that because the Law Institute and the bar were in effect a monopoly and dealt with their own disputes in-house they were part of an old boys' club and people could not be assured that their disputes and difficulties with the profession were getting an unbiased ear. I am certainly not saying that was the case; however, the perception was there.

While members of the legal profession may have felt some difficulties about disputes not being handled in-house, the fact that their disputes have now been given to an independent body to deal with has been in their best interests, and I think they would agree with that now. The system has worked well.

A major reason for the new perception of independence — and I think efficiency — with the hearing of disputes is the creation of the Legal Profession Tribunal. That is at the heart of the amending legislation being debated today.

When considering the amendments it is important that members remind themselves of the structure of the Legal Practice Act, which I believe has been a revolutionary success. The structure was really quite simple. A lot was said about the act — about its complexity and size, that it would be overregulated, that it would be overly bureaucratic, and a lot of other things. I understand why they were said because the legislation represented a big change. However, the size of the act does not reflect the complexity of the structure of the whole shebang. Rather, it reflects the extraordinary breadth to which the act extends — that is, throughout the whole range of trust arrangements, legal practice certificate arrangements and insurance arrangements. The structure was at the very heart of the changes.

On top of the structure sat the Legal Practice Board, which effectively looked after the running of the profession in terms of practising certificates and all those matters that ensured the rest of the structure operated properly. Under that sat the Legal Profession Tribunal, the independent body that heard matters involving people who had conflicts with the profession over civil damages, misdemeanours or negligence problems. Sitting alongside that was an ombudsman to assure members of the public that there was someone they could go to who would look after their interests

and to put aside any suggestion that they were limited in their complaints because the profession would act as judge and jury. The final part of the structure was the creation of the recognised professional associations, the RPAs, which effectively broke up the monopolies.

I will stop there for a moment. It is important to recognise that at the time it was alleged by a number of people — including the current Attorney-General — that the creation of the RPAs was competition gone mad and that the competition philosophy had caused the government to drive into the Law Institute and the bar to deliberately try to break them up. The creation of the RPA mechanism shows categorically that nothing could be further from the truth.

Certainly people were putting submissions to the government that legislation should be introduced to provide for the Law Institute or the bar to no longer continue to operate, to break its monopoly and strike down many of its rules. That the RPAs were created in the way they were is evidence that the sort of blind competitive market philosophy was tempered in relation to the Law Institute, the bar and the legal profession. A much more appropriate solution was adopted in the public interest. With the creation of the capacity to be an RPA the former government was saying, 'The monopoly is broken. The Law Institute and the bar can apply to be RPAs, as can other groups, whether they be institutes or associations of lawyers or whether they be in the country or city or other geographical locations. They can all apply to be RPAs too if they want to'. Rather than follow the competition buster approach that was alleged, the former government said, 'Here is a framework. You are part of it, but the framework is there for others to join in if they wish to.' It has been a huge success. None of the dire predictions forecast by the then shadow Attorney-General and others about the process have in any way come to pass.

I return to the importance of the Legal Profession Tribunal. The tribunal should be commended on the work it has done. The new tribunal took up its position at a time when there was a great deal of concern about the act. There was much concern about the new tribunal and who should be on it, including how many advocates and non-advocates from the profession it should have, how many lay people it should have and who should be the chair. The concern was rife, and it was difficult to work out an appropriate solution.

The chairperson of the tribunal is Mr Richard Fullagar, QC, a former judge; and the tribunal has three judges as its deputy chairpersons: Justice Southwell and

judges Murdoch and Spence. The tribunal has acquitted itself enormously well in that environment.

It settled down to its job. When the bill was introduced I recall saying that there would be amendments to the bill. A member of the then opposition shouted, 'How can you possibly introduce a bill if you are saying at the start that it will be amended later because there will be problems with it?'. I said, 'You have got to tell the truth in this business, and if you introduce complex, difficult and groundbreaking reform legislation, it has to bed in for a period. The nuts and bolts have to be worked out. You will definitely find that things will not be transposed exactly from the theoretical to the practical'.

That is exactly what happened, and there have been three amending acts so far in relation to practising certificates, interstate lawyers, trust accounts and a number of others. It does not surprise me that as the Legal Profession Tribunal has sorted itself out, gone through the process and used the new legislation, it has discovered a need for alterations.

Mr Hulls — Consultation!

Dr DEAN — The Attorney-General's interjection is so easily responded to because the proposed legislation, which was drafted by the former government, now the opposition, is in response to consultation with the Legal Profession Tribunal. It asked for these amendments, and the former government then framed this bill. It is the result of absolute consultation because these are the problems it had and this is what it wanted to have fixed. I am pleased that the new government has seen fit to ensure that that happens.

One can split up the disputes heard by the Legal Profession Tribunal into civil matters and misdemeanours. Honourable members know about civil matters cases if they ever employ a barrister or a solicitor. It is an expensive business and costs are important. A large part of the tribunal's work is dealing with cost disputes between members of the public and their legal practitioners.

In considering the detail of the bill it was determined that if a cost dispute were to exceed \$15 000 it ought to be heard in another jurisdiction, and that was fine. It is also clear that the tribunal has the right to make orders beyond just costs. It has a right to hear disputes about pecuniary matters — that is, whether the client has suffered some pecuniary loss.

Instead of it being simply a cost between you and your solicitor, you may say, 'The solicitor did such and such, which resulted in my suffering some damage, and therefore I want to have that dispute heard before the

tribunal'. That is very important for a client, and it is important that there be a broad capacity in the tribunal to look after such disputes. But there is no ceiling on those disputes. The tribunal's jurisdiction for costs has a \$15 000 ceiling, but with civil matters not involving costs there is no ceiling. That is where the problem started to develop.

I have a personal interest in the way tribunals now operate as distinct from the true adversarial process. It is important to note that the tribunal has the capacity to deal with civil disputes in a very efficient way. It is a guide to the future in the way in which many of these disputes should be determined. Firstly, the dispute goes to the recognised professional association. If one then says, 'Hang on, how can the dispute go off to the RPA if you are deliberately making it into an independent determination of the dispute? Why have you gone back to the bad old days?'. The answer is that you have not. The dispute goes to the RPA first because it gets a chance to settle it. What could be better than to say, 'The client and the lawyer have a dispute. The very first thing we should do, under the guidance of the RPA, is to sit down and see whether it cannot be settled.'?

There is obviously a great interest in both the client and the lawyer settling it if they can. If anybody knows about the cost and trauma of continuing with litigation, it is lawyers; and if they are one of the parties, there is a real twist in the tail to settle it. That is a good part of the mechanism. If it cannot be settled, it goes to the tribunal, but it does not go straight into the adversarial system. Again that is saying something very important about those sorts of disputes and about the future. The first thing the tribunal does if it has not been settled at the RPA is to send it off to a conciliator appointed by the tribunal, and another attempt is made to conciliate the process. If that cannot happen it goes to the tribunal for a hearing, and you then may appeal to a full hearing. It goes on perhaps to the full tribunal, if necessary.

With some of the amendments it will later become relevant to note that the tribunal also has an important role to play in dealing with misdemeanours. Again, if the client believes there has been a misdemeanour by his or her legal representative, that is where the structure of the legislation is revolutionary and does a fantastic job, eventually ending up with the independent tribunal doing its work.

If there is a misdemeanour the client has a choice of either going to the RPA and saying, 'You charge or investigate this misdemeanour of one of your members', or he or she can go directly to the Ombudsman, and that is the reason for having the Ombudsman there because misdemeanours are at the

hard end of all this. Civil disputes are one thing, but a misdemeanour or a charge that a barrister has been negligent or worse affects that barrister or solicitor or legal professional's reputation. Ego also comes into it, as does pride and many other things. It goes way beyond whatever money damage may occur.

Under this bill the client will have the opportunity to go to either the RPA or the Ombudsman, as it were. If the client goes to the RPA and is not satisfied, he or she can go to the Ombudsman to have the matter looked at again. It would probably be best, if one wanted to have something done, to go to the RPA first because that way one gets two bites of the cherry. If you do not like that you can go to the Ombudsman straight away by way of appeal. However, if it is decided at the end of that process that there is some merit in either of the two matters, the Ombudsman or the RPA can bring a charge to the tribunal. Again either the independent tribunal is saying, 'The RPA has brought a charge' or, if the person thought, 'No, I am not taking it to the RPA I am taking it to the Ombudsman', the Ombudsman looks at it and says, 'Yes, I will bring the charge', and the charge therefore comes before the tribunal. Of course that can go on to the full tribunal as well.

In considering the amendments it is important to realise why they are necessary and why the Legal Profession Tribunal is absolutely critical to the whole process. Of all the parts of the Legal Practice Act the Legal Profession Tribunal is at the very heart of this reform. It is vital that Parliament listen to what the tribunal has to say, and when it says it has problems or difficulties that need to be sorted out, that should be done as quickly as possible.

I refer the house to the amendments that the Legal Profession Tribunal asked for under the previous government. The tribunal required the ability to restore a practising certificate if a bankruptcy had concluded. The former government's response was, 'Yes, you are quite right', and that was done.

The tribunal wanted amendments covering the payment of costs in 1997 or 1998, and those amendments were made. The tribunal wanted clarification of who could prosecute before the tribunal. That amendment was made. An additional deputy registrar was wanted. That amendment was made. There is no cause for the Attorney-General to suggest the former government did not listen to the tribunal, as he interjected earlier. There is no evidence the previous government did not listen to the tribunal; the opposite is the case. The opposition encourages the present government to listen as accurately.

Three years have passed and the tribunal has had a chance to look at all its processes. It has heard a range of different types of actions and again has asked for some refinements to ensure the legislation works well. The first area of concern is that which I raised before about civil claims that concern not costs, which are automatically limited to \$15 000, but pecuniary loss or any other genuine dispute under section 122 of the principal act. I will not read it out.

Mr Hulls — Read it!

Dr DEAN — You used to read out great slabs but I will not do that because it is not necessary. It was important that those other areas had no jurisdictional cap. The problem is that compared with what is involved in going to court the dispute resolution mechanism is so efficient and easy and results in a much smaller detriment in costs that people find the tribunal attractive. I emphasise there is no bar on any of those matters going to the court. If a person takes a matter to the tribunal, that person can still go to the court with the same matter — and therein lies the difficulty.

People see that the tribunal is a fabulous, quick system so they use it for pecuniary matters concerning amounts of way over \$15 000. Suddenly the tribunal has had complex matters before it that potentially might lead to big damages claims and that would normally go through the common-law courts. The tribunal has not been attractive just because it is cheaper and faster, although I maintain that that is certainly a reason. There is a lesson in such mechanisms.

Lawyers being lawyers, they do the best they can for their clients. If they can go through a process first that enables them to get a lot of documents — dare I say fish — at no cost to themselves and rather quickly, why should they not do so? They get the documents, decide whether they have a case and, if so, go to court. They have not used and abused the tribunal system to get those documents; that is the law.

Lawyers can go further. Apart from the conciliation processes — it is great to have them — lawyers can also get a judgment from the tribunal on particular areas in a particular matter and then go to court. I have not spent a great deal of time thinking about that, but there would probably be some *res judicata* in that. It certainly would be a great embarrassment to the common-law court if a tribunal, particularly of the status of this tribunal, had already given a decision on factual matters in a dispute now coming before the court. How should that court deal with that?

Two approaches can be taken on this matter. The Law Institute of Victoria has made submissions to the Attorney-General suggesting that the way to go is simply to put a cap of \$15 000 on all disputes. I do not know whether the institute made the same submissions to the opposition. I imagine it probably did. I have great respect for that view because that is obviously a quick solution to the whole problem. People would have to say what their claim will be, whether costs or pecuniary, and that would be the limit.

However, that solution does not quite make it for a couple of reasons. Even if a \$15 000 cap is in place, potentially the claim could be for a much greater amount. But once someone agrees to the cap, he or she is automatically through the door. The tribunal might look at the claim and say, 'You are asking us to allow you to fish for documents and then you will run a much bigger claim on exactly the same matters in court. We think you should not be here'. The claimant could then say, 'I have to be here because this is a claim for \$15 000'. An unseemly battle could result about whether the tribunal or the claimant was right in suggesting it was a \$15 000 claim, so that approach has some problems. Also pecuniary damages matters for amounts greater than \$15 000 which are otherwise simple probably should be dealt with by the tribunal. The cap would put an artificial restriction on the tribunal.

Although I have great sympathy with the approach suggested by the Law Institute, I believe the avenue chosen by the previous government and adopted by the new government is the correct one — that is, to give the tribunal a discretion to say, 'This is not a matter appropriate for us'. It could then still decide to hear a pecuniary damages matter for an amount greater than \$15 000 or not hear a matter for damages of less than \$15 000. The tribunal could say, 'The matter is too complex. It is the sort of matter that needs an adversarial, full-on, interlocutory process, and it is not the sort of matter that should be clogging up our courts. We believe you have ulterior purposes'. Members of the tribunal might not actually say that, but they might think it.

That approach has a negative side, but such problems are not easy. Life was not meant to be easy! Life is certainly not simple.

Mr Lim interjected.

Dr DEAN — Yes, it gets more complicated by the day. The house is trying to sort through the problems of the tribunal. Whenever a tribunal is given the capacity to determine its own jurisdiction, slightly dangerous

waters are entered. Most judges and lawyers with training in court disputation and so forth would say it is important not to allow the tribunal to decide what it wants to hear without there being some limitations. But it is true that many tribunals have the capacity to say they will not hear a matter.

The example that immediately comes to mind is the commercial list in the Supreme Court. Judges may say, 'You may have won your case up there. This matter does not have a commercial flavour. Back to the causes list with you'. So they have the discretion to determine their own jurisdiction to that extent.

In taking the approach that the tribunal can decide whether a matter is appropriate, that step ought not be taken too far. It is not appropriate that a tribunal simply determine its own jurisdiction. It is for Parliament to decide the jurisdiction of a tribunal and for the tribunal to operate in that way. I am not talking about a common-law court such as the Supreme Court, which has constitutional rights. I am talking about tribunals set up to do a particular job. That is a side issue to be thought about. Having said that, it is terribly important that the house note that this is the proper way to go, and I think it is the way the tribunal wants to go.

I cannot help but mention my view on tribunals and dispute resolution: the key word is flexibility, and the touchstone is how to solve a dispute in the most flexible way. The flexible mechanisms the former government set up for this tribunal, which are so popular — a little too popular! — are an obvious demonstration of how in the modern era flexible systems can be set up. People will use them to solve disputes.

If ever there were an example of that happening it is in the Legal Profession Tribunal, which has various mechanisms to solve disputes without having long-running adversarial, interlocutory or common-law battles. That is not what the tribunal ever meant to do.

The other amendments are shorter and I shall deal with them quickly. I refer to the amendment dealing with the disqualification of lawyers from practice. As I said before, disqualifying a practitioner, taking away a certificate or imposing a fine for a misdemeanour is the hard end of the tribunal's operation. One of the reasons the tribunal was created was that it was totally inappropriate for the profession to make all the in-house decisions about whether misdemeanours had occurred and what disciplines should be imposed. As I have said in this place a thousand times — and I said it when the bill was introduced — this has nothing to do with the honour of the legal profession, which is not disputed.

People love to have a crack at lawyers. Why wouldn't they? I was a lawyer; now I am half and half!

People go to lawyers because they are usually in deep trouble and need someone to get them out of it. The cost is high and people do not always get out of the situation the way they hope they will. Often they do not deserve to get out of it. Of course, when things go wrong there needs to be someone to blame. If a medical operation goes wrong, the dead person is not in a position to blame anyone. However, if a legal matter goes wrong the lawyer is there to blame. I can understand that, and lawyers take that on the chin. If one is beaten in a case, the tricky lawyer on the other side is blamed. The great thing about lawyers is they give their hearts and souls to their clients — that is the honourable side of being a lawyer. The lawyer looks after the client's interests 100 per cent and will do whatever he or she can.

That leads to a point that the bill seeks to address. A lawyer who is alleged to have committed a misdemeanour may decide not to renew his or her certificate or to get rid of it before appearing before the tribunal. The tribunal might find the lawyer guilty of the misdemeanour but after looking at its powers could discover that it could impose a fine, strike out or remove the certificate, or recommend that the Supreme Court strike that person off the roll. But if the lawyer has already given up his or her certificate or has not renewed it, there is nothing to strike out. People may say that is just a lawyer being tricky and trying to get out of it. Perhaps so, but the lawyer has obviously taken legal advice that it is in his or her best interests not to renew the certificate because he or she will probably go down. Because there is nothing to remove, that lessens the impact when the lawyer gets to the tribunal. Theoretically, one could wait awhile, then apply for one's certificate and get it back. So the lawyer has not suffered the same level of detriment because of advice from the lawyer acting for him or her to get rid of the certificate.

It is not a matter of the lawyer trying to do the tricky thing, although I can understand how it could be seen that way by a member of the public. The lawyer representing the respondent has battled for his or her client and seen it as a good tactic, although it is not appropriate from the point of view of the public. If there is no certificate to strike out the tribunal needs the power to be able to determine a disqualification period during which the person cannot go back and ask for his or her certificate. Whether the tribunal already has the power to do that is in dispute. It probably has, but its concern is that if it has that power in writing it can impose a disqualification period on someone who has

already given up his or her certificate. The tribunal has asked for that specific power, and it is appropriate that the bill provides it. The tribunal also has the power to refer the matter to the Supreme Court so that court can take the action it believes it ought to take. Again, it is a sensible amendment and overcomes a potential difficulty that needed to be fixed.

The final difficulty that the Legal Profession Tribunal had relates to costs. As I said before, the previous government made numerous amendments at the request of the tribunal, and I have already been through those. This is another one that builds on an original amendment. The former government amended the tribunal's capacity to award costs. It came back to the previous government and to the current government and requested the capacity to award costs for transcripts. That might seem a trivial thing, but the cost of the transcript is not trivial for anyone who has ever been involved in a legal case. The cost of the transcript is probably one of the most burdensome costs involved in a legal case. If the case is important a transcript is needed, particularly if the case involves a client's reputation. I do not know what the charge for transcript is now — the honourable member for Kew will be speaking later and probably has a better idea than I do — but the transcript cost can be thousands of dollars because it is a great art to produce a transcript — we have our own Hansard reporters who are highly skilled. People who produce transcripts demand and should get a good hourly rate. I am probably walking on eggshells here, but it is an important skill and an expensive part of the operation.

I have already said how flexible and successful the tribunal system is — and even with costs it has been revolutionary. Although the tribunal can order costs, it ought not do so unless there are special circumstances. It is not like a court where costs follow the event. Again, that is a great innovation that can be looked at for other tribunals. When the tribunal orders costs because it believes somebody has acted badly, that is a special circumstance where it has found the charge should never have been brought, or vice versa where it is a heinous matter and should not have been defended. The tribunal will want to award full costs and include transcript costs, because it does not include costs unless there are special circumstances. Costs are awarded as a punishment, and the tribunal will not want the other side paying for its transcript. That is important.

I have covered all I wanted to say about the amendments. I am pleased that the new government has picked up the legislation word for word as drafted by the previous government. I am pleased it is also listening to the Legal Profession Tribunal, as did the

former government, which moved so many amendments at the tribunal's request.

Mr Hulls interjected.

Dr DEAN — The Attorney-General laughs, but when he examines the amendments the former government made at the request of the Legal Profession Tribunal he will see how many there were and will be amazed because they were moved on three or four different occasions. That is an example of respect for the tribunal.

I take the opportunity to say that the tribunal is doing a great job. I trust that the Attorney-General will continue to bring forward the high-quality and high-class legislation that was prepared by the previous government and which he knows ought to be passed by Parliament.

I know that the Attorney-General loathes disputes and shies away from any form of conflict. No doubt the Attorney-General will be happy to bring the legislation forward in the same harmonious spirit that he wishes now to pervade the house. Well done, Attorney-General, for keeping up the previous government's legislation — it is excellent legislation and I expect to see more of it.

Mr WYNNE (Richmond) — I am pleased to contribute to debate on the Legal Practice (Amendment) Bill. It is the first plank of a raft of reforms to be introduced into the house by the Attorney-General.

As the honourable member for Berwick said, the bill is not controversial but seeks to clarify or resolve in the Legal Practice Act anomalies that were referred for consideration by the Legal Profession Tribunal. The practices of lawyers are regulated under the Legal Practice Act. Disputes between legal practitioners and their clients are usually about costs and can be dealt with to a maximum of \$15 000 where a person claims to have suffered a pecuniary loss. The offended party can then lodge a complaint in a range of ways. A party can deal with the recognised professional association and the Legal Practice Board; and obviously the Legal Ombudsman is another avenue.

The general approach most people consider appropriate is to try to seek resolution of a dispute through conciliation in one of those three jurisdictions. The next course of action that can be taken by a party that cannot reach a solution at another jurisdiction is to go to the Legal Profession Tribunal. Any of the first-mentioned three bodies can investigate the matter and suggest that

it be brought before the Legal Profession Tribunal for some form of adjudication.

The bill aims to enhance the regulation of the legal profession by imposing, where necessary, a disqualification period on lawyers who do not hold practising certificates. A lawyer can surrender a practising certificate at any time. In surrendering or not renewing the certificate when it expires at the end of a year, a lawyer ensures that if he or she is convicted of misconduct or unsatisfactory conduct, he or she is no longer holding a practising certificate. If there is no certificate to cancel, there is no clear power in the tribunal to impose a disqualification period. The lawyer could then, immediately after being convicted, be potentially eligible to apply for a new practising certificate. The Legal Profession Tribunal seeks to clarify that anomalous situation.

The problem for the tribunal is that it has been relying on the catch-all provisions in section 160(1) of the principal act. That allows a tribunal to make any other order it thinks fit. The advice given to the Attorney-General is that that provision could be open to challenge in the Court of Appeal. The bill aims to clarify the position for the tribunal and for the profession generally.

The amendments in the bill will clarify that anomaly and will grant the tribunal the power to refer the lawyer to the Supreme Court where the opportunity exists for the practitioner to be struck off the roll, even if a certificate has not been cancelled by the tribunal.

The next aspect of the bill deals with civil disputes jurisdictions. The tribunal can award costs up to a maximum of only \$15 000. However, clients can bring claims in excess of that amount. There is no legislative limit on the amount that can be in dispute for non-cost-based claims; clients can bring claims for more than \$15 000 and seek to recover an initial payment from the tribunal, then seek to sue for the remainder in a common-law action. In effect, parallel legal actions can be run. Clients use the tribunal to undertake fishing expeditions, as the honourable member for Berwick termed it.

That is not the purpose of the tribunal, because it then becomes involved in lengthy and costly hearings. It was never the intention that the tribunal should deal with long, involved and costly matters of civil litigation.

People have been going to the tribunal to test their arms, to flesh out their cases, to go on fishing expeditions, to try to discover the other side's argument and to test its case — that is, to have two bites at the

cherry. It is important that the legislation be clarified because the tribunal has become caught up in matters that should be dealt with in another jurisdiction.

The tribunal is largely a cost-free jurisdiction. It is subsidised by the community and the legal service industry to deal with minor disputes. It is unfortunate that a number of cases that have come before it are not launched in the spirit in which the tribunal was intended to operate, which could well be described as essentially a small claims type of tribunal. There has been a shift in emphasis so that test cases have been run by clients who have sought to have two goes at testing what are often large and complex legal questions.

The bill will provide the opportunity to shift the emphasis of the tribunal back to what it should be involved in — that is, minor disputes over questions of costs. Jurisdictional questions will be able to be more readily resolved by the tribunal, and other matters should be sent to an alternative jurisdiction.

The bill also deals with questions of costs and, most particularly, the cost of transcripts, which are incredibly expensive. Recently a constituent who came to my office was suffering at the other end of what could be called the transcript problem dealt with in the bill. He had been involved in a Workcover matter and felt he had been poorly treated by the legal system. He had sought legal advice about his options for lodging an appeal. A barrister suggested that the opportunity was available for him to do so.

But, of course, for the matter to proceed the barrister required a full transcript of the proceedings to review the case. To purchase a transcript costs more than \$8000. The person is an invalid pensioner who lives in a public housing high-rise flat, and the opportunities for him to find \$8000 are negligible. He feels he has been denied the opportunity to have his matter heard simply because of the costs involved in getting a transcript so that a barrister is able to review the matter and decide whether it has a reasonable chance of a speedy appeal hearing. That is the flip side of the transcript issue.

It is important for the question of costs to be addressed in the bill. After realising that they will have to pay the cost of obtaining the transcript of the case, potential clients of the tribunal may be a bit more sanguine about attempting to have matters heard at the tribunal.

I turn to the bill itself. Two proposed sections are important. The first is proposed section 136A in clause 5. It will allow the tribunal, constituted by a registrar or a deputy registrar or the full tribunal, to dismiss a dispute if it considers that the dispute would

be more appropriately dealt with by another court. The dispute may be dismissed on the application of a party or on the tribunal's own initiative. If the tribunal dismisses a dispute it may refer the matter to the relevant court if it considers it appropriate to do so.

The second important amendment concerns penalties for misconduct, which are provided for in clause 6 of the bill, which amends section 160 of the principal act to allow the full tribunal to refer a practitioner to the Supreme Court with or without a recommendation that the practitioner's name be struck off the roll of practitioners. That is obviously a particularly severe sanction on a legal practitioner — it effectively wipes out — —

Dr Dean interjected.

Mr WYNNE — As the honourable member for Berwick suggests, it wipes out a person's career. No doubt the most serious of charges would be dealt with in that way. The clause also gives the full tribunal a separate power to disqualify, for a specified period, a practitioner from applying for a practising certificate or a certificate with particular conditions. That is obviously a level below the much more serious sanction of going before the Supreme Court. Subsection 160(2) of the principal act will be repealed by the bill.

They are essentially the two key components of the bill. The Attorney-General has obviously consulted widely with the profession on this matter. A significant amount of dialogue has occurred, and the way the government is approaching the issue is the hallmark of a consultative government. The government will listen to the various parties concerned. It is clear from the advice I have been given that broad consultation has taken place and that the bill has wide support within the legal profession.

The bill is supported by the tribunal. It will smooth out a number of anomalies that currently exist. It will provide for more efficiency in the way the tribunal operates, and I hope it will refocus the tribunal back onto the business for which it was intended. Its operation is analogous to that of a small claims tribunal and it should not be wrapped up in extensive and lengthy litigation merely because people can come to the tribunal to test their arms on a particular matter. I commend the bill to the house. The support of the bill shown by the opposition is heartening, and the government looks forward to the bill's speedy passage.

Debate adjourned on motion of Mr McIntosh (Kew).

Debate adjourned until later this day.

FEDERAL COURTS (STATE JURISDICTION) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr HULLS (Attorney-General).

LEGAL PRACTICE (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — I am a person regulated by the Legal Practice Act, which over the past several years has played a significant part in my life.

The genesis of the act was a number of inquiries in the late 1980s and early 1990s into the cost of justice. I was assistant secretary of the Victorian Bar Council at the time and attended one of those inquiries, a Senate inquiry chaired by Barney Cooney, a Labor senator from Victoria and a member of the Victorian bar. The report of the inquiry suggested significant changes to the operation and conduct of the legal profession throughout Australia, and particularly here in Victoria. Nothing substantial was done as a result of that inquiry.

Subsequently the Law Reform Committee conducted an inquiry. It was headed by Professor Kelly, who was appointed by the previous Labor government. As the secretary of the bar council I attended a number of briefings by the then Attorney-General, the Honourable Andrew McCutcheon, whose adviser was the current Minister for Health. Again suggestions were made, but nothing substantial came out of the inquiry.

The matter went back to the commonwealth, where Professor Fels, as head of the then Trade Practices Commission, suggested that a number of measures should be introduced to improve the operation, conduct and delivery of legal services in Australia and Victoria. That came to nought.

Finally, it came to the former Attorney-General, my predecessor as the representative of Kew, to present the Legal Practice Act to this house in 1995. It was a comprehensive overhaul of the operation and conduct of the legal profession in Victoria. It was a complex act comprising some 460 sections and dealing with a range of matters regarding the legal profession, including the education, qualification, admission and registration of

lawyers. Importantly, it dealt with the practice of the law in Victoria.

The fundamental propositions on which the act was based were flexibility and competition in the practice of law in order to reduce the cost of the delivery of legal services. The honourable member for Berwick has outlined how the then Labor opposition bitterly opposed large parts of the act. In my profession as a barrister I certainly joined that debate and was aware of the discussions at the time. The act addressed many of the underlying premises that all the previous inquiries had suggested but failed to address.

With the growth in the number of federal and state jurisdictions it had become impractical to prevent interstate practitioners from operating in Victoria or vice versa. The act increased the flexibility of interstate practice and increased the ability of people to engage interstate practitioners if they so chose.

The act also introduced co-advocacy. There had been a longstanding criticism of Victorian barristers as not being prepared to go to court and argue a case with a solicitor as a co-advocate. The act changed that. A barrister who is a member of the Victorian bar is now able to appear in court with a solicitor as his or her junior if that is the way the client chooses to have the case conducted in court.

The act abolished a number of the perceived monopoly practices of the Victorian bar — the compulsory clerking rule is an example. People had been required to pay a percentage of their fees to the clerk for the delivery of clerking services, which added to the cost of services being delivered to the client. The compulsory clerking rules were perceived to be anti-competitive and were struck down by the act.

The compulsory chambers rule also changed. As a director of Barristers Chambers Ltd, which had been going through severe financial difficulties at the time, I had been aware of the monopoly practices built up over years that were inefficient and anti-competitive. The act struck down the compulsory chambers rule. Many barristers, including myself — I still maintain chambers — continue to practise from chambers run by Barristers Chambers Ltd. However, they are free to conduct their practices either way.

The act also addressed the issue of disputes between clients and lawyers. Such disputes arise in a number of different ways, but principally in two ways. One is in a civil action where negligence or incompetence on the part of a lawyer is claimed, and the other is where there has been some form of misconduct. The act streamlined

the process before the Legal Profession Tribunal to enable monopoly practices previously adopted to be delivered more effectively to clients in Victoria.

I remember a number of serious matters being put before the barristers disciplinary tribunal when I was secretary of the Victorian Bar Council. Occasionally one of those matters required the striking off of a barrister's name from the roll of the Supreme Court or some other major sanction. Although the hearings were public, the perception was that the tribunal was a closed shop. Hearings were conducted on the 13th floor of Owen Dixon Chambers. Honourable members who have had the opportunity to go to that building will know that for the ordinary person the building is almost an incomprehensible rabbit warren. Hearings were almost impossible to get to.

Most importantly, there was a perception at the time that it was a closed shop — that barristers were conducting a hearing about other barristers. The act addressed the matter and struck down the Barristers and Solicitors Disciplinary Tribunal. In its place it created a tribunal that enabled free and open discussion about the conduct of barristers and solicitors. The act also introduced and imposed a substantial obligation on the tribunal to resolve disputes prior to determination or arbitration. The conciliation provisions have worked enormously well — they are a boon to the capacity to get redress.

As both previous speakers on the matter indicated, the act has been so successful that it has become overburdened. Despite the substantial criticism of three years ago and the residual criticism, the act, which is complex and comprehensive, is working towards a goal and will achieve an appropriate result.

The amendments in the bill deal with matters including the ability of the tribunal to ensure that a person surrendering a practising certificate is appropriately dealt with before a tribunal; the cost of a transcript of a proceeding; and the dismissal and transfer of the proceeding in the event it is too complex for the tribunal. That highly successful act is being improved, as anticipated, and the minor amendments to it are to be commended.

Mr LENDERS (Dandenong North) — Like other speakers, I support the Legal Practice (Amendment) Bill. Despite the reputation of this place for being adversarial and the Westminster tradition of government and opposition, the legislation being passed in this session appears to have vigorous bipartisan support.

A government member interjected.

Mr LENDERS — My colleague the Attorney-General says too much in jest. We both welcome the bipartisanship.

Issues concerning the bill before the house have been adequately covered by previous speakers. My first question is: what is in the bill for the electorate of Dandenong North? Sometimes legislation deals with more specific matters, but the amendments will result in the good governance of the legal profession, so I am satisfied there is a direct benefit for my electorate.

I am heartened to follow my electoral neighbour, the honourable member for Berwick. We will have positive interaction on bipartisan matters like this while confining our vigorous discussion on other matters to different forums.

An honourable member interjected.

Mr LENDERS — As the honourable member for Berwick says, we hate conflict in this place. I listened with interest to his address to the chamber this afternoon and was taken by his enthusiasm and passion for the legislation.

His approach to relations with the Attorney-General gave me a great deal of heart. I am sure he will be particularly clinical in his opposition to certain aspects of the government, but we on this side of the chamber welcome his support for good legislation.

I noted with interest the honourable member's remarks about community perceptions of members of the legal profession and members of this place. I guess when you are the combination of a lawyer and a member of Parliament you really take a big dive in the eyes of many people in the community. I never quite made it to be a lawyer.

Dr Dean interjected.

Mr LENDERS — Yes, we are indeed at the bottom of the food chain. Although I completed my law degree, I have never practised, so I am probably only a little down the line. In all seriousness, until the amendments that were made several years ago the self-regulation the legal profession had had for many years had been particularly good and had worked well for a long period. Despite the debate and the angst that preceded the enactment of the Legal Practice Act several years ago, we on this side of the chamber are not seeking to do more than make minor amendments that are designed to make the legislation work better. The progression is a positive thing for us all.

I now turn to how the amending legislation will affect my constituents in Dandenong North. It will clearly improve any redress people may have with members of the legal profession, will remove some people's legal difficulties and will speed things up. Twice I have risen during adjournment debates to raise issues which have boiled down mainly to consumer affairs issues but which have also been jurisdictional issues concerning access of my constituents to the legal profession. When I go around my neighbourhoods it seems that people talk a lot about issues of access and accountability and where they stand. Any improvements to the act will be positive.

The previous speakers have fairly adequately covered some of the steps in the bill. Before dealing with some of the individual clauses I will make some general comments about where the debate is going and the things honourable members have in common.

I had a surprising degree of empathy with the statements of the honourable member for Kew. He probably does not want to be damned by praise from someone on this side of the chamber, but I can certainly empathise with where he was coming from. It is nice to see a trade union official being elected as a Liberal member of Parliament! The honourable member's previous life as an official with the barristers union equips him well to understand the roles of barristers and the legitimate industrial aspirations of his former members.

That is a good thing and is important to opposition members. We take a great deal of pride in our Labor and industrial heritage. Labor was formed as a political party out of the trade union movement in 1891. It is heartening to know that there are people on the other side of the chamber who share the same aspirations.

The honourable member for Kew is not the first person on that side to have been a trade union official. I take great pleasure in being a friend of Dr Ralph Howard, who was a Liberal member in another place from 1976 to 1982. He also had a background as a trade union official, having been the assistant general secretary of the Australian Medical Association. I suppose the only thing remiss is that the professional associations should have better alliances with the Labor Party, the members of which are the true custodians of the working people. However, it is heartening to see that my colleagues opposite include a range of trade union officials.

Members on this side are usually taunted about their trade union links. The other day I think the honourable member for Doncaster accused me of being a trade union official. Although I would take it as a badge of

honour, I have never been a trade union official. I am a proud, card-carrying member of the Australian Services Union. Labor's heritage is important, and government members do not shirk from associating with it. Although we understand there are divisions between the parties — a division between capital and labour being the original one — an enormous amount of benefit is derived from the trade unions. It is a regulatory matter. I am delighted that the honourable member for Gippsland South has drawn my attention to the fact that a former official of the barristers union supports the Legal Practice (Amendment) Bill.

On a day like today, when there is bipartisan support for legislation, all honourable members should look more to the things that unite them rather than to the things that divide them. I extend an invitation to the honourable member for Kew. He is welcome on this side of the chamber at any time.

Honourable members interjecting.

Mr LENDERS — My colleague the honourable member for Berwick, my electorate neighbour, is also welcome on this side of the chamber at any time.

An honourable member interjected.

Mr LENDERS — But only by himself; that is correct. I digress a little from the legislation, but what I say is important and is in the spirit of bipartisanship. Honourable members have spoken of many things they have in common, so we may as well dwell on them while they last.

The flexibility provided in the legislation is heartening. As I mentioned earlier, constituents in the Dandenong North electorate have expressed concerns to me about how difficult it is to get into the legal system. They have talked about going to the wrong jurisdiction, going up the wrong path and lawyers fees — as was mentioned by the honourable member for Berwick. They are all issues of concern in the community. All honourable members, particularly those who received their mandates only a few weeks ago, should be conscious that in representing the community they are accountable and that the institutions and organisations they organise are also accountable. The issues are particularly critical.

A number of my constituents have expressed grief about the legal system. Their comments are normally about the use of unfamiliar language, about its being an unfamiliar process, about its being intimidating because of the expense and about its being a whole new culture. The concept of going into a tribunal to seek redress only to find you are in the wrong place causes my

constituents an enormous amount of grief. I welcome and support the flexibility for people to move around, to be sent to the right jurisdiction and to not have to go through lengthy delays and processes.

There is mirth and merriment on this side of the chamber about the spirit of bipartisanship. As much as I regret not speaking for a further 11 minutes, I would not wish to deprive other speakers of their right to speak.

Mr RYAN (Gippsland South) — In the ebullient mood of bipartisanship it is a great pleasure to join the debate on the Legal Practice (Amendment) Bill. It is yet another piece of legislation prepared by the former government that the new government has rightly seen fit to adopt. I hope the government will see fit to continue to follow that sensible course of conduct as time passes.

Having practised law in a country venue for many years I can say that there are three aspects of the legislation that are pertinent to practising in a country environment. Over the years the issue of costs and surrounding matters has drawn the most criticism in the profession. In the 18 or so years I practised I had the unfortunate experience of going before the stipends on one occasion following the receipt of a letter of complaint on the issue of costs. The matter involved thousands upon thousands of files. When looking at the statistics that underpinned the move for changes to the Legal Practice Act one will see that one of the principal driving factors was the issue of costs.

Solicitors in particular made a complete hash of dealing with the issue in a manner that was appropriate for the public they served. As the honourable member for Berwick observed in his excellent contribution, more often than not it occurred inadvertently. When the practitioners, whether solicitors or barristers, gave themselves over to the conduct of the file and looking after the client's affairs to the best of their ability they often forgot to report to the client on the way that things were progressing; they forgot to tell the client about the various steps that were being taken to advance his or her interests, or they forgot to provide any progress report.

It was only in a litigious situation when the client was at the office or at the court prior to a case proceeding that any real endeavour was made to bring the client up to date on the way the case was being looked after. That produced enormous complications. With the best will in the world the solicitor was driving the file, doing everything he or she thought necessary on behalf of the

client, but not keeping that client abreast of what was happening.

The reality is that solicitors and barristers were dreadful at self-promotion in an era when accountability became all-important in the public domain. That was one of the driving features behind the need for the Legal Practitioners Act. I was one of a number of members of the former government who spent about 15 months looking at various aspects of the profession in an attempt to design a mechanism that accommodated not only the all-important costs but also the many other things now provided for in the legislation.

One requirement the then government tried to have incorporated was the obligation for solicitors to notify clients by letter of the costs and to set out for clients an anticipation of what might happen during the currency of the file — the details of how costs would be charged and the steps that would be taken in the course of dealing with that particular client's matters. To a degree that has been successful. Nevertheless, there are still problems with issues that happen on the run, particularly in the field of litigation.

The running of court cases is a dynamic activity — things change very quickly. There is a need to act or react to circumstances as they arise. Sometimes that involves having to employ expert evidence and outlaying money for the purpose of engaging a doctor, engineer or some other professional. Attempts were made to build into the legislation ways of avoiding such requirements, but it is in the nature of litigation that such things are required unexpectedly. Once again, despite the best endeavours of all, keeping a client up to date with expenses remained difficult.

Invariably there are disputes about costs and often the disputes have been ongoing — particularly when litigation is lost. There is nothing quite like the potential for a client who has had the unfortunate experience of going to court and not succeeding in either the prosecution or the defence of a case not only to become an ex-client, as the Attorney-General observed — I defer to his knowledge of those matters — but also to be cross in the extreme, and for reasons understandable.

Therefore, one of the tribunal's tasks was to try out the issue of costs. It is important to make the distinction between the activities of a tribunal and those of a court. The intention here was to set up a mechanism whereby the people had ready access to a means of settling disputes up to an amount of \$15 000. That was the theme of it. We could have a discussion another day as to the growth of tribunals as opposed to courts and the driving factors in that area, but that would take us down

a different path. Nevertheless, a distinction should be drawn between the functions of a tribunal and those of a court. The limit of \$15 000 was imposed as part of the reform process that went into the new act.

On the aspect of pecuniary loss no such limit was imposed, which has given rise to parties to disputes undertaking fishing expeditions with a view to shaping up their cases so they can be used in other jurisdictions, particularly in the court arena. The situation has arisen where the parties to a dispute have been able to access the tribunal functions, not necessarily with the intent of bringing about a resolution but of trying to flesh out a case to be used in another environment altogether. The bill seeks to address that issue.

On the other hand, there is the attraction of the conciliation process that goes with the tribunal activity. People quite rightly see that prospectively as a means of resolving even difficult and complex cases. They have therefore been attracted to that process. It is provided, as I understand it, at no cost. I should declare an interest here in that I am a qualified mediator and have conducted many mediations. To put it at its lowest, I have not done any of them at no cost. The fact of a conciliation being available at no cost to the parties has no doubt been an attraction to people coming before the tribunal.

The sensible amendment in the bill means that a discretion will be vested in the tribunal as to how it deals with this latter category of cases — not the \$15 000-capped cases but the other category. The discretion is important in terms of the tribunal's activities. Although I support the view of the honourable member for Berwick, who talks of a tribunal necessarily having a limitation upon its ability to create its own jurisdiction, I am nevertheless a great supporter of tribunals and courts having a discretion. Regulating them too tightly is not good because in the end an outcome is needed that best serves the people who are subject to the process. Therefore if those matters can be left to the discretion of the tribunal that is an eminently sensible move. There is now a means by which the tribunal can dismiss one of those applications, a party to the application can seek dismissal, or the tribunal can dismiss it with a recommendation that it can go off to court. That is a very sensible basket of options for the tribunal to adopt.

The second aspect of the legislation concerns the question of misconduct. One of the great benefits arising from the operations of the tribunal is reflected in the contribution by the honourable member for Kew. It is the transparency of the current system. The tribunal removed many of the deficiencies in the old systems

that were seen to be in-house, whether from within the Victorian Bar Council or the Law Institute of Victoria. The public has been much more comfortable with that process, and it has been a great success.

One of the problems that has been highlighted — that if a practitioner does not have a certificate at the time the tribunal deals with the matter no disqualification can be recorded — is dealt with under the mechanism set out in the legislation. The tribunal may either refer the matter to the Supreme Court with a recommendation as to the period of disqualification or specify a period during which a practitioner may not be able to apply for a qualification.

The third and final aspect of the bill concerns the transcript cost. Again, that is a significant matter. As has been observed in various contributions, transcript is extremely expensive. The people who are involved in the provision of transcript are highly skilled, as is the case with the Hansard reporters in this house. It is only proper that they be remunerated accordingly. One of the difficulties over the years has been that the parties have potentially been able to use the legislation in a way that tends to abuse it. The mechanism now exists for the tribunal to make a direct order for costs which incorporates reference to transcript. The matter of transcript is quite rightly important, particularly in the appellate jurisdiction where it is necessary to know exactly what happened in the initial hearing.

I support the legislation. It is sensible. It was prepared by the former government and I commend the current government for the introduction of the bill. It will solve the problems that have arisen. I wish the bill a speedy passage.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr HOLDING (Springvale) — It gives me great pleasure to make a contribution to the bill. In their contributions the honourable members for Berwick and Kew dealt extensively with the background of this measure in terms of both the current legislative framework and the discussions and negotiations that took place prior to the introduction of the original Legal Practice Bill in 1996.

The regulation of the legal profession in Victoria is now governed by the Legal Practice Act 1996, and where disputes between legal practitioners and their clients, usually over costs, amount to a maximum of \$15 000 or where the person claims he or she has suffered a pecuniary loss as a result of an act or omission by a legal practitioner or firm, the client can lodge a complaint with the recognised professional

association (RPA) or the Legal Practice Board (LPB). The RPA or the LPB can attempt to settle the dispute, and if no settlement is possible a party can refer the dispute to the Legal Profession Tribunal, which can hear and determine the dispute.

Alternatively, a complaint of misconduct or unsatisfactory conduct can be made against a legal practitioner or firm to the legal Ombudsman, the recognised professional association or the Legal Practice Board. The complaint is then investigated and a charge must be brought in the Legal Profession Tribunal if there is a reasonable likelihood that the Legal Profession Tribunal would find the legal practitioner guilty of misconduct. That is the current legal framework in actions for misconduct or disputes between legal practitioners and their clients in relation to costs.

The bill attempts three things and I will deal with each in turn. Firstly, it introduces a range of provisions for the disqualification of practitioners and the requirement for them to surrender their annual practising certificates in the event of an adverse finding. It also amends the law to deal with some potential shortcomings with the existing legislation regarding those disqualifications.

Secondly, the bill deals with the civil jurisdiction of the Legal Profession Tribunal, and the third and most minor aspect deals with the costs of court tribunal transcripts and the capacity of the tribunal to make an order in relation to the costs for obtaining those transcripts.

I shall deal with the first aspect of the legislation — that is, the disqualification of practitioners. The Legal Profession Tribunal has found that there is some uncertainty as to the power of the tribunal to require a solicitor or a legal practitioner to surrender an annual practising certificate in the event that the solicitor, in anticipation of an adverse finding, chooses not to renew his or her practising certificate or alternatively hands in his or her practising certificate. There is some uncertainty as to the powers of the tribunal to make a finding in a case where legal practitioners have surrendered their certificates or alternatively have simply not reapplied at the end of the year for new certificates. A loophole exists where the tribunal is unable to ensure that its orders are given effect to.

The tribunal can recommend to the Supreme Court that a lawyer be struck off the Supreme Court list, but where a lawyer surrenders his or her annual practising certificates beforehand the effect of the finding by the Legal Profession Tribunal is effectively frustrated. As the honourable member for Berwick made the point in

his contribution, one cannot blame legal practitioners in those circumstances for surrendering their certificates or not having them renewed; they have every right to use whatever legal opportunities are available to them to protect their interests. Equally however — and this is the point made by the member for Berwick —

Mr Perton interjected.

Mr HOLDING — They are entitled under the current legislation to do so, or at least there is some uncertainty as to whether effect can be given to its findings in those cases, and this bill removes any doubt as to the powers of the tribunal in such circumstances. It prevents a legal practitioner from using a legal loophole to frustrate the findings and orders of the tribunal, and it ensures that the orders of the Legal Profession Tribunal are given effect. As the bill removes any doubt about the powers of the tribunal to make such orders, I am sure it has the support of all honourable members.

The legislation also deals with the civil dispute and the small claims jurisdiction functions of the Legal Profession Tribunal. When the tribunal was initially established it was always intended that it would act not as a full court hearing of all cases involving disputes between legal practitioners and their clients, but more as a small claims tribunal. It has become apparent that in some cases that has not occurred. Some parties have used the tribunal's processes as an opportunity to have two bites of the cherry — a first bite in the tribunal and a second bite in the court if they are not satisfied with the tribunal's finding. Of greater concern is that some people use the tribunal's discovery powers to obtain documents that they can then use in preparing a civil case in a court. It is therefore appropriate that the anomaly in the tribunal's jurisdiction is tidied up.

The Attorney-General noted in his second-reading speech that there has recently been an increase in the number of claims brought before the tribunal for amounts well in excess of \$15 000. As mentioned earlier, some people were using the tribunal as a trial run for a common-law claim or as a fishing expedition to obtain documents they would not otherwise have available to them prior to their civil action. That has resulted in a drain on the tribunal's resources. All honourable members are concerned about access to justice and the cost of access to legal processes. The house should ensure legal processes are available to people in dispute with a legal practitioner speedily and efficiently and are as far as possible of a non-legalistic nature. The tribunal has ensured that has happened, but if its resources are taken up with cases that ought to be considered by civil courts it will not be able to fulfil its function.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster will cease interjecting.

Mr HOLDING — The amendments will give the tribunal the ability to ensure that such matters are heard in the appropriate court. That is an important distinction to what was sought by the Law Institute of Victoria, which sought a more rigid application of the \$15 000 cap. But the bill has a far more flexible and appropriate response in proposed new section 160(1)(c)(iv) and (vii).

The third aspect of the bill deals with the capacity of the Legal Profession Tribunal to make an order of costs for transcripts of a hearing before the tribunal. Because of amendments introduced by the previous government, the tribunal has the capacity to make an order relating to costs, but cannot make orders relating to costs of transcripts. Anyone who has had an opportunity to access transcripts not just from courts but from administrative tribunals such as the Victorian Civil and Administrative Tribunal has found that the costs of transcripts can be considerable. For the tribunal's powers relating to costs to have any meaningful effect, those costs should include the cost of transcripts of hearings before the tribunal. The tribunal does not make an award for costs in all instances. It does not operate in the same way as courts do, but in making an order for costs it will take into account the cost of transcripts. The proposed amendments will ensure that occurs.

Disputes between legal practitioners and their clients can be traumatic for clients. They often feel the law is stacked in favour of the legal practitioner, because he or she comes to the dispute with considerable knowledge of the law, a lot of experience and resources both from being a legal practitioner and from the experience gained from such practice. I know my constituents in Springvale will be particularly keen to know that the Legal Profession Tribunal's jurisdiction has been enhanced by the provisions of the bill.

Mr Perton interjected.

Mr HOLDING — I am pleased my colleagues understand the impediments that access to justice causes. The honourable member for Doncaster does not care much about access to justice and dispute resolution mechanisms. Members of the opposition take the view that access to justice should only be for those who have the capacity to pay and through the full court mechanism with all the expense and uncertainty that provides.

In looking through the annual report of the Lay Observer to the Solicitors' Board and the Barristers Disciplinary Tribunal, which was the predecessor to some of the administrative law bodies the house is discussing tonight, my attention was drawn to a case where the Lay Observer noted that a solicitor was engaged in providing advice to a young invalid pensioner. The pensioner passed away and the conduct for the resolution of his estate was passed to the solicitor inadvertently. The client's mother rang the solicitor to arrange funeral arrangements as she was under the impression that any arrangements she made for the funeral would be done as the agent of the solicitor since he was the executor of her son's will. The solicitor was of the opinion that the mother was making the funeral arrangements in her capacity as next of kin — an understandable confusion, but one which had unfortunate results for the mother. The report states:

After a review of the files, the Lay Observer was concerned that legal costs had been run up when it was not necessary to do so. By way of example, the solicitor charged fees for cancelling bank accounts, credit cards and a driver's licence when the family could have attended to these matters without incurring any costs. There were also concerns about the mother's understanding of the purpose of the funds forwarded to the solicitor for the sale of the car. Clearly if the mother did not think those funds were to be applied towards the cost of the funeral, she would not have forwarded them to the solicitor.

The Lay Observer said that although there was no suggestion that the solicitor had breached any rules of conduct he proceeded in a purely legalistic manner which took no account of the very difficult circumstances in which this 75-year-old pensioner found herself. He concluded:

In my view, this type of complaint can only bring the profession into disrepute.

Although the Legal Profession Tribunal will only hear matters where there is an irreconcilable breakdown between the legal practitioner and client — that is, in the minority of cases — the tribunal has an important role to play in making sure disputes about costs between legal practitioners and clients are resolved in a simple and low-cost way.

The tribunal ensures that the vast majority of solicitors and barristers who are above reproach have their reputations protected through the process. Any administrative tribunal must take that important aspect into account and balance speedy mechanisms for resolving complaints with the right of all people before the tribunal to have their legal rights protected.

In conclusion, the bill deserves the bipartisan support I understand it has. It was drafted by the previous government. I congratulate the Attorney-General on his carriage of the legislation. I also take this opportunity to congratulate the Parliamentary Secretary for Justice on his worthy appointment and his contribution to the second-reading debate.

Mr PERTON (Doncaster) — It gives me great pleasure to follow the honourable member for Springvale in his first speech on a substantive matter. I understand that the voters of Springvale will take great pleasure in knowing he contributed to this debate, but I am not sure of the honourable member's judgment of his voters if he thinks they will be overwhelmed and overjoyed at the passage of the proposed legislation.

This necessary measure is a small advance in the regulation of the legal profession. The legal profession is undergoing dramatic change. That is probably no clearer than in the divide between the global firms that are very much setting up in the city of Melbourne, the national firms, the medium-sized firms in the city and country, and the small practitioners. It is a dramatically changing world. Firms such as Baker and McKenzie, Clifford Chance, KPMG Legal and the legal subsidiary of Pricewaterhousecoopers are coming on the scene and recruiting many lawyers, some entering the country with a huge capital base and with excellent access to knowledge and knowledge management systems. They come with great advantages and with the goodwill of many large corporations, which are increasingly sending their legal work to those large national and international practices.

The Attorney-General will need to deal with such changes, just as the shadow Attorney-General would have dealt with them had he become Attorney-General. Our legislative structure must take account of the fact that many people who do legal work for Australians or related to Australian matters may not even be in Australia and indeed may not be lawyers.

Recently I came across such examples in dispute resolution practices of major consulting firms. Essentially accountants and other consultants engage in dispute resolution, mediation and assessment of damages. Recently I met a consultant from one of the major firms acting on behalf of a British company involved in a dispute in Singapore. He was wholly based in Melbourne and his communication with the client was solely through technology.

Such changes are not really taken into account in the Victorian and Australian regulation of the legal profession. In that sense we are not alone. Singaporean

and American legislation does not take account of the changing nature of law and other professions. There will need to be an element of bipartisanship as we take the community forward.

The honourable member for Springvale is quite right when he says that the community wants to move away from adversarial systems. It wants to move towards systems based on low-priced, practical decision making; yet at the same time the public expects the best possible decision making. It is all very well to set up tribunals, but members who have been here for more than a short period — I suggest new members will find this out quickly — would know that everyone likes cheap justice until they lose. It does not matter whether it is in the Victorian Civil and Administrative Tribunal, the Residential Tenancies Tribunal or any other place. The honourable members for Morwell and Niddrie would know how often people come to us saying a decision was wrong.

Mr Hamilton — Especially under your government — all the time.

Mr PERTON — It is all very well for the Minister for Agriculture to interject — not the Attorney-General; he always listens to people with such courtesy!

People say things like natural justice was not taken into account or they did not get enough time to be heard. Somehow the community expectation that it will have the best possible decision making and the best possible representation in hearings has to be met; yet at the same time the costs of the legal system and legal profession have to be driven down.

Madam Deputy Speaker, as you are aware, a group of Labor, Liberal and National MPs worked on the *Technology and the Law* report of the Law Reform Committee of the last Parliament. The honourable member for Springvale has left the room but I take up his barb at me. That committee worked hard on creating systems that allowed citizens to resolve their problems without the need for recourse to lawyers. That approach started early in the life of that committee.

When inquiring into the law of fences members of the committee travelled extensively in rural Victoria. The committee found there was no great problem in the law relating to fences; the problem was with access to the law. Typically people would have a dispute relating to a \$700 fence to which one person's contribution would usually be \$350. If the matter went to the Magistrates Court for resolution, there was every likelihood of a \$1200 or \$1500 bill. The committee did something very practical.

Mr Hamilton — Are you telling us the law is for the rich?

Mr PERTON — No; I am not saying the law is for the rich. Today \$1200 is not out of reach of many people, but that cost is out of all proportion to the substance of the matter. The then all-party Law Reform committee set up a quick court on the Internet. Essentially it allows the citizen to identify himself or herself as the recipient of a fencing notice or as having a defective fence that a neighbour does not want to talk about. The quick guide takes people through the system, identifying what documents they need to file and what settlement they need.

It is interesting that I still get emails from people saying they resolved their dispute using the quick guide or that they could not resolve their dispute using the quick guide and making suggestions that there be increased material in the guide. Members of the committee found it most satisfying that even people from New South Wales used the guide. They wrote, ‘We know the law is a bit different, but your guide was so simple and logical we could follow it’.

I know the Attorney-General is keen to introduce more systems such as the quick guide. The reaction to the all-party committee report has been quite favourable. Using expert systems and artificial intelligence, it will be increasingly possible to provide such services to people through libraries. With the government promising to provide Internet access in town halls and community computing centres, such services will be increasingly available to people. Those people who cannot use the Internet or are technology averse will be able to access the services through intermediaries such as community advice bureaus and community lawyers.

I urge the Attorney-General to continue the work of his department and the Office of Fair Trading and Business Affairs in creating more online guides. Victoria need not do it all. Queensland has a good call centre that provides excellent services for people throughout Queensland. Individual judges may differ in their interpretations, but family law does not differ greatly between states. Nevertheless, if a call centre existed to provide simple legal advice many legal costs could be avoided, particularly if done on a national basis. Victoria could contribute its expertise in some areas and Queensland in others.

The honourable member for Bendigo — sorry, Ballarat — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster will continue through the Chair. Do not worry about the honourable member for Ballarat East.

Mr PERTON — I am referring to one of the members from Ballarat. I am not yet familiar with the new members.

Honourable members interjecting.

Mr PERTON — I visited Ballarat last Saturday for the Internet field show. Interestingly, I did not see the honourable member there. Did you actually attend the field show?

The DEPUTY SPEAKER — Order! The honourable member for Doncaster knows quite well that he should address his comments through the Chair.

Mr PERTON — Through the Chair, I ask whether the honourable member attended the field show? I know the honourable member for Bendigo West understands the importance of — —

Honourable members interjecting.

Mr PERTON — I don’t have any trams.

The DEPUTY SPEAKER — Order! We have covered regional Victoria for the moment. The honourable member should return to the Legal Practice (Amendment) Bill.

Mr PERTON — I find it interesting that the honourable member for Ballarat West treats her own constituents as a matter of mirth.

Honourable members interjecting.

Mr PERTON — The Internet and the empowerment of her local citizens is quite beyond her. She will stand condemned for not bothering to contribute to the empowerment of her own citizenry.

Honourable members interjecting.

Mr PERTON — I am just following your example. Madam Deputy Speaker, the Attorney-General — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Government members should lower the volume of their comments. If an honourable member feels that a speaker has maligned him or her, there are appropriate methods to follow. Yelling across the chamber is not one of them. I

ask the honourable member for Doncaster to continue, without assistance.

Mr PERTON — The delivery of legal services via the Internet will be important to Victoria, and I know the Attorney-General intends to pursue some of those matters.

The efficiency of the courts must be increased. The Chief Justice of the Supreme Court in association with a local company, Ringtail, has recently set up court 13 as a high technology court. It allows the exchange of documents to be handled more simply and allows —

Ms Overington — On a point of order, Madam Deputy Speaker, I find the previous comments of the honourable member for Doncaster offensive. He made comments about my representation of the electorate of Ballarat West and its constituents, and I ask him to withdraw.

Mr PERTON — On the point of order, Madam Deputy Speaker, firstly it is inappropriate to ask for a withdrawal in a point of order. You may have to rule against the point of order and the honourable member for Ballarat West may have to try again. Perhaps she should read and learn too.

Secondly, I take great offence at the fact that the honourable member for Ballarat West whispered in your ear, Madam Deputy Speaker, and took advice from you before she stood up to take her point of order. If you, Madam, rule in favour of the point of order it will be an outrage to the practice of this place.

The DEPUTY SPEAKER — Order! If honourable members wish to raise an objection they are entitled at any time to seek advice on the proper forms of the chamber from the Speaker, Deputy Speaker or any temporary Chairperson.

The honourable member for Ballarat West found the comments of the honourable member for Doncaster to be offensive. I would hate to end up in the same situation as last week when the Speaker had to be called. The debate is being extended unnecessarily. In the spirit of generosity I ask the honourable member for Doncaster to withdraw the imputation made against the honourable member for Ballarat West.

Mr PERTON — On the point of order that you interrupted, Madam Deputy Speaker, on many occasions former Deputy Speaker McGrath required honourable members —

The DEPUTY SPEAKER — Order! The honourable member for Doncaster can raise a further

point of order. He has already spoken on the first point of order so he will need to raise a new point of order.

Mr PERTON — I put it, Madam Deputy Speaker, that you have a higher duty than that of being a party partisan person. As I understand it —

Mr Hulls — That is outrageous.

Mr PERTON — You are quite right, it is outrageous. Madam Deputy Speaker, if you wish to give advice on standing orders to your party colleagues then you do not do that when you are in the Chair. Any honourable member can speak to the Clerk to seek advice on a point of order. For you to give advice on a point of order to the honourable member for Ballarat West, for her to then return to her seat and take a point of order and for you to then interrupt me in speaking on the point of order and rule against me is absolutely outrageous.

Further, Madam Deputy Speaker, I ask you to consider your ruling. Deputy Speaker McGrath, who sat in that chair before you with the respect of both sides of the house, often ruled against me and my colleagues when we asked for comments to be withdrawn. Time and again Deputy Speaker McGrath said that honourable members must be a little robust.

For me to question the honourable member for Ballarat West and ask whether she —

Mr Hulls — What is your point of order?

Mr PERTON — Will you be quiet! For me to be able to say of the honourable member for Ballarat West that she was not at the computer show and was not representing her constituents on the day is a perfectly fair comment. For me to be forced to withdraw that comment is an absolute nonsense, Madam Deputy Speaker. If you continue to act in this cavalier and partisan way you will call your position into absolute disrespect.

Mr Batchelor interjected.

The DEPUTY SPEAKER — Order! The Speaker and Deputy Speaker are available to assist any members of Parliament, whether they be members of the government or the opposition or Independents, if they are seeking advice on how the Parliament operates. I remind the honourable member for Doncaster that there are a number of new members in this house, of whom the honourable member for Ballarat West is one, and it is quite unfair to suggest that she should not have the right to seek advice from members of the house to assist her in her work. As I understand from the point of

order raised by the honourable member for Ballarat West, she is suggesting that the comments made by the honourable member for Doncaster about her appearance are incorrect — —

Mr PERTON — No — —

The DEPUTY SPEAKER — Order! The honourable member for Doncaster is fully entitled under his rights to disagree with that, in which case I will call the Speaker. However, in the spirit of goodwill — and the honourable member spoke about the previous Deputy Speaker and I believe this was raised with the honourable member last week — in the spirit of making the Parliament work and in the spirit of encouraging new honourable members to participate in the processes of the house, I ask the honourable member for Doncaster to withdraw comments he may have made which were offensive to the honourable member, and which is in line with the standing orders.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I have ruled on that point of order. I am asking the honourable member for Doncaster if he wishes to withdraw. If he does not, I will call the Speaker.

Mr PERTON — I do not wish to withdraw, and I note that Deputy Speaker McGrath had a much higher standing in this house than you ever will. But I will withdraw because you have ordered me to.

The DEPUTY SPEAKER — Order! I thank the honourable member for Doncaster for his withdrawal.

Mr THOMPSON (Sandringham) — I rise to speak about the Legal Practice (Amendment) Bill. I draw attention to the principal act, the Legal Practice Act 1996. Under the heading 'Supreme Court — limitation of jurisdiction', section 444(1) states:

It is the intention of sections 102(3), 106, 110, 115(3)(b), 116(3), 116(4), 121, 124, 189(3), 190(3), 191(2), 209(6) (as amended by section 27(5) of the Legal Practice (Amendment) Act 1997), 218 (as amended by section 27(5) of the Legal Practice (Amendment) Act 1997), 223(3) (as amended by section 27(6)(b) of the Legal Practice (Amendment) Act 1997), 419 and 429 to alter or vary section 85 of the Constitution Act 1975.

Section 444(2) states:

It is the intention of section 212(2) as substituted by section 19(2) of the Legal Practice (Amendment) Act 1998 to alter or vary section 85 of the Constitution Act 1975.

Honourable members may wonder why those provisions are relevant to the debate. I will put it in a wider context. My remarks on this have been

mentioned in the house in recent times. I refer to an article in the February 1999 *Law Institute Journal*:

... the article in your December 1998 edition of the *Law Institute News*, 'Party Politics at the President's Luncheon', in which Mary Delahunty, the ALP member for Northcote, is reported to have told the November president's luncheon that the Kennett government had restricted the legal right to appeal to the Supreme Court in about 200 bills and acts. Ms Delahunty is quoted as stating: 'This is absolutely unprecedented in Australia and, no doubt, in most of the Western world. It is a savage and cynical attack on the democratic notion of judicial review'.

At a later luncheon at the Law Institute of Victoria, the former opposition leader, now Premier, is quoted in the September 1999 edition of the *Law Institute Journal* as stating that:

... a future Labor government would scrap more than 200 pieces of legislation that stop Victorians from appealing against government decisions in the Supreme Court.

I repeat for the benefit of honourable members:

... a future Labor government would scrap more than 200 pieces of legislation that stop Victorians from appealing against government decisions in the Supreme Court.

Mr Hulls interjected.

Mr THOMPSON — The honourable member for Niddrie has rightly noted that he heard me the first time. The one thing I can assure the house at this stage is that I have not heard a response from the Attorney-General, from the Minister for Education or from the Premier about when the Labor government will repeal some 200 acts that interfered with the jurisdiction of the Supreme Court. Between 1993 and 1999 some 705 bills were introduced into the Parliament. Of those it is suggested some 200 or so might have interfered with the jurisdiction of the Supreme Court. It was suggested that a Bracks Labor government, the one that is occupying the government benches today, would repeal or scrap some 200 or so acts that have been passed by the house.

Earlier in today's debate some good contributions were made by honourable members on both sides of the house. The honourable members for Dandenong North and Springvale made some constructive contributions to the debate. I ask them to turn their minds to this question of limitation of the jurisdiction of the Supreme Court so that the work of Parliament can be more effectively conducted and we do not hear high rhetoric and hyperbole being passed across the chamber that is not grounded and founded in fact.

The honourable members for Dandenong North, Springvale and Richmond may at some point ascertain

that the Victorian Parliament has one of the highest standards, if not the highest standard, in Australia arising from the entrenchment of the jurisdiction of the Supreme Court that arises from the conjoint operation of sections 18 and 85 of the Victorian constitution. It is a matter worthy of study. The reason the impression is given that the jurisdiction of the Supreme Court is being limited is that Victoria is the only state where if there is to be an impact on the jurisdiction of the Supreme Court the matter is drawn to the attention of the house.

Last night the house debated the Essential Services (Year 2000) Bill, the first bill to be introduced into Parliament by the Labor Party. Did it have a section 85 provision in it, I can hear honourable members asking? The answer is yes, it did. Despite the high rhetoric of the government when in opposition that it would repeal some 200 acts which limited the jurisdiction of the Supreme Court, the first bill introduced into the chamber by the Labor government limited the jurisdiction of the Supreme Court. Do we apply the rhetoric of the Minister for Education to this course of action, that such action is unprecedented in the Western world? Or do we examine one of the next bills that amends the Legal Practice Act? There is no clause winding back section 444 of the principal act.

Mr Hulls — On a point of order, Mr Speaker, it is always nice to listen to the esoteric comments of the honourable member for Sandringham. However, we are debating the Legal Practice (Amendment) Bill, and I ask you to bring the honourable member back to the bill.

The SPEAKER — Order! There is no point of order. I was listening to the honourable member for Sandringham, and he was relating his comments to the bill.

Mr THOMPSON — I take on board the contribution of the honourable member for Niddrie. I encourage him to — I have no doubt he will — in the not too distant future address one of the monthly luncheons at the Law Institute of Victoria. The last two Labor speakers there have referred to the appalling abuse of the democratic tradition and it may be that the honourable member for Niddrie can set the record straight. I would welcome that. I am sure the honourable members for Dandenong North, Springvale and Richmond would also welcome the objective dialogue so that the role of an opposition can be an effective and constructive one in which debate is founded on facts and the truth.

The bill has a number of areas that deal with the power to cancel a practitioner's certificate or to disqualify a person who had formerly been a legal practitioner from legal practice. It deals with the role of the Legal Profession Tribunal and the cost of obtaining transcripts. I will deal with each of those points in due course.

Historically, the role of the Law Institute, and more recently of different disciplinary tribunals, was to handle difficulties experienced by members of the public in their encounters with the legal profession. Despite good grounding in training there have been practitioners who have defalcated money belonging to members of the public, have not acted with due diligence, have been negligent or have not acted in the best interests of their clients. It is appropriate that there be a suitable forum and framework where such matters might otherwise be dealt with.

I have reminded the house in other days of the French barrister, who in his will bequeathed his entire estate to the local madhouse. The clause accompanying that particular bequest in the will noted words to the effect, 'During my lifetime I took my money from lunatics and in making this bequest I only make fair restitution'. That example can perhaps be complemented by the old picture of litigants in which there was a person pulling a cow by the tail — say a defendant — and another person — say a plaintiff — pulling the cow by its horns, and the lawyer was in the middle milking the cow. That has been the experience of many people in the litigation process where the proceeds of disputation have often ended up in the hands of lawyers. With respect to the legal profession, well prepared cases require a lot of work and industry to avoid the adverse consequences of a loss when a person has been guided into litigation.

Under the former Legal Profession Practice Act there was in place a strong regulatory framework which governed the operation of the legal profession. It required the annual issue of a practising certificate. Under the relevant legislation and accompanying rules there was also the requirement for solicitors to take out indemnity insurance so that if they were errant in their advice or conduct, and the same applied with any fidelity cover, people on whose behalf they acted might have some recourse to protection. In days gone by there have been tragic circumstances in which people entrusted their entire life savings in trust accounts of legal practitioners for safekeeping only to find that the money had been misappropriated.

The role given to the tribunal under the bill to provide for the power to disqualify a legal practitioner is

designed to cover the circumstance where a person may have already elected to surrender a practising certificate and there was no certificate to disqualify, but there is provision under the bill to preclude a person from applying for a practising certificate in the future.

The objective of the Legal Profession Tribunal is to provide a cost-effective forum for dispute resolution. Since 1996 there have been a number of examples in practice where, there having been a large increase in claims, it was found that the forum had been used as a trial run or as a fishing expedition. The tribunal, which was intended to be a low-cost tribunal, was found to be used for other reasons. Under an amendment the Legal Profession Tribunal will have the power to refer matters to be more appropriately heard in the Supreme Court or County Court or other such jurisdiction. That is a sensible reform.

Tribunals such as the Small Claims Tribunal or the Residential Tenancies Tribunal are low-cost forums where matters can be resolved. People can take issues of concern to the tribunals and have them dealt with cost-effectively, and generally expeditiously. It is hoped that in the current term legislation will be introduced to help residents and owners of units in bodies corporate where there may be a dispute regarding parking, body corporate maintenance or fees. At this stage if a dispute arises body corporate members face a prospect of an expensive process of going to a court. Following extensive work the last government was at an advanced stage in preparing new legislation to come before the house that might likewise provide a low-cost tribunal. I commend this initiative to the new Attorney-General, as I am sure he can help people in the 88 lower house electorates of Victoria by accelerating and advancing this reform.

The third principle area in the bill relates to the cost of obtaining transcripts. The role of recording proceedings is expensive. It is a highly skilled role that is performed admirably by Hansard reporters, many of whom would have worked in the court system. In order to ensure that there is the appropriate level of skill and remuneration a suitable level of resources need to be allocated to that end. It was found that if a tribunal required transcripts it was an expensive process. The tribunal has the power to make an order as to who will fund the production of such transcripts. It is a sensible reform that will provide increased power.

It represents a finetuning of a principal act that was not readily welcomed by the profession. It will be interesting to get a further assessment in the course of time and during the life of this Parliament as to how

well the act has operated and served both the legal profession and the wider community.

My concluding remarks refer to some statute law revision at the conclusion of the bill which principally relates to the correction of a reference to the Leo Cussen Institute, which was founded around 1972 and has provided an excellent training ground for people graduating from universities. In Victoria today students are graduating from perhaps four universities, and although taking on articles with a firm is the option exercised by many, others may have other career aspirations and seek to round off their legal training and their right to practise by proceeding through the Leo Cussen Institute. It is an option the honourable member for Dandenong may choose to exercise at some stage of his later work career to complement his legal training if he wishes to qualify further and take up practice as a lawyer.

In conclusion, I direct the attention of the house to the words that have been uttered by numbers of members of the now government while in opposition regarding the operation of section 85.

I advise new members of the house with an interest in legal matters to gain a clear understanding of the value of section 85 of the Victorian constitution and its entrenchment in the Victorian legislative framework. I wish the bill a speedy passage.

Ms DUNCAN (Gisborne) — It is good that the Legal Practice (Amendment) Bill has the bipartisan support of the house. I had intended to contribute to the debate by going through the minutiae of the bill, but the honourable member for Springvale has already made an interesting contribution in that respect.

The bill makes a number of amendments to the act and seeks to make the Legal Profession Tribunal more efficient. It aims to do a number of things: to strengthen the power of the tribunal to allow it to deal more effectively with inappropriate civil disputes that are brought before it, and to allow the tribunal to order a party to pay the cost of obtaining full transcripts of previous tribunal hearings. As the house has heard, the cost of transcripts can be substantial.

The legislation sets out ways of dealing with a whole range of issues. It seeks to deal with the legal profession, as all professions need the governance of tribunals or forms of insurance to ensure they properly conduct themselves. The legislation details professional standards of conduct and how incidents of misconduct should be dealt with. It is difficult to predict the effect any new legislation will have and what changes may be

required to ensure it continues to fulfil its aims. Often the intention of legislation is different from the way it is put into practice.

The bill seeks to close loopholes that have emerged or problems now being encountered before the tribunal on a number of issues. Some issues appear to be impeding the ability of the tribunal to deal adequately with the legal profession. If the public is to have faith in the legal profession, the tribunal must be seen to deal with examples of misconduct appropriately. At the same time, professional tribunals must not be used in ways not intended by the act. There is no doubt that some cases brought before the tribunal could and should have been dealt with in other jurisdictions.

The public has a particular view of lawyers — and many other professions, for that matter. Members of the public become annoyed if they think lawyers are getting off or escaping the net or are seeking ways to avoid what should be a proper course of action to be taken against them.

The bill deals with misconduct by lawyers. It aims to handle problems when things go wrong — and things do go wrong occasionally! People are often suspicious and cautious, and sometimes afraid of lawyers. My words are apt to describe the experience of some people with lawyers. Unfortunately, the community has seen increasing examples of misconduct by lawyers. I refer to an article in the *Age* of 11 November 1998 which refers to a rise in criticism of the state's lawyers. It states:

Complaints against Victoria's lawyers have jumped by 40 per cent in the past year.

That, of course, is an outrage. The bill aims to have the tribunal remedy that situation.

That is not the experience of most people in their dealings with lawyers. As some honourable members said during their contributions to debate on a bill yesterday, most people hope they never have to appear before the Legal Profession Tribunal. The fear and caution instilled in many people by lawyers is a consequence of events in their lives that have caused them to seek the assistance of the legal profession. Such events have led, in some cases, to people feeling suspicious of and daunted by lawyers who may have been involved in those events.

Today the house has heard about some of the problems the community has with lawyers. I do not want to paint too negative a picture of lawyers. Today I heard the joke that lawyers are often considered to be the bottom of the food chain — possibly just above the view some

people may hold of politicians! But, as that view of politicians is inappropriate, so the same view is not appropriate for lawyers. The bill is needed because the dealings of many members of the community with the legal profession have been fraught with problems. Although such incidents sometimes happen — perhaps more frequently than we would like to think — on occasions disputes arise between a client and a lawyer; it is not the rule because exceptions occur. Most lawyers and their clients enjoy good business relationships and conduct their business to the satisfaction of all parties.

There is a danger of painting a negative picture of the work or practices of lawyers. Lawyers do great work, they work long hours, they agonise over the plight of their clients, and often they are abused by clients. Some people think lawyers are overpaid and are perhaps the most privileged members of our society, but many are not paid for their services or are paid slowly over time. Some are paid in kind. Many do large amounts of pro bono work because they have a significant sense of social justice.

Many lawyers work for legal aid rates which, as the house knows, in Victoria would not cover the costs of most legal firms. A legal firm would go broke if it relied completely on legal aid work. That problem has been caused by the severe cuts made by the federal government and the former Kennett government to legal aid funds. Victoria Legal Aid has virtually no legal aid funds with which to help Victorians. Many people face difficult legal situations and are afraid or disappointed because they face the prospect of appearing in court unrepresented by counsel.

However, the bill will refine and strengthen the Legal Practice Act and will ensure that the amount of finetuning needed by the tribunal will be achieved. The bill will put into effect the changes that other honourable members have referred to so eloquently during their contributions to the debate. Therefore, I support the bill.

Mr NARDELLA (Melton) — I rise to support the Legal Practice (Amendment) Bill. The bill amends the powers of the Legal Profession Tribunal to deal with intransigent lawyers. It also deals with changes to how the tribunal is to be used. Claims for amounts up to a maximum of \$15 000 have been taken to the tribunal by lawyers to circumvent their going to higher courts and having to pay higher fees to have claims heard. By taking cases to the tribunal lawyers are able to seek information, go through a process of discovery and use the tribunal as a preliminary vehicle that is far less expensive than a court. That practice is overstretching

the capacity of the tribunal by causing it to deal with a number of cases that would normally not go before it.

Lawyers are ingenious at looking at what is available and then using it — or in this case abusing it — to achieve the best outcome for themselves but not necessarily the best outcome for the community that initially set up the tribunal to look after its interests. Lawyers have been exploring the options and taking cases to the tribunal that should not be there.

Clause 5 of the bill enables the tribunal to deal with those types of circumstances. It will be able to refer cases directly to higher courts — to the Supreme Court if necessary — and in that way control the flow of cases it deals with. It will be able to prevent inappropriate use of its services by referring cases to higher courts, where they should have been taken by the lawyers in the first place.

Clause 6 deals with legal practitioners who have transgressed the Legal Practice Act but who by surrendering their practising certificates have not allowed the tribunal to deal with their cases. In a number of instances lawyers have transgressed the rules, done the wrong thing, but instead of being taken to the tribunal and dealt with they have handed in their practising certificates and avoided having a conviction recorded against them. That has given them the ability at a later stage to rejoin the legal fraternity in Victoria and continue to practise. That is a matter of concern to the government, and it was of concern to the previous government, which essentially developed the bill before the 18 September election. The government believes that under no circumstances should legal practitioners be able to avoid being dealt with under the legislation on that technicality.

I again refer honourable members to the fact that lawyers are innovative and are able to sniff a loophole from 100 yards, as they have obviously done under the existing act. The government must protect the community from unscrupulous lawyers. There are many instances where legal practitioners have abused the system and the trust of their clients by systematically ripping them off. Clients and their families have been placed in extremely difficult positions by legal practitioners who have, for example, taken away their life savings. It is imperative that the proposed legislation be enacted to ensure such unscrupulous lawyers are brought to account.

The original legislation on which the amending bill is based was introduced a number of years ago. Concerns were raised at that time about its deregulatory nature. However, the bill will be part of the legislation that

currently controls and regulates lawyers in society. That legislation was agreed on in both houses of Parliament in order to maintain the integrity, high standards and quality of the legal profession in the state. It is the government's responsibility to maintain that integrity, because it is charged with the responsibility of ensuring that vulnerable people in society who consult legal practitioners and put their trust in them are protected. Protection of the public is paramount, and that is why it is pleasing to see that the bill, which was initiated by the previous government, has bipartisan support.

I commend the bill to the house.

Ms ALLAN (Bendigo East) — I am delighted to speak on the bill, which will make a number of important amendments to improve the efficient operation of the legal profession. Honourable members have already heard a fine dissertation on the bill from a number of honourable members who have dissected it carefully. I have to admit to not being a lawyer and not having ever studied law past year 12 legal studies. Therefore I bring more of a community perspective to consideration of the importance of the bill.

A government member interjected.

Ms ALLAN — And a sharp mind — and the contribution of Bendigo East. As the house has already heard, the bill was prepared by the previous government. It was interesting to hear the honourable member for Berwick commend the bill to the house. That is unlike the situation that occurred during debate on the Health Practitioners (Special Events Exemption) Bill, when the criticisms of the members of the coalition — I should call it the Liberal–National partnership — were directed at their own party colleagues. That was a curious situation, but it was consistent with their continual backflips in a number of policy areas.

The sudden interest of the honourable member for Warrandyte and an honourable member for North Western Province in the other place in the state education system comes to mind when talking of opposition policy backflips. I draw to the attention of the house that government members look forward to the support of an honourable member for North Western Province in the other place when he votes with the Labor government on bills that are put through the upper house.

In the local newspaper, the *Bendigo Advertiser*, he was reported as saying that he would do so in keeping Labor to its commitments. In keeping Labor to its commitments we are looking at the support of an

honourable member for North Western Province, because the only way we can keep our commitments is if that undemocratic chamber votes for the passage of our legislation.

I commend an honourable member for North Western Province, Mr Ron Best, for his contribution to Labor forming government in Victoria. I draw to the attention of the house an article that appeared in the *Bendigo Advertiser* of 18 October — two days after the excellent win in the Frankston East supplementary election by the present member for Frankston East. It reported that Mr Best said he had been involved in talks with the honourable member for Mildura, Russell Savage, and that — —

Mr Perton — On a point of order, Mr Acting Speaker, we have been quite patient with the honourable member commencing a diatribe against an honourable member for North Western Province. She has now spent 2 minutes talking about things Mr Best said, but it has absolutely nothing to do with the bill. She is now about to read a clipping from the *Bendigo Advertiser*, which again has nothing to do with the bill. I know she is a new member and is still learning the rules of the house — —

Government members interjecting.

The ACTING SPEAKER (Mr Phillips) — Order! The honourable member for Doncaster has the right to raise a point of order.

Mr Perton — I ask you, Mr Acting Speaker, to direct her to address the bill. I think an indication of the route she intended to take was given at the beginning of her speech when she said that others had dealt with the bill, which seemed to mean, ‘Let me talk about what I want to talk about’. You have to give her a lesson, Mr Acting Speaker — —

Government members interjecting.

Mr Perton — Mr Acting Speaker, I ask that you advise the honourable member for Bendigo East that although it would be convenient to talk about other matters she is restricted by the standing orders to talking about the bill and issues relating to it. She may extend her speech to some elements of the primary legislation, but not to the general attitudes of a member of the upper house.

The ACTING SPEAKER (Mr Phillips) — Order! I do not uphold the point of order at this time. The rulings of previous Speakers have allowed a tiny bit of licence in allowing members to talk about other things while debating a bill. The honourable member for

Doncaster is right; the honourable member for Bendigo East is new, and it is therefore fair that the house should be a bit tolerant and allow the newer members to gain a little experience. However, I advise the honourable member for Bendigo East that she needs to address the bill. I believe she was doing that in part, but as it has been brought to my attention I ask her to now address the bill.

Ms ALLAN — For the benefit of the honourable member for Doncaster I point out that what I have said is relevant because, like other honourable members, I was beginning to refer to the standing of politicians and lawyers, the similarities between the two and how the bill goes towards addressing the concerns of the community.

It is important to note that the opposition is in opposition because of the ‘constructive’ talks between an honourable member for North Western Province in the other place and the honourable member for Mildura — obviously they were very constructive for the now Labor government!

The Legal Profession Tribunal deals with the right to practise law. The right to practise law in Victoria is obviously also a privilege — similar to the privilege of sitting in this house as the member for Bendigo East. It is a noble profession.

The bill refers to the disqualification process currently in place and the anomalies inherent in it. The present situation is difficult for the lawyers, both barristers and solicitors, and the tribunal, and the loopholes will obviously have to be addressed to ensure the integrity of the system. As with other professionals, barristers and solicitors need a watchdog to carefully monitor their practice and conduct. Of course, law is an emotive profession, as is politics — as we have seen this evening — and members of the profession come under public scrutiny similar to that given to politicians.

Unfortunately, in the eyes of the public lawyers have a status and ranking similar to that enjoyed by politicians, used car salesmen and our good friends in the media. That was made clear earlier by the honourable member for Gisborne who referred to the *Age* article of November 1998 giving details of the public standing of those occupations and professions. As the honourable member for Melton said, lawyers being lawyers, they will look for loopholes. Unfortunately, some less kind members of the public believe that is all lawyers do with their time — sit back in their offices and look for loopholes. It is therefore important to maintain public confidence in our legal system that loopholes such as those the bill is meant to deal with are closed.

At present a lawyer who has been convicted and surrenders his practising certificate can reapply for that certificate at any time. That is clearly anomalous and needs to be addressed, particularly when the lawyers are disqualifying themselves from practising law only to avoid the humiliation of being disqualified by the tribunal.

An Honourable Member — They found that loophole.

Ms ALLAN — They surely did. Providing the Legal Profession Tribunal with a clear power to impose a period of disqualification on a lawyer will ensure that the tribunal does not continue to be a toothless tiger.

I said earlier that practising law is a noble profession. I am pleased to inform the house that some of my closest friends are lawyers. In saying that I am happy to name them. I would like to inform the house that the Bendigo breed of barristers and solicitors are a fine group who work hard for the people of Bendigo. They are a caring and compassionate group of people, particularly in the problematic area of family law, which is probably the most emotive area of law you could think of.

During the campaign in Bendigo East I was pleased about the assistance local lawyers were able to give me. As I said earlier, I am not a lawyer and I needed advice on certain matters, particularly on the effect of the former Kennett government's Workcover legislation and its impact on my constituents. The removal of workers' common-law rights caused great distress among the constituents of Bendigo East. I sought assistance from John McPherson of the law firm Arnold Dallas and McPherson.

Our Bendigo lawyers are also incredibly community minded, and that sentiment should be remembered when legislation is being drafted or when we are discussing legal professionals, because they are people who have personal lives and are active in their communities and are highly respected members of their communities.

I draw to the attention of the house a Bendigo lawyer, Marika McMahon of the law firm O'Farrell Robertson and McMahon. Ms McMahon is the youngest person in Victoria to be a partner of a law firm, and she was recently named as the Business and Professional Young Career Woman of the Year. A fine achievement.

Any bill that sorts out the Legal Profession Tribunal and removes loopholes that may bring the profession into disrepute would be welcomed by Bendigo lawyers, the Bendigo Law Association and both sides of the house.

An Honourable Member — Bipartisanship is a lovely thing.

Ms ALLAN — Bipartisanship is a lovely thing. We have already heard discussion about the impact of the legal aid cuts inflicted by the Kennett government. Again, when speaking about any law bill we need to remember that impact. Those funding cuts had a dire effect on the constituents of Bendigo East, particularly in the area of family law. It caused great distress to families to know they could not have access to an equitable system that would allow them to take their matters before the courts. That sort of access is vital to families in times of need.

I am pleased that the provisions of the bill that deal with the civil dispute jurisdiction will ensure that the original intention of the principal act is maintained.

A balance must be struck between clients having their complaints dealt with and lawyers having them dealt with more easily. This jurisdiction alleviates the stress on both sides, which is important because getting through the legal system is distressing enough for many people without their having to go through another complex jurisdiction to have their complaints heard.

The amendment will alleviate the stress for a client who has a complaint against a lawyer, and will make it easier — perhaps not to the lawyer's enjoyment — to have the complaint heard. That is important, because it is very hard on a complainant who has already been through an emotional or traumatic court experience to have to then go through another one. It is pleasing to note that the amendment addresses that situation.

I am not under the misapprehension that there is no problem with lawyers. In a healthy legal or political system there will be complaints, but there must be an appropriate jurisdiction in which the complaints can be easily and quickly heard. There should be complaints against lawyers who do not uphold the fine name of their profession, and the amendment makes it easier for people to seek redress.

Much of the workload of a backbencher representing Bendigo East arises from the fact that many people feel they cannot gain access to the legal system or have a complaint against the legal system. It is pleasing for us as members of Parliament to know that we can refer constituents down this path.

The fact that the civil dispute jurisdiction is not always being used in the manner that was originally intended but rather for fishing expeditions means there are less tribunal resources available for genuine complaints, particularly those involving sums of less than \$15 000,

the amount for which the jurisdiction was originally set up.

The government must ensure that people who were perhaps turned off making a complaint because of cost, particularly those who have already been through the legal system and lost a lot of money, are able to have their complaints heard quickly and cost effectively. It is also appropriate that the proposed amendments give the tribunal the discretion to refer matters involving more than \$15 000 to an appropriate court. It is disappointing that the jurisdiction has been abused in the past by people with enough wealth behind them to go on fishing expeditions. It is pleasing that the amendment will address that situation.

I commend the Bracks government for bringing the bill before the house and the opposition for supporting it. The government looks forward to more opposition support, particularly in the upper house. I look forward to the implementation of the amendments for the benefit of both the legal profession and members of the community with genuine grievances against the legal profession. I commend the bill to the house.

Mr VINEY (Frankston East) — I join other honourable members in commending the bill, and I thank the honourable member for Bendigo East for her insightful remarks on the importance of the bill to the disadvantaged in our community. I join in the remarks of the honourable members for Springvale and Dandenong North, who made the point that their constituents will appreciate the amendments being made to the principal act. Members on this side of the house often represent people who are less advantaged, and the amendments —

Mr Perton interjected.

Mr VINEY — The honourable member for Doncaster made a comment about where one lives, but it is about where one represents.

Unlike Mr Cameron Boardman in another place, I vote in the electorate in which I am registered and live. Unlike the honourable member in another place, who admitted during a 3AW interview that he lives in the seat of Albert Park but is registered in the seat of Carrum, my record of where I live and vote is quite honourable. Honourable members opposite may continue to address my residence for as long as I am a member of the house.

The ACTING SPEAKER (Mr Phillips) — Order! I suggest to the honourable member that he should not take exception to the comments of the honourable member for Doncaster, which distract him from

debating the bill. I ask the honourable member to come back to the bill.

Mr VINEY — The purpose of the honourable member in raising such issues is to distract not only me but also the electors of Victoria from the serious matters that must be considered in the house.

I am pleased to speak on the bill, and I note that the honourable members for Berwick, Dandenong North and Bendigo East commented in their addresses to the house on the reputation of lawyers. I am not a lawyer. There is a question about where politicians and lawyers sit in the food chain. Before coming to the house I was a pollster, and I am not sure where that profession sits on the food chain, either. It is a noble profession, particularly when you can achieve the strategy that gets you to this side of the chamber.

The bill is important in that it deals with members of the legal profession, who can on occasion transgress proper behaviour. In researching the bill in the library I noticed from press clippings that in a matter of three months there has been an interesting array of offences, including a lawyer charged for trafficking cocaine, a man posing as a bogus lawyer and a lawyer illegally advertising a range of no-win, no-fee services without explaining that clients may have to pay.

In the past few months there was evidence of a tribunal barring a lawyer who practised at the bar without a practising certificate. I note that the amendments enable a tribunal to ban from practising a lawyer who has handed in his or her practising certificate prior to the tribunal hearing, which the honourable member for Melton appropriately referred to in his address as the loophole that lawyers are very skilled at finding.

In recent times a prominent lawyer was charged with assault, and another lawyer was banned for misconduct because he hid a murder suspect and lied to the police. They are a small number of incidents in what would otherwise be a noble profession that does much good work.

The 1996 legislation ensured the profession could self-regulate in a similar manner to the medical profession. That is an appropriate method of managing transgressions by both professional organisations and individual members.

The professions in which that method is common practice are the law and politics. Both exercise a similar process for managing appropriate behaviour. Company directors, too, have a somewhat similar process in that ethical standards in business are upheld in corporate law.

The two areas of complaint that can be dealt with by the tribunal are cost disputes and complaints about conduct. Cost disputes are a considerable issue for many in the community. On 12 September last year the Chief Justice of the High Court, Murray Gleeson, was reported as saying that lawyers' fees had got quite out of hand. He attacked the payment-for-time system, saying that it rewarded inefficiency, delay and slow thinking. Gleeson was of the view that the time method of charging was a good tool for allowing legal firms to check efficiency but was not an appropriate basis for charging for professional services. Fee and cost disputes are a considerable issue. As the honourable member for Bendigo East has said, the previous government seriously disadvantaged low-income earners in our community when it cut savagely into legal aid support.

The Chief Justice of the High Court went on to say most litigants have little idea of what legal services they need and are in no position to judge whether the time and attention devoted to their cases is excessive or insufficient. He also said most litigants would have no idea, for example, how much legal time and effort should be put into the process of discovery or whether a bill they might receive for paper copying was reasonable.

It appears that the comments of the Chief Justice were based upon research he had done while holding the position of Chief Justice of the Supreme Court of New South Wales. He said that many litigants were neither very rich nor very poor, just ordinary people. The purpose of this amending bill is to ensure that such things as cost disputes are dealt with appropriately and reasonably.

Honourable members opposite might recall that after the 1996 bill was enacted reviews of the legislation showed it was not operating at all well. A *Herald Sun* article published in July this year headed 'Judgment in the Shadows' described the process for the settling of disputes in Victoria as a complex maze — a maze set up and made worse, according to the article, by the previous government and the former Attorney-General.

The process by which legal complaints, including cost disputes, are dealt with can involve the Law Institute of Victoria or the Victorian Bar Council and can then be referred on to the Legal Ombudsman. Alternatively, a client can appeal direct to the Legal Ombudsman, who can attempt a mediation process. There may be discipline of a lawyer by means of a written reprimand, dismissal of a case or referral to the tribunal for conciliation. Ultimately a matter can be taken to the Legal Profession Tribunal, in which case the tribunal

registrar can dismiss the case, issue a ruling or finally refer the matter to a full, three-member tribunal. That tribunal can then either dismiss the case or take action against a lawyer. And that is only half the process!

The other half involves going through the Legal Ombudsman, which might involve a case being dismissed, discretionary payments being made to clients, cautioning of a lawyer or investigation and reprimand of a lawyer. In serious cases the matter might be referred to the Legal Profession Tribunal or to the tribunal registrar and then to a three-member tribunal that can either dismiss the case or take action against a lawyer.

That complex maze established by the previous government has attracted considerable criticism from members of the legal profession. The amending legislation now being proposed is an appropriate means of streamlining the complex processes left to us by the previous government. I commend the Attorney-General for dealing with the matter so expeditiously as one of the first acts of the new Bracks government.

The government found that red tape was a serious concern because it meant that lawyers almost never lost their right to practise. Out of 3000 complaints only some 50 ended up going to the tribunal at all. At least four agencies were responsible for policing lawyers; complaints were hidden from public view; new policing agencies employed dozens of staff and cost more than the operation of the previous system; and lawyers often refused to cooperate with investigators trying to address complaints.

The research reported in the *Herald Sun* of 12 July indicates that in 1997–98 the Legal Ombudsman had reviewed 734 complaints, the Law Institute of Victoria, 2344, and the Victorian Bar Council, 95. Of those, fewer than 2 per cent were considered serious enough to be referred to the Legal Profession Tribunal.

As a result of the concerns expressed in July the process of reforming and streamlining the law and preparing the bill was started. Now clients of lawyers who have transgressed against their professional obligations will be able to get some recompense, and lawyers can be dealt with appropriately.

I thank members of the opposition for their support for the bill. The honourable member for Dandenong North rightly said it is important to have vigorous bipartisanship at times. It is an important bill, which I commend.

Mr HULLS (Attorney-General) — I thank all honourable members who contributed to the debate.

The shadow Attorney-General began his contribution by letting everybody in this place know how times have changed and that he could almost see himself in the past, sitting where the honourable member for Frankston East is sitting. Perhaps he wishes those days were back. I say, bad luck — we intend to be here for some time.

He said that he had been talking with members of the Law Institute of Victoria about the proposed legislation. Not only have things changed because a new government is in office but things have also changed when the shadow Attorney-General, the former Parliamentary Secretary to the Attorney-General, now talks to the institute. It is pleasing to see. I am sure the institute will give him wise counsel in the next four years or so in opposition, as the Law Institute of Victoria was helpful to me when I was in opposition.

The honourable member for Berwick attempted to rewrite history when he spoke about the introduction of registered professional associations (RPAs) and said that they were set up to break the monopoly of the bar and the institute for legal reasons, not to simply smash the monopoly of those particular bodies. I indicated that when the original legislation was introduced the intent was far more vindictive than the shadow Attorney-General indicated and that the introduction of the system of RPAs was a deliberate attempt by the former Attorney-General to undermine the Law Institute of Victoria and the Victorian Bar Council.

The shadow Attorney-General said that RPAs have been a huge success. As there have been no new RPAs since the legislation was introduced, one has to question how successful the legislation has been. I thank him for his bipartisan support on the legislation.

Dr Dean interjected.

Mr HULLS — The shadow Attorney-General interjects by saying that it is the last time the opposition will give its support if I talk like that. He should support legislation on its merits, not on my comments. I look forward to his support on legislation in the future, as I know I can count on the support of the honourable member for Doncaster.

The honourable member for Richmond, the Parliamentary Secretary for Justice, made an excellent contribution to the debate on the bill. He was concise in his analysis of the legislation and I thank him for his support.

He was followed by the honourable member for Kew, a new member who showed a real understanding of legislation — he has first-hand experience in the law. I

thank him for his forthright contribution and look forward to further forthright contributions from the honourable member in due course.

The honourable member for Dandenong North made it clear that when any legislation is introduced the first question he will ask is ‘What does the legislation do for Dandenong North?’, which is a good attitude to take. He came to the conclusion that the legislation will assist his constituents and he is more than happy to support the bill.

The honourable member for Gippsland East spoke about the inability of lawyers to deal with costs, with self-promotion and in many cases to deal appropriately with clients. They have not always kept their clients informed in particular cases. I agree that in the past lawyers have been seen to be a stuffy lot. They certainly go out of the way to do what they can to assist their clients but in doing so from time to time they have failed to advise them of the progress of a particular case. Things are changing and lawyers are certainly coming into the 21st century. I thank him for his thoughts on the legislation.

The honourable member for Springvale spoke eloquently about the legislation and showed that although he is not a lawyer he has a real understanding of how the legal profession works. I thank him for his contribution.

The honourable member for Doncaster is a lawyer and considers himself something of a freedom fighter on the conservative side of the house. He made a learned contribution, particularly in relation to information technology and lawyers bringing themselves into the 21st century. I often take the advice of the honourable member for Doncaster on such IT matters — I am not an expert in that field and am more than happy to take his advice. But I am not prepared to wear his behaviour towards the Deputy Speaker. It was extraordinary and I advise him that in the future such behaviour will not be tolerated. I thank him for his support for the bill.

The honourable member for Sandringham made an esoteric contribution. He told a joke about the lawyer who left all his money to a madhouse when he died because he had been taking money from mad people for years and decided to give it back. The honourable member also told a joke about a cow. I was not sure what was the point of his contribution, but in the end I ascertained that he supported the legislation.

The honourable member for Gisborne made an eloquent contribution showing a real understanding of

the legal profession. I thank her for her support for the bill.

The honourable member for Melton made an excellent contribution. He has an interest in the law and is concerned about his constituents. He is a welcome member to this place. He has left the 'funny farm' of the other place and is now in the house that really counts. I expect more excellent contributions from him.

The honourable member for Bendigo East also made an excellent contribution. She showed a real interest in the legal profession and understanding of the legislation. I thank her for her contribution.

Finally, the honourable member for Frankston East made it clear that he is not a lawyer but was an upholsterer in a different life. He said that lawyers and politicians have always been at the bottom of the barrel. I am both a lawyer and a politician and will therefore ignore his comments. I thank him for his support of the legislation and look forward to his continuing support on this side of the house on a whole range of reforms that the Bracks government intends to introduce, which include not only reforms to the legal profession but also to the law relating to the Auditor-General and access to common-law rights for seriously injured workers and so on.

I thank all honourable members who made a contribution and wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

The SPEAKER — Order! Under sessional orders the time for the adjournment of the house has arrived.

Member for Chelsea Province: electoral enrolment

Mr HOLDING (Springvale) — I raise a matter for the attention of the Attorney-General as the minister responsible for the Victorian Electoral Commission.

Honourable members will recall that during the Frankston East supplementary election, the former Premier commented on the residence of the then Labor candidate and now member for Frankston East. As a

consequence of the comments journalists inquired of various members whether they live in their electorates.

The Honourable Cameron Boardman, who represents Chelsea Province in the upper house, claimed to a journalist from 3AW that he currently lived in St Kilda but stayed a couple of nights each week in Frankston. At the time of the state election, the electoral roll — I have a copy of the extract from the roll — places him as living in Parkdale, in the seat of Carrum.

Given that in January 1999 Mr Boardman removed the address in Parkdale from his pecuniary interest form and claimed to a journalist that he lived in St Kilda and possibly Frankston but not in Parkdale, will the Attorney-General investigate whether the compulsory enrolment and transfer provisions of the Victorian Constitution Act have been adhered to in this case? Further, can he inform the house how soon after changing addresses voters must update their electoral enrolment?

Finally, can the minister inform the chamber of the broader implications of the Honourable Cameron Boardman claiming a vote in the state electoral district of Carrum and the upper house province of Chelsea if in fact he was not entitled to do so?

Stawell Easter Gift

Mr DELAHUNTY (Wimmera) — I raise with the Minister for Major Projects and Tourism a matter concerning the government's policy on promoting Victoria's major events. Since 1878 the Stawell Athletic Club has been bringing wealth and tourism to Stawell and to Victoria by attracting the followers of athletics to the Stawell Gift.

The Stawell Easter Gift is an icon event in the Wimmera region and in Victoria. For the information of the house I mention that there were 50 entrants in the first Stawell Gift and the first prize was £20. In 1999 there were over 200 entrants and the winner received \$34 000. Many of the approximately 600 entries in the Easter events and the large number of patrons attending are from interstate or overseas. Over the years top-class athletes such as Linford Christie and Matt Shirvington have competed in this event.

The ability of the Stawell Athletic Club to attract top runners — whether they are the best in Australia or the best in the world — has always been a feature. The cost of securing the services of these athletes and the marketing and promotion of the Stawell Easter Gift has been restricted by the lack of available funding.

The early members of the Stawell Athletic Club were determined that nothing but the best would be good enough for the meeting, especially where the athletes were involved. The strong support from the people of Stawell and the tradition continues.

But as the voluntary committee is well into preparation for the year 2000 Easter Gift, will the minister indicate to the house, to the people of Victoria and to the people of Stawell what support the government will give to ensure ongoing support for the Stawell Easter Gift — one of Victoria's icon events that has been in existence for over 120 years?

Community legal centres

Ms GILLET (Werribee) — I raise a matter for the attention of the Attorney-General and ask him to provide advice to the house about the status of the review into community legal centres (CLCs). The communities of Werribee and Hoppers Crossing that I am privileged to represent are fortunate to have the services of a community legal centre. Earlier this year, with enormous distress our community learned the federal government and the failed Kennett government were reviewing the operation of community legal centres.

Given the track records of those ideologically hidebound and economically irrational governments, the community knew what it was facing: the CLCs would be forced into amalgamations and starved of funds.

In my opinion community legal centres are at least as important to communities, if not more so, than are local members of Parliament; and they play similar roles. While many in the communities in my electorate go to their community legal centres with matters they think are based on legalities, often the legal matters are only peripheral and the substance of the issues go to far more important social matters. My local community legal centre has dealt with many inquiries from my constituents and has done much more than sort out their minor legal matters. On many occasions and in many ways it has helped rebuild lives that have been affected by social processes, not just by legal processes.

Public meetings held in Werribee were well supported. The community agency networks came out in force to support the community legal centres. Now we are free of at least one level of government that suffered from ideological obsession and look forward to a time when we can be free of obsessiveness at the federal level. I ask the Attorney-General to advise the house of the status of the review into community legal centres.

Rural Victoria: teachers

Mr INGRAM (Gippsland East) — I refer the Minister for Education to the looming teacher shortage in rural Victoria. It has been brought about in part by the one-year contracts that discourage teachers from taking rural teaching jobs. Teachers who take jobs in country schools, move to country towns and set up new houses face extra costs because of moving. Teachers in the city can apply for jobs at a large number of schools. They can stay in one neighbourhood and move between schools.

I believe it will be necessary to offer incentives for teachers to move to rural areas. Country children have an equal right to a good education. They have the right to be served by adequate numbers of good teachers, including specialist teachers, particularly in the areas of maths, science and languages. Will the minister tell the house what she will do to address the problem?

Housing: loan schemes

Mr WELLS (Wantirna) — I raise for the Minister for Housing serious concerns about the home opportunity loan scheme and the shared home opportunity scheme, which were introduced in 1988, interestingly by the Cain–Kirner government. The minister will be aware that the schemes have cost a lot of people a lot of money, especially the people on low incomes the Labor government promised to help.

I refer the minister to a press release put out at the time by Mr Pullen, a former minister in the other place. It states:

The home opportunity loan scheme enables families earning as little as \$290 a week to buy their own home.

The big con of the Cain–Kirner government was that it forgot to tell many people about the fine print, which states:

You start to repay the loan at 27 per cent of your commencing eligible weekly income. This means that your repayments start at a much lower rate than would normally be the case for the same sized bank loan. The shortfall between the repayment and the interest on the loan is added to your loan balance and repaid later.

On the anniversary of settlement of your loan, your monthly repayment goes up by 6 per cent. This continues until your loan is paid in full. The lender reserves the right to change this rate ...

Whilst your monthly payment will eventually be higher than it would be with a traditional home loan, the monthly repayment will still be affordable. This is because incomes will rise over the same period.

That is the assumption that led the Cain–Kirner government to fall into a massive financial hole. Many of those people were caught up in the con and have lost their homes. In the recent Frankston East supplementary election the Labor government distributed misleading information about the loans, saying the current Minister for Housing would review the schemes. I wonder when that review will be completed, how many of the people affected by the schemes will be repaid and how much it will cost the Victorian taxpayer?

The SPEAKER — Order! I did not wish to interrupt the honourable member for Wantirna, but the level of conversation in the chamber at the moment is far too high. I ask honourable members to lower their tones.

Ballarat: mayoral allowance

Ms OVERINGTON (Ballarat West) — I raise for the attention of the Minister for Local Government a matter concerning the belief of the members of Ballarat City Council that their right to determine whether they pay their mayor as a full-time mayor should rightly rest with the council concerned and not with the state government. I ask the Minister for Local Government to give that issue his considered opinion.

On 4 May 1994 Victoria saw the end of democratically elected councils. When returned in 1996 with reduced rights and powers to determine their own affairs, local councils could at least still determine the role and functions of its mayors. In Ballarat in March 1996 council determined that the role of mayor was a full-time role and reimbursed the mayor at that time accordingly.

In 1998 the Kennett government legislated to make the role of mayor a part-time position. Anyone who has any knowledge of local government or regional areas in particular will know that by its very nature the role of mayor in a regional area is a full-time one. The current mayor of Ballarat, Cr John Barnes, works a minimum of 70 hours a week. I have no doubt that other mayors throughout regional Victoria work similar hours, as did the previous mayor of Ballarat.

An honourable member interjected.

Ms OVERINGTON — The previous mayor of Ballarat was Cr Judy Verlin. She worked exceedingly long hours, but she did that for \$36 000 a year and received no superannuation entitlements. I ask the Minister for Local Government to give full consideration to that matter for the sake of the future of local government in Victoria.

Cobram: industry support

Mr JASPER (Murray Valley) — I refer the Minister for State and Regional Development to his visit to north-eastern Victoria last Friday. He visited my electorate of Murray Valley and the township of Cobram, where he launched a new industry in which \$8 million is to be invested by Ausfresh and which we believe will employ approximately 190 people when it comes into operation approximately 12 months from now.

I noted that when the minister made the announcement at Cobram he gave due credit to the work of the previous administration, particularly Business Victoria, and to the cooperation of the Moira Shire in bringing that industry to Cobram and recognising its importance to Cobram's future and the jobs that will be created.

It is worthwhile bringing to the attention of honourable members the extent of the impact the industry will have on the economy. The company will require approximately 400 000 kilograms of tomatoes per month, plus significant quantities of locally produced vegetables. It will produce a range of antipasto products which will be distributed through supermarkets and other retailers throughout Australia. The company will also be looking to export into Asian countries.

It is hoped that they will be going into that area in strength, and over the next few years they will see at least a third of their turnover being introduced in the Asian export markets.

I seek from the minister an assurance that he will continue to provide the support that has been provided by Business Victoria in the past, and that in the future there will be support for the developing industries in country Victoria, recognising the importance to Victoria of export products. The minister recognised the objective of achieving exports of \$12 billion by 2010, and I now seek from the minister that continuing support for industry in country Victoria, and particularly a commitment to funding support.

I am reminded also of funding for a new bridge over the Murray River between Cobram and Barooga, which will be the subject of a deputation to another minister tomorrow. I seek assurances from the minister of that support so that north-eastern Victoria and the Goulburn Valley continue as the food bowl for the whole of Victoria.

The SPEAKER — Order! Before calling the next speaker I remind the house that during the adjournment debate members may raise only one matter.

Tourism: multicultural festivals

Mr LANGUILLER (Sunshine) — I refer to the Minister for Major Projects and Tourism a matter concerning government sponsorship of excellence awards for our multicultural festivals. What action will the government take to promote these events as multicultural tourism products? The multicultural events in Victoria have a significance beyond the local market. They are social and economic commodities that must be promoted for the benefit of state and national tourism.

I had the pleasure of meeting a number of Japanese families on the weekend when I represented the Premier at the Hispanic Festival in Fitzroy. Those families told me that they had inadvertently found out about the festival when their hotel recommended it. We should not be leaving it up to hotel staff or up to chance to promote our festivals; we should be promoting these festivals in an organised and systematic way internationally.

Honourable members are aware that local artists are committed to excellence in various disciplines and are performing and finding jobs in Singapore, Japan, the Philippines and other countries in the region. Victoria needs a clear government strategy that recognises and promotes local artists overseas. Traditionally governments in the multicultural field have seen their role as providing grants — and I recommend that they continue to do so — but they should play a more constructive, proactive role by facilitating a partnership between government, business and the arts community.

Some of the best known festivals in Victoria are the Antipodes Festival, organised by our Greek community; the Lygon Street Festa, organised by the Italian community and the Lygon Street traders; the Hispanic Community Fiesta, which has been running for 21 years; the Chinese New Year and various festivals around it; and the Vietnamese Lunar New Year Festival in Footscray. I encourage the government to take a proactive role and promote local artists in the region.

Police: Kew station

Mr McINTOSH (Kew) — I raise with the Minister for Police and Emergency Services a matter concerning the Kew police station. Prior to the election the honourable member for Yan Yean, who is now the minister, visited the fair electorate of Kew and expressed concern about the level of policing in Kew and the proposal to close the Kew police station.

Since then the minister has announced that he will not close the Kew police station, but he must have seen the appalling condition of the station — the Dickensian conditions in which police officers have to work, the condemned cells and so on.

Following my election I consulted widely with my constituents and noted the sincere concerns about the proposed closure of the Kew police station. My constituents want the station upgraded. Recently my parliamentary colleagues representing constituents in the City of Boroondara called for the upgrading of all police stations in the city. The previous government had allocated some \$7 million for the construction of a super police station but that project is now on hold.

I ask the minister to inform the house what guarantee he can give that the \$7 million will be spent in the City of Boroondara to upgrade all police facilities and what proportion of that money will be spent on the Kew police station.

Ballarat: festival funding

Mr HOWARD (Ballarat East) — I raise with the Minister for Major Projects and Tourism two Ballarat festivals. Ballarat is the home of the Begonia Festival, but I do not wish to speak about that because I am sure the honourable member for Ballarat West will inform members about that in the months to come. I wish to speak about the Ballarat Winter Festival and the Organs of the Ballarat Goldfields Festival — two great festivals held in Ballarat in recent years.

The winter festival, which is obviously held in the winter, takes account of the great Ballarat ambience, indoor opportunities, and sitting around fires in warm environments enjoying fine food, fine wine and great entertainment provided in a range of ways with creative themes built into it. This exciting festival has been going for two years. Earlier it was called the Open Fire Festival.

I trust honourable members will have the opportunity of enjoying this festival in the coming months if they have not done so already. The festival, like so many other Ballarat festivals, is organised by a local Ballarat community committee that has worked hard this year as it has in previous years to make the festival successful. The committee seeks additional funding from Tourism Victoria and I hope the minister can support it in that regard.

The Organs of the Ballarat Goldfields Festival is held in the summer months each year. By contrast with the contemporary theme of the Ballarat Winter Festival, it is a festival highlighting cultural aspects —

Mr Richardson — On a point of order, Mr Speaker, I remind the house that the adjournment debate is not an opportunity for members to describe something that is going on in some way. The objective of the adjournment debate is to request action from the government on a particular subject. The honourable member has been speaking for more than 2 minutes — —

The SPEAKER — Order! It may not have been clear to the honourable member for Forest Hill, but the Chair specifically heard the honourable member for Ballarat East request extra resources from the Minister for Major Projects and Tourism. There is no point of order.

Mr HOWARD — I am seeking advice from the minister about funding from Tourism Victoria for these two outstanding festivals. The goldfields festival is held in some of our heritage churches in the City of Ballarat and surrounds. It will be a great festival in coming months and I believe it will be even better if funding is granted by the minister.

CFA: paid firefighters

Mr MAUGHAN (Rodney) — I direct the attention of the Minister for Police and Emergency Services to the Country Fire Authority. With more than 75 000 volunteers in more than 1200 brigades and supported by about 800 paid administrative staff the CFA is widely accepted throughout the world as one of the most efficient and cost-effective fire services in the world.

Because of the constant threat of bush and grass fires, the volunteer CFA branches are a vital part of every small community throughout country Victoria. Honourable members would be well aware that volunteers turn out regularly for training, to compete in demonstrations and to check and maintain their equipment.

It is estimated that the CFA system, based as it is on volunteers, saves the Victorian community about \$600 million each and every year. I note in passing that, thanks to the previous government, the CFA now has 2000 well-equipped firefighting vehicles strategically located throughout Victoria, first-class communications equipment and planes and helicopters on stand-by in the fire season.

The United Firefighters Union has been lobbying to have one firefighting service for Victoria, to have permanent, paid firefighters in most major towns and cities and to extend the boundaries of the Metropolitan Fire and Emergency Services Board into what have

been traditional CFA areas in outer metropolitan Melbourne. I seek an assurance from the minister that he will not approve any actions that will in any way compromise the integrity or efficiency of the CFA and its 75 000 volunteer members, who have a proud record of serving the state so well over a long period.

Bendigo: open-cut goldmining

Ms ALLAN (Bendigo East) — I ask the Minister for State and Regional Development to pass on to the Minister for Energy and Resources in the other place the matter I raise. I advise the minister that tomorrow I will be tabling a petition organised by the Coalition of Communities Against Open-cut Goldmining. The petition asks that further — —

Honourable members interjecting.

Ms ALLAN — Mr Speaker, this is important to my electorate of Bendigo East. The actions of the former government in ignoring the needs of the communities of Axedale and Goornong have partly led to the former government members now being on that side of the chamber.

I will be tabling a petition that has been organised by the Coalition of Communities Against Open-cut Goldmining. It asks that as soon as possible the communities of Axedale and Goornong be granted a meeting with the relevant minister. It is crucial that the group meet with the minister because the Axedale and Goornong communities are involved in a difficult dispute with Perseverance Mining at Fosterville.

Honourable members interjecting.

Ms ALLAN — That is exactly right. The opposition ignored the concerns of the people of Axedale and Goornong.

The SPEAKER — Order! The honourable member should direct her remarks through the Chair. She invites interjection by debating issues across the table.

Ms ALLAN — Thank you, Mr Speaker. It is hard to resist, when members opposite have ignored for seven years the concerns of my electorate of Bendigo East. I have met with members of the group extensively and they have raised with me their concerns, particularly that they were not heard by the previous government.

They are also concerned about the Mineral Resources Development Act and the environment effects statement, or EES, process. The previous government was prepared to continue with the flawed process and to isolate and marginalise the local community. This issue

is causing great distress and concern among farmers and land-holders in the area covered by the mining application of Perseverance Mining. If time permitted, I would tell the house about the tears in the eyes of farmers I met with in Goornong. Land that has been in their families for more than 150 years might be taken away from them — another point ignored by the former coalition government. Members of the Axedale and Goornong communities have expressed to me their great concern and disappointment that the former government and its local representatives, National Party members in the upper house, did not address the issue.

I ask the Minister for Transport to pass on to the Minister for Energy and Resources in another place the message that members of the group seek a meeting with the Minister for Energy and Resources as soon as possible to discuss the issue and present their grievances — something the coalition did not do for seven years, which is why Labor is now on this side of the house.

The SPEAKER — Order! I remind the honourable member for Bendigo East that when the Speaker is on his feet and calls her to order she must desist or she will be in breach of sessional order 10.

The time for raising matters has expired.

Responses

Mr HULLS (Attorney-General) — The honourable member for Springvale raised the issue of whether the Honourable Cameron Boardman in another place was legally enrolled on the electoral roll. He raised the matter in the context of certain comments made by the former Premier about the former candidate, now honourable member for Frankston East.

As I recall, the former Premier made disparaging and false remarks about the current honourable member for Frankston East not living in the electorate. In light of the current situation of the Liberal Party candidate for Burwood those comments have come back to haunt opposition members.

The honourable member for Springvale raised a serious matter about whether a person was legally on the electoral roll. The Constitution Act Amendment Act sets out specific enrolment requirements. A person is entitled to enrol in a particular electorate after residing in that electorate for one month. The act makes it clear that it is an offence to fail to enrol within 21 days of becoming eligible to enrol in a particular district. In other words, if people move to a different area and fail to enrol within 21 days they are committing an offence and certain penalties apply.

I do not know the Honourable Cameron Boardman's situation. The honourable member for Springvale suggests that he is enrolled to vote in Parkdale while admitting to a radio station that he resides at St Kilda. However, he resides at Parkdale for a couple of nights each week.

I do not refer specifically to the Honourable Cameron Boardman when I say it is both inappropriate and illegal for people to be enrolled at a certain address in the full knowledge that that is not their place of abode. However, when it comes to matters such as this members of Parliament have a high duty of care.

Honourable members interjecting.

Mr HULLS — Honourable members opposite interject about where a person may stay on a particular night. I will not take up the interjection of the honourable member for Brighton in that regard. It is important to note that any person may stay anywhere on any night. However, in Victoria certain laws apply to enrolments on the electoral roll that make it clear people must enrol where they live.

It is totally inappropriate if a member of Parliament is enrolled on the electoral roll at a certain address but is not living there. I welcome any evidence that the honourable member for Springvale may present to me. When I have that material I will investigate the matter.

The honourable member for Werribee raised an important issue about the status of the current inquiry into community legal centres (CLCs). It is an important issue. I have a vested interest in CLCs because I used to work for Victoria Legal Aid and my father volunteers a couple of days a week at the Flemington Kensington Legal Centre. Community legal centres are one of the few avenues open for the underprivileged and poor people in our community to gain access to justice. I made it clear during the election campaign that the policy of a Bracks Labor government would be that no community legal centre would be forced to amalgamate or close. Of course, if they want to amalgamate of their own volition, that is matter for them.

Once community legal centres are closed and — as was envisaged by the former Attorney-General — there are north, south, east and west community legal centres, they simply become de facto legal aid centres, and that is not the purpose of CLCs. The volunteer base is lost and thousands of disadvantaged Victorians are denied access to justice.

Some time ago, after the election, the federal Attorney-General wrote to me wanting to know Victoria's view about the community legal centre

inquiry. Obviously a number of options were open to me, one of which was to simply pull out of the review. Another was to continue with the review, and a third option was to continue with a review but with amended terms of reference.

I advise the honourable member for Werribee that on 22 November, two days ago, I wrote to the federal Attorney-General advising him that Victoria would be prepared to stay in the current review only if the terms of reference of the review were amended. I advised the Attorney-General of the new Victorian government's policy on community legal centres, which emphasises the community's ownership of community legal centres, the importance of volunteers in providing professional advice to the most disadvantaged members of the community, and the key function that CLCs play in the democratic process in their pursuit of public interest actions.

I advised the Attorney-General that on that basis the Victorian government had guaranteed during the election that no CLC would be forced to close and that CLCs would retain their independence under a Bracks Labor government. I further advised him that if the review process were to continue I believed there was a pressing need that it be given a new direction that reflected the current Victorian government policy — that is, the Bracks Labor government policy. I advised him if the review were to continue it should only proceed in an environment of collaboration and should explore the possibility of developing a strategic planning framework for future CLC activities.

In that letter I also said that if the review were to continue the federal Attorney-General should give serious consideration to appointing two additional community legal centre members on the review, as was originally intended, so that any review process would restore the confidence of community legal centres and their volunteers in the process. I advised the federal Attorney-General that it was essential that any review of Victorian CLC funding programs reflect a commitment on the part of the commonwealth to retain the program as the most effective and efficient means of determining CLC funding priorities in Victoria.

The federal Attorney-General will have that letter, which is very clear. My message to him is that Victoria is prepared to stay in the review process only if the amended terms of reference, as suggested by me, are adhered to in their entirety. Victoria is prepared to sit down and talk about those amended terms of reference.

If the federal Attorney-General is not prepared to accept them, Victoria will be given very little option but to pull

out of the CLC review altogether. I hope the matter does not get to that stage.

Ms PIKE (Minister for Housing) — I thank the honourable member for Wantirna for raising with me the issue of the home opportunity loan scheme (HOLS). A number of schemes have been developed over many years to provide the opportunity for people on low incomes to enter the home ownership market. The honourable member for Wantirna has correctly identified that the outcome has been most unfortunate for a number of people who took out the HOLs and other associated schemes.

In addressing the issue, I have met on two occasions with the Victorian Borrowers Association, a group that represents some 20 000 Victorians who are in one or other of the schemes. The association has given me a full breakdown on the nature of the schemes and the range of scenarios in which people have found themselves. I have also spoken with my department and sought a comprehensive briefing on the current status of the loans.

I said at the outset that I welcomed the concern of the honourable member for Wantirna about this issue. It is a great pity that over the past seven years that concern did not translate into a response to it. Although the loans were established a long time ago the Kennett government continued the policy. The process for addressing the loans was to deal with them on a case-by-case basis. A handful of families had their loans pardoned, but by and large no systemic response was developed.

I am pleased to inform the honourable member for Wantirna that I take the matter very seriously. I am working with the department to develop a systemic response, not to address the loans on a case-by-case basis. I will be happy to report to the house on the details of that response at a later date.

Ms DELAHUNTY (Minister for Education) — In responding to the matter raised by the honourable member for Gippsland East, I congratulate him. This is the first time Parliament has been able to acknowledge what has been pointed out by the deans of education for some time — unless policies are changed at both the federal and state levels Victoria will be facing a shortage of some secondary teachers in some areas from next year. I remember raising the issue during the last session when the house was debating education bills.

I received the same response, strangely enough, when opposition members sat on the government side of the

house. My request was met with great howls of derision. That was not in response to members of the Labor Party talking about teacher shortages in secondary schools but to the report of the deans of education. The honourable member is absolutely right: people in country schools have the same right to expect quality teachers in a whole range of subject areas as city people would expect for their children.

Teachers face disincentives in teaching in rural schools, one being the honourable member's concern about contracts. That cruel attack on teachers' service conditions has meant that many young teachers have been offered contracts for sometimes a term or a semester or, if they are lucky, a year. Often they receive no holiday pay. That has been a savage disincentive because it has meant many of our best and brightest graduates decide they cannot afford to take the risk involved in teaching in the country if that is the only recompense they are likely to receive. Many cannot get even a bank loan on the basis of their short-term contracts.

The former government had a target of engaging 30 per cent of the teaching profession on short-term contracts. This government has agreed to overturn that aim and will offer teachers professional terms and conditions — that is, ongoing employment.

More specifically, the honourable member for Gippsland East raised the matter of shortages of teachers in the areas of mathematics, science and languages. The Labor government takes that challenge seriously because it cares about education, as distinct from the attitude of the last government. When it cares about something, this government actually delivers.

Dr Dean interjected.

Ms DELAHUNTY — It hurts, doesn't it, Robert, because under the Kennett government Victoria was the scrooge of the nation. You hate to hear it, don't you?

As the house well knows, in the past Victoria spent less per head on education than any other state or territory. What a shame! How can you sit there and listen to the facts that are so embarrassing for you?

Honourable members interjecting.

The SPEAKER — Order! I have pointed out to the minister previously that she must address her remarks through the Chair, not across the table.

Ms DELAHUNTY — What will the government do about the shortage in maths, science and language teachers that has been caused by the neglect of the

former government, which did not give a damn about education, either in the city or the country? The government has announced an allocation of more than \$50 million to every school's global budget for the next calendar year — that is, in 2000. Every single school will enjoy the \$50 million largesse — —

Mr Smith — On a point of order, Mr Speaker, I have been watching the minister's eyes carefully following page after page of her speech. Will she make available to the house the speech she is reading?

The SPEAKER — Order! The honourable member for Glen Waverley has asked that the minister make the document available to the house.

Ms DELAHUNTY — They are personal notes; I am happy for the sheet to be made available. The honourable member may then learn more about the details of the government's \$50 million injection into school global budgets. He can take that information back to his school, as well.

What is the nature of the largesse of the Bracks Labor government, which cares about quality education for all Victoria's students? I have talked about an allocation of \$25.2 million, which is the first stage of the government's pledge to bring down class sizes, and \$12.2 million to provide secondary schools with welfare coordinators.

The following facts go to the question asked by the honourable member for Gippsland East. Funding of \$10 million has been allocated for students with special learning needs — and that is just the first year! That will apply to many of Victoria's smaller regional schools, which were so neglected under the previous government. The \$10 million will mean the proportion of students who will benefit from funding going to the global budgets of their schools has increased from 40 per cent to 60 per cent. Sixty per cent of students, including those at country schools, will now receive more money as a result of the policies of the Bracks Labor government.

The final aspect of the \$50 million package, which goes to the exact point raised by the honourable member for Gippsland East, is the provision of \$2.5 million for shared specialist teachers in Victoria's small rural primary schools. That amount is for only the first year of a four-year plan to increase the number of shared specialist teachers in rural schools. The honourable member is absolutely right. Why shouldn't country students have access to teachers of the same quality as students in the city expect? They should — and they

will. I think I have answered the question. The answer is \$50 million!

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Murray Valley raised the issue of the \$8 million Ausfresh development in Cobram, which I announced last week in his presence.

The huge investment — \$8 million — will bring to Cobram around 190 new jobs, which will have further significant spin-offs throughout the region. It is a major new investment for Cobram and a fantastic boost for the region. It is something towards which the honourable member and the Shire of Moira have been working for some time. The honourable member has worked constructively to secure the investment for Cobram. It is an example to the rest of the house. I hope other opposition members will take note of it.

Later the same day the honourable member for Murray Valley had to return to Wangaratta and I took the opportunity to visit the Cobram industrial estate, where I announced a further grant of \$290 000 to the Shire of Moira to enable the completion of what is called Hamilton Lane, which was built to provide access to the industrial estate. That improvement will allow a doubling in the size of the cheese maturation plant at the Murray–Goulburn Cooperative, which I also visited, and enable a new \$15 million steam generation plant being built by the energy business centre to come on line.

The Bracks government has secured a total investment in Cobram of \$8 million, a \$290 000 grant to the Shire of Moira for the Cobram industrial estate and approximately 200 new jobs for the region. That shows the government is getting on with the job of rebuilding country Victoria.

The honourable member asked whether the government would ensure that country areas of Victoria are fully supported by the Bracks government. I can assure him that country Victoria will be given the full support of the Bracks government. Indeed two days —

Mr Mulder interjected.

The SPEAKER — Order! The honourable member for Polwarth!

Honourable members interjecting.

Mr BRUMBY — I am pleased to say that two days before the visit to Cobram the Minister for Manufacturing Industry and Minister for Racing, who is also the Attorney-General, and I visited Echuca,

where we were able to announce — with the support of the local member and the local council — the establishment by Heinz Watties of its Australasian centre of excellence for the manufacture of baby food. It involves a \$10 million investment that will generate 85 new jobs in the Echuca region, which shows the commitment of the Bracks government to getting on with the job and creating jobs and opportunities in country Victoria.

That is not all. A week earlier I visited Bendigo with the honourable member for Bendigo East, Jacinta Allan. I was able to announce at the ADI factory in Bendigo that the Bracks government was providing support for ADI by securing a \$10 million investment for the factory with the guarantee of 125 new jobs. In just a few weeks the Bracks government has been able to generate hundreds and hundreds of new jobs throughout country Victoria.

As I listened to the honourable member for Murray Valley and his plea to ensure that country Victoria is not left behind as it was under the previous government, I asked some of my fellow ministers where they have travelled during the past few weeks. The Minister for Manufacturing Industry and Minister for Racing, has been to Echuca, Seymour and Dunkeld. The Minister for Post Compulsory Education, Training and Employment has been to Ballarat and East Gippsland. The Minister for Tourism has been to Ararat and Mansfield. The Minister for Agriculture has travelled right across the state. The Minister for Environment and Conservation has been to Ouyen.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Polwarth is being disorderly. I warn him for the final time. This is the third time today the Chair has called him to order.

Mr BRUMBY — I am advised that the Minister for Tourism has travelled to Colac, but unfortunately he could not make it to the Otways.

Honourable members interjecting.

Mr BRUMBY — The Premier is leading by example and has been to Mildura, Geelong, Wodonga, Bendigo and Ballarat, and he will be travelling to Gippsland on Friday. I have also made a number of visits.

All of that goes to show that the Bracks government is getting on with the job and is beginning the task of rebuilding country Victoria. We understand the challenge, we understand what we have to do after

seven years of neglect, and we are getting on with the job.

The honourable member for Bendigo East raised with me, as the representative of the Minister for Energy and Resources in the other place, the Perseverance Mining lease application on land affecting the Axedale and Goornong communities. I must say that the honourable member for Bendigo East, despite having been a member for just a few weeks, has already got on to this issue, which was neglected by other members of Parliament, particularly members of the upper house such as one of the honourable members for North Western Province, who sat on the fence and did nothing about the matter. In just a few weeks the honourable member for Bendigo East has taken up the issue, met with the communities and raised the issue in Parliament.

The honourable member for Bendigo East will table a petition from the Coalition of Communities Against Open-cut Goldmining. She has asked the Minister for Energy and Resources to meet the Axedale–Goornong group, and I will pass on her request to the minister. I understand the minister is travelling to Bendigo on Friday and will take the opportunity to meet the group at that time.

I thank the honourable member for Bendigo East for the way she raised the issue, which deserves parliamentary attention. The honourable member has done it in the proper way — she has represented the interests of the group, and as a consequence the Minister for Energy and Resources will meet with the residents on Friday. I congratulate her on her efforts.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — The honourable member for Wimmera referred to the Stawell Easter Gift, and I thank him for raising the matter with me yesterday. I have sought advice on the matter from Tourism Victoria. The Australia Post Stawell Gift organisers have been actively lobbying the new government because they are aware of its strong focus on events in regional and country Victoria. They have been so good at lobbying that they have sent me two letters on the same matter. I have one at Parliament House and one at my ministerial office, so I have read it twice.

The honourable member raised an important issue about the lack of support for the Stawell East Gift by past governments and the need to support the event to allow it to grow and to ensure all Victorians are aware of it and have the opportunity to attend. Honourable members may be interested to know that under Labor's regional events and tourism policy the government is

very much focused on more resource support for regional events. A new program will provide an additional \$2 million over the life of the government to support regional events in Victoria.

The government has changed the focus of Melbourne major events to Victorian major events because to get appropriate state support the focus is currently on large events that are already successful in Victoria. I am advised that the only genuine support the Australia Post Stawell Easter Gift has received from a government is for the Stawell Gift Hall of Fame, which was funded by the previous federal government and opened by a former federal member for Bendigo, now the state Minister for State and Regional Development. A sum of \$5000 has been provided as two small grants to assist with planning, but for the event to grow it needs appropriate state support. Historically Tourism Victoria has provided financial support for promotional funding and marketing, and that is a strength of that organisation.

The letter sent by the organisers sought \$50 000 for promotion and financial support to bring out athletes from overseas. Tourism Victoria would not normally fund the event, but I have spoken to its officers and also to the Premier, who is keen to see major events in country Victoria. The government is considering ways to support the organisers of the Stawell Easter Gift. I am keen to go to Stawell and meet community members, and the Premier is keen to look at ways of assisting with funding for the event.

The advice I have from Tourism Victoria is that the organisers of the event are thinking in more detail about how to strategically grow the event and ensure that people do not just attend on the Monday but stay for three or four nights. The organisers are looking at what the Wangaratta Festival of Jazz has been successful in doing — block booking accommodation and marketing it with the support of Tourism Victoria to ensure people go to Stawell and stay for a few days.

Around Easter time it gets quite difficult to find accommodation in the region because, with the Grampians close by, it is such a fantastic place. The government will need to do some thinking about how to support the development of some four and five-star accommodation in the region.

I, along with the government, look forward to working with the honourable member for Wimmera on the matter, and I assure him that the government takes it seriously. In the past, as opposition spokesperson for sport, I raised the matter in the house and pointed out how weak the then government's support was for major

regional events such as the Australia Post Stawell Easter Gift. The Bracks government will do much more, and I look forward to working with the honourable member for Wimmera and advising the gift organisers appropriately.

The honourable member for Sunshine raised the important matter of multicultural festivals and their contribution to Victoria. In particular he mentioned the recent Hispanic Festival and spoke glowingly of his contact with Japanese tourists at that event. Apparently he asked the tourists how they knew about it and learnt that they had been advised by staff at their hotel that it was a great event and they should go to it. That is a good example of the opportunities that exist for tourism with a multicultural flavour. Multicultural diversity is one Melbourne's greatest strengths, and one of the things tourists most enjoy about the city. Tourists want to experience the diversity of food and arts of the various cultures.

Some multicultural events are supported by the arts ministry. Both as Minister for Major Projects and Tourism and as the Minister assisting the Premier on Multicultural Affairs I am keen to talk with my colleague, the Minister for the Arts, about multicultural affairs and ways in which we can further support multicultural festivals across the state.

Some of Victoria's great multicultural festivals need additional support from the state government, and it is certainly government policy that we provide stronger support for them. As the honourable member for Sunshine suggests, it might be useful to promote a program of excellence awards to recognise multicultural events and the volunteer work being done by their organisers. There are many such events, both in Melbourne and in country Victoria. I thank the honourable member for Sunshine for raising the matter with me.

The honourable member for Ballarat East raised with me two very important local festivals that need government support, the Organs of the Ballarat Goldfields — A Festival of Fine Music and the Ballarat Winter Festival. He was enthusiastic about the quality of both festivals and their potential for attracting tourists to the Ballarat region. Those festivals could serve to give the Ballarat region a brighter image and make it a more attractive destination for travellers from around Victoria as well as for interstate and overseas visitors.

Tourism Victoria has a minor regional events program designed to assist the events to reach the next stage in their development. It is important to support regional

events to the point where they can become eligible for major events funding. The overall funding by Tourism Victoria for regional events across the state totals \$333 000 and is provided on a \$1-for-\$3 basis. That represents very thin coverage of the need. I can advise the honourable member, however, that I have today announced the list of programs to be funded under the minor events program, and both the events he mentioned are included.

The festival organisers obviously applied under the minor regional events program. The Ballarat Winter Festival has received a \$3000 grant and the Organs of the Ballarat Goldfields — a Festival of Fine Music has received a \$1000 grant. I was thinking about whether I should support those events, and when the honourable member for Forest Hill rudely interjected and made an inappropriate point of order he convinced me that I should support the honourable member for Ballarat East in his request for funding of the applications. The government supports regional events across Victoria and over the life of the government will implement a program of providing an additional \$2 million for those events. That is good news for regional and country Victoria and for those communities that provide great events that require more support.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Rodney raised with me the impending dangerous fire season and sought from me assurances about the continued future of the Country Fire Authority. I am bemused that he should have to raise the matter because if he has ever heard or read any of the statements I have made about the CFA he would realise that I am a great supporter of that authority.

The state is served by two of the great firefighting services not only in this country but in the world — that is, the Metropolitan Fire and Emergency Services Board and the Country Fire Authority. The CFA is certainly the largest and most professional volunteer firefighting service anywhere in the world and was brought up to its current standard by the Cain government. I assure the honourable member that the government will continue to support both those firefighting authorities to ensure that they are properly resourced and that the CFA continues to serve the state — which includes the Otways — with distinction.

The honourable member for Kew raised with me the future of the Kew police station. The previous government planned to close three police stations in the City of Boroondara — Kew, Hawthorn and Balwyn — and reduce them to one police station in Camberwell. I can understand the need to close one of them, because

the Balwyn police station is still a gazetted police station but does not have police in it.

On 9 October, a week before the Frankston by-election and 10 days before the Labor government took office, I attended a public rally outside the Kew police station. The public rally in support of the police station was organised and addressed by Mr Phillip Slogom. Speakers at the rally included Philip Brady and Graham Kent from the Victoria Police Association. I also spoke to the rally. Unfortunately, Mr Slogom had to announce that the local honourable member for Kew could not attend. Sometimes members cannot attend functions in their electorates, but on that occasion neither of the two Legislative Council members or the honourable member for Hawthorn could attend. Not one of the Liberal members bothered to turn up on a Saturday morning when others took the trouble to attend.

This new-found interest in the Kew police station is extraordinary! The Kew police station has been there for over a hundred years but the members opposite have just discovered it. Since none of the opposition members were present at the rally I will repeat what I said for their benefit.

Honourable members interjecting.

Mr HAERMEYER — I have indicated that one police station to cover the entire City of Boroondara is insufficient, and the Chief Commissioner of Police has expressed his concern about the proposal of the previous government leaving no police station between Camberwell and Northcote. The government is currently reviewing the previous government's plan for the closure of police stations and discussing the locations and the allocation of resources with the chief commissioner and the police. I assure the honourable member that the concerns of Kew residents are taken seriously and an announcement will be made shortly.

Mr CAMERON (Minister for Local Government) — I thank the honourable member for Ballarat West for raising the matter of the mayoral allowance. She has proven to be an effective country member. I hope the honourable member for Polwarth notes where she was three weeks ago — —

Honourable members interjecting.

Mr CAMERON — In the Otways! Far from being lost, the honourable member for Ballarat West is on track — and on track with the Bracks Labor government.

The honourable member for Ballarat West has been an effective councillor in Ballarat. The loss to the Ballarat

council has been a great gain to the Legislative Assembly. She appreciates the demands on local councillors, given her background, and has raised the issues of their time commitments and the review of mayoral and councillor allowances.

Early in the new year I will appoint a panel in accordance with section 220A of the Local Government Act to review mayoral and councillor allowances. Arm's length distance from government is necessary — neither I nor my department will be involved in the review. The review will be conducted by a panel. The former government was moving in a similar direction and time frame, but thankfully an election got in the way.

I expect the panel to report around April. I hope that will help the honourable member for Ballarat West to understand the government's position, and I thank her for her interest in Ballarat and local government across the state.

The SPEAKER — Order! The house stands adjourned until next day.

House adjourned 11.19 p.m.

Thursday, 25 November 1999

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.36 a.m. and read the prayer.

NATIONAL ROAD TRANSPORT COMMISSION

Annual report

Mr BATCHELOR (Minister for Transport) presented report for 1998–99.

Laid on table.

PAPERS

Laid on table by Clerk:

National Parks Act 1975 — Report on the workings of the Act for the year 1998–99

Premier and Cabinet Department — Report the year 1998–99.

MEMBERS STATEMENTS

Small business: survey

Ms ASHER (Brighton) — I wish to draw to the attention of the house the Yellow Pages *Small Business Index* put together by the respected economist, Dr John Marsden. If the first economic casualty of this minority government was Victoria's AAA rating being put on hold by the Standard and Poor's ratings agency, its second is the plummeting of small business confidence in Victoria.

The figures in the latest small business index speak for themselves. Business confidence in Victoria was high in February, May and August 1999. In August 54 per cent of small businesses had confidence in the state, but in three short months confidence has plummeted to 45 per cent.

According to that survey, nearly half of all small business proprietors think the election result is a bad outcome for small business.

The survey was taken one month after the election of the minority government. Small businesses were asked for their approval of the state government's policies, and that approval rating slumped 25 percentage points.

Comet Hill Primary School

Ms ALLAN (Bendigo East) — I bring to the attention of the house the performance of students from the Comet Hill Primary School in my electorate of Bendigo East when they participated in the national Tournament of Minds in Adelaide recently. The students were from grades 4 to 6 — two from grade 4, one from grade 5 and four from grade 6. The students who competed in Adelaide were Monique Hooper, Sam Foura, Dylan Stanyer, Michael Darcy, Amy Fisher, Josh Kerr and Tiliesha Booth. I say to those students, congratulations on a job well done!

Seven students per team competed in three different categories — maths/engineering, social science, and language and literature. The teams were given six weeks to work on a project and competed at the local level at La Trobe University. The Comet Hill students won the local level maths/engineering competition; they entered at regional level and two weeks later won the statewide final. That gave them the opportunity to jump on a bus and travel across to Adelaide to compete in the Australian finals.

That was a fine performance by students of a primary school that is situated in a less well-off area of the Bendigo East electorate. The students also performed very well at the national level: they were in the top two or three best teams and did the town proud.

Schools: Boronia and Upper Ferntree Gully

Mr McARTHUR (Monbulk) — I raise a matter on behalf of the Boronia and Upper Ferntree Gully primary schools. The former Department of Education recommended major upgrade works for both schools. The recommendations were accepted by the previous Minister for Education a few months ago when he agreed to provide \$1.85 million to enable the two schools to undertake much-needed capital works to provide better facilities for the staff and students of those schools.

The schools are very well regarded in the Boronia and Upper Ferntree Gully communities. They have strong parental and community support and provide excellent programs for their students. The education department recommended capital works for the upgrades, and I call on the present Minister for Education to ensure that this high priority project is carried out in the interests of the communities of Upper Ferntree Gully and Boronia, in the interests of the students attending the two schools and certainly in the interests of the staff who have to teach there. The funds would provide significant works for classrooms, art and craft rooms and a library at

Boronia Primary School, and for an art and craft room, staffrooms, an administration area and classrooms for Upper Ferntree Gully Primary School. The previous minister promised \$1.2 million for Boronia. I ask the new minister to make that money available.

Amy Duncan

Mr LIM (Clayton) — I wish to pay tribute to one of the most vibrant and dedicated constituents of my electorate, Amy Duncan.

Amy is a woman of real substance who has spent her life fighting against injustice in all its forms, particularly racism and discrimination against women. Her fight against apartheid in her native South Africa resulted in her having to flee to England in 1966.

Since migrating to Australia from the United Kingdom in 1976 Amy has continued her struggle for justice. She is at the forefront of the reconciliation movement, advocating for Australia's indigenous people and attending countless meetings and rallies.

Amy is an active member of many community groups, including the Friends of the ABC, Southern Women's Action Network, Clayton Fitness Centre, Fab 50 and many other groups, particularly women's groups. Amy does not simply attend a meeting and pass motions to make Australia a better place. She used her past professional talents and experience to organise and run a women's health group. She has spent countless hours of voluntary work teaching literacy. Her achievements in teaching literacy were recognised in 1997 when she received the Frank Field Award for the best volunteer teacher of the year in literacy.

In short, Amy Duncan is an example to us all, combining a burning passion and desire for a better society with a vigorous work ethic that would put many members opposite to shame. I particularly pay tribute to her now, knowing that she is caring for her ailing husband, Basyl.

South Gippsland: planning scheme

Ms DAVIES (Gippsland West) — I wish to notify the house that I will give the Minister for Planning copies of a petition signed by 1082 citizens of the Shire of South Gippsland regarding its proposed new planning scheme. The petition is not in a form that can be tabled in the house. It reads:

We the undersigned object to the new planning scheme which places unwarranted restrictions on rural lands containing less than 40 hectares.

We believe this will have an adverse effect on land values in the whole of the shire and as a result will cause an overall increase in shire rates. We believe that the scheme will have a detrimental effect on the commercial and rural sectors of the shire.

We call upon the shire and the minister to amend the proposed planning scheme to encourage (rather than discourage) rural living.

South Gippsland Shire Council has acknowledged the concerns of the signatories to the petition and accepts that clarification of its rural living policy is necessary. Most people now acknowledge that the scheme needs to be approved. I hope that with continued goodwill and consultation we can settle most of the concerns of those residents.

Non-government schools: integration funds

Mr VOGELS (Warrnambool) — The Warrnambool community fully supports the integration of students with disabilities into regular schools. The initiative sits comfortably with the community's basic educational philosophy. However, funding for that initiative in Catholic schools is woefully inadequate, and authorities and people in my electorate continue to raise the matter with me.

The amount available to Catholic schools for children requiring integration is 20 per cent of that available to state schools for similar children. Catholic schools receive \$2500 per student, which compares poorly to the \$12 000 per student allocated to state schools. It is important that students in Catholic schools are not further disadvantaged by the level of funds available for their education.

Will the minister address this as a matter of priority and put a more equitable process in place? Catholic schools educate 33 per cent of children with special needs against an enrolment of 23 per cent of regular students.

Patricia Cornelius

Ms DELAHUNTY (Minister for the Arts) — I congratulate local Northcote writer Patricia Cornelius, who has been offered a special grant from the Arts Development Fund to assist her in the development of her stunning novel, *My Sister Jill*. An independent panel assessing the applications found that the strengths of the artistic concept of the novel and the quality of the writing warranted the development fund grant.

Patricia Cornelius is a well-known and very active writer, playwright and director in the area of Northcote. She well deserves this award and I know that she will use it to great effect. It is also pleasing to me as the

local member that Patricia is being acknowledged in this way not only for her strength as a writer but also for her representation of the thriving arts community in Northcote.

Russell Tucker

Mr KOTSIRAS (Bulleen) — On Thursday 18 November in unexpected and tragic circumstances Russell Harold Tucker passed away while working for the Northcote Lions Club. He leaves behind his wife, Joyce, daughters and sons-in-law Glenda and Bruce, Wanda and Earl, Denise and Stephen and grandchildren Clint and Rebecca.

Russell joined the Lions Club in 1964 and during his 35 years as a member was a tireless worker for the club. Russ, as he was better known, was club president in 1991 and 1992 and served as a director for many years. He was chairman of Licola and of the economy shop committee, and donated thousands of hours and considerable amounts of money to the cause of Lionism.

Mr Tucker was a true Lion who lived by the Lion's motto 'We serve'. He will be missed by the Lions Club and he will be missed by the local community. He leaves all members of the Northcote Lions Club, of which I am a member, with enormous sorrow and emptiness. An inspirational and tireless worker, Mr Tucker gave his unswerving loyalty to many communities and charities, including Northcote's multicultural community.

Maisie Harper

Ms DUNCAN (Gisborne) — I take this opportunity to highlight some of the achievements of the outstanding people in my electorate. This being the International Year of Older Persons, I recognise in particular the great input older people have in our communities.

I congratulate Maisie Harper of Kyneton, who was honoured in Canberra this month with a Commonwealth Recognition Award for Senior Australians. Maisie has had an amazing life and has dedicated much time and effort to the community to which she belongs. She served with the Australian defence forces as a nurse during World War 2. As a member of the ex-service association Maisie edited the association's newsletter for 25 years. Maisie's work with the Red Cross earned her a service award and a distinguished service award.

In 1971 Maisie became a councillor with the Shire of Kyneton. She served as shire president from 1972 to

1973. For 12 years she represented Kyneton on the sewerage authority and the water board trust.

Maisie Harper has been involved in regional tourism committees, and in 1971 she put her energy into establishing the first Daffodil Festival, Kyneton's annual spring festival which continues today. Maisie was instrumental in establishing Windarring, an organisation in the town of Kyneton that does good work in providing residential housing for the intellectually disabled. She has been active in the historical society — —

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

Scoresby freeway

Mr WELLS (Wantirna) — My statement relates to the fear among many people in the outer east that the land which represents the Scoresby freeway reservation will be sold by the minority Labor government. The land reservation stretches from Frankston, through Scoresby, to Ringwood. Whenever one opens a *Melway* street directory one notes it is clearly marked as the proposed Scoresby freeway. The land has been reserved since the early 1960s — almost 40 years ago — when the Bolte Liberal government had such vision that it predicted the outer east would desperately need a north-south freeway.

People fear that the reason the Labor minority government will want to sell the Scoresby freeway reservation land is, firstly, that the government is totally opposed to proceeding with the freeway, which would create employment and investment and would reduce traffic congestion; and secondly, judging from the way the Labor minority government is promising funds for a wide range of issues, the massive surplus left by the Kennett government will be whittled away and the cash-strapped minority Labor government will look at selling the freeway reservation land to prop up its hollow promises.

Schools: Dromana

Mr DIXON (Dromana) — My concern relates to school maintenance in my electorate. Some \$1.9 million worth of maintenance is required in 13 schools in my electorate. The Tootgarook Primary School, which is in one of the poorest areas of the state, has \$93 000 of maintenance works remaining. I call upon the minority government, over the next two years, to address that maintenance backlog. The schools in my electorate waited patiently as the more urgent cases left

over from the previous Labor government were met — —

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

WATER (WATERWAY MANAGEMENT TARIFFS) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

Catchment management authorities were formally established in 1998, when the Water Act 1989 and the Catchment and Land Protection Act 1994 were amended to combine the roles of existing catchment and land protection boards and waterway management authorities. Catchment and land protection boards were regionally based advisory bodies that made recommendations on land management issues such as erosion control and weed management. Waterway management authorities were authorities established under part 10 of the Water Act and provided services such as building and management of levee banks and the management of drainage schemes.

Catchment management authorities were able to draw on the powers available under the Water Act to set rates across their respective catchment regions, which were defined to be their waterway management districts. As a result, all but two catchment management authorities chose to set a charge applying to all rateable properties within their regions — effectively a completely new tax imposed on Victorians outside the metropolitan area.

This government recognises the importance of healthy catchments to both the environmental and economic wellbeing of the state. In recent weeks salinity and other problems associated with the degradation of catchments have again been identified as being the major land use issue facing governments and landowners in Australia. In Victoria we are facing every year the problem of algal blooms in the Gippsland Lakes system because of land management issues in the catchments which feed the system. We are all aware of the plight of the Snowy system, with flows diverted to other uses which, in their time, were seen to override completely the competing use of environmental flows for the river system. We know now that questions of catchment health are more complex and more difficult to resolve than anyone dreamed earlier in this century.

It is because this government is committed to healthy catchments and waterways in Victoria that it believes the catchment management levy must be abolished. Funding for catchment health should be provided from whole-of-government funds, not from levies imposed on local communities. It is the responsibility of government to set the strategic direction for catchment management in Victoria, recognising also that some of the issues of catchment management must be resolved in cooperation with other states.

The government will work in partnership with local communities in promoting and managing the benefits of catchment health. It recognises that there are issues on which the best advice will be drawn from local communities and that they need to have involvement in the decisions that will affect them. However, the work of local communities needs to be clearly connected to wider statewide strategies and funding priorities.

The work of waterway management bodies in providing drainage and waterway services to local communities is recognised by the government and the continuation of this work is provided for in the bill before the house. However, the government is committed to ensuring that only those services which can be demonstrated to be of specific local benefit will be funded through tariffs set in this way. The bill ensures that a tariff may only be set in respect of properties to which a direct service is provided.

I can advise the house that using my powers as minister administering the Water Act I have advised catchment management authorities of my intention to issue a direction that they are to suspend the proposed catchment management levy for the current financial year. The government has undertaken to provide funding to support the continued work of the authorities and discussions are taking place with each authority to determine its works priorities for the remainder of the financial year.

In appearing before the Public Accounts and Estimates Committee during the last Parliament, the then minister advised that the catchment management levy contributed only around 10 per cent of the total amount spent on catchment management services, with the remainder being provided through the Department of Natural Resources and Environment and from commonwealth funding through the National Heritage Trust. The reason advanced for the levy by the then minister was that, although the contribution was small, it 'gave the community some ownership of those programs'. This government does not believe it is necessary to impose a tax in order to confer community ownership.

Ownership comes from genuine consultation and understanding and this government is committed to ensuring that that takes place.

The bill also provides power for revenue already collected from this year's assessments to be refunded, in order to ensure that the benefits of the government's decision apply across the state.

The government has made a commitment to further consider the role and accountabilities of catchment management authorities. I will be consulting at a later date on how best the requirements of catchment health can be met by partnership between government and local communities. As a tangible financial symbol of the government's desire to fulfil its commitments to the people of Victoria, I have pleasure in introducing this measure to remove the catchment management levy.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (Leader of the Opposition).

Debate adjourned until Thursday, 9 December.

PUBLIC PROSECUTIONS (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

In Victoria the position of Director of Public Prosecutions was created by the Director of Public Prosecutions Act in 1982. Up until then, prosecutions for indictable offences were handled by the Criminal Law Branch of the Crown Solicitor's Office. Presentments were signed by the Attorney-General, the Solicitor-General or Prosecutors for the Queen.

As Mr Ian Cathie said in his second-reading speech, on behalf of Mr John Cain who was the Attorney-General at that time, a major aim of the Director of Public Prosecutions Act 1982 was:

... to remove any suggestion that prosecutions in this state or, indeed, the failure to launch prosecutions can be the subject of political pressure.

The Director of Public Prosecutions Act 1982 achieved this aim by establishing the DPP as an independent prosecuting authority whose salary and conditions of employment are equivalent to a Supreme Court judge and who can only be removed from office by a resolution of both houses of Parliament.

In 1994 the Director of Public Prosecutions Act 1982 was repealed and replaced by the current Public Prosecutions Act. Members in this house may recall the circumstances at that time.

In particular, they may recall that the enactment of the Public Prosecutions Act followed indications that the then Director of Public Prosecutions, Mr Bernard Bongiorno, QC, was considering initiating contempt of court proceedings against the Premier at that time, Mr Jeff Kennett, for comments that Mr Kennett had made following the arrest of an alleged serial killer. The new Public Prosecutions Act contained a provision, section 46, stating that — with limited exceptions — only the Attorney-General may initiate such proceedings.

Section 46 was the subject of extensive debate in this house. In the course of that debate the then Attorney-General, Mrs Jan Wade, appears to have relied upon two arguments in favour of section 46.

Her first argument was that contempt proceedings are unusual in that they raise wider issues than other proceedings. They involve a balancing between the need for a fair trial, which could be jeopardised by publication of certain prejudicial material; and the right to freedom of speech. It was suggested that the Attorney-General, rather than the DPP, is in a better position to strike this balance.

In the government's view it would be wrong to suggest that the DPP is unable to properly perform such a task. Clearly a decision to prosecute for contempt in such circumstances involves a consideration of the public interest; but so do many other decisions to prosecute in relation to other offences.

The former Attorney-General's second argument in favour of section 46 was that, since most contempt proceedings are brought against third parties to ensure that the defendant receives a fair trial, it is wrong for the DPP to be responsible for prosecuting the defendant while at the same time also being responsible for ensuring that the defendant's trial is fair by deciding whether or not to bring contempt proceedings against third parties.

The government rejects that argument on three grounds.

Firstly, without any foundation the argument assumes that the DPP would disregard his or her duties under the Public Prosecutions Act and under the prosecutorial guidelines. Secondly, if the DPP considers that he or she does face a conflict of interest in such a case, the Public Prosecutions Act enables the DPP to refer the case to the Attorney-General. Finally, it has to be

remembered that the DPP is not the only person who can bring contempt proceedings. So even if a DPP did disregard his or her duties by deciding not to refer the matter to the Attorney-General and by deciding for tactical reasons not to bring contempt proceedings, it would still be possible for the Attorney-General — or for that matter the defendant — to bring the contempt proceedings anyway.

This brings me to another aspect of section 46 that was not debated by Parliament at all when it was introduced. Section 46 not only removed the right of the DPP to bring contempt proceedings, it also substantially reduced the common-law right of ordinary people to bring contempt proceedings. This aspect of section 46 was highlighted in 1995 when a group of Papua New Guinean villagers tried to bring contempt proceedings against BHP regarding its behaviour during a case brought by the villagers against BHP in the Supreme Court of Victoria. The Supreme Court found that BHP had committed a contempt, but when the case was appealed to the Court of Appeal it was found that section 46 had removed the villagers' right to bring the contempt proceedings at all.

The bill before the house repeals section 46. In so doing, it expressly revives the common law with regard to the bringing of contempt proceedings that applied in Victoria before section 46 came into force on 1 July 1994.

The bill also strengthens the independence of the position of Director of Public Prosecutions by in effect transferring the provisions dealing with the appointment of the DPP and the terms and conditions of that appointment from the Public Prosecutions Act to the Constitution Act 1975. Clause 10 of the bill entrenches those provisions in the Constitution Act so that in future they may only be repealed or amended by a bill passed by an absolute majority of members in each house of Parliament. The transitional provisions in the bill ensure that the present incumbent, Mr Geoff Flatman, QC, retains his position as DPP on the same terms and conditions.

The bill substantially enhances the independence of prosecutorial decision making in Victoria from governmental or political interference and in so doing it implements a key election policy.

The bill represents an important component of this government's strategy to promote open and accountable government in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 9 December.

MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL

Second reading

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I move:

That this bill be now read a second time.

The purpose of the bill is to amend the Melbourne Sports and Aquatic Centre Act 1994 to rename the Melbourne Sports and Aquatic Centre Trust and extend the functions of the trust to manage the State Netball and Hockey Centre and, potentially, other sports, recreation and entertainment facilities and services.

The Melbourne Sports and Aquatic Centre Act 1994 created the Melbourne Sports and Aquatic Centre Trust, whose functions were to oversee the design, construction and operation of the Melbourne Sports and Aquatic Centre at Albert Park.

The trust is recognised by both the public and the industry as highly capable in facility management. The trust delivered the construction and commissioning of its primary facility on time and on budget. Since opening, that facility has exceeded operational targets and attendance projections for both major sporting events and the general public.

The trust has considerable facility management experience which may be better utilised by the state. The bill will establish a framework to permit the involvement of the trust in the development and management of the State Netball and Hockey Centre and, subject to the approval of the minister, other key sports, recreation and entertainment facilities and services, should this be appropriate at some future time.

The trust has a strong record in community consultation in Albert Park, in conjunction with the City of Port Phillip, and has achieved an excellent balance between elite sports, including events, grassroots sport and community recreation programs at the Melbourne Sports and Aquatic Centre.

The development of the State Netball and Hockey Centre in Royal Park is a key element in Melbourne's ability to stage major sporting events such as the 2002 World Masters Games and the 2006 Commonwealth Games as well as state and national sporting competitions.

Importantly, an estimated 270 000 people will utilise the redeveloped Royal Park facilities each year, more than 90 per cent of whom are involved in club level activities. The trust will work closely with tenant sports, the Royal Melbourne Zoological Gardens and the City of Melbourne, to ensure a coordinated approach to event scheduling, car parking and traffic management within Royal Park.

The bill expands the responsibilities of the Melbourne Sports and Aquatic Centre Trust and amends its name to the State Sport Centres Trust, with powers to manage the State Netball and Hockey Centre and to carry out functions at other locations in addition to Albert Park and Royal Park.

The bill will enable the trust to undertake management responsibilities at the State Netball and Hockey Centre, including facility design, fit-out and refurbishments, the development of operational systems, negotiation of licence and lease agreements with principal user groups and the power to make by-laws with respect to entry fees and charges.

The government is sensitive to the range of stakeholder interests in and around Royal Park. To provide an ongoing consultative framework, the bill provides for the establishment of an operational advisory committee incorporating representatives of the trust, the City of Melbourne, the Zoological Parks and Gardens Board and other interested parties for regular consultation on issues of shared concern.

Aside from management responsibilities, the bill contains a range of administrative changes and housekeeping matters which will contribute to the effective management of the centre. These changes include —

the conclusion of the committee of management of the centre once the act is proclaimed;

the establishment of a single fund with two separate accounts to reflect the financial performance of each facility;

the establishment of separate business plans for each facility for the approval of government.

The proposed expanded powers of the trust are consistent with those currently available to the Melbourne and Olympic Parks Trust. The carrying out of those functions and exercise of those powers are to be subject to the prior approval of the minister.

Tenant sports netball and hockey will still retain a great deal of autonomy in the conduct of competition and

programs, with the trust value adding to increase broader access and oversee the maintenance and control of a significant government investment.

The bill furthers the government's commitment to supporting the development and professional management of public sport, recreation and entertainment facilities and is consistent with the government's policy objectives for building Victoria's sporting life.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 9 December.

FEDERAL COURTS (STATE JURISDICTION) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Introduction

The Federal Courts (State Jurisdiction) Bill is the government's legislative response to the High Court's decision in *re Wakim*, which struck down the cross-vesting of state jurisdiction in federal courts.

The High Court in *re Wakim* considered the validity of certain provisions of the commonwealth Corporations Act 1989 and the commonwealth Jurisdiction of Courts (Cross-Vesting) Act 1987 and the related provisions of the state corporations acts and Jurisdiction of Courts (Cross-Vesting) Act. These statutes collectively provide for the cross-vesting of jurisdiction between federal, state and territory courts.

The majority of the High Court found that the vesting of state jurisdiction in federal courts is ineffective. The decision impacts on the general cross-vesting scheme introduced by the commonwealth and state jurisdiction of courts cross-vesting acts under which state and federal courts have reciprocal jurisdiction. Also affected is the jurisdiction of the Federal Court under the Corporations Law, which operates throughout Australia as state and territory laws, and which is reliant on cross-vesting arrangements. In addition, other state laws associated with commonwealth–state cooperative schemes apply certain federal laws as state law and also confer jurisdiction on the Federal Court. These cooperative schemes include the agriculture and

veterinary chemicals scheme, competition policy scheme, gas pipelines access scheme, National Crime Authority scheme and the price exploitation scheme associated with the federal government's GST. All these schemes are affected by the decision in *re Wakim*.

The effect of the High Court's decision is to render decisions previously made by the Federal Court and the Family Court relying purely on cross-vesting arrangements liable to be set aside for want of jurisdiction. Another effect is to prevent the further exercise of purely state jurisdiction by federal courts.

On the other hand, the cross-vesting of jurisdiction between state and state and state and territory is not affected. Nor is the vesting of federal jurisdiction in state courts under the commonwealth Judiciary Act 1903. Similarly, the decision does not affect the exercise by a federal court of accrued jurisdiction, where the court has jurisdiction to resolve a whole controversy containing both federal and state law elements.

Description of the bill

The bill was developed under the auspices of the Standing Committee of Attorneys-General by state and territory parliamentary counsel and Solicitors-General over a lengthy period leading up to the High Court's decision.

The main features of the bill are:

the rights and liabilities of persons affected by invalid decisions of the federal and family courts — 'federal courts' — are declared to be the same as if those decisions had been valid Supreme Court decisions;

invalid judgments of federal courts can be enforced in the same way as Supreme Court judgments; and

matters on foot in the federal courts can be dealt with as though they had commenced in the Supreme Court.

The bill declares that in relation to state matters as defined, the rights and liabilities of a person affected by a judgment of the Federal Court or the Family Court, including an appeal judgment of one of those courts, are the same as if the judgment had been a valid judgment given by the Supreme Court. The bill specifically provides that such rights and liabilities are exercisable and enforceable as if they were rights and liabilities under judgments of the Supreme Court. Similarly, any acts or omissions in relation to such

rights and liabilities are taken to have the same effect and consequences as if occurring under a judgment of the Supreme Court. The Supreme Court is also given power to vary or otherwise deal with any such rights and liabilities.

The bill provides a mechanism for the transfer to the Supreme Court of current proceedings in federal courts relating to state matters where a federal court determines that it has no jurisdiction to hear the state matter.

The High Court decision was handed down on 17 June 1999. The previous government released a version of the bill for consultation and a number of substantial submissions were received from legal and other bodies and individuals relating to the bill. Some changes have been made to the bill in consequence of those submissions. I thank all those bodies and members of the public who made submissions with regard to the bill.

The bill contains consequential amendments designed to remove exclusions of the jurisdiction of the Supreme Court appearing in the Competition Policy Reform (Victoria) Act 1995 and the New Tax System Price Exploitation Code (Victoria) Act 1999. Those exclusions cannot stand now that the Federal Court is unable to hear matters arising under those acts.

It is shortly proposed to finalise a bill containing the remaining consequential amendments to affected acts, including the Corporations (Victoria) Act 1990. The reason for the delay in finalising these less urgent amendments is that commonwealth provisions, which need to be taken into account, are still under discussion.

Section 85 statement

It is the intention of part 2 of the bill to alter or vary section 85 of the Constitution Act 1975. I therefore make the following statement under section 85(5) of the Constitution Act of the reasons for altering or varying that section.

This is very much a technical provision inserted out of an abundance of caution, and not one that should alarm those members concerned to protect the jurisdiction of the Supreme Court.

Part 2 of the bill does not in terms deem invalid judgments of federal courts to be judgments of the Supreme Court. Rather, what the bill does in clause 6 is

to declare the rights and liabilities of all persons to be the same as if the invalid judgment had been a valid judgment of the Supreme Court. That course has been adopted very deliberately to minimise the potential for challenge to the bill on constitutional grounds. Nevertheless, for technical reasons clause 7 provides that, for the purposes of an appeal, an invalid federal court judgment is to be deemed to be a valid judgment of the Supreme Court. Arguably, this deeming mechanism alters the jurisdiction of the Supreme Court by creating by a legal fiction a judgment of the Supreme Court where previously there had been none.

To take another example, clause 12 provides for functional equivalence between an invalid federal court judgment and an order of the Supreme Court for the purposes of the law of contempt. It might be argued that by doing so, the clause takes away from the Supreme Court's discretion by presenting the Supreme Court with a legal fiction that it must treat similarly to one of its own orders. There might be similar arguments made about other clauses contained within part 2.

To the extent that part 2 alters or amends section 85 of the Constitution Act, it does so purely for the purpose of making better provision for dealing with ineffective judgments of federal courts. Absent the bill, many decisions of the Federal Court and the Family Court given over a period of more than 10 years would be liable to be set aside. Such cases would need to be relitigated, with all the attendant expense and, in some cases, misery, that that might entail. Many litigants would find themselves out of time if forced to recommence litigation in the Supreme Court. The bill deals with this problem both for matters already heard and for matters that are still on foot. The minor and theoretical variation in the jurisdiction of the Supreme Court, in the government's view, is amply justified by the mischief that would be caused by failing to pass the bill.

Conclusion

This bill will restore certainty to the legal process that has been lacking since the High Court handed down its decision in June of this year. The legal profession, business groups and others have repeatedly called for the legislation to be passed without delay in the strongest possible terms.

The Standing Committee of Attorneys-General is also investigating possible ways to restore the status quo that existed before the High Court's decision. As members will appreciate, there are difficult constitutional and

policy issues involved. There may be call to bring further legislation before this house in this regard in the medium term.

The bill has now been enacted in similar form in the other five states. Passage will put in place the last piece of the jigsaw in terms of the immediate legislative response by the states to the decision.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Dr DEAN (Berwick) — I move:

That the debate be adjourned for one week.

It is true that the opposition is agreeing — —

The SPEAKER — Order! On the question of time.

Dr DEAN — On the question of time, it is important to make the point that this is possibly the fourth occasion on which the opposition has been asked to reduce the time of the adjournment from two weeks to one week. One does not have to think back too far to when the government was in opposition and was making all sorts of accusations about short times for debating bills.

While it is true that the opposition is bending over backwards to try to accommodate the government's legislative program, it is bordering on the hypocritical for the government to be constantly asking the opposition to make concessions. The opposition will do so on this occasion but it makes the point.

Motion agreed to and debate adjourned until Thursday, 2 December.

AUDIT (AMENDMENT) BILL

Opposition amendments circulated by Dr NAPTHINE (Leader of the Opposition) pursuant to sessional orders.

Second reading

Debate resumed from 11 November; motion of Mr BRACKS (Premier).

Dr NAPTHINE (Leader of the Opposition) — I have asked that the amendments be circulated at the start of the debate because the opposition believes they will significantly add to the legislation to provide for a strong and independent Auditor-General to oversee the interests of all Victorians.

In the interest of cooperation between all parties the amendments have already been discussed in briefings with the three Independent members and last night with the Premier and his advisers, at the request of the Premier. It would be inappropriate for honourable members not to treat the debate seriously and in a constructive way, given that the opposition leadership has, by circulating the amendments and discussing them in an open and frank way with the Independents and with the Premier and his advisers, clearly demonstrated its position of establishing a vigorous and independent Auditor-General's office in the interests of Victorians. It would be churlish of honourable members if they sought to take cheap political points or turned the debate into a point-scoring exercise. In the recent state election and in subsequent events since the election, Victorians have called for the Parliament to be a bit bigger than that. This is a real opportunity for honourable members to achieve that.

I notice again with some disappointment that the Premier is not in the chamber to listen to the debate. Earlier this week I raised this point during the debate on the Essential Services (Year 2000) Bill, for which the Premier is the responsible minister. During the debate the Premier did not attend the house to hear the opposition lead speaker. He did not attend much at all during the debate on that significant bill, which shows an abrogation by the Premier of his responsibility to the Parliament. The prime responsibility of the Premier, and of any minister, is in the Parliament, particularly when bills for which they are responsible are being debated.

For all the criticism of the previous government that was made by the current government when in opposition, I suggest a check of *Hansard* will show that the previous government had as a high priority the requirement that all ministers did their duty and were present in the chamber to participate fully in parliamentary debates, particularly on issues for which they were responsible. It is important that the Premier be in the house to hear the debate. Some minutes ago the Premier indicated to me from across the chamber that he had other commitments but hoped to spend some time in the chamber later. I accept what he told me, but I suggest to you, Mr Speaker, to the Premier and to Victorians, that the prime responsibility of any minister is to his or her legislation before the Parliament. That responsibility should be placed ahead of meetings with former federal Labor minister Graham Richardson or anyone else. It is clearly the responsibility of the Premier to be here for the debate on this bill.

The bill is not the sort of legislation that is just going through the motions, or that is perfunctory legislation. It is fundamental legislation that the Premier went to the people with during the election campaign. It is legislation that he was committed to in terms of open and accountable government. An essential part of open and accountable government is the effective operation of the Parliament. In open and accountable government it is paramount that there be effective debate in the Parliament on those issues. The first responsibility for any Premier or minister is to participate in that parliamentary process. This is the house of the people. This is what we were elected to do and this is where the debates should take place. This is where the decisions are being made and where the government and the ministers responsible for legislation should be to actively participate in the debates.

As I said, the opposition has 44 amendments to the proposed legislation, a significant number. I will deal with each amendment and explain why the opposition is moving them.

In summary, the opposition amendments reflect the strongly presented views of the Liberal and the National parties in their response to the Independents charter following the last state election. We have made it clear that we are committed as two parties and as a partnership to a strong and independent Auditor-General. We will be proposing the amendments in this house and, if necessary, each and every one of the amendments will be proposed in the other house because we believe they significantly add to the legislation. The proposed amendments will not substantially alter the general thrust of the legislation as agreed by all parties with respect to the response to the Independents charter. As I deal with each amendment honourable members will see that they add value to the general shape and form of the legislation.

The position of the Auditor-General in Victoria has a long and well-established tradition. The day the colony of Victoria was proclaimed on 1 July, 1851 Mr Charles Ebdon was appointed to the Legislative Council as the first Auditor-General at a salary of £600, or about \$1200 in today's currency. It is interesting to note that he was appointed to the Legislative Council in that Auditor-General's role. His role was to audit the costs, charges and expenses incurred in the collection, maintenance and receipt of revenue under the direction of the United Kingdom Parliament. In 1851 the Auditor-General's office consisted of one chief clerk, one third-class clerk, two extra clerks, a messenger and a housekeeper, so obviously they were fully equipped to do their task.

In 1857 the position of Auditor-General was replaced by a group of three commissioners of audit under the act of Parliament setting out the basis of public accounting sector auditing. In 1901 with Federation and the creation of Victoria as a state came the new Audit Act which re-established the position of the Auditor-General rather than the commissioners of audit and emphasised his independence. The act also confirmed that the duties and responsibilities of the Auditor-General were to perform on the Parliament's behalf. At the turn of the last century the office had 59 staff who audited \$200 million worth of government expenditure. On the eve of the next century we are not sure what staff the Auditor-General's office will have, but the government expenditure in terms of government agencies will well exceed \$20 billion. Since the establishment of the office under Charles Ebdon in 1851, there have been 24 auditors. Mr Wayne Cameron is the 24th Auditor-General of Victoria.

The Victorian Auditor-General's Office plays a significant role in providing to Parliament and to the executive government independent and objective reports containing information on the adequacy of financial and resource management systems to public sector organisations. Although the reports often contain suggestions for corrective action, it is the prerogative of the Parliament and the executive government to act on the Auditor-General's recommendations as they see fit. It is clear that the Auditor-General's role is to report and make suggestions or recommendations. Clearly the Auditor-General does not have a role in directing the executive government or the Parliament on how to respond.

Currently, the Auditor-General presents four types of reports to the Parliament each year: a report on the Victorian government's finances, generally during the spring session of Parliament; a report on ministerial portfolios, generally during the autumn session of Parliament; special reports on individual performance audits, and a number are generally tabled each year in the Parliament; and an annual report of the Auditor-General's office, and that annual report was tabled on Tuesday this week.

There are fundamentally two types of reports the Auditor-General undertakes: financial audits and performance audits. The purpose of a financial audit is to add credibility to the financial statements made by the expression of an opinion on those financial statements. The Auditor-General's opinion provides an independent assurance to Parliament and the community that the information in the financial statements of public sector entities is presented fairly.

The Auditor-General's office refers to the fact that one of its roles is to ensure such information is presented fairly and in accordance with Australian accounting standards. It is interesting to note that although the Auditor-General recognises that it is the responsibility of his office to present reports in accordance with those standards, the bill introduced by the Bracks Labor government proposes to delete any reference in his role to the Australian accounting standards.

Financial auditing covers the audit of the government's consolidated financial statements under the authority of the Financial Management Act, and the audit of 540 public sector agencies in accordance with the current Audit Act, including examinations for compliance with legislation and government regulations.

Performance audits are conducted by the Auditor-General's office, or by contractors on its behalf, to determine whether public sector agencies are achieving their objectives effectively, economically, efficiently and in compliance with relevant legislation.

In an explanatory note on its web site the Auditor-General's office describes the various aspects of those financial audits as follows:

Economy is defined as the acquisition of the appropriate quality and quantity of financial, human and physical resources at the appropriate times and at the lowest cost ...

In other words, the office determines whether there are cost savings to be made in the way that a certain action of the government or a government agency is done — that is, whether it is being done in the most economical way possible. The document continues:

Efficiency is defined as making sure that the maximum useful output is gained for any given set of financial, human or physical resource inputs, or is minimised for any given quantity and quality of output provided ...

In other words: is the money being spent in an economic way? Is it being spent well? The document further states:

Effectiveness is defined as the achievement of the objectives or other intended results of programs, operations or activities, i.e. spending wisely.

The area of performance audits has often caused controversy, particularly with the government of the day. I recall the performance audits conducted under the former Cain-Kirner government. Former Premier Joan Kirner and her ministers attacked the Auditor-General over the operation of performance audits, because by contrast to financial audits, which are, with due respect, about numbers and concrete

analysis, performance audits often require a certain degree of subjective opinion. I can understand why, when the Auditor-General or contractors on his or her behalf are looking at areas to determine whether spending is being done as efficiently and effectively as possible and whether programs goals are being achieved, such performance audits will often be the cause of conflict between the Auditor-General's office and the government of the day.

The bill contains a number of changes that are certainly worth considering, discussing and putting into context. The most significant changes are as follows.

Firstly, the independence of the Auditor-General's office is to be enshrined in Victoria's constitution by the amendment of part V of the Constitution Act to insert new provisions encompassing the appointment, independence and tenure of the Auditor-General. It is interesting to consider whether this is a significant change from the current situation. Apart from a few areas, some of which will be the subject of opposition amendments, the government has removed the provisions in the current Audit Act and put them in the Constitution Act. The government has accepted the changes made by the previous government establishing the Auditor-General as an independent officer of Parliament, because the process for establishing the Auditor-General as an independent officer of Parliament was achieved by amendments to the existing Audit Act made by the previous government. In the bill the new government is for the most part merely picking those up and putting them in the Constitution Act.

Some people might say that moving those provisions into the Constitution Act provides the Auditor-General's office with greater protection from future governments and changes. However, as you and most honourable members would know, Madam Deputy Speaker — unfortunately the wider community often does not understand — the Victorian Constitution Act is an act of the Victorian Parliament and can be amended by a bill that is passed by both houses of Parliament. Any incoming government could do it, and it would require no reference to a plebiscite of the people or a referendum.

Moving the provisions that provide for the independence of the Auditor-General as an independent officer of the Parliament out of the Audit Act into the Constitution Act probably gives them no greater significance or protection in any way, shape or form. It is merely a symbolic move. The government cannot claim any greater protection for the Auditor-General by doing that.

Secondly, the Audit (Amendment) Act 1997 is being repealed. Again that is a symbolic move rather than anything of substance. It is being done because it was an issue raised by the Independents in their charter and was bandied around in the community over the past 18 months in respect of a number of issues. When it was passed by Parliament that act amended the Audit Act to incorporate into the Audit Act the amending provisions. Abolishing the 1997 amendment is simply getting rid of a piece of redundant legislation. The effect of in respect of changes in the operation of the Auditor-General's office is to incorporate those changes in the Audit Act. Repealing the 1997 act is useful in ridding the statute books of redundant legislation, but it has no effect on the operation of the Auditor-General's office or the operation of Parliament.

Thirdly, there is the reintroduction of the ability of the Auditor-General to conduct financial and performance audits in his or her own right and the provision of the resources necessary to do that. That is being done largely by the abolition of Audit Victoria and replacing it with the re-established Auditor-General's office.

I make it clear that the opposition supports that change and will continue to support it in the house during the passage of the bill, as it did in its response to the Independents charter. The opposition has also made it clear to the community that it supports the change.

However proposed new section 7E, which is inserted by clause 9, states:

The Auditor-General may engage any person or firm under contract to assist in the performance of any function of the Auditor-General.

The legislation introduced by the Bracks Labor government provides that the Auditor-General may contract out any or all of his or her work. The opposition agrees with that provision. The previous Auditor-General contracted out a large amount of his work — about 70 per cent — to audit firms and major accounting firms. The opposition expects that under the new provisions the new Auditor-General will contract out a significant percentage of his work.

It may be that the new Auditor-General, who comes from New Zealand, where a large amount of audit work is contracted out, may even increase the percentage of Victorian work that is contracted out. I strongly suggest to the new Auditor-General that he look at using the expertise of the major accounting firms to do audit work and, in particular, to conduct performance audits that traditionally have not been contracted out as much as they should have been. He should consider a further contracting out in that area.

The former Cain and Kirner governments criticised the number of performance audits conducted. Under the Kennett administration also there was at times some disquiet about and criticism of the effectiveness and credibility of some of the performance audits done by the Auditor-General's office. That situation can be improved if the Auditor-General contracts out a number of performance audits so that people with the appropriate expertise and skills can be involved in the audits, many of which involve the use of a broader range of skills than are often available among the staff of the Auditor-General's office.

The staff of the Auditor-General generally have a background in economics and accounting and have expertise in financial auditing. Rather than using their skills to conduct performance audits across a range of areas of government and government agency activities — which are fundamentally value-for-money audits where the effectiveness of a range of programs such as kindergarten, child protection, disability, transport and road-building services must be assessed — it may be better and lead to more effective performance audits if people with particular expertise in some of those areas were involved in the audit teams.

The Auditor-General may use the provisions in proposed new section 7E to contract out much of that work in the future. The opposition supports the provision that allows for work to be contracted out. The Auditor-General should have the power to do that.

Other changes in the bill relate to the appointment of the Auditor-General. His or her appointment is still to be made by the Governor in Council. However, the bill provides that any appointment will be on the recommendation of the Public Accounts and Estimates Committee. The opposition supports that productive and positive change.

At the beginning of each financial year the Auditor-General will be required to present to the Public Accounts and Estimates Committee an annual plan detailing the proposed work plan. The opposition's proposed amendments contain suggestions on how that process can be improved and enhanced, and how Parliament can be involved, particularly in receiving an annual plan before the commencement of the financial year to which the plan relates. The opposition's suggestion, if accepted, would significantly enhance that process.

In summary, the opposition supports the general thrust of the bill in that Victoria should have an independent and effective Auditor-General. The bill can be improved and enhanced through the opposition's

amendments, which I now propose to go through to outline the purpose of each one and explain to the house what it seeks to achieve.

The first proposed amendment is simple. The bill largely picks up the provisions about the independence of the Auditor-General now contained in the Audit Act and places them into the Constitution Act. However, the opposition's first amendment about the independence of the Auditor-General relates to part of a subsection which, for some reason not effectively explained to the opposition, has been deleted in the pick-up process. I refer to section 4A(6) of the Audit Act, which states:

Subject to this Act and to other laws of the State, the Auditor-General has complete discretion in the performance of his or her functions or powers —

That provision is picked up in the bill. However, the section in the Audit Act further states:

and, in particular, is not subject to direction from anyone in relation to —

- (a) whether or not a particular audit is to be conducted;
- (b) the way in which a particular audit is to be conducted;
- (c) the priority to be given to any particular matter.

Those three provisions add value to the subsection, and are the basis on which the opposition's amendment 1 has been prepared.

Amendments 2 to 9 relate to the way in which the Auditor-General may be dismissed. The opposition hopes such an issue will never arise, but a situation may arise in which the Auditor-General comes under scrutiny. The legislation contains provisions to allow for the dismissal of the Auditor-General. The opposition is trying to improve the process.

The principal aim is for the Auditor-General to be an independent officer of Parliament; both sides of the house agree with that. That intention was established by the former government with its amendments to the Audit Act in 1997, because honourable members may recall that before that time the Auditor-General was an officer within the Department of Premier and Cabinet. The previous government said that arrangement was inappropriate or inadequate, and that the Auditor-General should be an independent officer of Parliament. The legislation says that situation should be governed by the Constitution Act rather than the Audit Act; I fully canvassed that issue earlier.

Another issue concerns tenure of office. The bill provides that the only way the Auditor-General can be

dismissed, if it is perceived that the Auditor-General is not performing his or her tasks or should be dismissed because of a misdeed, is through a process of suspension by the Governor in Council. The responsible minister would lay before Parliament the grounds for a suspension and Parliament would agree or disagree on whether the dismissal should proceed. That process depends on the actions of the executive government. The Governor in Council, an arm of the executive government, and the minister must initiate any action. The houses of Parliament cannot of their own volition initiate any action to dismiss an Auditor-General in whom they lose faith or confidence.

The opposition believes in the principle that if the Auditor-General is an independent officer of Parliament, clearly Parliament should be able to initiate action of its own volition to dismiss an Auditor-General in whom it loses faith or confidence. The opposition sought advice about how that process could best be achieved. The advice it received was to look at similar legislation for an effective model. The legislation the opposition looked at was the Ombudsman's Act. The Ombudsman is also an independent officer of Parliament, and the provisions for the dismissal of an Ombudsman are significantly different from those proposed by the government in the bill.

The opposition's proposed amendments 2 to 9 relate to that issue. They change the tenure of office provisions by picking up the model in the Ombudsman's Act, which I believe is a significant and positive improvement to the bill.

Amendment 10 picks up what the opposition believes is an omission in the proposed bill. The purposes clause in the current Audit Act provides that:

The purpose of this Act is to provide for the audit of public accounts and reports to the Parliament on those accounts ...

At the forefront of the current Audit Act is a reference to the purpose of the Auditor-General being not only to audit the accounts but to provide reports to Parliament.

The purposes clause of the bill proposed by the government contains no reference whatever to reporting to Parliament. The government has rewritten the purposes clause. Clause 6 of the bill, at page 8 under the heading 'Part 3 — Amendment of Audit Act 1994', substitutes proposed new section 1, which covers the purposes of the new act. Honourable members who read through the whole of the proposed provision will find no reference whatever to reporting to Parliament.

The opposition's amendment 10 inserts in paragraph (b) of the government's proposed new section 1 a clear reference to reporting to Parliament. Under the opposition's proposal that paragraph would read:

- (b) the provision of reports on those audits by the Auditor-General to the Parliament.

The words 'to the Parliament' would be added.

All honourable members would agree that if the government is establishing the Auditor-General as an independent officer of the Parliament it should be clearly reflected in the purposes clause of the bill that part of the Auditor-General's role is to report to Parliament. The opposition's amendment 10 adds significantly to the bill.

Amendment 11 relates to clause 7, which appears at the bottom of page 8 of the bill. It states:

- (2) Section 3A of the Audit Act 1994 is repealed.

Section 3A of the Audit Act is the objectives clause. The new government is proposing to have an Audit Act without any objectives — it is proposing to delete the objectives clause. The opposition believes strongly that the objectives — and I will not read them out as they are lengthy — that have been contained in the current Audit Act for many years should be retained in the new Audit Act.

I trust that was an oversight. However, it is hard to see how an oversight could have resulted in the deliberate inclusion of a clause to delete the reference to objectives. Unfortunately deleting the objectives section of the current act was probably not an oversight but a deliberate policy decision. The opposition seeks to restore to the new act the objectives contained in the current Audit Act.

Amendment 12 relates to how the Auditor-General deals with the parliamentary committee. The parliamentary committee, which is mentioned a number of times in the bill, is clearly the Public Accounts and Estimates Committee — or I presume it to be that committee.

By way of an aside, Madam Deputy Speaker, no parliamentary committees have been established by the government. Parliament has been sitting for some time and still there are no parliamentary committees; in particular, there is no scrutiny of acts and regulations committee. The bill has been introduced without any analysis from a scrutiny of acts and regulations committee. The opposition has had no indication from

the government about whether it will have a Public Accounts and Estimates Committee.

There is clearly a deficiency in the bill. In the interests of good, open and accountable government, the opposition has foreshadowed that it will be bringing forward a private member's bill on that matter to ensure that there is proper accountability and governance in this state.

The opposition's proposed amendment 12 refers to the fact that under the current legislation the Auditor-General:

In performing or exercising his or her functions or powers ... must confer with, and have regard to audit priorities determined by, the Parliamentary Committee.

However, the proposed new legislation of the Bracks government waters down that requirement. The opposition is concerned about that watering down of the positive relationship between the Auditor-General and the parliamentary committee involved.

The bill states that when the Auditor-General is developing the annual plan that sets his priorities — —

Ms Delahunty — His or hers?

Dr NAPTHINE — Wayne Cameron is the Auditor-General at the moment, and he is a he. Rather than me trying to change the gender of the Auditor-General, I remind the Minister for Education that the Auditor-General, who has been appointed recently, is a male, and that he has been appointed for seven years. Therefore, referring to the Auditor-General as 'he' is probably appropriate for the next number of years.

The bill provides that:

The Auditor-General must complete the annual plan as soon as practical after the passage of the annual appropriation Act for the year to which the plan relates, taking into account ...

That changes significantly the relationship between the parliamentary committee and the Auditor-General. The opposition has received advice that using the words 'taking into account' rather than 'have regard to' will result in a significantly lower standard of relationship. By amendment 12 the opposition seeks to substitute for the words 'taking into account' the original words contained in the act, 'have regard to', which it believes places the parliamentary committee in a more appropriate position in its dealings with the Auditor-General.

I turn to amendment 13 and page 10 of the bill. Currently the Auditor-General must present the

completed annual plan to the parliamentary committee — —

The DEPUTY SPEAKER — Order! Does the Leader of the Opposition intend going through each clause one by one, or is he going to wait until the committee stage?

Dr NAPTHINE — I am going through each amendment.

The DEPUTY SPEAKER — That is fine. I was just seeking clarification.

Dr NAPTHINE — I will go through them in much greater detail in the committee stage. One of the reasons the opposition is doing it this way is that the debate will extend over several days, and clearly the amendments have been tabled for consideration not merely in Parliament but also in the community over the next few days. It is important for the community to understand the basis on which the amendments are to be moved.

Amendment 13 proposes that when the annual plan is completed — I make it clear that the annual plan is completed after discussions have taken place between the parliamentary committee and the Auditor-General — it must be not only presented to the parliamentary committee, which is what the current provisions require, but also transmitted through both houses of Parliament, which would reflect the relationship between the Auditor-General and the ultimate master he is accountable to — Parliament.

The amendment also provides a time frame for the completion of the annual plan. If there is no time frame it may be that we could be well into the financial year before we saw the plan for the work the Auditor-General proposes to undertake in that year. The amendment would ensure that the Auditor-General presents the plan to the parliamentary committee and to Parliament before the beginning of the financial year to which it relates.

Amendments 14, 17, 18, 19, 21, 22, 23, 24, 25 and 26 are all consequential on proposed amendment 20, which is a significant amendment. During our discussions last night the Premier was keen to consider a number of the amendments put forward by the opposition and to adopt them as useful and valuable additions to the bill. However, he had some concerns about proposed amendment 20. The opposition believes it is an absolutely fundamental amendment that goes to the heart of whether the Auditor-General is a truly independent officer of Parliament or whether he is merely part of the executive arm of government.

What is proposed by the bill's alterations to the obligations of the Auditor-General? Proposed section 7C states that the parliamentary committee may, by resolution, vary any obligation or requirement imposed on the Auditor-General or the Victorian Auditor-General's Office by or under various sections of the Audit Act, the Financial Management Act or the Public Sector Management and Employment Act.

I will go through the scenario. The executive government, through the minister, may under those provisions impose certain obligations on the Auditor-General or the Auditor-General's office. So the minister and the executive government will say to the Auditor-General that he must undertake his duties in a certain way. The Auditor-General may feel that that is an impingement on his ability to audit freely, fairly and openly in the interests of the people of Victoria and the Parliament. The parliamentary committee is the safeguard to protect the people of Victoria and the Parliament from the executive government placing undue restrictions on the operation of the Auditor-General.

In itself that may seem sufficient, but when one looks at the set-up of the parliamentary committee one sees the dilemma we face. As I said before, the parliamentary committee would be the Public Accounts and Estimates Committee. The Premier has made it clear in the preliminary discussions on parliamentary committees that the government of the day will not relinquish its role of chairing the Public Accounts and Estimates Committee — in fact it will insist on chairing the committee, so it will control the votes.

Mr Nardella — Just like you did for seven years.

Dr NAPTHINE — I take up the interjection of the honourable member for Melton. That is the very point!

The government of the day will insist on chairing the committee, so under this bill the executive government may put restrictions on the office of the Auditor-General and the safeguard — in the words of the honourable member for Melton — will be dependent on another power of the executive government. The honourable member for Melton has proved the case. I welcome him to this house because he has proved exactly what the opposition is saying. The safeguard is no safeguard; it will merely be an imprimatur and a rubber stamp for the executive government. That is what the honourable member for Melton has said by way of interjection.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I can hardly hear the Leader of the Opposition.

Dr NAPTHINE — I will talk louder.

The DEPUTY SPEAKER — Order! You do not have to; we will ask the others to speak more quietly!

Dr NAPTHINE — Let me repeat it softly. The honourable member for Melton has made it absolutely clear by his interjection that the Public Accounts and Estimates Committee will be controlled by the government. His interjection was along the lines of 'just as you guys controlled it'. So, the Public Accounts and Estimates Committee will be a de facto arm of the executive government. The bill supposedly provides for the independence of the Auditor-General as an independent officer of Parliament, but there is a significant opportunity for the executive government through the minister to vary the way the Auditor-General operates, and the safeguard is a parliamentary committee that — in the very words of the honourable member for Melton, who gave the game away — is also a de facto arm of the executive government.

In the interests of the Parliament, the people of Victoria and the independence of the Auditor-General, proposed amendment 20 is intended to ensure that in addition to the parliamentary committee being able to vary certain matters either house of Parliament may also be able to vary them. Any person who believes in the supremacy of Parliament on these issues, which are absolutely fundamental, would support the amendment. If people believe in the independence of the Auditor-General as an independent officer of the Parliament and in the supremacy of Parliament, which I believe in, they should support proposed amendment 20.

I strongly support the supremacy of Parliament. If I were the minister responsible for this bill I would not be out doing other things, I would be in the house listening to and participating in the debate on this critical legislation. When I was a minister in this place and responsible for legislation I listened to and participated fully in the debates on legislation in my portfolio. I suggest that the Minister for Education check the *Hansard* report of those issues.

Amendments 15 and 16 cover an important issue that will be included in further amendments to be discussed later. They relate to the deletion of proposed section 7B(2)(c) at the top of page 11, which provides that in the annual report the Auditor-General must set out the audit standards that the Auditor-General applies or intends to apply. The opposition proposes to delete

that for two reasons. The first is that the opposition believes that, rather than the Auditor-General setting his or her own audit standards, he or she ought to comply with the audit standards of the accounting professions throughout Australia. Amendments 33 and 34 deal with that important issue.

The second reason is that, even if the provision is retained in the bill, it is in the wrong place. It is in the proposed section that deals with the annual report and it states that in the annual report the Auditor-General will report on the audit standards he or she applies or intends to apply. The annual report should report on standards the Auditor-General has already applied — it is after the event. The audit standards he or she applies or intends to apply should be in the plan. It is poor drafting. I will deal with the audit standards later, because that is an important issue.

Amendment 27 proposes to insert a new section relating to audit priorities, budgets and expenditure. The opposition's proposed section 7D(1) states:

In performing or exercising his or her functions or powers, the Auditor-General must confer with, and have regard to any audit priorities determined by, the Parliamentary Committee.

That puts in firm and appropriate language the relationship between the Auditor-General and the parliamentary committee.

Proposed subsection (2) goes to the same issue:

The Auditor-General's budget for each financial year is to be determined in consultation with the Parliamentary Committee.

Proposed subsection (3) states:

Despite anything to the contrary in the Financial Management Act 1994 or in regulations or directions under that Act but subject to any relevant appropriation Act, the Auditor-General may incur any expenditure or obligations necessary for the performance of the functions of the Victorian Auditor-General's Office.

That addition is based on the suggestion of the former Auditor-General, Ches Baragwanath, who felt it was necessary to ensure the Auditor-General had the power within his own office to expend funds for those purposes.

Proposed amendments 28 to 30 are consequential renumberings. Amendment 31 is consequential on amendment 32, which is important. It goes to the heart of whether the Auditor-General has the power to look at and report on performance indicators. As is known — and opposition members applaud this — government departments and agencies are developing performance indicators as a measure of whether they are achieving

their policy direction targets and programs and then measuring their performance against those performance indicators. To ensure that the reporting against the performance indicators is being carried out on a sound and reasonable basis the Auditor-General must be able to audit whether those performance indicators are appropriate and how they are developed.

The Public Accounts and Estimates Committee made significant recommendations on the matter, and I refer to its May 1999 report, its 28th report to Parliament. Recommendation 5.5 is that:

The Audit Act 1994 be amended to provide the Auditor-General with the capacity ... to:

form an opinion on the extent to which performance indicators contained in annual reports are relevant to an agency's stated objectives, are appropriate for the assessment of the agency's performance, and fairly represent actual agency performance; and

report to the Parliament on the results of audits of non-financial information.

Recommendations 5.6 and 5.7 add to the point. Clearly the Public Accounts and Estimates Committee is saying that the Audit Act ought to be amended to allow the Auditor-General to appropriately examine the issue of performance indicators.

The opposition has picked up that recommendation of the Public Accounts and Estimates Committee, and amendment 32 proposes that it be included in the Audit Act. I believe both sides of the house would support that if they wanted the Auditor-General to be effective in his auditing of Victorian government departments and agencies. It is important that the Auditor-General have the power to examine performance indicators.

Proposed amendments 33 and 34 go to a critical issue — the standards by which the Auditor-General will conduct his business. I am surprised at the proposal brought before the house by the government. In fact, I am more than surprised, I am extremely disappointed that the government would bring this forward. Clause 15(3) at page 17 proposes that in section 13 of the Audit Act the words 'general auditing standards as issued by the Australian Society of Certified Practising Accountants and Institute of Chartered Accountants in Australia' be replaced by the words 'audit standards set out in the report of operations of the Victorian Auditor-General's Office'.

The act provides for the general auditing standards issued by those eminent accounting bodies to apply, but the clause proposes that the audit standards set out in the report of operations of the Victorian Auditor-General's Office should apply. Clearly what is

being proposed by the government is a move away from accepted Australia-wide accounting standards. That is unacceptable, deplorable and inappropriate.

The opposition has received correspondence from the executive director of the Australian Society of Certified Practising Accountants that states:

We do not support the proposed amendment to replace 'the general auditing standards as issued by the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia' with 'audit standards set out in the report of the operations of the Victorian Auditor-General's Office'.

The explanatory memorandum contains no explanation for this change. The existing legislative requirement reflects the professional requirements of the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants as stated in auditing statement AUS 702 'The Audit Report on a General Purpose Financial Report' issued by the Auditing and Assurance Standards Board of the accounting bodies. The board membership has included representatives from the commonwealth, state and territories Auditors-General.

The letter continues:

The reference to the 'audit standards set out in the report of operations of Victorian Auditor-General's Office' is not specific. We are unaware as to what constitutes such standards, as would users of the auditor report. We do not know whether such standards would comply with the Australian auditing standards.

Australian auditing standards do not prevent higher auditing standards from being applied by auditors. Auditing standards issued by the accounting bodies after due process and compatible with international auditing standards are a minimum benchmark to be applied in the conduct of all audits.

I do not think it can be put more simply than that. Under the current Audit Act it is absolutely clear that the Auditor-General and his or her staff must comply with the accepted industry standards as set by those eminent bodies.

Any different standard would not serve the interests of the Parliament or the people and would flout the principle of open and accountable financial disclosure. It would not, in other words, be in the interests of open and accountable government. No government can justify a range of audit standards that it can flex to suit its purpose. The bill allows for audit standards to be at such variance from the Australian standards as to be difficult to understand and interpret. Under the proposed legislation as it stands, a government could put sufficient undue pressure on an Auditor-General to reduce auditing standards to a level below that expected of an Auditor-General by the community.

Auditors-General in this state traditionally adhere to proper standards, and I cannot believe any Auditor-General would wish to move away from them, because adherence to standards by an Auditor-General is fundamental and is in the best interests of all Victorians. That is why the opposition will propose the amendments circulated under my name. They make it very clear that we want Victoria's Auditor-General to adhere to the standards applying to all auditing bodies in the country and, indeed, around the world.

Circulated amendment 35 proposes to insert into the bill provisions covering the relationship between the Auditor-General and the parliamentary committee. Those provisions currently exist in the Audit Act, but for some reason unknown to the opposition and unexplained by the government, the bill proposes to delete them. Section 16(7) and (8) of the Audit Act provides that the work of the Auditor-General must be developed in consultation with a parliamentary committee and that reasonable costs and expenses of the Auditor-General in conducting an audit under that authority must be paid for from moneys appropriated to the Parliament. Those important provisions need to be retained.

Amendments 36 to 42 are consequential amendments. Amendment 43 concerns performance audit recommendations from a parliamentary committee. I referred to this matter earlier. It proposes to amend the Financial Management Act to allow information about performance audits to be provided to the Auditor-General so that he or she can conduct financial management audits appropriately.

Amendment 44, the last one, restores an important provision that the bill proposes to delete. Section 4EB of the Parliamentary Committees Act outlines the functions of the Public Accounts and Estimates Committee — namely, to inquire, to consider and report to the Parliament on various matters listed in the act relating to the order of priorities for the purpose of the Audit Act. It is inappropriate to delete that definition. The parliamentary committee should report to the Parliament on audit priorities for the purpose of the Audit Act, and the deletion proposed by the bill would reduce the role of the committee.

The opposition takes a responsible approach to the bill and has considered it from the point of view of seeking to improve it. Members of the opposition wish to ensure that the Auditor-General will be able to act truly in the interests of the people of Victoria and the Victorian Parliament. Our objective is to provide honest and appropriate audits of the operations of government

and government agencies, and the amendments are designed for that purpose.

The opposition seeks amendments that will improve the relationship between the Auditor-General and the Parliament, particularly with regard to 'tenure. We seek also to amend the bill to allow an improved relationship — diminished under the proposed legislation — between the Auditor-General and the parliamentary committee and to improve the mechanisms the Parliament has in place to protect the Auditor-General and prevent undue interference from government in the operation of his or her department. Parliament must have ultimate control. Further, we seek to ensure that the Auditor-General in Victoria uses appropriate accounting standards. That is fundamental to open and transparent auditing.

Opposition members will be proposing the circulated amendments both here and in the other place and we will insist on their being agreed to in the interests of all Victorians, because they improve the bill. We trust and hope the government, which has been given advance copies of the amendments, with explanations, will adopt them.

Members of the opposition have acted honourably and with integrity to improve the legislation. We commend the amendments to the house and undertake to support the bill in the interests of an independent, strong Auditor-General if the amendments are adopted.

Mr MILDENHALL (Footscray) — Remembrance Day will be remembered in Victoria for many reasons. It was a great day for Victoria when the Premier stood in the house and delivered his second-reading speech on the Audit (Amendment) Bill to restore power, resources and independence to the state's Auditor-General. Passage of the bill will end a dark era in Victorian politics during which the former Premier, aided and abetted by a supine cabinet and backbench — many members of which are still here — sought to emasculate the office of the Auditor-General, one of the principal safeguards of this state's democracy.

The bill does two things. It restores the office and substance of the Auditor-General. It gives back to the Auditor-General his arms, legs and power, and enshrines the office of the Auditor-General in the state constitution. It is gratifying to see that members of the opposition support the essential characteristics of the bill. Their road to Damascus conversion, however, occurred only after a massacre at a by-election and the loss of 13 seats at a general election because of the community's desperate attempt to get the coalition parties to listen to it.

This government listens. It listens even to the coalition. By and large it will accept the amendments proposed by the opposition, except for the ludicrous proposition in amendment 20 and amendments consequent upon it numbered 17 to 26.

Honourable members face the ludicrous prospect that obligations under the financial management and public sector management acts that affect the Auditor-General could be varied by a public accounts and estimates committee and would be subject to further variation by either house of the Parliament. Therefore, a variation could be approved, agreed to by a public accounts and estimates committee, and varied again by the other place and perhaps not agreed to by this place. Such a loop of propositions, agreement and disagreement would result in paralysis.

The opposition parties cannot help themselves; they still want to control the Auditor-General from the other place. They cannot get their hands off him; they want to have their long tentacles of control into the machinery and mechanics of the operation of the Auditor-General. Last time they did it by cutting off his arms and legs, so to speak; this time they want to do it with the extraordinary idea that obligations the Auditor-General may be under could be varied by the Legislative Council.

All honourable members know how the saga started and why the bill has been introduced today. The former Premier and the coalition were hell bent on pursuing the Auditor-General after he questioned the dodgy tendering process for Leeds Media and the process for the closure of hundreds of schools in the state, criticised the Kennett government's forgoing \$174 million in licensing fees collectable from the 150 additional gaming machines approved at the casino, found the Kennett government spent considerable sums of taxpayers' money on totally inappropriate party political advertising and reported uncovering evidence of possible corruption in the rewarding of ambulance service contracts.

The Premier went after the Auditor-General as he went after many other people in public life — Jeff said he wanted a review! It was an old tactic involving the use of the national competition policy as the Trojan horse to try to get the Auditor-General. The then Premier brought forward the date of the review and refused to accept departmental advice that he seek cabinet approval and that the then Public Accounts and Estimates Committee carry out the review. The then Premier appointed his own reviewer.

It was an example of an extraordinarily vindictive act of a leader of a powerful government going after an individual and an office. The then Premier did not listen to his department, his party, the professionals, the grassroots community or the independent contractors — and the supine coalition party room went with him. Don't they regret today having to say, 'We were wrong; we wish the last couple of years did not have to happen'!

At the time a representative of the Main Ridge–Red Hill branch of the Liberal Party wrote:

It seems difficult for us to understand why the government is so frightened of a 62-year-old man called Ches Baragwanath and his modest number of staff. It is quite out of character.

In contrast the more cautious Howard/Costello federal coalition government is actively legislating to strengthen the powers of the Australian Auditor-General. We are both puzzled and disturbed.

A spokesperson for the Mount Waverley branch wrote:

Contrary to denials by the government, our members feel that the Auditor-General's independence will be removed and we (the citizens of Victoria) will have no independent watchdog to safeguard our interests.

It hurts, doesn't it! Members of the coalition parties have to face the music sooner or later. They have had to come back to this chamber and say, 'We were wrong'. The letter from the Mount Waverley branch concluded:

We cannot find any reason, financial or otherwise, for this move to be made. The general impression of the public to whom we speak is that there may be a hidden agenda which is not apparent in the proposed legislation.

Members of the Mulgrave branch of the Liberal Party were more concerned and wrote:

After very careful deliberation we must advise you that the controversy concerning foreshadowed changes to the office of the Auditor-General is not a fringe issue. Substantial numbers of dedicated Liberals are deeply concerned that the proposed changes so far reported might appear to quarantine the office of the Auditor-General from political interference while in fact so reduce the level of independent resources directly under the Auditor-General's control as to render his role ineffective.

They were onto it; they realised that the impact of the proposal would be cutting off the Auditor-General's arms and legs, reducing his budget and so not allowing him to audit. The letter from the Mulgrave branch went on:

By any reasonable interpretation of the future role of the office of the Auditor-General so far articulated by the government, professional bodies or various media, there is a widespread perception that the Auditor-General's independence will be emasculated.

Emasculated was the Mulgrave branch's word for what happened to the Auditor-General! Thank you, members of the Mulgrave branch of the Liberal Party.

Some Liberal Party branch members were more fired up and direct. A member of the Wangaratta branch wrote:

If you do not respect the unanimous decision of the Liberal State Council in relation to the Auditor-General, you should resign and start your own Kennett Party.

He did — it was called the coalition in government, but the branches did not realise that and thought there was still a party structure.

Another response to the proposals shows how much the Premier listened:

As a long-time friend and supporter of you, I thought it would be a good idea to pass on to you a general discussion over the dinner table at our Rotary meeting last night. Six to eight people were involved — and I would say 100 per cent were supporters of the Liberal Party.

There is a real disquiet among our members as to the watchdog being truly independent — not just now — but forever.

The Premier — the listening, caring, accessible Premier! — wrote back, saying:

Tell your friends to keep eating and drinking, while we govern in their interests.

That sums up the former Premier! Only one or two in the party room stood up to him. Former minister Pescott summed up the issue when he resigned in protest by saying:

The auditor's office needs power to make the independent role effective — not just the power to decide in consultation with a government-dominated parliamentary committee, but power to act without the barrage of hurdles the government will be able to put in the way before an audit even starts.

We have a duty to future generations not only to retain but enhance the transparent auditing of government excesses. No-one in government has even attempted to point out how the new audit system will be an improvement. No-one has said that the old system did not work.

As you know I have put trust in your word in the past. That is why I find resignation from Parliament the only effective protest I can make. Like many other Liberals, I wish there were another way.

And don't Liberal Party members wish they'd listened to Roger! Not even a 16 per cent swing in Mitcham changed the former Premier's mind.

The former Premier did not listen to the professionals, either — eminent people and organisations in the field suggested the government was on the wrong track: all

other auditors-general in Australia; the Victorian Bar Council; the Australian Society of Certified Practising Accountants; the Institute of Chartered Accountants; the National Institute of Accountants; the Institute of Public Administration; the Law Institute of Victoria; the National Competition Council, under whose aegis and purported mandate the previous government emasculated the Auditor-General; and even the President of the Legislative Council and the former Speaker of the Legislative Assembly. But did they listen?

A challenge today is to consider the consistency and flow of the arguments of members of the former coalition — over the past two years they have set standards on the issue. In November 1997, for example, the present Leader of the Opposition said:

The independence of the Auditor-General will be enhanced under the legislation. The position was recommended by the review committee and was endorsed by the broader community.

The now Deputy Leader of the National Party said:

The government should be congratulated for the way it has gone about the process.

Did he lose 13 per cent? Later he said:

It enshrines the independence of the Auditor-General and will make him an officer of the Parliament.

Another coalition frontbencher, the honourable member for Mooroolbark, said:

The audit bill, which it would do all members of the opposition good to read, preserves the integrity and the absolute independence of the Auditor-General.

The honourable member for Monbulk said:

The Parliament will be well served in the future by the operation of this legislation ... The bill deserves the support of all members and of the public, and in time the public will come to see that.

That comment would rival Neville Chamberlain's prediction about peace in our time! 'The public will understand', former coalition members said, as Victorians ripped off 13 seats from them!

Last year the honourable member for Box Hill told the house that members of the public were entitled to be concerned by threats to the independence and effectiveness of reporting. However, there were no such threats to that independence in the legislation.

These are halcyon days in the Victorian Parliament. Government members will reflect on November and December 1999 as the time when the Auditor-General's

powers and independence were restored, freedom of information was opened up, and the draconian restrictions of the previous government were removed.

The powers of the Director of Public Prosecutions will be restored to enable the director to operate effectively in the state, as we have just heard in the second reading of the Public Prosecutions Bill. Teaching Service Order 140 has been lifted and Victorian teachers and public servants have their democratic rights restored. The institution of Parliament has been opened up and members of the community are being given a greater opportunity to have their voices heard, to see the machinations of government and to understand what is being done on their behalf. These are great days in the Victorian Parliament and days of which most members should and will be proud.

Mr CLARK (Box Hill) — It is well known that political life is conducted on two levels: the first is that of illusion and theatre; the second is that of reality. Members opposite are masters at the first level of politics. The honourable member for Footscray followed in that tradition with his remarks. However, the reality is different. Consider the process in 1997: a review was conducted under the national competition policy principles, proposals were put forward by the review panel, extensive public debate was held on the proposals, modifications were made by the government of the day, and legislation was introduced and passed.

The honourable member for Footscray quoted remarks made during the course of public debate. I well remember the debate and speaking to Liberal Party and other gatherings and explaining the bill. The underlying principles of the legislation were accepted when they had been explained.

My other point about the 1997 debate and the members opposite concerns their belief in a brain-dead public service and the absence of open discussion, review and canvassing of options. When public servants put forward options, as they should do, they are jumped on. When reviews under national competition policy put forward proposals, they are jumped on. The process of public policy formation ought to canvass a wide range of options — even those that finally are judged not appropriate. The whole range must be canvassed before the correct ones can be identified. However, in the interest of pursuing the illusion and theatre of politics honourable members opposite are prepared to undermine the reality that decent outcomes depend on broad, lateral thinking.

The talk of threats to democracy and the independence of the Auditor-General is on the level of illusion and

theatre. Step back from the illusion and look at the reality of what happened. The 1997 debate boiled down to one issue — should it or should it not have been made mandatory for the Auditor-General to contract out audits? Both sides of the debate can be argued. The argument in favour is that it ensured a changing culture in the audit practice and ensured an opening up of the audit office to the widest possible range of experience and input.

An honourable member interjected.

Mr CLARK — The honourable member talks about cost. Audit reform was never about a question of costs; it was about opening up options and making a greater range of skills and expertise available to the audit process.

As my friend and upper house colleague the Honourable Roger Hallam has often said, the essential test of the correctness of reforms is whether they endure. Honourable members opposite make great play of the changes being made to the audit legislation, but it is interesting to note the features of the 1997 reforms that are being carried forward. That has also been seen in the sphere of privatisation — and honourable members opposite complained about that process. However, they now have on their platform an intention to use the private sector to establish fast trains to the airport. They may not be able to cost that properly, but at least they have adopted the principle. Exactly the same thing was seen in the UK following the change of government there.

Members opposite make great play of abolishing compulsory competitive tendering. However, I have not heard them talk about going back to the bad old days of 100 per cent in-house service provision by councils, when libraries did not open on Sundays and when municipal pools and other services did not have the flexibility that was achieved as a result of compulsory competitive tendering.

Let us look at what is being retained from of the 1997 Audit Act amendments that honourable members opposite have so roundly condemned. At the time the former government asked them, ‘Are you seriously saying you want to go back to the bad old days and put the Auditor-General and his or her budget back under the Premier’s Department? Do you want to do all those things?’. They just said, ‘We will repeal the Audit (Amendment) Act 1997’. The former government said, ‘Hang on, are you sure that’s all you want to do? A lot of good things are in the Audit (Amendment) Act 1997’. But the theatre prevailed; the former opposition had to commit to repealing that act. There

were no qualifications about retaining all the best bits of it and shuffling them somewhere else, it was to go entirely.

However, it is a different matter with the bill before the house — reality has prevailed, even among honourable members opposite. The Auditor-General will be retained as an officer of Parliament, his budget will continue to come from the budget of the Parliament and he will retain the power to engage outside auditors to assist with performance audits — all key aspects of the 1997 reforms. Audit Victoria will be removed, but only after a period in which substantial internal reform and improvement has been achieved within it.

When standing back from the theatre and looking at the reality one sees the essential correctness of the 1997 reforms being reflected in the government’s legislation.

Mr Hulls interjected.

Mr CLARK — The Attorney-General says we have not learnt; then why are those provisions in the bill his government has introduced to Parliament?

The fact is that a good government has nothing to fear from a capable and diligent Auditor-General. That was maintained by members on this side when we were in government and is still maintained now we are in opposition. The people who do have something to fear from a capable and diligent Auditor-General are those who rely on theatre and illusion and ignore reality. The fact is that reality tends to come back and prevail. Even totalitarian regimes around the world that have manipulated communication channels and have been outstanding masters of theatre find that eventually reality breaks through. Reality will break through very quickly if the truth becomes publicly known.

Two institutions will help ensure that that happens: one is a strong and independent Auditor-General; the other is a strong house of review. As I said, a good government has nothing to fear from a capable and diligent Auditor-General — but the present government has plenty to fear. If they had any sense its members would already be quaking in their boots and devoting their energies to getting on top of their portfolios and marshalling all the skilled support they could to cope with their inexperience and inadequacy. Instead they are continuing to play the role of an opposition. They are playing politics and not settling down to govern. They are driving with their eyes firmly on the rear vision mirror, looking at what has happened in the past instead of looking through the windscreen to the future. They are heading towards an unpleasant crash, which can be expected to occur some time soon.

Government members are continuing to ignore the reality of having to be in touch with the community. They do not provide access to the business community, and they have advisers who record answering machine messages saying they work only from 9 to 5. Businesses are continually complaining to members on this side about how difficult it is to get to talk to and get decisions out of ministers. The government is persevering with its intentions to sack a large number of independent and capable public servants who might have offered it a prospect of coping with its own inadequacies. Public servants such as Yehudi Blecher and John Hickman — capable men who have served governments of both political persuasions with distinction — are being shoved out the door. Those are factors that will result in bad government, which a strong and diligent Auditor-General will quickly pick up and bring to the attention of the public and which will bring the present government undone.

A government that insists on complying with the dictates of the trade union movement will find another source of difficulty. The government has already exposed itself to that by insinuating to public servants that it would be better for their careers if they joined unions. Already there have been break-outs of union militancy in the construction industry that have threatened major projects, as well as attempts to extend union coverage into the residential housing sector under the guise of occupational health and safety. Already there is a threat of Workcover premiums going through the roof because of the determination of the present government to persevere with its policy on common-law actions.

While in opposition the government was intent on raising issues of probity as part of its dedication to theatre and illusion. However, it will quickly find that there is a second element to good government — competence. If it does not start to display competent conduct it will run foul of the Auditor-General.

For those reasons, and provided its amendments are accepted, the opposition is pleased to support the bill. Key provisions of the 1997 legislation are being transferred by this bill from the Audit Act into the constitution. That is absolutely fine, but the provisions remain — the Auditor-General remains an officer of Parliament and the budget of the Auditor-General remains part of the budget of Parliament.

I will briefly comment on other issues raised by the bill, principally the role of the parliamentary committee, which is a paradox. It was a paradox in the 1997 debate, and it remains a paradox. If you say that Parliament should be supreme, you therefore have to say that if the

will of Parliament is that legislation in a particular form be passed, Parliament has expressed its views.

The reality is that, as was mentioned by the Leader of the Opposition, there is an uneasy tension about parliamentary committees because they tend to be controlled by the government of the day. That was confirmed by the honourable member for Melton earlier in the debate. It is therefore necessary to be very careful about the role conferred on a parliamentary committee in the audit process because the majority of the committee is likely to comprise members from the government side of the house. The 1997 legislation was an attempt to strike a careful balance over that issue.

The proposed amendments address a number of deficiencies in the bill. A key one is the possibility of the Auditor-General being subjected to undue influence by the parliamentary committee, which then gives rise to a risk of the Auditor-General being indirectly subjected to the influence of the executive government.

A further significant aspect about parliamentary committees is the tendency for their activities to become highly politicised. The parliamentary committee will have to exercise particular care about the way it conducts the process of recommending appointments of auditors-general in order to ensure that people of ability are not deterred from seeking appointment because of fear of politicisation of the process.

I feel I can speak on behalf of members on this side of politics in saying that we will do our utmost to ensure that the process of appointing auditors-general is conducted in an entirely proper and aboveboard manner that maintains the full confidence of those who seek appointment as auditors-general. I certainly hope that the same will be true of all members of the parliamentary committee when, presumably in seven years time, the appointment of a new Auditor-General is considered.

The issue of audit standards needs to be considered. Honourable members opposite have given no explanation for seeking to remove from the legislation the reference to generally accepted accounting standards. The honourable member for Footscray, who seems to be riding shotgun on this legislation, did not offer any explanation in his remarks. I cannot see why the government would want the Auditor-General to set his or her own audit standards. What is wrong with accepting generally accepted accounting standards? Accounting professionals also ask that question.

Another amendment addresses the important issue of who pays for performance audits. To date the legislation has provided for the performance audits to be paid for from the parliamentary budget. For some strange reason that provision is omitted from the bill. Again, the house has heard no explanation or debate about why the government has proposed that and I will be interested to hear if any honourable members can offer an explanation.

The amendment that empowers the Auditor-General to audit reports on performance indicators arose from a recommendation made by the Public Accounts and Estimates Committee under the previous government. It is a sound recommendation and I hope it will be accepted, because one of the great achievements of the Kennett government was to introduce a significantly enhanced range of performance indicators. That was not done under the previous Labor government; it was initiated by the coalition. Those indicators are evolving and improving. There is further scope to take them forward, and giving power to review that to the Auditor-General will help ensure that the present government does not backslide on what the previous government initiated.

In summary, the opposition welcomes the bill because it carries forward many of the key elements of the 1997 reforms. It means that the situation will not revert to that of the bad old days when the Auditor-General and his or her budget came under the control of the Department of the Premier and Cabinet. It means that those reforms are being carried forward and, subject to the acceptance of the amendments, the bill will earn the support of both sides of the house.

Mr HULLS (Attorney-General) — The house has just heard the greatest load of codswallop and hypocritical rubbish that has been presented in this place for many years. Honourable members opposite can offer all sorts of reasons and excuses for why the previous legislation was introduced. All sorts of backsliding can take place about why the opposition will or will not support the current bill, but the explanation for it is very simple. The previous legislation was introduced by the Kennett government to silence an independent critic. There is no other reason for it.

We all know that the Kennett government hated analysis — hated the scrutiny and criticism that went with it and went out of its way to do anything it could to silence critics. The last remaining independent critic in Victoria was the Auditor-General, and the Auditor-General had to be got rid of. It is as simple as that. Therefore all those highfalutin, nonsensical

reasons for the introduction of the legislation are absolute rubbish.

The honourable member for Box Hill and other members on that side, including the honourable member for Bentleigh, who was here earlier, know full well that Kennett wanted to get rid of Ches Baragwanath. Before that he wanted to get rid of the Director of Public Prosecutions for daring to consider instituting proceedings against the Premier for contempt, so the former Attorney-General decided to revamp the office of the Director of Public Prosecutions — to undermine the independence of the former DPP.

The former government wanted to get rid of the then Commissioner for Equal Opportunity, Moira Rayner. It did so — she was an independent critic. The former government wanted to get rid of accident compensation tribunal judges. It did so. The former government criticised church groups and leaders of the community who spoke out against gaming. They were vilified. The last independent critic in this state was the Auditor-General. Kennett said to himself, ‘I’ve got to get rid of him. Will I have a problem getting it through Parliament? No, I won’t, because they are a bunch of jellybacks who jump when I speak; who do not stand up to me. I will get this through this mob; they are gutless’. That is what Kennett was saying to himself — ‘They are gutless’.

He was proved to be right, and aren’t they hypocritical — the honourable member for Box Hill in particular? I have no doubt he is a decent human being. No doubt the honourable member for Box Hill had to suffer many pains in his own mind when the legislation went through, but he did not have to make such a ludicrous contribution when the original Kennett bill was introduced and now try to stick up for the mistakes he made then.

The honourable member for Box Hill knew at the time that it was bad legislation. What he now regrets is that he did not have the guts to stand up to the former Premier. Had he had the guts to do so years ago he may well be sitting on this side of the house, just as honourable members on that side of the house who are nothing but sycophantic jellybacks who did not stand up to the former Premier could have found themselves still on this side of the house after the last election. However, they are now in opposition and they are to be condemned. Long may they remain in opposition for their gutlessness in relation to this issue!

One has only to go back to what some of the honourable members have said to realise their

gutlessness. I know the honourable member for Footscray has already read out some quotes. The Leader of the Opposition, known as Dr Doolittle, did absolutely nothing about the legislation. Remember what he said on 30 October 1997 about the Kennett legislation? He said, 'The independence of the Auditor-General will be enhanced under this legislation'. What a load of nonsense! Talk about Pinocchio's nose getting longer! It was absolute rot and he knew it, and now he attempts to defend the position as it then existed.

He also said that position was recommended by the review committee and was endorsed by the broader community. It was endorsed by the broader community, all right! The broader community in Mitcham certainly endorsed the changes that the former Premier introduced to the audit legislation, and the broader community at the last state election certainly endorsed what the former Premier did. It is absolute nonsense.

Dr Doolittle stands condemned for his support of that previous legislation. How dare he come into this place, now that Labor is trying to undo the former Liberal government's stuff-ups in relation to the Auditor-General, and say, just to be part of the debate, the opposition will go along with it but it will move 44 amendments to the bill! The amendments are not worth the paper they are written on. They represent no more than a feeble attempt by the Leader of the Opposition to participate in the debate. He has been sidelined and he is irrelevant. He is Dr Doolittle, and he and every member of the opposition parties in this house stand condemned for supporting the previous legislation.

We know the previous legislation was an attempt by the former government to undermine the independence of the Auditor-General. We know how important auditors-general are, and that was demonstrated by Queensland's Fitzgerald royal commission into corruption. Mr Fitzgerald made it quite clear that once you start undermining the independence of the Auditor-General you open up the floodgates for corruption to flourish. That is what occurs. That is what started to happen in Victoria. The former Premier, Mr Kennett, opened up the floodgates for corruption to flourish in this state and, had he been re-elected for another term, that is exactly what would have happened in Victoria under the former Premier and a neutered Auditor-General. Under that previous legislation the Auditor-General became a lap-dog rather than a watchdog.

In November 1997 the honourable member for Box Hill had this to say when describing how good that legislation was:

The legislation has been formulated and introduced to Parliament with the strong support of members on this side of the house.

How dare members of the opposition parties now — I do not know who will be speaking after me, probably some born-again Liberal who believes — —

Honourable members interjecting.

Mr HULLS — It looks as if the honourable member for Cranbourne will speak next. It will be very interesting to hear what he has to say about this legislation — he is not born again! Opposition members will do a quick shuffle, hide from the public the fact that they have had spine transplants, do a backflip, act like rubber men and somehow support the bill. They did not support such legislation in 1997.

The honourable member for Box Hill, who spoke just before me, said in November 1997 about the ill-fated Kennett legislation:

The legislation will be a big step forward in improving the calibre of the audit process.

What absolute rubbish! He now sits here, making inane interjections. Don't you remember who won the election? We won the election. And why did we win the election? We won the election because people were sick and tired of the secrecy taking place under the Kennett regime. Honourable members opposite can sit there and whinge and whine, moan and groan, but they have at least four years of sitting on the opposition benches. They have only themselves to blame — they were a bunch of jellybacks who did not stand up to the former Premier.

The honourable member for Mordialloc, Geoff Leigh, has become the hard hitter on the opposition side of the house. Mr Creampuff Man! He is the hard hitter who comes into this place and makes a fool of himself day after day. I expect he will make a contribution; he will do a double backflip with pike on this issue. He said in November 1997:

The government of the day has used the Auditor-General throughout this process. I believe that the bill will make things better.

He was right, it did make things better — for us, because we are now in government and we intend to stay in government.

The honourable member for Doncaster also made his contribution to the debate in 1997. He is one of those people who walks around the place saying, 'I'm different from all the others, I'm Mr Nice Guy'. He is different from all the others, all right! The fact is that he says he is a real democrat and indeed has insinuated from time to time that he took the fight to Kennett. I do not see any bruises on him. I do not think he took the fight to Kennett. I think he was yet another one of those jellybacks who just sat there saying, 'Yes, Sir, no, Sir, three bags full, Sir'. That is why he is on the opposition side of the house. At least he has been promoted. He should be promoted even higher, but he deserves to stay on the opposition side for the rest of his life. He said in the November 1997 debate:

The greatest anger that seems to emanate from those people towards me —

that is, people who were criticising the previous legislation —

arises from the statement I made on 29 October that the bill would meet the concerns of all reasonably minded constituents. I still believe the bill does that.

What was he saying — that most Victorians who voted for the honourable member for Mitcham against the previous government's legislation are not reasonable? Is he now saying that the people who voted against the Kennett regime are not reasonable? I would like to hear what he has to say because, if he believes that, it is a slap in the face to all Victorians.

A range of contributions were made to the 1997 audit debate. It is important to remind Victorians what hypocrites the now opposition members were when they were in government. I note the honourable member for Forest Hill is in the chamber, pontificating on what it is like being in opposition again — and, we hope, after the next election, again and again. It is really like a spinning door for the honourable member for Forest Hill! In the debate on the legislation he said in November 1997:

A very effective campaign has been waged by a number of people, not least of them the holder of the office of Auditor-General himself, assisted by the ALP, by the *Age* newspaper in particular, the ABC, fellow travellers like Liberty Victoria and other organisations of that kind, and in that process the realities of the situation have tended to become obscured.

What absolute nonsense! Victorians knew what was going on and said, 'We're not prepared to go down the Bjelke-Petersen path. We're prepared to stand up for democracy. We want to get rid of Kennett and his cronies. We want open, honest and accountable government'. And that is what they have. All the people

who are now in opposition who will make a contribution to this debate need to be reminded, day after day, what they said when they were in government. They had the opportunity to have open, honest and transparent government in Victoria but they did nothing, and some of them suffered as a result.

The former member for Gippsland East, Mr David Treasure, who is now buried Treasure — he has gone to God — said on 20 November 1997:

The proposed reforms are definitely in the public interest.

The only thing in the public interest is that he got done and we now hold his seat.

Honourable members interjecting.

Mr HULLS — One of the Independents, at least, now holds his seat!

The honourable member for Box Hill also said in 1998:

The audit amendment legislation passed last year has significantly improved the role of the Auditor-General. It has enhanced his independence and given him far greater flexibility at an operational level.

That is absolute nonsense! If the honourable member for Box Hill continues to say that is the case and it is the absolute truth, all he has to remember is what the former Auditor-General himself said about the legislation. He said it is absolute nonsense. Indeed, he said that in all the years he had been Auditor-General he found that legislation the most outrageous. He said:

In my eight years of reporting in the public interest without fear or favour, I view this government's action as representing the greatest threat to the independence and even the very existence of my role and to the Parliament's and the community's right to know.

If the honourable member for Box Hill is now saying that he is right, he is saying Ches Baragwanath was wrong, the people of Victoria are wrong and the current Auditor-General — who wants some of these changes — is wrong. The fact is that the honourable member for Box Hill is wrong and that is why he is sitting on the opposition side of the house. He cannot be believed, nor can other opposition members be believed, on this issue. They have absolutely no credibility.

The honourable member for Footscray read out some of the concerns expressed by Liberal Party branches. I know the opposition is dismayed to hear what some of its branch members were saying at the time. I implore members of the opposition to listen to the branches, because those branch members know what democracy

is all about. Members of the previous government were enmeshed by the power of office and lost touch with reality. The Victorian branches of the Liberal Party consist of some good people — although I do not know any in particular — and the opposition should not continue to ignore them. The opposition must listen to its branches. The Syndal branch of the Liberal Party states:

At a recent meeting of the Syndal branch a discussion ensued regarding the Auditor-General. A number of members expressed concerns that the changes to the role of the Auditor-General would curtail an important accountability mechanism for government departments.

The branch was dead right, but the former government refused to listen. The Moonee Ponds branch states:

At its meeting on 16 June 1997 the Moonee Ponds branch instructed me to write to you on its behalf to express its opposition to any change in the law which will remove or weaken the independence of the office of the Auditor-General of Victoria.

The Aireys Inlet branch expressed similar sentiments, as did other branches of the Liberal Party. Jack the blind miner, Liberal Party branches and all Victorians knew what was being done to the Auditor-General's office, but Mr Kennett said, 'Bad luck, I am going to neuter the Auditor-General'. The Victorian Bar Council, the National Institute of Accountants, the Law Institute of Victoria, Dr Barry Perry, the state Ombudsman, Liberty Victoria, the People Together Project and the Victorian Council of Social Service expressed concerns. Every man, woman and child and their dogs were saying, 'Don't turn the independent watchdog into a lap-dog because if you do you will suffer the consequences'.

I would have expected some members of the former government to have stood up to the then Premier and talked some sense into him. I understand the honourable member for Doncaster attempted to point out to the former Premier the error of his ways. If that is the case I admire the honourable member for Doncaster, but if he did that the honourable member misled Parliament.

Mr Perton — On a point of order, Mr Acting Speaker, I ask the Attorney-General to withdraw that comment. It is a substantial allegation against an honourable member that he or she has misled Parliament. I have never misled the house.

Mr HULLS — You did it again!

Mr Perton — Firstly, I ask the Attorney-General to withdraw the earlier comment and I ask you, Mr Acting Speaker, to instruct him not to attempt to slur members

of the house in a way that is in contradiction to the standing orders.

The ACTING SPEAKER (Mr Richardson) — Order! I invite the Attorney-General to comply with the request of the honourable member for Doncaster. It would be helpful if he did so and then got on with the job. However, I point out that the serious allegation that must be withdrawn is that an honourable member deliberately misled the house. Misleading the house is less offensive than deliberately misleading. It would assist the Chair if the Attorney-General withdrew and got on with it.

Mr HULLS — I withdraw. I keep forgetting how sensitive a chap the honourable member for Doncaster is. I thought in the robustness of the debate it is important to point out the hypocrisy of the honourable member by saying, on the one hand, that he was prepared to stand up to Mr Kennett and noting, on the other hand, that when speaking in the house he turned into a big lump of jelly. The honourable member did nothing to stand up for the independence of the Auditor-General. He stands condemned for that — just as every single member of the former government stands condemned.

I note the honourable member for Hawthorn was not a member of the government at that time. I hope he would have had the guts to stand up to his mate, the former member for Burwood. I look forward to his contribution. He has a chance to show that he is leadership material by supporting the government. By supporting his leader, Dr Doolittle, he will be condemned as nothing more than a silver-spooned Liberal, going nowhere. The honourable member for Hawthorn has a choice — let him show that he has guts by supporting the government on this measure.

The ACTING SPEAKER (Mr Richardson) — Order! I make the observation that the Chair regards the continued use of the expression 'guts' to be most undignified and unsuitable in this place.

Mr ROWE (Cranbourne) — I thank the Attorney-General for his usual amusing contribution. I also thank the honourable member for Footscray for his comments and confirmation that the government has duly considered the proposed amendments of the Leader of the Opposition, which have been clearly thought out, researched and drafted by parliamentary counsel. It demonstrates good governance on the part of the opposition and the Premier, who in good faith accepted the briefing by the Leader of the Opposition. The Premier accepted the amendments in good faith, as announced by the honourable member for Footscray. I

wonder where that leaves the honourable member for Gippsland West.

Having been given the same opportunity to listen to and be briefed on the amendments, the honourable member ran around the house saying they were nothing but Liberal Party rhetoric and were pedantic, trivial amendments. The honourable member for Gippsland West has been left in the cold because the government has shown it is prepared to accept reasonable amendments that will improve the legislation. Like the Attorney-General, the opposition commends the honourable member for Footscray, who is obviously looking at high office in the Labor Party. He wants to be the Peter Walsh — a former Minister for Finance in the Hawke government — of the state government and become the toecutter. The honourable member is performing well in his new position as Parliamentary Secretary to the Premier for Community Cabinet Meetings.

The government said the introduction of the bill fulfils a commitment to the independence of the role, functions and resources of the Auditor-General. I do not know how much consultation the government had with the new Auditor-General, but when the Honourable Bill Forwood, the Deputy Leader of the Opposition in the upper house, and I met with the Auditor-General he said that he had not seen the final draft of the bill. The Auditor-General said that on coming to Victoria he was astounded at the resources the office had to audit an account that was similar in size to the one he had been auditing for more than 15 years — that being the New Zealand national economy.

The new Auditor-General looked at his office and said he was surprised at the number of staff he had, the resources available to him and the freedom he had to audit. One concern of the Auditor-General was his ability to delegate. The Honourable Bill Forwood and I were of the opinion he should take that up directly with the government.

The arbitrary amount set in the bill of \$1 million of assets will enshrine the restrictions on the timely operation of the Victorian Auditor-General's Office. The audit account or bill for many state instrumentalities audited by the Auditor-General is less than \$5000. That component makes up a little less than 40 per cent of the auditor's work. Up to 80 per cent of the auditor's work attracts a fee of less than \$25 000.

Rather than setting an arbitrary assets level, the government should consider altering the fees charged for an audit. Then local municipalities, small cemetery trusts and various other small boards in the community

such as water boards would not have to wait for months for audit staff to review an audit report — which in some cases amounts to altering just the grammar or punctuation. That is an important consideration for the government. When the Leader of the Opposition and I were briefed on the bill the government made the commitment that this measure would be only stage 1 of amendments to the Audit Act — and that was also suggested to the Auditor-General. One would hope that second bite at the cherry will be not too far down the track, which is a view expressed also by the new Auditor-General as he would like to be provided with additional resources.

The honourable member for Footscray mentioned both Mr Roger Pescott, a former member of the house, and the previous Auditor-General. In our consultations with the previous Auditor-General he said, 'I hope they don't throw out the good bits of the act'. He said also that previous amendments to the Audit Act resulted in achievements he wanted. It is fair to say that a number of the former coalition government amendments were cast after consideration of submissions from the previous Auditor-General.

Again I refer to the amount of consultation on the Audit Bill by the consultative and open former government. I have sought the advice of various professional accounting groups in Australia. They have not been given the opportunity of responding to or commenting on the government's proposals. I have a letter from Mr David Edwards, the executive director of the Australian Society of Certified Practising Accountants. He thanks me for referring the bill to him and his organisation for consideration and comment, and states:

We support the Audit (Amendment) Bill and, in particular, the power for the Auditor-General to conduct audits in his own right and to decide the extent of external assistance required in this regard.

We have reviewed the Audit (Amendment) Bill and the explanatory memorandum. We have concerns in relation to the changes to the application of accepted audit standards (section 15) and the proposed delegation of signing audit reports to third parties (section 7F).

The Australian Society of Certified Practising Accountants has expressed concerns similar to those raised by the Leader of the Opposition in amendments he proposed that have now been accepted by the government. The letter states further:

We do not support the proposed amendment to replace 'the general auditing standards as issued by the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia' with 'audit standards set out in the report of the operations of the Victorian Auditor-General's Office'.

The explanatory memorandum contains no explanation for this change. The existing legislative requirement reflects the professional requirements of the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants as stated in auditing statement AUS 702 'The Audit Report on a General Purpose Financial Report' issued by the Auditing and Assurance Standards Board of the Accounting Bodies. The board membership has included representatives from the commonwealth, state and territories auditors-general.

The government proposes removing from the legislation the bodies previously enshrined in it, including auditors-general. They set the standards. The letter continues:

AUS 702 requires 'The audit report should include a section headed "Scope", which includes the following:

- '(d) a statement that the audit has been conducted in accordance with Australian auditing standards to provide reasonable assurance whether the financial report is free of material misstatement'.

The society suggests the current standards should remain in place.

The new Auditor-General comes with international acclaim and reputation. His reputation must be protected by the maintenance of a minimum standard. As certified practising accountants and chartered accountants advise, the auditing standard is not prescriptive but sets a minimum standard of audit.

Currently nothing prevents the Auditor-General applying a higher standard of audit. If a minimum standard were not required, the door would be left open for the auditing standards to fall into question at some time in the future. The Auditor-General is now enshrined as an officer of the Parliament. A change in that position will be subject to an amendment of the constitution to ensure that remains the case. On the requirement to maintain minimum standards provisions, the letter states:

Australian auditing standards do not prevent higher auditing standards being applied by auditors. Auditing standards issued by the accounting bodies after due process and compatible with international auditing standards are a minimum benchmark to be applied in the conduct of all audits.

When auditors are contracted to do an audit they will know from the start to what standard they must audit.

At the briefing the reason given for the removal of the auditing standards was to cover the eventuality of the relevant accounting bodies changing their names or amalgamating. The opposition does not consider that to be a relevant position to take.

If the concern is that the bodies mentioned in the legislation might change their names or amalgamate, it is simple to provide in legislation or by amendment that the auditing standard remain the same. The auditing standard is numbered and is varied from time to time after consultation.

When discussing the tenure of the Auditor-General, the government stated previously that providing tenure would enhance his independence from the executive while strengthening his accountability to the Parliament. Where someone can be dismissed or suspended by the executive of the government it hardly enhances his independence; to some extent it makes him beholden to the executive for his job. For example, if the Auditor-General happens to upset the Minister for Finance in some way, the minister, being as powerful as he is within the government, may be successful in having the Auditor-General dismissed.

At some time in the future an Auditor-General may come under the influence of the Minister for Finance or other senior ministers and may lose the confidence of the Parliament. Given that he is an officer of the Parliament, the Parliament should have the right to seek a review of his position, as applies to other officers of the Parliament such as the Ombudsman. The opposition's amendments seek to insert a tenure provision similar to that contained in legislation governing the Ombudsman. Requiring reference to Parliament and enhancing accountability to Parliament and parliamentary committees must be maintained. Hence, amendment 10 inserts in the purposes clause the provision that the Auditor-General must report to the Parliament.

The opposition also believes the legislation should contain an objectives clause. To that end it has moved amendment 11 and consequential amendments 39, 40 and 42.

Earlier the Leader of the Opposition referred to the former all-party Public Accounts and Estimates Committee of the Parliament. That committee's report was voted on by members of the Liberal, Labor and National parties and was adopted unanimously. It would be reasonable to draw from that that the recommendations contained in the report have bipartisan support. On that basis the opposition has included several amendments that seek to enshrine some of those recommendations in the legislation.

It is clear that the bill proposes some watering down of the relationship between the Auditor-General and a public accounts and estimates committee. The

opposition does not believe that should happen and has sought to reinsert those provisions into the bill.

In closing, the opposition's amendments will make the act work much better. In many ways the bill is superficial. The repeal of the previous act is nothing short of both a political stunt and a statement. Although the government has the right to repeal the act its repeal will have no effect at all. I commend the opposition's amendments.

Mr LONEY (Geelong North) — I am proud and privileged to join today's debate. This is a great day for the Labor government and the people of Victoria. It is a day on which a key election promise wanted by Victorians will be delivered.

Throughout the debate several opposition members have claimed to be offended and have sought a withdrawal of the bill. The people of Victoria were offended by the actions of the former government towards the Auditor-General and they want the act withdrawn. That is what is happening today.

It is a pity, but not surprising, that not one opposition member has admitted to the Victorian people that the former government was wrong and apologised for its personal, bitter and vindictive attack on the former Attorney-General. If opposition members believe that Victorians do not want an apology they are well and truly living up to their reputation of not listening to anything.

Starting with the 1997 Mitcham by-election, many clear examples exist of the Victorian people demanding something better than the former government was offering. The by-election campaign was about one predominant issue — the powers of the Auditor-General — and resulted in a massive shift away from the former government; the election result was an absolute slaughter!

One should remember why the Mitcham by-election was necessary — that is, because only one government member out of some 90 said no to the then proposed legislation on the Auditor-General. The others just went along with the proposal. The Bracks Labor government is acting today to rectify the situation that resulted from that action.

The legislation is back now because Victorians have demanded that it be fixed — and it is being done. Given the number of opposition amendments, one could say that opposition members have put a bit more thought into this bill than they put into the original bill. There was more discussion in the current opposition's party room than in the party room of the former government,

when the then Premier just jumped up and said, 'This is what we are doing', and they all bowed and said yes.

Ms Kosky — Silence of the lambs!

Mr LONEY — We have seen lambs with far more courage.

The bill marks the difference between the governing approach of the Bracks government and the former Kennett government. The difference is not just in the rhetoric but in the Bracks government's belief in accountability and transparency. Although true accountability and transparency may at times be difficult for governments, it is right.

Mr Leigh — We will find out.

Mr LONEY — I take up the interjection because that is precisely the point I am making. The only reason the honourable member for Mordialloc supports the bill is that he believes there is political advantage to his side in it, and his words condemn him to that view. The honourable member for Mordialloc was happy to stand on this side of the chamber as a member of the previous government and say, 'Do away with the Auditor-General. We do not want him. We are in government; we will talk accountability but we will not have it'. Now that the honourable member has taken the short walk to the other side he is an adherent of accountability. He loves it now and thinks it is a good thing. The difference is that members of the government believe in it no matter on what side of the chamber they sit. The honourable member for Mordialloc believes in it only when he is in opposition. If the honourable member were on the government benches, he would have a complete reversal. He stands condemned by his own interjection.

The bill also illustrates the difference between the Bracks government and the former Kennett government on independent scrutiny. Independent scrutiny of actions of the government is at the heart of the issue. That is what the Auditor-General's office was enshrined for 148 years ago. The office remained from that time until the former Kennett government decided it did not want the scrutiny. The Bracks government knows the former government's history of attack; it attacks critics and anyone scrutinising it. The last in the line was to get rid of the Auditor-General and muzzle criticism. The former government's whole approach was based on that, regardless of what former government members now say.

The bill represents an expression of the will of the people of Victoria for something better than that given to them under seven years of the Kennett government

and its attack on democratic institutions over those years. The attack on the Auditor-General became the real symbol of the attack on democracy in Victoria. That is why Victorians were so keen for change. The bill represents their will.

The opposition now says it supports the bill, but I do not think it does. That is just its rhetoric. If opposition members supported it, they would come into the chamber and support it. I have not yet heard one opposition member say he or she supports the legislation. The government cannot believe them until they actually say it. Opposition members say they support it but it has taken them a long time over a fairly bumpy road to reach that view. However, they have demonstrated over time that they are slow learners. Now they want to talk about those matters. Under the previous government we had the reign of silence, or the reign of terror — take your pick, Mr Acting Speaker.

The ACTING SPEAKER (Mr Richardson) — Order! Will the honourable member oblige the Chair by making a reference, if only a passing one, to the bill on which he is speaking.

Mr LONEY — I am more than happy to. The context of the bill is important — for example, it is important to note what we heard from the current shadow Treasurer when the Audit (Amendment) Bill was debated in the upper house during the last Parliament. When she was a minister in the previous government she did not utter one word on the bill. The shadow Treasurer has not spoken on the bill today, so perhaps she is keeping her record intact. The current Leader of the Opposition did not speak on the bill. The only time he spoke was during the debate on the question of time and whether the public should be given more time to consider the Audit (Amendment) Bill. The current Leader of the Opposition opposed the granting of more time to Victorians to examine the contents of the proposed legislation. The Leader of the National Party did not speak on the bill either.

Mr Holding — Which Leader of the National Party?

Mr LONEY — The current Leader of the National Party, not the one who is about to become the leader, although he did not speak on it either. The honourable member for Warrandyte could not bring himself to speak on the bill. However, a couple of former government members did speak on the bill. The manager of opposition business, the honourable member for Monbulk, spoke rabidly in favour of neutering the Auditor-General. The honourable member for Doncaster, the opposition's defender of

rights, could not bring himself to defend the Auditor-General's right to independence when the bill was before the Parliament. He just stood up and went along with it. I could continue with each and every member of the former government.

The bill delivers on Labor's key promise to the Victorian people at the recent state election. It ensures that the Auditor-General will have complete control over the managing and contracting out of auditing of all public sector authorities. There is no rhetoric about it; this truly enhances his independence. The bill does not contain the sham provisions that were endorsed by the now opposition when in government. This is real independence for the office and is achieved in a number of ways.

Firstly, the maintenance of the Auditor-General as an officer of the Parliament is picked up and maintained, but it is enhanced and taken further. The appointment is contingent on the recommendation of the appropriate parliamentary committee, so it involves the Parliament. It takes it further.

Mr Leigh interjected.

Mr LONEY — The poor old honourable member for Mordialloc cannot get over this. The honourable member's problem is not about the legislation but the election result, and he will suffer like this for the next four years!

The house heard bit of a whinge, carp and moan from the Leader of the Opposition in his contribution. Again he commented on committees not being in place, but he forgot to tell the house that they are not in place because he will not allow them to be put in place. He is mucking around with them and trying to sabotage the committee process. The government could have had committees in place, but honourable members opposite will not play ball — they are still bitter about being defeated and want to do everything they can to undermine the operation of Parliament and the government. Before the Leader of the Opposition whinges, carps and moans about parliamentary committees not being in place he had better address his own performance on that issue first, because other people will.

The Auditor-General's position is enhanced under the bill by a clause that will ensure he cannot be starved out of office — his remuneration cannot be reduced. There are the other provisions that deal with how the Auditor-General is to be appointed and protected. A hypothetical future government — the sort of government that might occur if the honourable member

for Mordialloc were to become Premier — could not deprive the Auditor-General of a salary, force him out of office or get around the other provisions of independence. It is an important provision that will ensure the Auditor-General's remuneration cannot be attacked.

The bill also gives the appropriate parliamentary committee the power to vary any obligation or requirement imposed on the Auditor-General or his office — again, it is the working of a number of clauses that will ensure Parliament has primacy in these things — provided that those variations are tabled in Parliament within six days and are subject to disallowance by either house. The clause is a belt-and-braces approach. It will determine where the real power lies and ensure the Auditor-General has real independence. It will ensure Parliament's control over the destiny of the Auditor-General will provide a balance against possible arbitrary executive action.

The bill enhances the role of the Public Accounts and Estimates Committee (PAEC) in its dealings with the Auditor-General. Firstly, the PAEC will recommend the appointment of the Auditor-General and the way in which that will occur. Secondly, it will have the power to comment on the Auditor-General's budget and annual plan, which he will be required to present to the committee. The committee will go through the plan and provide comments on it to Parliament. It will have the power, if necessary, to exempt the Auditor-General from complying with legislative requirements, again with the proviso that any such exemption must be reported to Parliament. The primacy of Parliament is enhanced and enshrined in the arrangements.

Although the PAEC will be given those new powers, there will be no loss or restriction of its existing role and powers. It is a substantial and clear indication of how the government views both the independence of the Auditor-General and the role of Parliament and parliamentary committees in ensuring that independence.

The bill will ensure both the primacy of Parliament and greater accountability and openness by requiring the Auditor-General to present an annual plan for comment. That requirement will ensure the Auditor-General has a clear understanding that his primary relationship is with Parliament rather than with the executive. It is reasonable that the parliamentary committee should take on the role of Parliament in the first instance, given that it will deal with how government expenditures should be properly made and scrutinised. The plan will set out the intended work for the year and the way the resources allocated by

Parliament are to be applied, all of which will be subject to comment and debate by the PAEC.

Opposition members have commented on accounting standards. That is hypocrisy. I recall the previous government sold an entity called United Energy. The then Treasurer signed off on a contract that said, firstly, that the Auditor-General did not have to audit the accounts of the public company because the new buyer could do that, and secondly, that in doing the audit the company did not have to comply with Australian accounting standards. Members of the former government supported that. The former government signed off on that — it is in writing in the contract.

In another attack of hypocrisy —

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

Mr THOMPSON (Sandringham) — There has been quite a lot of high rhetoric in today's debate. Words such as 'lap-dog' and 'watchdog' have been used. It is important that the issues of mange and rabies not be injected into the debate and that there be elements of objective dialogue.

It is interesting that historically not everyone in the Labor Party has placed the office and the role of the Auditor-General on the pedestal. On 26 November 1996, in an article published in the *Herald Sun*, Steve Crabb, a former senior Labor government minister, had this to say about the role of the Auditor-General:

Every taxpayer will be worried by Auditor-General Ches Baragwanath's protestations about facing competition ...

Throughout the housing commission's corrupt land deals in the 1970s it always got a clean bill of health.

They never noticed railway clerks putting pensioner-free travel vouchers down as trips to Mildura and pocketing the difference.

They didn't remark on the Department of Labour and Industry inspector who became a millionaire on a \$20 000 salary.

Or the conservation officer with the thriving home business — placing orders with himself and authorising payments to himself ...

And the auditors were no better at discovering waste. Two \$10-million locomotives that were too heavy to be used on our rails missed their notice. That the entire fleet of silver trains were 15 cm too wide for the tracks didn't rate a mention. Nor did the new police station garage with a roof so low that the divvy vans couldn't get in. You might wonder what these auditors do. They used to make sure all the forms had been filled in correctly, and all the columns added up. They discovered performance audits. We were delighted.

Mr Leigh interjected.

Mr THOMPSON — The honourable member for Mordialloc just wanted to clarify for the parliamentary record that these remarks are not mine but they are the remarks of a former senior Labor minister, Steve Crabb. He might be working as an adviser to the present government. Or, in the light of these remarks he may not. I do not know. The article continues:

And the Auditor-General's department, in my experience, was more concerned with supervising the performance of ministers than of the public service.

Mr Leigh interjected.

Mr THOMPSON — From our side of the house the honourable member for Mordialloc has again sagely noted that the government will need all the help it can get.

Steve Crabb was not the only Labor Party figure who had commented on the role of the Auditor-General. The then Labor Party leader in the other place, the Honourable David White, had noted:

At no stage during the 1970s or 1980s were issues of public importance — whether they were issues before the Gowan inquiry, the Frost inquiry or the Tricontinental royal commission — ever uncovered in any Auditor-General's report ...

No Auditor-General over the past 20 years has raised major issues that subsequently have been referred to a royal commission. They have never been exposed by an Auditor-General.

It is quite clear — and it is the view I have held for more than 15 years about the adequacy of the professionalism within the junior and middle ranks of the audit office — that they will most likely be brought into question as a result of the work of Fergus Ryan.

Ms Davies — On a point of order, Mr Acting Speaker, on the question of relevance, the honourable member is talking about events of 20 or 30 years ago. I ask you to have him return to the bill.

Mr Leigh — On the point of order, Mr Acting Speaker, latitude is allowed in a second-reading debate. Before you took the chair latitude of at least 11 minutes was allowed to the honourable member for Geelong North. It is entirely appropriate for the honourable member for Sandringham to raise issues about what others have said on auditors-general auditing state departments. He is quoting former ministers of the Crown and, therefore, ministers who dealt with auditors-general. The contribution is within the realm of a second-reading debate.

The ACTING SPEAKER (Mr Savage) — Order! There is no point of order. The honourable member for Sandringham is raising an issue relevant to the debate.

Mr THOMPSON — I may add that, although my remarks span 30 years, the remarks made by David White were made in 1992. He further notes:

We have raised this issue —

that is, about the expertise within the middle ranks of the Auditor-General's office —

many times in the house. It has been raised with every Auditor-General during the course of discussions with auditors-general and in the process of interviewing prospective appointees to that office. It is a view that is generally shared within the accounting profession.

That remark was made on 21 May 1992. At about the same time David White further noted:

The fact that the Auditor-General's office failed to uncover any aspect of a debt that resulted in a \$2.7 billion deficit to State Bank Victoria is a reflection on the Auditor-General's office.

Those are not the remarks of Liberal members but of Labor ministers — people with good minds who were competent administrators in many spheres of their work. David White further stated:

It is quite clear that at no time did the Auditor-General draw the government's or Parliament's attention to any matter affecting Tricontinental. As a consequence it is quite clear that one has to draw the conclusion that the Auditor-General's office is quite good at finding incidental information, as it did when it was looking at the Alfred Hospital, and putting unsubstantiated discussions that occurred in the medical staffroom in the Auditor-General's report, but at no time over the past 20 years has it fulfilled its responsibilities to the Parliament in respect of substantial financial transactions.

That remark was made in May 1992.

When the Kennett government came to office it had an obligation to the Victorian community to reform the public sector and to try to achieve good outcomes for the good governance of Victorians.

Mr Holding interjected.

Mr THOMPSON — The honourable member for Springvale says I should address the provisions of the bill. Second-reading debates provide the opportunity for wide-ranging discussion on bills. During the committee stage the chamber goes into closer examination of clauses. My remarks are highly germane because I guarantee not one government member would have read the Maddock report following the review of the Auditor-General's office a few years ago, yet the house has to listen to the high rhetoric of lap-dog and

watchdog which belies the substance of actual reforms implemented in days gone by.

Mr Holding interjected.

Mr THOMPSON — Mr Acting Speaker, I am taking on board the concerns of government members. The only people I have quoted in the debate so far are former Labor ministers. I apologise — but one must let the record stand! There should be some objectivity in the debate.

I shall give some history about the role of the Auditor-General which again places the reforms of the 1990s in a particular context. Victoria's first Auditor-General was Charles Ebdon, who was appointed by the Legislative Council in 1851 to undertake audits. He later became the honourable member for Brighton and was a member of Victoria's first Legislative Council. The first Audit Act was entitled 'An act for the better government of Her Majesty's Australian colonies'. It provided that financial matters were:

... to be regulated and audited in such a manner as shall be directed by the commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain ... and in such manner as shall be directed by laws of such governors and councils.

On 2 October 1857, following the passage of the Victorian Constitution Act on 23 November 1855, the colony's first Audit Act was proclaimed. Features of the act at the time included the abolition of a single Auditor-General and the appointment of three commissioners of audit. The Public Service Act 1893 changed the duties of the commissioners to include the Public Service Board.

In 1901 the Audit Act was passed; it abolished the commissioners of audit and reverted to the sole office of Auditor-General. In 1957 major revisions of the then audit legislation were incorporated in the Audit Act 1958. In 1994 a new Audit Act was introduced in Victoria.

It is interesting that in debate on the implementation of the 1901 Audit Act reference was made by Mr Peacock to the fact that the Auditor-General should be a first-class officer who should be placed in such a secure position as to be able to do his duty fearlessly in administering the acts. It was said that he should certainly be free from any political control on the part of the ministry of the day. Those features were still inherent in the legislation when it was last amended.

A proposed amendment to the bill at that time provided that inspecting officers must hold a certificate of the company's auditors' board or of some society or

institute of accountants recognised by the board. In that 1901 debate Mr Hennessey asked:

Do you go outside the public service?

Another gentleman of the day, Mr Fink, replied:

It only applied to officers within the service.

When its last review was undertaken the office of the Auditor-General employed about 140 staff and had a total expenditure budget of about \$17 million. The reviews of 1997, initially announced at the end of 1996, were based in part on the context of national competition policy and the Hilmer reforms. In that context I refer the house to the following words:

Government has traditionally been seen as a provider of services. Today government can also be about purchasing services on behalf of its clients, and it will look increasingly to buy from the most efficient supplier, whether from within the public sector or externally. As our experience with contracting ... grows, there is likely to be continuing pressure to extend contestability within the public sector as a device to improve efficiency and, at the least, maintain the effectiveness and client focus of program delivery.

Those remarks were made by the present federal Leader of the Opposition, Kim Beazley, during his 1994 Sir Robert Garran oration given on 23 November 1994 to the Royal Institute of Public Administration national conference in Adelaide.

At the initiative of the Labor Party the new view was taken about the Hilmer reforms and overall benefits. In that context all Australian acts had to pass through the prism of national competition policy. As a result of the Victorian Audit Act being referred for independent review by a respected academic, Professor Maddock —

Ms Kosky — On a point of order, Mr Acting Speaker, the honourable member has been speaking for 7 minutes, but has not yet begun to address the bill. His history lesson is of interest, but at some time he should return to the bill.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Sandringham has been labouring the point. I ask him to reflect on the bill.

Mr THOMPSON — I appreciate the nuance, obviously intended, Mr Acting Speaker, about labouring the point, because the people I have relied upon in my contribution so far are former Labor ministers Crabb and White and, more recently, the federal Leader of the Opposition, the Leader of the Labor Party. As to the overall context of the reforms, I note the comments of Roger Evans, the immediate past

state chairman of the Institute of Chartered Accountants, about the audit model that the bill will actually review.

In a letter to the editor published in the *Age* of 14 November 1997, he comments:

First, the Auditor-General's independence is enhanced by the changes. The Auditor-General will be responsible to Parliament, not to the Office of the Premier and Cabinet. Funding will come from Parliament, not from the Premier's office.

The Auditor-General will be the only reporting entity to Parliament. This means that the Auditor-General signs off on all audit reports. Taking this point further it means that as far as the external audit firms are concerned the client is the Auditor-General and their performance will be assessed.

He concluded by saying:

The draft bill has no underlying theme other than to enhance the Auditor-General's independence, improve competition, put the Auditor-General in the mainstream of audit and accountability but remove Audit Victoria from his control.

He went on to note that the removal of control over Audit Victoria was the only negative aspect from the perspective of the Auditor-General of the day.

As I understand the way the reforms have been operating in Victoria over the past couple of years, essentially the Auditor-General has had full independence. He has reported to Parliament. His job has been to earmark what has to be audited in the state of Victoria. His office has done the scoping work. Having done that, the work has gone out to private tender, giving the best minds in the state the opportunity of tendering for it.

It is clear from my earlier remarks that according to Mr White there was a view that at certain levels the Auditor-General's office did not have the expertise that may have been available in the private sector. I note that a number of honourable members on the other side of the house have some legal expertise. One could draw an analogy between the alternative of using the expertise available in Victoria Legal Aid for a particular matter or putting a brief out to the Victorian bar. There would be a greater skills base at the bar as a result of specialisation in unique areas than there would be at Victoria Legal Aid, where lawyers have the legitimate role of working full-time on that agency's behalf. In technical terms, some strategic advantages were created by the reforms that were implemented.

Another aspect of the reform model was that historically 75 per cent of audits were conducted by private sector auditors. The reform model enabled 100 per cent of audits to be undertaken by the private

sector. That approach was recommended by the Maddock review as being compatible with the proposed reforms and in accordance with national competition policy principles.

At the end of the day it is imperative that the Victorian people are well served by a fearless Auditor-General who has adequate resources to hand to undertake his or her work and who can audit the operation and performance of ministerial offices and government departments to ensure that their work has been undertaken honestly and competently.

The opposition has proposed a number of amendments to the reforms mooted by the government in the bill. It will be of interest to see whether those amendments are accepted by the government in its attempt to further strengthen the office and role of the Auditor-General.

It should be emphasised that the debate has been conducted with highly emotive rhetoric without there always being a clear understanding of the facts. Under the 1997 act the Auditor-General had full control over the audit process in terms of the scoping of work. If dissatisfied with or concerned about an audit report, the Auditor-General could reissue a new contract for the further auditing of a government department.

The criticisms made of the former officers of the Auditor-General's office may well have been unduly harsh, given the ambit of some of their audit functions. On my understanding it is impossible for the Auditor-General's office when reviewing the work of government to review every file unless it is specifically drawn to the attention of a member of the office. It works on percentages and sampling, which the officers go through before undertaking the audit work.

It is notable that both Mr White and Mr Crabb commented on the oversights of the office of the Auditor-General when referring to the loss of major institutions in Victoria, in particular Tricontinental and the State Bank, and the economic losses that represented to the state. It is to be hoped that the government's proposed reforms and the opposition's proposed amendments will build on the 1997 act and continue to strengthen the role of the Auditor-General so his or her work can be conducted fearlessly and in the interests of all Victorians.

Ms DAVIES (Gippsland West) — I support the government's Audit (Amendment) Bill. Before I discuss the bill, I refer the house to comments made by the honourable member for Cranbourne when speaking about the bill and about my discussions with the opposition.

I refer firstly to comments he made when the previous government was in the process of removing the powers of the Auditor-General. Somewhat prophetically, the honourable member for Cranbourne referred at that time to the fact that the political cycle would turn and that one day his government would be in opposition again. He said then he was confident that when that happened and he was a member of the opposition, as he now is:

... the Auditor-General will be as powerful as or more powerful than he is today —

I am referring to 1997 —

because he will have the resources of the private sector to bring to bear upon governments of the day.

I suggest to the honourable member for Cranbourne that he was wrong. The reason the Auditor-General will be more powerful, or as powerful, as he was in 1997 is simply because the honourable member for Cranbourne is now a member of the opposition, as he and his fellow members so well deserve to be.

I support the government's Audit (Amendment) Bill with a sense of enormous satisfaction and relief. I am happy with the role I and my fellow Independents were able to play in ensuring that the powers of the Auditor-General were properly restored.

I will not forget the enormous community trauma that was generated by the previous government over the issue. Opposition members must never forget the consequences of giving a leader too much power. I hope the full and complete consequences of that lack of spine remain indelibly imprinted on the minds of the members of the opposition for many years.

The previous government's removal of the powers of the Auditor-General were an excessive use of an excessive level of power. The fact that members of the Liberal and National parties are now on the opposition benches should help them remember that fact.

The very first issue that we three Independents agreed to when we first came together after 18 September was that the Auditor-General's powers should be restored. The very first issue that we three publicly declared our commitment to was that the powers of the Auditor-General should be restored. The very first issue over which the current opposition had a sudden discovery of conscience was that the powers of the Auditor-General should be restored.

The consequences of our commitment are: one, this government; two, this bill; and three, the fact that we have bipartisan support of that bill, which is good.

The Leader of the Opposition said he hoped members of Parliament would not make cheap political points during the debate. I suggest that a direct translation of that statement is, 'Please don't remind us of our shame'. I say to the Leader of the Opposition that we should refer often to that shame, and we should not forget, because that will ensure that no government of whichever political persuasion ever repeats that terrible error.

The bill will result in future auditors-general being appointed on the recommendation of the Public Accounts and Estimates Committee. The Auditor-General will be an independent officer of the Parliament who will submit draft and completed annual plans and reports to Parliament and a parliamentary committee, control the conduct of audits, and, importantly, have the staff necessary to give him or her the practical ability to conduct proper audits of government activities.

Audits can be delegated, particularly when they involve lesser amounts. The Independents negotiated with the previous Auditor-General, the current Auditor-General and the government to establish an appropriate level at which that delegation could and should occur. I am pleased with that negotiation. However, it is fundamental to the Auditor-General's powers that he or she have full and proper capacity to undertake proper audits from within the Victorian Auditor-General's Office. That is vital to ensure that audits are not affected by commercial considerations, a lack of detailed specialist expertise or a lack of willingness to confront a particular government. Those things could be experienced by a private firm, but they will not be experienced by the permanent staff in the Auditor-General's office.

I was pleased to participate in discussions with the Leader of the Opposition about the amendments his party has suggested. I listened carefully. When I am bemused, as I was with some of the suggestions, I tend to ask questions. However, no opposition member should take that as an outright rejection — I merely prefer to ask rather than maintain my silence.

I was quizzical about some of the proposed amendments. I especially liked the amendment that effectively inserts a whole paragraph to convey the same meaning as the words 'complete discretion'. That is the first of the suggested amendments put forward by the opposition — that the bill should provide that the Auditor-General:

... is not subject to direction from anyone in relation to:

(a) whether or not a particular audit is to be conducted;

- (b) the way in which a particular audit is to be conducted;
- (c) the priority to be given to any particular matter.

I would have thought that the two simple, clear words ‘complete discretion’ say exactly the same thing as that fairly complex paragraph.

Another good example of the Liberal Party amendments is the proposal to omit the words ‘taking into account’ and in their place insert the words ‘having regard to’. I really love the English language, and I pride myself on having a fairly good understanding of some of its nuances, but I must say that I cannot see any substantive difference between the two phrases. I would prefer that future amendments be limited to changes of real substance.

I am happy to participate in discussions with the opposition on proposed amendments to bills because my theory is the more minds that look at the bill the more likely we are to end up with good legislation. I will take serious amendments seriously. In fact, on this bill I am even happy to support the trivia that has been suggested, and I advise the government that it, too, should be happy to support some of the trivia.

I am also happy to support a couple of issues of substance that were raised in the amendments. However, I do not believe that unreconstructed dinosaur of past privilege, the upper house, should be given any power at all to vary the obligations of the Auditor-General, and I will not support that amendment.

I conclude my contribution with two memories. On 18 September 1997 I tabled a petition in this house. That petition had 21 068 signatures on it, which is enormous. It was organised by a group called Defend Democracy, which is led by Mr James Wingate, and it called loudly for the restoration of the powers of the Auditor-General. Exactly two years after that date, on 18 September 1999, I was re-elected to this place by the people of Gippsland West. They knew and supported my clear commitment to democracy and accountable government in Victoria. I say to the signatories of that petition and the people of Gippsland West: your support and great efforts were worth it.

The second memory I wish to refer to is that of the Honourable Peter McLellan. The previous member for Frankston East went further in his opposition to the removal of the Auditor-General’s powers than any other member of the Liberal Party or the National Party.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Brighton is crossing between the Chair and the member on her feet!

Ms DAVIES — The previous member for Frankston East had to face incredible pressure from his supposed colleagues. In the end he abstained from the vote — he did not feel able to vote against it, but he abstained. I have seen no other member of either party do that in this house. He faced the wrath of the previous leader of the Liberal Party, whose nature did not encourage anyone to face him. Mr McLellan eventually resigned to sit on the cross benches as an Independent.

His untimely and regrettable death gave the Independents the breathing space that was needed to develop and negotiate our charter. Because of that we now have bipartisan support for the bill. I am pleased to remember the contribution of the Honourable Peter McLellan — both in his life and his death — to this new, more hopeful phase of Victorian history.

The introduction of the bill was possible because of the commitment of many people across Victoria who rejected the excessive use of power by the previous government. I would like to congratulate all of those people on their commitment, and I offer my vote of support for the bill.

Mr LENDERS (Dandenong North) — It is with a great deal of pleasure that I join the debate in support of the Audit (Amendment) Bill, which is the most significant piece of legislation that will come before this Parliament. It is significant for both its symbolism and the practicalities it deals with.

Opposition members have been particularly scathing during the debate. I have listened to most of the debate today and have heard opposition members accuse the government of being high on rhetoric and low on substance. Clearly those were the lines issued this morning in the speaking notes for the debate.

Although I understand where they are coming from and how they are feeling, on this occasion I take the comment as a badge of honour. To be accused of being low on substance and high on symbolism on this matter is a compliment, because the symbolism is unbelievably important.

As the honourable member for Gippsland West said, the symbolism is strong because it affects many aspects of the politics of the state. If we do not pay attention to symbolism and emotional issues that have great meaning for people, we forget where we have come from and run the risk of going where the previous government went. The symbolism and the substance of

the issue are such that it caused unbelievable turmoil within the ranks of the then government of the day, and many previous speakers have dealt with that.

The controversy resulted in two former government members making the unbelievably difficult decision to abandon the government. The honourable member for Gippsland West referred to what the late Peter McLellan went through. Similarly the former honourable member for Mitcham felt so strongly about the matter that he resigned from this place. The symbolism is important.

Mr Leigh interjected.

Mr LENDERS — The honourable member for Mordialloc may scoff, but in my inaugural speech I alluded to the rich traditions of the Westminster system, some of which are good and some of which are bad. Unquestionably the things that must be carried forward and cherished most are the concepts of the separation of powers, the rule of law and the right to free speech. These incredibly powerful symbols were tied up in the 1997 Audit Act amendments and had a profound effect on the community.

I congratulate the Independents on their principled position; the decision would not have been easy. In the spirit of the Audit Act the Bracks government will probably be subjected to more checks and balances than any other government in the state's history. The government's position on checks and balances ultimately led to its formation, which is a good way to come into office.

Enormous constraints were placed on the government. In the end the constraints are a hindrance to the executive government of the day, but they are the most cherished things we have if we believe in a Westminster system. Checks and balances are what the debate today is all about.

Perhaps because of my upbringing by the Josephite nuns I genuinely sympathise with opposition members about what an appalling day it must be for them to come to the chamber. They have done the right thing in honouring the commitments they made to the Independents when seeking to form a minority government. To give opposition members their due, they have basically followed those commitments, and that would not be an easy thing to do. In a charitable sense I feel for them today.

I would not like to be an opposition member today and have to come in here and join in the debate on the bill. They are making the best of it. It would be appalling to have to come in here today to defend the indefensible. I

suppose you can reflect on how you would do it if you were in their shoes.

There are two imperatives involved: firstly, there are times when we all have to admit that we are wrong. At the age of 21 I knew everything, and at the age of 41 I have forgotten a lot and can now admit I was wrong about a lot of things. To admit that is a difficult thing, but it is a critical part of our history that we do it. Secondly, I noted with some sadness that the honourable member for Box Hill, when he was discussing the virtues of national competition policy, went through the whole mantra of why the 1997 reforms were so important and all the good things the government of the day had done. I say to honourable members opposite that all the good things they were talking about will remain in the bill; whatever good things came out of that reform will remain there.

The fundamentals that members opposite are forgetting when referring to competition policy and reciting other mantras are the symbolism and the power of the idea of an independent watchdog being muzzled. That is what the debate was about, and that is what the debate is still about. Restoring the powers of the Auditor-General is part of addressing that significant political event in Victoria. The legislation will address those issues.

The government will accept most opposition amendments, but it will strenuously oppose proposed amendment 20, which does not address the fundamental issue. We must go back to the potent symbolism that has been used as a tool of belittlement from the other side of the chamber for most of today, the potent symbolism of checks and balances.

With every piece of legislation I have committed myself to asking what is in it for the constituents of the electorate of Dandenong North. I note with considerable interest the position taken on the 1997 legislation by the Mulgrave Liberal Party branch in the electorate of Dandenong North. Its views on gutting the powers of the Auditor-General were as follows:

After very careful deliberation we must advise you that the controversy concerning foreshadowed changes to the office of the Auditor-General is not a fringe issue. Substantial numbers of dedicated Liberals are deeply concerned that the proposed changes so far reported might appear to quarantine the office of the Auditor-General from political interference while in fact so reduce the level of independent resources directly under the Auditor-General's control as to render his role ineffective.

I further quote:

By any reasonable interpretation of the future role of the office of the Auditor-General so far articulated by the government, professional bodies or various media, there is a

widespread perception that the Auditor-General's independence will be emasculated.

The pertinent point is that in the debate about checks and balances in 1997 not only were all the independent sources and other people we have talked about — the professional bodies — expressing their concerns, but even the branches of the Liberal Party were expressing concern, as did the Liberal Party state council, and, presumably, in the quiet of the party room or in the strangers' corridor — wherever the conversations took place — individual members of the previous government.

This is not a grievance debate, but I grieve for former government members who were incapable of reining in their rampant leader. They were unable to do it; they were totally irrelevant.

An honourable member interjected.

Mr LENDERS — That is my opinion, and I think it is also the opinion of the vast majority of Victorians.

It is not just a matter of semantics; it is about the powers of the Auditor-General. The issue struck an emotional chord across Victoria. If former government members, while sitting in the party room or wherever else they sat during 1997, did not pick that up, it is an indictment of the Liberal Party organisation because it means they were not in touch with their community. It is an indictment of their polling and their capacity to go around the streets, or it is an indication that the Liberal Party was totally captured by one dominant personality who made the issue into one of his manhood. He would not stand aside.

It is a sad reflection on part of Victoria's history, and it is a lesson that we cannot and must not forget lest it happen again. The Leader of the Opposition would have listened with great interest, and his contribution to the debate would have been particularly difficult. He would have sat at the cabinet table when all the decisions were being made, then loyally gone into the chamber and made comments in solid support of all the changes.

Not all of the 1997 legislation was opposed. What was opposed were the substantive changes that dealt with the independence of the Auditor-General. No-one on this side of the house is opposed to improvements, reforms or measures that enhance the independence of the Victorian Auditor-General's Office.

Debate interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Rail: ALP commitment

Mr RYAN (Gippsland South) — I refer to the government's commitment to completing a full feasibility study of regional rail lines in Gippsland, Bendigo and north-eastern Victoria within the first 100 days of government and ask whether the Minister for State and Regional Development will inform the house of the progress of those studies, including the terms of reference and by whom they are being conducted.

Mr BRUMBY (Minister for State and Regional Development) — The commitment made by the Bracks government to new rail infrastructure in Victoria is the most significant commitment made by any government for many decades in this state. The government, working with the private sector, has allocated \$85 million as seed funding to substantially improve the travel times between Melbourne and the major provincial centres of Geelong, Bendigo, Ballarat and Gippsland. In addition, the government has allocated \$40 million from the Regional Infrastructure Development Fund to standardise the rail freight gauge across Victoria.

Here we are in 1999, on the cusp of a new millennium, and still half of the state is operating on broad-gauge rail lines and half on standard gauge. The Bracks government has made a clear commitment to fixing that up. It is getting on with the job and will clean up the mess left behind by the previous government.

In answer to the specific question asked by the honourable member, the government has made a substantial commitment. It is committed to beginning feasibility studies within the first 100 days of government.

An honourable member interjected.

Mr BRUMBY — The honourable member says we should be completing the studies within 100 days. The studies being undertaken are major, some being six-figure studies that will take months of work. You don't just employ someone for 10 days to write a line about spending \$100 million on fixing up the Melbourne-Ballarat line or the Melbourne-Gippsland line. The government has done everything it said it would. It has committed the \$85 million, plus the \$40 million to standardise the freight rail lines, and has commenced the feasibility studies, which are being overseen by the Minister for Transport — all as the government promised it would do.

The Bracks government does not just talk about it, it gets on with the job.

Festival of Sail

Mr LONEY (Geelong North) — I refer the Premier to the Festival of Sail yacht regatta on Corio Bay and the fact that the 18-foot skiff component was at risk because of the neglect of the former government, and I ask what action the Premier has taken to save this great event in regional Victoria.

Mr BRACKS (Premier) — I thank the honourable member for Geelong North for his question and for his continued interest in the matter. He has worked continually behind the scenes to make sure the event will succeed.

The Royal Geelong Yacht Club's grand prix 18-foot skiff event is a major event for Geelong and the Corio Bay region as well as for Australia, and it is televised nationally. It is scheduled to take place on Corio Bay as part of the week-long Festival of Sail, Australia's largest keel boat regatta, in January 2000.

The Festival of Sail attracts over 25 000 visitors to Corio Bay. It is the keystone of a strategy aimed at building Australia's oldest regatta — the Geelong Australia Day Regatta — into a fully fledged national and international week-long event.

Yachties from around Australia and overseas flood into Geelong for the event, giving an estimated \$3 million boost to the local economy and the Geelong region.

Despite the outstanding success of the regatta in the past, it has not received one penny of support from the previous government, now the opposition. Not a penny! But that is not surprising given the former Premier's view of regional Victoria. All honourable members will remember that he characterised regional Victoria as the toenail of the state. That is how he saw the rest of Victoria. 'Get the heart going and eventually we will get down to the toenail'. That is the view of the previous Premier.

Because of the neglect of the former government the grand prix skiff event on Corio Bay was in danger of falling over. It would have been disastrous for Geelong if the event had been lost to Corio Bay. This government, however, unlike its predecessor, is committed to a major events strategy across the whole of Victoria, not just Melbourne.

I am very pleased to announce, therefore, a \$15 000 grant to the regatta.

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Swan Hill and Mornington! I ask the house to come to order to allow the Premier to complete his answer.

Mr BRACKS — As I have indicated, the regatta is a great event for Victoria, and I am very pleased to announce the \$15 000 grant. It will be added to the \$15 000 sponsorship provided by a local private sector organisation based in Geelong, the Sands Group. Sands, in partnership with the state government, will ensure the success of the venture.

The previous government, now in opposition, did not care how much the skiffs event cost to run, and would not have sponsored it anyway because it is not a Melbourne event. This government, through money saved in two ways, has been able to make the grant available to the regatta to ensure its continued success. One source of the savings is cancelled Olympic tickets.

Dr Napthine interjected.

Mr BRACKS — I can understand the frustration of the Leader of the Opposition — he has asked one question in the last 11 questions.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Mr BRACKS — I welcome a question from the Leader of the Opposition at some stage during the parliamentary session. The \$15 000 will be gained from savings derived from cancelling Olympic Games tickets for the former sports minister and former minister Birrell and from cancelling the Docklands stadium premium tickets.

My government is serious about supporting major sporting events around Victoria, including country and regional Victoria — in this case in securing the grand prix 18-foot skiffs event in Corio Bay. I am looking forward, as are most honourable members on this side of the house, to attending in January to see the colour of sail across Corio Bay. It will be a fantastic event for Victoria. I am happy that the event will stay in Victoria with support from the government and the local community in Geelong.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I remind all members of the house that applause

in the chamber is considered disorderly except when welcoming a foreign visitor to the gallery.

Honourable members interjecting.

The SPEAKER — Order! I also point out to the government benches that the Speaker is on his feet. I will not hesitate to use sessional order 10 to ensure that the offences referred to in it do not occur in the chamber.

Schools: class sizes

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to the government's repeated commitment to cap prep to 2 class sizes to a maximum of 21 students. The document that the Minister for Education was forced to table last night from which she was reading clearly indicates that the Labor Party is intending to have an average of 21, not a cap of 21 students. Will the government adhere to its commitment to cap prep to 2 class sizes at 21 students?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his second question in the parliamentary sitting this week. I am not surprised that he had to recycle a question that was asked in this place two days ago.

For the benefit of the Leader of the Opposition I will give him the same answer: we will equip schools with the resources for school sizes to be at 21 or less in prep, grade 1 and grade 2. They will receive the equipment and resources to achieve that. The government will be supplementing global school budgets so that every school in Victoria will have the capability, capacity and resources to ensure that class sizes in prep, grade 1 and grade 2 will be 21.

Honourable members interjecting.

The SPEAKER — Order! The rules apply equally to the opposition benches. I ask the opposition benches to come to order and to cease injecting.

Mr BRACKS — I can understand the excitement of the Leader of the Opposition in asking his second question this week. We will give schools the equipment and resources to keep school class sizes in prep and grades 1 and 2 to 21 — resources that the previous government did not allocate. Schools throughout Victoria will have the capability and capacity to achieve class sizes of 21.

Snowy River

Mr MAXFIELD (Narracan) — Will the Premier inform the house of the progress that has been made to achieve an adequate environmental flow for the Snowy River?

Mr BRACKS (Premier) — I thank the honourable member for Narracan for his question and continued interest, together with the honourable member for Gippsland East, in the matter. All honourable members would know that the Snowy River is an Australian icon. However, over the past 50 years it has been increasingly degraded as a result of the diversion of its waters for irrigation and electricity generation through the Snowy Mountains Hydro-Electric Scheme.

The waters of the Snowy River have been diverted to the extent that only 1 per cent of its original flow leaves Lake Jindabyne. This has had a devastating impact on the environment of the Snowy River catchment. Increasing flows to the Snowy River is an important issue for Victorians, particularly environmentalists and the people of East Gippsland. I congratulate the honourable member for Gippsland East in his campaign on this matter.

Unlike the opposition, Labor believes it is critical to have a proper environmental flow in the Snowy River. During the campaign — and some months before — we committed to restoring a 28 per cent flow to the Snowy River. That is what we want to and will achieve, what we are setting out to achieve, in our negotiations with the New South Wales and Australian governments.

In contrast, the Kennett government was only ever committed to achieving at best a 15 per cent flow — as the Leader of the National Party knows. The debate has been going on since 1997.

In only four weeks we have achieved more than the Kennett government was able to achieve in one year of trying to get 15 per cent flow. I am pleased to say that the Premier of New South Wales has written to me indicating that the New South Wales government is committed to achieving agreement, if possible, by 31 December on the level of flows in the Snowy River below Jindabyne.

The commonwealth, Victorian and New South Wales governments have established the Snowy Implementation Group to oversee the corporatisation process of the Snowy Mountains Hydro-Electric Authority. As part of that process we will resolve the issue of an environmental flow for the Snowy River. The Snowy Implementation Group is undertaking

extensive economic modelling of the impact of restoring different levels of flow to the Snowy River. This modelling will be shared between the three governments before a joint decision is made. The New South Wales government has established a negotiating team headed by the Honourable John Della Bosca, Special Minister of State and Assistant Treasurer. In Victoria I have decided to set up a negotiating team headed by the Honourable Candy Broad, Minister for Energy and Resources.

Mr McNamara interjected.

Mr BRACKS — Don't worry; you're retiring — you just sit there and have a good time!

The SPEAKER — Order! I ask the Leader of the National Party to cease interjecting. I ask the Premier to ignore interjections.

Mr BRACKS — In summary, there is an enormous amount of goodwill between the Victorian and New South Wales governments. I am looking forward to achieving a proper environmental flow of 28 per cent — an achievement the opposition could not commit to and one the National Party could never achieve. We will have the river flowing again as a vital part of the national heritage in Australia and of the region in Gippsland.

Dairy industry: deregulation

Mr McNAMARA (Leader of the National Party) — I address my question to the Minister for Agriculture. At a recent state council meeting the minister told the United Dairyfarmers of Victoria that the Labor Party was running a plebiscite on deregulation only because the Premier wanted it. While I commend the minister on his open and honest approach in government, what action will he now take to restore the confidence of dairy farmers in the government's approach when he is not personally committed to it?

Mr HAMILTON (Minister for Agriculture) — One wonders what has happened to the lame-duck Leader of the National Party when he asks questions that have no substance and little meaning.

Honourable members interjecting.

Mr HAMILTON — The government made commitments to the UDV and other groups during the election campaign. The Premier and each minister have declared those commitments will be honoured. The government does not have core and non-core promises. I am proud to be part of the Bracks government — —

Mr McNamara interjected.

The SPEAKER — Order! The Leader of the National Party is interjecting incessantly. I ask him to cease or I will not hesitate to use sessional order 10 despite his seniority in the house.

Mr HAMILTON — I am proud to be part of the Bracks government, which made commitments publicly and in writing and intends to deliver on those commitments. The credibility of the Bracks government will be based on that important aspect of government — its ability and determination to deliver on each and every commitment.

Concern or uncertainty on deregulation is not the fault of the government, which is open, transparent and consultative and uses an appropriate and proper process. The Bracks government will continue to conduct its affairs in that manner — something the previous government forgot to do. That is why we are here and they are there.

Business Club Australia

Mr HELPER (Ripon) — Will the Minister for Manufacturing Industry outline to the house details of the previous government's use of taxpayers' funds for accommodation for the Business Club Australia program?

Mr HULLS (Minister for Manufacturing Industry) — I thank the honourable member for his question. The previous government registered Victoria for membership of Business Club Australia, a partnership designed to use the Sydney 2000 Olympic Games to promote Victorian business. The up-front joining fee was \$100 000.

Business Club Australia began as a good idea, but it is designed to provide ministers and their mates with a three-week holiday at the expense of Victorian taxpayers. The former Kennett government would have received a display at Darling Harbour for three weeks before and during the games for its money.

The former Minister for Industry, Science and Technology approved the accommodation in Sydney at a cost of more than \$23 000 for the three-week period — almost \$8000 a week. The former minister also had plenty of Olympic Games tickets to go around, including \$4500 worth of tickets for himself.

What did he and the taxpayers get for the \$8000 a week worth of accommodation? For a start, they got a house in trendy Balmain for the use of people involved in promotion activities for Business Club Australia. They

say Balmain boys don't cry, but Birrell will be bawling over this!

The SPEAKER — Order! I remind the Attorney-General that he must refer to members of Parliament by their correct titles.

Mr HULLS — There is more on the Balmain house. A house in Narelle Street, North Bondi, was reserved for senior Victorian business, tourism and sporting figures — in other words, for those now ex-ministers and their mates — to use over the period of the Olympic Games: Birrell's Business Australia Club-Balmain, and Birrell's Business Club Australia Club-Bondi!

The previous government decided that ministers should host three functions in three weeks — two luncheons and one breakfast — to give some legitimacy to their attendance at the Olympic Games. A punishing schedule! A marathon schedule! They obviously had to allow plenty of time for rest and recreation and to enjoy the sights and the taxpayer-funded seats at the Olympic Games. The total cost of the three functions was to be \$47 000. There they would be in Sydney: showing people the sights, on the harbour, having a wow of a time, going to the Olympic Games and saying, 'By the way, you'd better visit Melbourne.'!

The cost of Birrell's Business Club Australia was to be \$228 000. The breakfast was to cost \$11 800, and that buys a lot of cornflakes and croissants. The lunches were to cost \$17 700 each.

The Bracks government is committed to supporting business and industry and securing new business, industry and investment in the state as part of our commitment to job growth, and is prepared to put in the work to achieve that. Events leading up to and during the Olympic Games will be important in showcasing Australia and attracting new investment, but that was not the way to go.

The government will cancel the accommodation bookings and will review Victoria's involvement in Business Club Australia to ensure that Victorian taxpayers' money is spent carefully and wisely on attracting investment and jobs to Victoria rather than on giving ministers holiday homes in Sydney.

Workcover: premiums

Mr CLARK (Box Hill) — Will the Minister for Workcover inform the house what increase in Workcover premiums the government regards as acceptable to be imposed on Victorian businesses to

fund its commitment to reintroduce common-law legal actions?

Mr CAMERON (Minister for Workcover) — I thank the honourable member for Box Hill for the interest he has displayed in Workcover since the election. As the Parliamentary Secretary for Treasury and Finance he had a great deal to do with Workcover in the past. That is why the government inherited the \$176 million debt from the past financial year. It is a black hole and an enormous problem, but the Bracks government will fix it.

Yesterday it was announced that a working party has been established to examine the restoration of common-law rights. The working party is made up of various stakeholders and — —

An honourable member interjected.

Mr CAMERON — You asked the question, you will hear it again. What do you expect?

The SPEAKER — Order! The minister should ignore interjections and address his remarks through the Chair.

Mr CAMERON — I thank you for your counsel, Sir. The matters the working party is to consider under its terms of reference are: the restoration of common-law rights, a legally fairer system and premium levels that are competitive with other states. The government also wants to ensure there is appropriate encouragement for the resumption of work after injury and a proper recognition of the extent of injury.

It may well be that honourable members opposite are not concerned about the benefits to working people, about the enormous black hole they left behind or about not having a fully funded scheme. But the government is, and it will deliver.

Housing: Port Melbourne estate

Mr LIM (Clayton) — What action will the Minister for Housing take to upgrade the Raglan-Ingles estate in Port Melbourne, which was so neglected by the previous government?

Ms PIKE (Minister for Housing) — I thank the honourable member for Clayton for his question and for his ongoing interest in the public housing issue. One of the matters drawn to my attention as being of great priority was the condition of the Raglan-Ingles estate. For the honourable member's information, the public housing estate in Port Melbourne was built in the

1960s. It consists of 64 public housing units, each of which has three bedrooms, and is in a four-storey walk-up configuration.

In recent years the estate has had a history of much media coverage, largely about its condition. Anybody who has visited the estate would understand why and would not be surprised that the people who live there have been so concerned and have constantly tried to draw the attention of the media to the conditions in which they live.

When I visited the estate last Friday and met with people who live there it became patently obvious to me that the estate was in an absolutely deplorable condition. Children could easily cut their hands on the raw glass at the tops of windows, fences were falling down, there were holes in the walls, water damp was seeping in everywhere and windows were cracked — it is an absolutely deplorable state of neglect. Not only has there been neglect, but the people who live there told me that for many years they have been on an absolute roller-coaster about their future. They have not known what would happen to the estate or whether they could rely on anything being fixed up. They were really just at the mercy of the previous government.

Those people were put in a holding pattern and made to live in disgusting conditions because the previous government on the one hand could not decide what it was going to do and on the other hand was not prepared to put any dollars into maintenance. It used these people's lives and held them in the middle as pawns in its game, or its plan. What was the plan? The only plan the previous government had for dealing with public housing in the inner city was to sell off large chunks of it to the private sector, increase the gentrification of the private sector and push people on low incomes out.

I am happy to report that I have met with people who live on the Raglan-Ingles estate and have given them an absolute commitment that this government will redevelop their homes. I have also written a letter to people who live on the estate, which they will receive by this weekend, telling them of the plans. The government has established a consultative advisory committee which will — —

A Government Member — Another one?

Honourable members interjecting.

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

Government Members — Another task force!

Ms PIKE — It is not at all surprising to me that the guffaws from the other side of the house come about the use of the word 'consultation', because the thought of actually consulting with the people who live on the estate would not even occur to opposition members.

I have advised the people who live in the estate that they will be part of the advisory committee that will develop the plan for the redevelopment of their homes, that the plan will fit alongside the Bracks government's commitment to ensuring there will be no net loss of public housing in the inner city area, and furthermore, that the government will develop a number of difficult housing situations that the previous government completely ignored and neglected over the past seven years.

Parks Victoria: restructure

Mr PERTON (Doncaster) — Will the Minister for Environment and Conservation guarantee the retention of Parks Victoria in its existing structure?

Ms GARBUTT (Minister for Environment and Conservation) — In its policy the government clearly said it wanted two focuses in parks: firstly, a national parks and wildlife service with a focus on nature conservation; and secondly, a service basically around Melbourne and regional areas with a focus on urban parks, recreation and tourism. That is what it will implement.

Workcover: industrial safety

Mr SEITZ (Keilor) — I refer the Minister for Workcover to Labor's commitment to make Victorian workplaces safer. What action has the minister taken to crack down on dangerous workplaces in the construction and manufacturing industries?

Mr CAMERON (Minister for Workcover) — I thank the honourable member for Keilor for his question and his ongoing interest over the years in the protection of the lives, livelihoods, health and wellbeing of Victorian workers.

Unlike the previous government, the Bracks government takes occupational health and safety seriously; unlike the previous government it will continue to take occupational health and safety seriously; and unlike the previous government it has taken immediate steps to bring about better and safer workplaces.

After a fortnight as minister I called together a tripartite body in the building and construction sector.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order to allow the minister to answer the question.

Opposition members interjecting.

Mr CAMERON — How many committees are there? Listen to them!

The number of deaths in the building and construction industry this year has increased significantly. I brought together a tripartite body involving Workcover, employers and unions to obtain good advice on how to address the evident problems in occupational health and safety. Honourable members opposite might not care about that, but we on this side of the house care about it.

An Honourable Member — Was there an answer?

Mr CAMERON — They had no answers, but as a result of speaking to people the government received a report. It acted on that report within the week and has now formed specialist teams in the building and construction industry. The tripartite body will be ongoing to ensure the implementation of those policies and programs over the next few months.

You will appreciate, Mr Speaker, that significant numbers of inspectors are being recruited and trained in skills appropriate to the various sectors of business they represent.

I have also asked Workcover to bring together a tripartite body in manufacturing. Honourable members opposite may be interested to know that, unfortunately, in the past year 23 deaths have occurred in the manufacturing sector, many as a result of industrial disease. In addition, the manufacturing industry has the highest number of traumatic injuries of any sector in the Victorian business community, which makes it imperative to do more in the area of safety. Acting on the advice of employers and unions in that sector will achieve a better result.

The Bracks government will deliver on occupational health and safety. It will take it seriously, listen to people and create a decent system.

AUDIT (AMENDMENT) BILL

Second reading

Debate resumed.

Mr LENDERS (Dandenong North) — Before question time I was being charitable in my contribution to the debate on the Audit (Amendment) Bill in speaking about how some members opposite must have felt and how difficult it must have been for them to walk into the chamber and to reflect on what had gone wrong. However, now that question time is over I am wondering whether they have listened and learnt.

The Audit (Amendment) Bill is particularly pertinent. The whole reason for the Victorian community becoming as upset as it did in 1997 about the Audit Act and its consequences was that the then government was not prepared to talk, to consult or to listen.

In every instance that occurred today of the Bracks Labor government announcing any form of consultation, opposition members did nothing but ridicule and belittle the concept of actually talking to the stakeholders in society, of finding out from them how things were, and having the courage to stick out one's neck, ask questions and respond to the community. If the now thoroughly disgraced former Kennett government had followed any of those patterns, listened and consulted, it would never have fallen into the mess it fell into over the Audit Act. It would never have run into the groundswell of community opposition that came as a result of the promulgating of that act.

To put the significance of the 1997 debate into context one needs to set the scene. Earlier I alluded to the benefits of the Westminster system. As it evolved, the Westminster system allowed the people to assert through Parliament their rights in relation to the executive. Over time the executive may have changed from being an absolute monarch to being a cabinet government, but the Westminster system was totally based on parliamentary control of the executive.

In the lead-up to the 1997 amendments to the Audit Act a number of things happened. Freedom of speech, which is a critical part of the Westminster system, came under immediate challenge because Parliament met less frequently, thus reducing opportunity for debate. Many of those issues were addressed in the standing orders debate a couple of weeks ago, so I will not go back to them.

The gagging of government critics was a critical factor in causing the community to be as outraged as it was. A number of other Victorian bodies had a role in running the checks and balances necessary to maintain the rule of law and maintain freedom of speech. Those bodies were progressively nobbled and gagged. My colleague the honourable member for Footscray gave a graphic

description of how the former government allowed the arms and legs to be progressively severed from the torsos of some of those bodies. Whether it was the Director of Public Prosecutions, the Ombudsman or internal critics in the Liberal Party, let alone critics in the community, the previous Premier and the compliant team around him proceeded to gag the critics. I might add that 34 members of today's opposition were part of the former Premier's compliant guilty team — members of what I will call a guilty partnership, because they are not a coalition any more.

Why was so much community anger directed towards the changes to the Audit Act? It was because all the critics of the former government were being muzzled one by one. Some of the muzzling was gentle, but most of it was brutal. In that context, any defenders of the Westminster system, of the rule of law and freedom of speech were progressively silenced. Ches Baragwanath, the former Auditor-General, was the last of those offenders, and he copped the full consequences.

The proposed legislation must be considered against that context. One of the aims of the bill is to enshrine the independence of the Auditor-General in the constitution. That clearly leads to a number of other amendments to the constitution such as the way it can be addressed, and I will not go into those because they will become part of the debate on the proposed changes to the constitution which is still to take place.

At least the enshrining of the powers of the Auditor-General is a first step. It is to be hoped it will curtail future excesses of executive government or at least provide some legislative framework because, as we all know, when a government has untrammelled power and the support of a compliant party room, absolute majorities become easy to obtain and the constitution can be amended many times. The challenge is to remove the opportunity for excesses of executive power to occur in the future.

I will now turn to the aims of the proposed legislation. The government accepts most of the amendments proposed by the opposition, with the exception of amendment 20 and the clauses related to its implementation. The government has a problem with proposed amendment 20 because the opposition has not learnt. It still cannot accept that the Auditor-General's office has to be independent. It still cannot accept that fact, despite having lost government because it did not listen to the overwhelming voice of Victorians who wanted an independent Auditor-General.

Members of the Liberal and National parties may not have government anymore and they may not have the

executive power or the numbers on the committees they want to have. But they still have control of the Legislative Council and they want to use the Council to direct the Auditor-General. The opposition is not prepared to accept the legislation in accordance with the principle to which all parties in this place agreed — that is, to let the Auditor-General's brief be varied by the Public Accounts and Estimates Committee, an all-party body with quite a good history. Despite that, the opposition wants to take it one step further, to a point where either chamber can give directions to the Auditor-General.

In theory that sounds fine; it sounds like it is protecting the independence of Parliament. But it is nothing better than an anarchic grenade being thrown into the Auditor-General's office in a fit of pique. Let us think through what it means to have either house giving directions to the Auditor-General. Firstly, the Auditor-General follows the requirements of the Audit Act, which will soon be enshrined in the constitution. That is simple and fairly clear. Where there needs to be flexibility or some redirection according to the times, the legislation leaves that to the Public Accounts and Estimates Committee. That is fine; that is a parliamentary body. At this stage the Auditor-General has two masters — the legislation is set by Parliament, and the further instructions are set by a committee of Parliament.

However, under the archaic amendment proposed by the opposition the Auditor-General would have several more constraints placed upon him or her. The Auditor-General must not only deal with the directions of the act and the directions of the Public Accounts and Estimates Committee, but he or she may also receive directions from the Legislative Council, and he or she may receive contrary directions from the Legislative Assembly. So the Auditor-General would be operating under four masters.

If Parliament wishes to be master of its own destiny, the best and most effective way to give direction to a statutory officer of Parliament is to do it by legislation. If there needs to be an executive variation, it needs to be done by a defined executive. In that circumstance government members accept that the executive should not be the government of the day because the Auditor-General's is an independent office. So we will set up an independent parliamentary committee, the numbers of which have not yet been determined, to monitor that office. That is an appropriate procedure. It follows most normal lines of government.

However, under the proposed amendment two more masters would be set up — two conflicting chambers of

Parliament — which potentially, and in this case almost certainly, have different views on the checks and balances issues. We would be left in a situation where the Auditor-General would probably be emasculated yet again by those 34 guilty members opposite and their supporters in another place, which is not a good thing. The government certainly supports the bill with enthusiasm. It will accept all the amendments, except for amendment 20, and urge the house to support them as well.

Ms ASHER (Brighton) — I shall make a brief contribution to the debate on the Audit (Amendment) Bill. Rather than getting emotional over the matter, as a number of people have done, I shall confine my comments to fact.

After the last state election the Independents issued a charter that called for the restoration of the role, function and resources of the Auditor-General by repealing the Audit (Amendment) Act 1997. The Independents charter also called for future appointments to the position of Auditor-General to be made on the recommendation of the joint parliamentary Public Accounts and Estimates Committee.

The Liberal Party and the National Party responded to that charter, and the response documents are public. Our support for the bill now before the house reflects the commitments we made in our response to the Independents charter. The Liberal and National parties agreed in that charter response to restore the role, function and resources of the Auditor-General and to make future appointments to the position of Auditor-General on the recommendation of the Public Accounts and Estimates Committee.

The Liberal and National parties also suggested an addition to the charter, which in our opinion enhanced the Auditor-General's independence. That was to pick up one component from the previous amendments — to ensure the Auditor-General would continue to be an officer of the Parliament, with his or her budget agreed to by Parliament. That was our response to the charter.

The opposition's response to the Audit (Amendment) Bill today is a reflection of its goodwill when it responded to the charter put to both sides of politics by the Independents. A number of things in the bill warrant some comment. The first is that the bill generally increases the predominance of the power of Parliament over the executive via the workings of the Auditor-General. The bill maintains the Auditor-General as an independent officer of Parliament, which I think everyone in this chamber agrees is a very strong step forward in terms of not only

the symbolism but also the actuality of independence for the Auditor-General. It also enshrines the Auditor-General's position in the constitution. That also has symbolism and actuality associated with it in terms of the work of the Auditor-General.

The Auditor-General's appointment is a Governor in Council appointment, on the recommendation of the Public Accounts and Estimates Committee. The Premier's second-reading speech indicates that the role of the committee has been expanded. I am not altogether sure whether the PAEC's role is expanded because we do not know from what starting point it is to operate. Nevertheless that is the claim the government makes.

Certainly the PAEC has a role in this bill in appointing the Auditor-General and commenting on the Auditor-General's budget and the annual plan that is required under the legislation, but I point out — and the point has been made repeatedly in this chamber — that at this stage we have no Public Accounts and Estimates Committee in Parliament; in fact, we have no parliamentary committees at all. Obviously opposition members are keen to see the scrutiny of government. The PAEC would be regarded by everyone as one of the most powerful committees and one that has the capacity to properly scrutinise the workings of executive government. I look forward to an early resolution of that committee structure between both sides of politics. Again, that reflects the agreement made under the charter.

The second point I make is that the second-reading speech mentions the Labor Party's promise to have the Auditor-General report on the day of the budget regarding Labor's commitment to maintain and operate in surplus. That is not in the bill, but it is mentioned in the second-reading speech. That is a new role, and one that many members will look on with interest because it will have the Auditor-General assuming a prospective role, instead of auditing to see that moneys have been spent in the way they were meant to be spent, as has been the case in the past.

During the election campaign and in the second-reading speech the Labor Party has signalled that it will ask the Auditor-General to make a prospective audit to see whether the government maintains a surplus in the budget, which by nature is a projection. Victorians will be very interested to see how it works and whether there are any conflicts between the Auditor-General's prospective role and the role of auditing how moneys have been spent in the past.

My third point relates to the amendments to the Financial Management Act dealing with the annual financial statement which also appear in the bill but which have not been the source of much comment. I understand the Auditor-General asked for those amendments. The opposition has no difficulty with them, but I shall refer to them because they represent a change of procedure.

The Audit (Amendment) Bill calls for a separation of the auditing and reporting requirements in the financial management account, and clause 18, which inserts proposed section 16A, empowers the Auditor-General to make a report on the annual financial statement and also make recommendations to Parliament:

- (a) for the more effective and efficient management of public resources; and
- (b) for the keeping of proper accounts and records of the transactions relating to public resources.

That is a very positive statement that enables the Auditor-General to comment on the annual financial statement, which of course was a Kennett government initiative.

Proposed section 16A(4) allows the Auditor-General to table his reports as soon as practicable after the day on which they were meant to be tabled under section 27 of the Financial Management Act. I point out that those reports were not tabled on the appropriate day as required by section 27 of the act. It is commendable that the Auditor-General will make quality assessments and annual financial statements.

The bill addresses the issue of contracting out, so controversial in the past, probably unnecessarily so. Proposed new section 7E states:

The Auditor-General may engage any person or firm under contract to assist in the performance of any function of the Auditor-General.

Much discussion was made previously about the level of contracting out that did occur under the old routine. Figures have been bandied around of about 75 per cent to 80 per cent of work being contracted out. I am interested to learn how much work was contracted out and how much was done in-house. But I make the point that the bill allows for unlimited contracting out, as the Auditor-General sees fit.

Proposed new section 7F gives the Auditor-General extensive powers of delegation. I will not go through them, except to say that delegation powers have enormous interest for the former Scrutiny of Acts and Regulations Committee. I for one would have been

interested to hear the comments of that committee on the broad powers of delegation incorporated in the bill.

The bill allows the continuation of performance audits, not just financial audits. As a former minister, I know that performance audits are always controversial for ministers, whether they be Labor, Liberal or National. Because of the nature of the quality of assessments involved in a performance audit there will always be differences of opinion. Again I look forward to seeing how the new performance audits will be carried out. There is always an enormous scope in the difference of opinions between ministers and the Auditor-General on those issues because, as the Leader of the Opposition said, financial skills and financial audits are one thing, but performance audits necessarily contain value judgments of government programs that are not simply confined to financial auditing.

The bill proposes a number of procedural processes such as staff transfers and the abolition of Audit Victoria. As already indicated, the opposition supports the thrust of the bill. However, the opposition has suggested a number of amendments put forward in good faith with a view to increase the independence and effectiveness of the Auditor-General.

I shall touch on a number of those amendments. Firstly, the amendments entrench further the role of the Public Accounts and Estimates Committee. The bill removes a range of references to that committee. Many of the proposed amendments seek to re-insert references to the committee. The PAEC is a well-entrenched feature of Parliament and has put forward a range of interesting recommendations. It has a capacity to scrutinise vigorously the workings of executive government — for example, most ministers in the former Kennett government would have appeared before that committee for 2 hours of questioning, which is obviously well beyond the capacity of any question time. The committee has an important role and the opposition's amendments seek to entrench further the powers of that committee in having a constructive role in the independence and powers of the Auditor-General.

Secondly, the amendments seek to augment the role of the Parliament, and while some members opposite have chosen to focus on a number of disparaging comments relating to the Legislative Council, there are a number of additional features regarding the role of Parliament in the Auditor-General's activities — for example, the opposition believes removal from office should be comparable with the removal provision under the Ombudsman Act. There is a clear role for Parliament in that process. I for one am surprised that the parliamentary role is not entrenched in the bill.

The bill contains no reference in the purposes clause to the Auditor-General's reporting to Parliament, yet that is one of the fundamental pieces of rhetoric we have heard by the government in recent times. One opposition amendment requires that the purposes provision should insert reporting to Parliament, rather than requiring copies of the Auditor-General's plan to be given to the Public Accounts and Estimates Committee. The opposition's amendments envisage a much greater role for the Parliament than does the government's bill.

The amendments also call for the reinstatement of the objectives of the Audit Act. Section 3A of the Audit Act has five objectives relating to determining whether moneys appropriated by Parliament have been spent correctly and so on. It is odd to have an amending bill remove completely the objectives of the Audit Act. An opposition amendment seeks to reinstate the objectives provision into the act.

The opposition's amendments also make significant references to auditing and accounting standards. Amendment 34 seeks to substitute proposed new section 16(5C), which states:

An audit under this section must be conducted in accordance with the performance auditing standards issued for the first time being by the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia.

The bill refers to the accounting standards devised by the Auditor-General's office. Reference has been made to correspondence received by the opposition from David Edwards, executive director of the Australian Society of Certified Practising Accountants, a body that is involved in setting accounting, auditing and probity standards for the profession. The society does not support the amendment to replace the accepted auditing and accounting standards with the auditing standards devised by the Auditor-General's office. In fact, the society notes that there has been no explanation for this change. The letter goes on to say:

The reference to the 'audit standards set out in the report of operations of Victorian Auditor-General's office' is not specific. We are unaware as to what constitutes such standards, as would users of the auditor report. We do not know whether such standards would comply with the Australian Auditing Standards.

Mr Edwards goes on to say that the international standards, which are the substance of the opposition's amendments, recommended by the society should form part of the bill and are a minimum benchmark. If the certified practising accountants do not know what standards the Auditor-General has in mind being issued from his office and there are internationally recognised

standards, in the opposition's view, to get the standards for accounting and auditing right is an important feature of the amendments.

I also refer to amendment 1, which entrenches the absolute independence of the Auditor-General and calls for the Auditor-General not to be subject to direction from anyone as to whether an audit is to be conducted, the way it is to be conducted or the priority given to any particular audit. The opposition does not agree, as the honourable member for Gippsland West said, that this is playing with words. The opposition believes it is a fundamental right of the Auditor-General to be free from direction, which is why the opposition has suggested the amendment ought increase the Auditor-General's independence.

Amendment 32 relates to the adoption of a recommendation from the Public Accounts and Estimates Committee. Notwithstanding the bipartisan or all-party nature of the former Public Accounts and Estimates Committee, this was one of the many examples of members on both sides of the house suggesting recommendations that make for better budgetary outcomes. The proposed amendment calls for the Auditor-General to be given the power to determine whether the performance indicators in the budget documents are relevant to the objectives of the authority, appropriate and fairly represent the authority's performance.

Although it may have been to my detriment, when Minister for Small Business I tried to have included in budget paper no. 3 performance indicators that reflected what instrumentalities then under my authority had to do. I cite some changes I made to the performance indicators to make them more relevant and appropriate. In trade measurement I inserted a target for the number of traders' premises inspected because I considered that was a fundamental role of the trade measurement instrumentality, which was part of Small Business Victoria.

If the Auditor-General had the capacity — which suggestion the opposition has indicated it is prepared to adopt — to comment on the relevance of performance indicators that ministers and departments are judged on and the power to work out whether performance indicators are appropriate for assessment of the performance of a department, the result would be better documents and better benchmarks for departments and ministers to aim for. As is always the corollary in such matters, around budget time there could be better opposition scrutiny, with appropriate targets being met, not just targets that in some instances have been frankly inappropriate.

I am delighted to reiterate the opposition's support for a landmark bill in the sense of the amount of public comment it has attracted. Obviously its provisions were a key component of the Independents charter and the response from my party to the Independents. The opposition has suggested with goodwill and in good faith a range of amendments which will bolster the independence of the Auditor-General. I look forward to the passage of the bill and the amendments, and I look forward to Victoria having an independent Auditor-General and increased scrutiny of the workings of the executive of the Parliament.

Mr ROBINSON (Mitcham) — I suspect that the Deputy Leader of the Opposition and other members on her side of the Parliament look forward most to putting some distance between themselves and the events of the past two weeks. This would be a most uncomfortable debate for opposition members to sit through, but they will have to endure it.

Today is a red-letter day for the Mitcham electorate. I am enormously pleased and proud to be participating in this debate and to deliver a speech I have been waiting to make for more than two years. The Audit (Amendment) Bill is the culmination of a protest over two and a half years by members of the Victorian community, who in large measure kept the faith and maintained a belief that government accountability is paramount.

The Victorian community had to endure the contempt of the former Premier, who wrongly insisted on doing things his own way and maintained that any form of consensus on the issue was a bad thing. Reflecting upon question time today and the attitude of members opposite to the very suggestion of action of a consensual nature, it is apparent that members opposite still have some way to go in addressing the legacy of their former leader.

The bill is a clear example that democracy in Victoria has triumphed. On 18 September not just the Labor Party was victorious — so was democracy. Victorian citizens have incredibly strong democratic instincts. I am sure that generations to come will look back on the events of 1997 and 1999 and be in no doubt about the strength of the democratic instincts of the people of this state.

Opposition members should be hanging their heads in shame that it was ever necessary to introduce the bill. In the course of this debate they have been forced to say more on the issue than they said over the past two and a half years in debates both inside and outside this chamber.

I welcome the contribution of the Deputy Leader of the Opposition, who to a not inconsiderable degree voiced some good sentiments. But why has it taken two and a half years for those sentiments to be expressed publicly? This debate would be a cathartic exercise of sorts for her. I recall earlier in the debate the honourable member for Dandenong North talking about the instruction the Josephite nuns gave that a confession must be made with a pure heart. The contributions of members opposite have a confessional element, but government members are not convinced that they are speaking with a pure heart; nonetheless, for their sins they have been given a penance of four years in opposition, which is a just punishment for their omissions.

Mr Cameron — Twenty!

Mr ROBINSON — Twenty!

This excellent bill contains numerous safeguards that will serve the Victorian community well for many years to come. The bill is a tribute to hundreds of thousands of Victorians but three individuals in particular. For a moment or two I will refer to the role of those three individuals over the past two years in the lead-up to the presentation of this bill.

The first person I mention is the former honourable member for Mitcham, my immediate predecessor and — let it be known and remembered — the Deputy Leader of the Liberal Party during a former coalition spell in opposition. He was a courageous individual. In the past two years many members opposite have sought to renounce him. They have spent a great deal of time trying to vilify him for the steps he took, but he showed rare courage. Perhaps the previous speaker, now Deputy Leader of the Opposition, should beware the tendency of members of the opposition to vilify those holding the position of Deputy Leader of the Opposition. It is an unhealthy opposition trait. The Deputy Leader of the Opposition sits precisely where the former Deputy Leader of the Liberal Party sat for some time.

That former Deputy Leader of the Opposition put succinctly in his letter of resignation his views on the role of the Auditor-General. I will briefly quote — —

Mr McArthur interjected.

Mr ROBINSON — You can keep knocking him if you like, but let it be understood that the resignation of that former Deputy Leader of the Opposition triggered a series of events that have resulted in the Labor Party sitting on this side of the Speaker — it does not matter how much members opposite try to devalue his vital

contribution over a number of years in this place. They have four years ahead of them of looking at the Speaker from that side of the Parliament; I am sure that will encourage them to consider those previous events in a different light.

I quote from the letter of resignation of the former honourable member for Mitcham:

Principal among my reasons is the government's intention to alter the role and function of the Auditor-General. Having watched the government's position unfold, I have been uncomfortable from the beginning. I expected commonsense to prevail. It has not. In my considered view, the government's proposals compromise the system of checks and balances which are at the core of our system of government. To me, they run fundamentally counter to the public interest.

I say, 'Hear, hear' to what the former honourable member for Mitcham wrote in his letter of resignation; he could have put it no better.

His remarks were in contrast to those of his then leader whose views were considerably different. I can clearly recall that in the lead-up to the 13 December 1997 Mitcham by-election the former Premier suggested that his government would not prostitute its principles to any sectional interest groups. He wanted the voters of Mitcham to be thought of as a sectional interest group. If people look back over the past two years to see how the debate on the Auditor-General has turned around they might have a different view as to which individual had prostituted principles.

The second person who played an important role in the lead-up to the bill being introduced and to whom I refer in my preliminary remarks is the late former honourable member for Frankston East. Peter McLellan showed great courage in resigning from the Liberal Party on the strength of his opposition to changes to the Auditor-General's office. I did not know Peter McLellan well. The contributions made in the condolence motion speak to his courage. Although some may say it was a courage born of stubbornness, it was a well-recognised courage. I suspect his view would have been that the circumstances surrounding his resignation from the Liberal Party should never have arisen, but they did.

The third individual whose contribution over the past two years needs to be recognised is the former Auditor-General himself, Mr Ches Baragwanath. It is interesting to note that on all the occasions the former Premier spouted about the professionalism of the public service and held it up as an example, he rarely, if ever — and I am open for correction — cited the example of Mr Baragwanath although I cannot think of

a better example of professionalism. People talk about the public service and its long tradition of offering advice without fear or favour. If anyone in the state's history has demonstrated a capacity to deliver advice without fear or favour it would be Mr Baragwanath.

I fortuitously bumped into Mr Baragwanath at a recent event and he told me he was pleased the amendments would be made to the legislation. He said that as he had retired he was now simply a feather duster and no-one would listen to him. He is some feather duster — Victoria would do well if there were more such feather dusters!

As I said, I am enormously proud to speak in support of the bill. I was elected in late 1997 by the 34 000 voters in Mitcham in the by-election that resulted in a record 16½ per cent swing against the government. Had honourable members on the other side listened to the desires of decent hardworking Victorians that the office of the Auditor-General be protected and enhanced and not watered down, they would in all probability have remained in government longer than they did.

Mr Wells — What was the swing against you at the last election?

Mr ROBINSON — I will comment briefly on that interjection. In an earlier contribution I cited the 1999 result in Mitcham with the 11 per cent swing since 1996 to the Labor Party in two Blackburn booths and I gave credit to the former planning minister for that. I said I did not think I could have done it without him. On reflection, the former Premier must take a great degree of the credit because the 1996–99 swing in Mitcham was some 6 per cent. That was a healthy result — obviously enough for me to remain in this place and for government to switch from the honourable member for Wantirna's side to mine. I am grateful for the opportunity to give my collective thanks to former ministers and members opposite for their contribution to my election and re-election.

Mr McArthur interjected.

Mr ROBINSON — We might talk about that, too — the question is whether you will pay up, unlike your former leader. I might have to put out a spotter's fee on him.

The ACTING SPEAKER (Mr Phillips) — Order! Interjections are disorderly.

Mr ROBINSON — I address part of my contribution to the comments of the honourable member for Box Hill, which I heard from my office. I recall that he was talking about the illusion and theatre

of debate, which was a fascinating aside. When I think of illusion I think of David Copperfield, the magician. However, I do not think even he could have created the illusion, as did the honourable member for Box Hill, of managing to cause some \$130 million of Workcover money to vanish. The Minister for Workcover might agree with that. David Copperfield would have been enormously proud of achieving such a feat. When reference is made in this place to illusion and theatre, all would agree that the honourable member for Box Hill would have to be the resident expert in the field. Nevertheless, he maintained a revisionist line — —

Mr McArthur interjected.

Mr ROBINSON — You know him better than I do.

Mr Wells — When was the last time he made a joke?

Mr ROBINSON — It might be more to the point to ask when was the last time anyone laughed at one of his jokes!

Nevertheless, the honourable member for Box Hill wanted to maintain a revisionist line that the whole debate over the past two and a half years was about only the degree of contracting out by the Auditor-General's office. I did not realise that the honourable member for Box Hill also performed vaudeville acts — that is really from where such a line would come! He suggested that the whole debate that has absorbed the interest of all Victorians and gone to the heart of their democratic instincts is simply about the degree of contracting out of the Auditor-General's work.

I suggest that a debate that leads to a record by-election swing of 16½ per cent that over the course of two years enables the government to change is something greater than a debate over the degree of contracting out. I am being generous in my remarks on the contribution of the honourable member for Box Hill when I describe it as novel.

The bill deserves the wholehearted support of honourable members on both sides of the house. As time is short I will not detail the bill's numerous safeguards which are included in the second-reading speech. I doubt if any bill — certainly not one dealing with the Auditor-General's office — has previously been presented to this house with so many safeguards in it.

The opposition's amendments are worthy of support apart from amendment 20 and the consequential amendments. The opposition is having enormous

difficulty in holding back the old Tory line that when the Labor Party finally has the numbers in the Legislative Assembly the Legislative Council has a use. They declare the upper house has a use only for those relatively brief moments throughout the state's history when the conservatives cannot get the numbers in the lower house. In the longer periods when they have the numbers in the lower house no such argument is put forward. The position is entirely disingenuous and does not deserve support.

This is a red-letter day. It is rare in Victorian politics that the relief of the voters will be so palpable as it will be on the passage of the bill. In the long careers of government members — and I am confident many of the new members will be here for a long time — there will rarely have been a more satisfying debate than this, and rarely a more satisfying day than the day that sees the passage of the legislation. On behalf of the Mitcham electorate, I am proud to support the bill.

Mr WELLS (Wantirna) — I am pleased to join the debate on the Audit (Amendment) Bill for a number of reasons — firstly, because I am an accountant and a member of the Australian Society of Certified Practising Accountants; and secondly, because I was a member of the Public Accounts and Estimates Committee in the previous Parliament. Other members of the committee included the honourable member for Monbulk, the current Premier, the current Attorney-General, the honourable member for Geelong North, and the Honourables Theo Theophanous, Neil Lucas and Bill Forwood. We had a good working and effective relationship with all parties but especially with the former Auditor-General, Ches Baragwanath.

The committee had many meetings with Mr Baragwanath. He would issue a report and explain the reasons for his report to the Public Accounts and Estimates Committee. The committee asked him questions and Mr Baragwanath discussed an annual plan of what he was proposing to do over the forthcoming year with regard to audits. He would seek the input of the committee, and we would discuss matters openly and frankly. He was a man I admired. Without doubt, he would audit without fear or favour, as any proper auditor should do.

One has only to consider things such as the World Trade Centre fiasco that the previous Cain-Kirner government was tied up in and the mess the Auditor-General was left to pull apart. In that financial transaction I believe the government was left with a 14.4 per cent interest rate swap which was well above interest rates at the time. The government was faced with all the financial risk when it should have been

pushed over to the private sector. It was in that role that the Auditor-General was able to, without fear or favour, audit those books and bring it to the attention of the public and the Public Accounts and Estimates Committee, which was able to account for the debacle.

Last year, or perhaps the year before, I remember having lunch with Ches and a group of other people when I asked him, 'If you were in the private sector you would be earning twice the amount that you are on; why do you do this job with this pressure for this amount of money?'. His simple answer was, 'Kim, you are an accountant yourself. Why did you become a member of Parliament?'. He probably has a fair point.

I will be closely watching the way the Independents vote on the amendments the opposition has brought forward. The Independents and the general public have made it clear they want changes made to the Audit Act and it is for that reason that the opposition is supporting the bill. Opposition members have raised a number of concerns and I will speak later at greater length about the Labor Party's departure from accounting and auditing standards.

I will be closely watching which clauses the Independents vote for because they cannot be seeking open and transparent government with an Auditor-General that will work with substandard auditing standards. Interestingly, from my reading of the bill the minority Labor government has not spelt out the reasons why it wants to depart from recognised international and Australia-wide auditing standards.

The independence of the office of the Auditor-General is to be enshrined into Victoria's constitution by amending part 5 of the Constitution Act 1975. The opposition supports that. Not many people understand that when mention is made of enshrining something in the constitution, a referendum is not necessary, unlike the recent referendum on the republican debate. When a change is made to the constitution an absolute majority is needed in both houses of Parliament. When something is enshrined in legislation and in the constitution it can be changed later by the government having a majority in both houses of Parliament.

The bill details the functions and powers of the Auditor-General, but the main objective is to introduce an ability for the Auditor-General to conduct financial and performance audits in his or her own right and to provide the resources to do so. That is the crux of the issue that was before the general public. Under the 1997 legislation the Auditor-General had to contract out all his financial audits, whereas before he was

contracting out between 75 and 80 per cent. The 1997 legislation said he had to outsource 100 per cent.

The other interesting part of the legislation is that Audit Victoria will be abolished and replaced by the re-establishment of the Victorian Auditor-General's Office, and that will come under the full control of the Auditor-General. It is interesting, and I guess ironic, that our current Auditor-General is a New Zealander. The system in New Zealand has a separate Audit New Zealand and Auditor-General's office. The difference in New Zealand is that the Auditor-General maintains control over both Audit New Zealand and the Auditor-General's office. Under the 1997 system there was a difference and a break in the tradition of a service being purchased and provided.

The terms of the appointment of the Auditor-General contain a number of differences, but the appointment of the Auditor-General is to be made by the Governor in Council. That will be on the recommendation of the Public Accounts and Estimates Committee. Another new provision in the bill will prevent the remuneration of the Auditor-General being reduced.

It is worth while making some reference again to the 1997 act. In theory the Auditor-General can again conduct all his financial and performance audits in his own right and have complete control. In practice I am not sure how much will change. As I said before, in 1997 the Auditor-General was outsourcing 75 per cent to 80 per cent of his financial audits, which was pretty much in line with national competition policy. However, when the Auditor-General was outsourcing those audits, he still maintained absolute control. He wrote up the specification of the audit; he alone decided which government departments or organisations would be audited; he selected the auditor, supervised the audit, and reviewed the audit; and if he felt obliged to do so he would write another supplementary report to the audit. However, at the end of the day he would sign off on that audit. The signing off of the audit to Parliament will remain the same as it was in 1997, although the opposition acknowledges that the Auditor-General needs to be able to audit some government departments in his own right using his own staff.

I was interested to note that in the Labor Party's Treasury policy document it was going to make a raft of changes to the Audit Act and I thought it would have put them in this bill. However, it now says they will be introduced at a later time but before the next budget.

My concern about the government's promises in its Treasury documents is its proposal to have the Auditor-General oversee the budget to ensure a surplus

is maintained. I am not sure whether the government understands what should be the role of an Auditor-General. An auditor audits historical figures against a budget or against accounting standards. I am not sure how one would audit a budget because a budget is simply a plan — it is a proposal for how money will be spent. The only way an auditor can audit a budget is simply by adding up the figures. I have a serious concern that the government does not understand the role of an auditor.

If a budget is submitted to an auditor, the auditor will say, 'I will check all the figures to make sure they all add up and that the government has a proposed surplus of, say, \$101 million in the first term' — and any figures can be put in that budget. It is not quite right to say that the Auditor-General will guarantee a substantial budget surplus every year overseen by an independent Auditor-General with new constitutional powers. It is not realistic and demonstrates that the Labor government does not understand the real role of an auditor.

Mr McArthur — You should ask where the minister is — that is, the Premier. There is something wrong about this — he has to be in here somewhere.

Mr WELLS — It is good to see that the Premier is listening so intently! The government talks about an independent Auditor-General. How can the Auditor-General be independent if he helps frame the budget in one period — checks the figures, adds them up and makes sure that you have a surplus of, say, \$101 million — and 12 months later has to work out the historical figures against the budget he has approved? I would like the Premier or the next government speaker to explain how he can be independent. A direct conflict of interest would arise if the person who authorised the budget was the same person who checked the historical figures against that budget. It does not make sense.

I am not sure how many government members have been involved in accounting or business. The traditional role of an auditor should be to examine historical financial data to assess whether the financial reporting of the entity's financial transactions reflects the true and fair financial position of that entity. An auditor can examine actual results against budgeted results, but that is done from an historical perspective. It would introduce a future orientation to the Auditor-General's role to direct him to assess whether a budget met a commitment to maintain an operating surplus and also direct him to recommend any additional action to ensure consistency with the government's core

financial principles, including the commitment to operating a sustainable surplus.

The minority Labor government needs to make that very clear. In time I should like to hear the position of the Auditor-General, Wayne Cameron, on the issue. I suggest to him that he should not under any circumstance be involved in the current account or capital account budgets because a direct conflict of interest would arise.

The opposition will introduce a number of amendments and I hope the Independents and the Labor government will support them.

I do not understand the part of the legislation that deals with the Labor government's proposal to do away with the Auditor-General's abiding by recognised auditing and accounting standards. The government has not given any explanation for that in the second-reading speech, which is where one would expect the government to state its intentions — —

Mr Mildenhall — Because it is not necessary.

Mr WELLS — The honourable member for Footscray has interjected and said it is not necessary. The government says it relies on transparency and open government, but when it comes to adhering to internationally recognised Australian accounting and auditing standards the honourable member for Footscray says they are not necessary. It raises the question of what the Auditor-General will audit against.

Auditors from KPMG audit against recognised accounting and auditing standards, but when it comes to the Auditor-General the minority Labor government now says, 'We can compromise on his standards'. That raises an issue of inconsistency. Consistency and uniformity of figures are important to accountants. Can the minority Labor government please explain what accounting or auditing standards government departments will use in drawing up their figures? You would think they would be the standards the Auditor-General will audit against.

If a government department draws up accounts with regard to AAS29, for example, and the auditor says, 'I no longer need to audit against AAS standards. I can audit against my own standards', there is immediately an inconsistency, and a uniform result across the board will not be achieved. The situation is fraught with danger. I suggest strongly that the minority Labor government take the opposition's advice and retain recognised auditing standards.

Mr Mildenhall — But we agree with you.

Mr WELLS — It is quite ironic. The situation having been raised by the opposition, the minority Labor government now says it supports it. If the opposition had not put forward its amendments to the legislation the government would have got it through in a misleading and deceptive way.

Accounting and auditing standards are minimum requirements. Any variation to a standard is in addition to the bottom line auditing or accounting standards introduced by the Australian Society of Certified Practising Accountants.

I hope the amendments will be agreed to. Proposed amendment 20 is causing a bit of angst among government members. It states:

Clause 9, page 11, line 29, after “Committee” insert “or either House of the Parliament”.

If members of the minority Labor government are genuine about transparency why are they so spooked about giving the chair of the Public Accounts and Estimates Committee to one of their own?

If the government examined the situation in, for example, South Africa or the United Kingdom it would discover that the chairmanship of the public accounts and estimates committees in those countries is given to the opposition party or parties. If the Bracks government is to maintain its claim of transparency, it should do the decent thing and hand over the chairmanship of the Public Accounts and Estimates Committee to the opposition. What is the government concerned about if it is so transparent and open? A fundamental flaw in its proposal is under threat. It is totally unrealistic that it should act in that way. The government is being hypocritical in its proposal. It should ask the opposition — —

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

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until Tuesday, 30 November.

ESSENTIAL SERVICES (YEAR 2000) BILL

Second reading

Debate resumed from 23 November; motion of Mr BATCHELOR (Minister for Transport).

The SPEAKER — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of

the opinion that the second reading of this bill requires to be passed by an absolute majority. As there are fewer than 45 members present in the chamber, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

The SPEAKER — Order! Is the leave of the house granted to proceed forthwith to the third reading?

Mr McArthur — Leave is refused.

Committed.

Committee

Clause 1

Dr NAPTHINE (Leader of the Opposition) — During the second-reading debate the opposition sought assurances from the minister about the way the broad powers in the legislation are to be used. It also asked about a number of issues including the powers of inspectors, delegations and other provisions. The opposition would have liked to turn to those components in the committee stage and have its questions answered. As the time is now 3.57 p.m. and the government’s guillotine will come into effect at 4.00 p.m., the opposition will not have an opportunity to do so.

Mr Batchelor — Don’t you remember?

Dr NAPTHINE — The government argues it is the champion of open and accountable government, but it is now using the procedures of the house to curtail debate on this bill. The opposition would have liked to deal with the bill in the committee stage. That could have been done this week, but unfortunately the government has chosen to adopt a different approach to the debate today.

Mr Thwaites interjected.

Dr NAPTHINE — I spoke to the Leader of the House last night.

Mr Batchelor interjected.

Dr NAPTHINE — I said we wanted to come back to this.

Mr Batchelor interjected.

Dr NAPHTHINE — In the 1 minute left I ask the Premier to respond to issues raised in the second-reading debate and, if the opportunity presents itself to have the bill dealt with in the committee stage, the opposition can go through the bill clause by clause, as it would have liked to do.

Mr BRACKS (Premier) — I give the Leader of the Opposition the assurance that further time will be made available privately to discuss the matters — for example, the powers of inspectors — raised by the opposition in the second-reading debate. As the Leader of the Opposition will understand, the provisions are substantially no different from those in the essential services legislation. The bill contains a sunset clause. The year 2000 situation is an extraordinary one that requires inspectors to have unusual powers.

I give the Leader of the Opposition the assurance that the powers will be used properly in the interests of the Victorian public. If he has any concerns about that, I give him an assurance that I will have departmental officers assist him in ensuring that those concerns are met.

Clause agreed to.

Debate interrupted pursuant to sessional orders.

The CHAIRMAN — Order! The time allocated for debate on the bill has expired.

Clauses 2 to 35 agreed to.

The CHAIRMAN — Order! The question is:

That I report the bill to the house without amendment.

All those in favour say aye — —

Dr Napthine — On a point of order, Madam Chair, as I understand it the motion was that the committee report progress. That is what the committee has passed. You cannot now report the bill without amendment. You have put the question that progress be reported, and that has been carried by the committee.

The CHAIRMAN — Order! I started to say that, but when I was advised that that was the incorrect terminology I changed to the appropriate wording. The question had not been put at that stage.

To ensure there is no confusion, I will resubmit the question. The question is that I report the bill to the house without amendment. All those in favour say aye — —

Dr Napthine — On a point of order, Madam Chair — —

The CHAIRMAN — Order! I cannot take a point of order during this stage. I am advised by the Clerk that under the allocation of time rule the house is now into the adjournment debate.

Dr Napthine — I am sorry, Madam Chair — —

Mr Thwaites — It was your rule: you brought it in!

Dr Napthine — I am trying to get it clarified. There is no division: it is brought on only when there is a division. I am just trying to help.

The CHAIRMAN — Order! I am unable to take points of order under the sessional and standing orders. At this stage I am required to report the bill to the house without amendment. I will now call for the Speaker.

Dr Napthine — You have not put the question. We called for a — —

The CHAIRMAN — Order! I have sought advice from the Clerks. The question was resubmitted. That is their ruling.

Dr Napthine — I have raised a point of order, Madam Chair. You did not call for any noes. You called for the ayes and did not call for the noes.

The CHAIRMAN — Order! I will clarify it. I will now put the question again. The question is that I report the bill to the house without amendment.

Committee divided on question:

Ayes, 43

Allan, Ms (<i>Teller</i>)	Kosky, Ms
Barker, Ms	Langdon, Mr (<i>Teller</i>)
Batchelor, Mr	Languiller, Mr
Beattie, Ms	Leighton, Mr
Bracks, Mr	Lenders, Mr
Brumby, Mr	Lim, Mr
Cameron, Mr	Lindell, Ms
Campbell, Ms	Loney, Mr
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr	Seitz, Mr
Helper, Mr	Thwaites, Mr
Holding, Mr	Treize, Mr
Howard, Mr	Viney, Mr
Hulls, Mr	Wynne, Mr
Ingram, Mr	

Noes, 42

Asher, Ms	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Baillieu, Mr	Maughan, Mr (<i>Teller</i>)
Burke, Ms	Mulder, Mr
Clark, Mr	Naphine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perton, Mr
Delahunty, Mr	Peulich, Mrs
Dixon, Mr	Phillips, Mr
Doyle, Mr	Plowman, Mr
Elliott, Mrs	Richardson, Mr
Fyffe, Mrs	Rowe, Mr
Honeywood, Mr	Ryan, Mr
Jasper, Mr	Shardey, Mrs
Kilgour, Mr	Smith, Mr (<i>Teller</i>)
Kotsiras, Mr	Spry, Mr
Leigh, Mr	Steggall, Mr
Lupton, Mr	Thompson, Mr
McArthur, Mr	Vogels, Mr
McCall, Ms	Wells, Mr
McIntosh, Mr	Wilson, Mr

Question agreed to.

Reported to house without amendment.

Third reading

The SPEAKER — Order! The question is:

That this bill be now read a third time.

As there are more than 45 members present in the chamber and no voices for the noes, I declare the third reading passed with the concurrence of an absolute majority of the whole number of members of the Legislative Assembly.

Question agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

CONSTITUTION (REFORM) BILL*Second reading*

Mr BRACKS (Premier) — I move:

That this bill be now read a second time.

The bill before the house is one of the most significant bills to come before the Parliament. It contains measures which have previously been attempted, have been long awaited and are vital for democracy in this state. Mr Speaker, this bill will reform the Parliament and, in particular, the Legislative Council.

The bill has two primary objectives. They are:

- the reform of the upper house; and
- the introduction of a fixed term of four years.

Reform of the Legislative Council

Members will all be aware that Victoria has a peculiar distinction. It is the only state with a bicameral Parliament in which neither of its houses of Parliament is elected on the basis of proportional representation. It is the only state which has not taken advantage of the method of election which encourages community involvement in the parliamentary process. It is the only state in which the electoral system is designed to prevent minority interests and minor parties having representation in the Parliament.

A number of attempts were made in 1987, 1988 and 1990 to remedy that position, but they were not successful.

This bill will, however, overcome that situation, and thereby fulfil the commitment to the people of Victoria made in the recent general election to make the upper house more democratic and representative.

The reform of the Legislative Council will be achieved by amendments to a number of acts, but primarily, the Constitution Act and The Constitution Act Amendment Act. Those amendments will:

- reduce the number of members in the Legislative Council from 44 to 35;
- introduce proportional representation into the Legislative Council;
- reduce the term of the Legislative Council to one term of the Legislative Assembly; and
- remove the ability of the Legislative Council to reject supply.

Reduction of members

Currently the Legislative Council is comprised of 44 members elected from 22 provinces — each province electing two members for a term equal to two terms of the Legislative Assembly, one each election. The bill will reduce the number of provinces to five and each province will return seven members each election, bringing the number of members to 35.

Proportional representation

Members will be aware that the current electoral system for the Legislative Council has not led to the election of an independent member or a member from a minor

party for many years. Even today, when three Independent members have been elected to the Legislative Assembly, the Legislative Council is still dominated 100 per cent by the three major parties. This unacceptable position will be ended by the bill before the house, which introduces proportional representation to the upper house.

Introducing proportional representation requires a number of amendments to The Constitution Act Amendment Act which are modelled on those in the Commonwealth Electoral Act in relation to Senate elections. Under that method a candidate must receive a minimum number of first-preference votes, or quota, to be elected. The quota is calculated by dividing the total number of voters by one more than the number of seats to be filled. Thus, in a seven-seat province a candidate will need just over one-eighth, or 12.5 per cent, of the vote to be elected.

Members will appreciate that, as a result of this measure, the days of the major party dominance of the Legislative Council are ended.

One term

Currently, the term of Legislative Councillors is equal to two terms of the Legislative Assembly. The introduction of proportional representation into the Legislative Council will achieve what the existing rotational election method has never achieved — broad-based Legislative Council representation, and an effective house of review. For that reason, the bill ends the rotational basis of election for Legislative Councillors.

Supply

All members and all Australians are aware of the concerns held across the community as a result of upper houses blocking supply to the lower house — the people's house. This occurred in 1975 in Canberra; and Victoria was familiar, in former days, with upper houses abusing their powers by blocking supply and thereby attempting to bring down democratically elected governments.

The bill will end these concerns by providing that the annual appropriation bill is to be presented for assent once passed by the Legislative Assembly. The Legislative Council will retain the power to reject other appropriation and taxation bills as well as the power to make suggestions for amendment of those bills to the Legislative Assembly.

Fixed term

Currently, the Assembly expires four years after its first sitting day. However, His Excellency the Governor is empowered to dissolve the Assembly in certain circumstances:

- three years have expired;
- a supply bill has been rejected;
- a bill of special importance under section 66 is twice rejected by the Council; or
- a vote of no confidence has been passed by the Assembly.

There is a concern in the community that, despite the maximum term of the Assembly of four years, Parliaments have regularly not lasted their full term. Premiers have assisted in this process by using their power to call elections early for short-term electoral reasons.

This position is unacceptable and will be remedied by the bill, which will ensure that the following principle is put in place: a Parliament elected for four years will serve for four years unless the government has lost the confidence of the lower house.

This will be achieved by providing that the only ground upon which His Excellency can dissolve the Assembly is if a resolution is passed by the Assembly expressing no confidence in the Premier and ministers. In the absence of such a resolution, the Parliament will run for its full term of four years.

Members will note that the other grounds for early dissolutions have been removed. One can no longer apply, as the Council will no longer have the ability to block supply. The second, the section 66 bill of special importance process, is also being removed because it provides a mechanism which can be manipulated to justify the calling of early elections.

The bill also ensures that the four-year term commences not from the first sitting day of Parliament but from the date of the general election. As a result of these measures, the gap between general elections will always be, unless there is a vote of no confidence, four years plus the election period — which will be between 32 and 58 days.

Reducing the number of members in the Legislative Assembly

The bill alters the relationship between provinces and districts. Currently section 27(1a) provides that there are four complete and contiguous districts for each of

the current provinces. The bill ensures that there will continue to be a relationship between districts and provinces, but it alters the number of districts in each province. The bill provides that each province is to consist of 17 complete and contiguous districts.

As a result of that change, the number of Assembly members will be required to be reduced from 88 to 85.

Election period

As members will be aware, the minimum election period was altered in 1995 from 33 days to 25 days. However, the Electoral Commissioner has advised that that period will not be viable for the tasks required for an election conducted using proportional representation. Accordingly, the bill amends the Constitution Act Amendment Act to increase the minimum period to 32 days, the minimum period considered viable by the commissioner. It also alters the way that minimum period is made up. The period until the nominations close will reduce from 10 days after the writ to 8 days, while the period from the close of nominations to the polling day will increase from 15 days to 24 days.

Commencement

Members will note that the changes will come into operation in relation to the next Parliament and will not affect the term of the current Parliament or the means available to His Excellency to dissolve the current Assembly. The only effect that the bill will have on the current Parliament is that it will cause the Legislative Council to cease and, accordingly, for the terms of all current members of that house to end once this house expires or is dissolved.

I am sure that all members will welcome and support this bill — in this house we should; if you are honest you would — and recognise it as a major step in the achievement of a democratic parliamentary system for this state.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick)

Mr BRACKS (Premier) — I move:

That the debate be adjourned for two weeks.

Dr DEAN (Berwick) — On the matter of time, Mr Speaker, after all that was said by the government when in opposition about the opportunities to debate major pieces of legislation and the adjournment periods they asked for, it is incredible that the Premier could suggest two weeks.

What periods did the then opposition request to debate major legislation — a month, on some occasions two months, as long as four months? Is this a major piece of legislation? Let us hear what the Premier said when he began his second-reading speech:

The bill before the house is one of the most significant bills ever to come before the Parliament.

He proposes two weeks for the people of Victoria to debate and think about the most significant piece of legislation to come before the place. What a joke on the government's reputation that the Premier suggests the people of Victoria have only two weeks to consider the legislation!

This man went the length and breadth of the state during the last election saying, 'We will be the open government. We will give the people of Victoria the capacity to be part of the process'. The institution of Parliament represents part of the people's capacity to participate in the process. This man brings in legislation to radically alter this place and tells the people of Victoria, 'This is your institution and I will give you two weeks to discuss the matter'. What a joke!

What does the Premier want to steamroll through the house in two weeks?

The SPEAKER — Order! I remind the honourable member for Berwick and all subsequent speakers on the debate that it is a narrow debate on the question of time. They should not canvass issues related to the bill.

Dr DEAN — I do not intend to canvass matters related to the bill. The Premier said this is a significant bill because it reduces the number of members in the Legislative Council — an integral part of Parliament. Reducing the number of members in a house of the Parliament is significant.

It could be said that, as the bill proposes to make an amendment to the constitution, it is a normal bill and the normal adjournment time should apply. However, the bill does not merely amend the legislation on matters concerning Parliament; it amends Parliament itself. It intends to reduce the number of members in the house — the house in which we stand.

The Premier cannot argue that the matter has already been widely discussed in the community or does not warrant an adjournment of two weeks to debate it. Although the principle of the bill may have been part of Australian Labor Party policy, it was not debated during the election campaign by the media or the public. The people get no chance if the government steamrolls a change to the democratic process.

The media will want a role in the discussions on the matter and the opportunity to put forward arguments for and against. That process will be delayed. How can it possibly be said that the sorts of changes proposed, which will intimately affect everything about Parliament and the system people now operate under, can be made in two weeks?

I could have understood if the Premier had asked for four weeks — opposition members would have still said it is not enough time for such a major change, but we could have run with it — but he has asked for just two weeks to discuss the issues. Virtually everybody in the house will want to say something about the alteration of Parliament. Mr Speaker, this is a Parliament of which you are an integral part. I am sure you would want to listen to detailed debate on the issues.

Major legislation is listed on the notice paper to be debated during the next two weeks. How will it be possible for the media and members of this house to in two weeks discuss and argue that legislation properly, as well as slip in an argument about a bill that will change the entire Parliament? That is a nonsense.

I imagine that you, Mr Speaker, would want full debate on legislation that will change Parliament because you are an integral part of the system that will be debated.

Can it be that after only a short four weeks in office the government has slipped so much from the promises it made time and again to the Victorian people and to Parliament, particularly in relation to the charter? I ask the Independents, one of whom is in the house, how the promise they were given by the Premier to give people the opportunity to discuss major pieces of legislation could suddenly slip away to one of allowing just two weeks to debate a bill that will alter the constitution and change proportional representation.

The very nature of proportional representation is a complex matter about which all members of this house, because they are parliamentarians and part of the democratic process, have detailed views about. It is also a matter I am sure most members of the public would find confusing and would want details of. For example, they might want to know whether proportional representation will increase or decrease representation in the country, because that may be an intimate and difficult question for them to decide on.

I am sure the Independents would be saying to themselves, 'We are in country seats; we want to be able to know in detail whether proportional representation would help or hinder us'. How can they

possibly be expected in two weeks to go through such issues, which represent only a portion of the bill — it involves many other aspects besides proportional representation? I do not mean two weeks of debate; I mean the debate will be sandwiched between all the other pieces of legislation that have been listed for the two-week period. That is not to mention a bunch of motions the government has put on the notice paper and which it presumably wants argued before the end of the sessional period. Honourable members who looked at the notice paper and at the matters already listed would have to come to the conclusion that the house will be lucky if more than a couple of hours is available for debate on the matter.

I find it impossible to believe. Can the Premier honestly look opposition members in the eye and say that a bill of such significance deserves only two weeks for consideration in this house when in opposition he argued that bills not nearly as significant and monumental as this should be given at least a month?

What sort of hypocritical nonsense is that? We are talking about where you stand.

Mr Bracks interjected.

Dr DEAN — The Premier asks, 'What was your response?'. Sooner or later the Premier will have to realise he is in government and he has to make a decision on this matter; he has to decide, as the leader of a responsible government, what is best for the Victorian people. I stand here and ask the Premier now to reconsider giving the house only two weeks to debate the most significant bill to come before Parliament. I ask him to do that.

Mr Bracks interjected.

Dr DEAN — Through you, Mr Speaker, I say to the Premier that I consider the bill to be so important that if he states he will change his mind because of the way I deliver my request, I will deliver the request in any way he likes, because I am interested in the people of Victoria having the capacity to debate the issue.

I detect in the Premier a hint that if I were to request from him, in an appropriate manner, a four-week adjournment, he would agree to it. I hope that is correct, because he said it depends on how I ask, so I ask the Premier, through you, Mr Speaker, in all humility and responsibility, 'Please will you change your mind and allow four weeks for the people of Victoria to look at the bill?'. If the Premier does not allow that, the reputation that he has been peddling the length and breadth of this state, month after month, that he is a consultative Premier who believes in the democratic

process will be shot forever. He will never be able to look Victorians in the eye and say, 'I changed your very democratic institution and I did it by steamrolling legislation through the Parliament in two weeks'. He will never be able to get the confidence of Victorians on any matter again.

Let him know that if he does insist on the two-week adjournment we will not let him forget on a daily basis the hypocrisy of his stance when in opposition, and we will quote every single instance when he stood up and asked for longer adjournments. We will tell the Victorian people that he does not give two hoots about their house, the people's place.

I therefore propose an amendment to the proposal that we simply get a two-week adjournment on this bill. In doing so I urge, in particular, those who have the control of this house at the moment, the Independents, to consider whether they want to go through a process whereby their electorates immediately have a proportional representation system which may not be useful for their constituents, after a two-week adjournment. Therefore I move, as an amendment:

That the word 'two' be omitted with the view of inserting in place thereof the word 'four'.

That is the absolute minimum amount of time needed to debate the bill.

Mr BATCHELOR (Minister for Transport) — I second the amendment.

Honourable members interjecting.

Mr BATCHELOR — In seconding the amendment, I point out the government would like to demonstrate its bona fides as an open and consultative government. We are not afraid to consult. We are not afraid of our policies standing the scrutiny of the public. It is interesting to note that the mover of this amendment is now squealing like a stuck pig, because he really did not want consultation to take place.

A proposal has come forward and a request has been made. I am happy to indicate the government's support for it. In so doing, I point out the government followed the traditional practice of adjourning debates on bills for two weeks, and it will continue to do so. However, in this instance, because it is changing the constitution and powerful arguments were put to the government, it is prepared to extend the period of adjournment for a further two weeks. I expect when we return after the four-week period of consultation that honourable members opposite will support the bill because they will have had the consultation period that they

requested and will have been able to go out to test and to satisfy all the issues that have been raised by my honourable companion and mover of this amendment, the honourable member for Berwick.

I am sure when the bill comes back on for debate and the vote is taken, because honourable members opposite have had this additional two weeks, not only will they have convinced themselves but they will have heard the message from right across the state that Victorians want change.

My political advice to the Liberal and National parties is that they ought to listen to the people of Victoria. If they had listened in the past perhaps they would still be in government. Certainly they ought to use the adjournment period that they have asked for to grasp the nettle, go out into the electorate and listen and then come back and vote for the bill when it next comes before the house.

I am pleased opposition members have been able to see how easy it is to be consultative in government. They have learnt the lesson seven years too late. If they had had the political nous or the common decency to deal with such issues differently from the way they did when they were in government, they may still be there. We look forward to opposition members joining the government in voting for the bill when the debate resumes.

Dr NAPTHINE (Leader of the Opposition) — I welcome the seconding of the amendment by the Leader of the House. It demonstrates how we can work together, as the Premier and I have done on the Audit (Amendment) Bill. The adjournment of the debate for an additional two weeks provides an opportunity for this significant bill to have some community airing. The opposition looks forward to the opportunity of debating the bill in the future.

The SPEAKER — Order! The Premier has moved that the debate be adjourned for two weeks and an amendment has been moved that the expression 'two' be deleted and 'four' be inserted. I shall simply put the question that the amendment be agreed to.

Amendment agreed to.

Amended motion agreed to and debate adjourned until Thursday, 23 December.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

The SPEAKER — Order! Under sessional orders the time for the adjournment of the house has arrived.

Greyhound racing: drugs

Mr KILGOUR (Shepparton) — I raise for the attention of the Minister for Racing an issue concerning greyhound racing. I have received representations from local greyhound trainers about cheating in the greyhound racing industry from the use of performance enhancing drugs. I have heard that the minister may be attending a greyhound racing meeting at Sandown and I raise the issue so he can make inquiries at Sandown about the use of the drug erythropoietin (EPO). I am sure the minister would not support greyhounds being drugged in order to win a race.

EPO is a synthetic protein that stimulates the production of red blood cells which carry oxygen and, taken as a supplement, loads the blood with more oxygen cells which increases the endurance of the dog. EPO can be purchased via the Internet, and concern is rife among greyhound trainers because they say there is no longer a level playing field. There are those who are using the performance enhancing drug and those who are not, and those who are not are not in the money. It is a major issue, not only regarding people cheating and people being cheated out of their money because a drugged dog may win a race, but dogs are dying because of the use of this performance-enhancing drug.

I ask the minister to talk to greyhound industry representatives about introducing blood testing. Local greyhound trainers tell me that the urine swab will not detect the use of the drug and that EPO can only be detected by blood testing. Although the industry may have to introduce different testing procedures, it is absolutely necessary. Trainers are concerned about a level playing field. Trainers who love their dogs and who do not use the performance enhancing drug are concerned about drug use by other trainers because dogs are dying. Will the minister investigate this issue with the greyhound industry to see what can be done to ensure that EPO is eradicated and trainers can train their greyhounds and know that the dogs will win on their merits.

Footscray: derelict buildings

Mr MILDENHALL (Footscray) — I ask the Minister for Transport to intervene and make good or demolish buildings owned by Victrack in Nicholson Street, Footscray, from the corner of Irving Street running in a southerly direction.

Those dilapidated, empty shops with smashed windows are suspected by the local community of being an informal injecting facility. They are also visual eyesores. There is no sadder sight in the shopping centre than a former amusement parlour with smashed windows and graffiti all over it. The visual amenity does nothing for the viability of the business district. It is an indicator of the neglect of the former government that the buildings, owned by Victrack, are in such poor condition and are reducing the prospect of the redevelopment of the business district.

The demolition of the buildings which, if taken to their logical conclusion would include a telephone exchange in the former electorate office of the Honourable Ralph Willis, are part of the visionary plans for the redevelopment of the Footscray business district. A vital component of that is the open space and the generally poor trading area owned by Victrack around what is called the Footscray station precinct.

Many works are proposed, including major works on streetscapes; a redevelopment of the Footscray railway station, which is heavily used; a modal interchange program, for which the Maribyrnong council is seeking a contribution of \$35 000; and an implementation plan. Public transport services are vital because the majority of visitors to the Footscray business district come by public transport or on foot.

I look forward to the minister considering the proposals favourably, receiving a delegation from the Maribyrnong City Council and committing agencies within his control and those of the Department of Infrastructure to undertaking constructive talks on further planning and feasibility work on the upgrade of the business district and particularly the Footscray station precinct.

Forest industry: Otway Ranges

Mr MULDER (Polwarth) — I call on the Minister for Environment and Conservation to intervene urgently in the timber operations in the Otway Ranges. I was heartened to hear the minister's comments in the house about the timber industry in the Otway Ranges and across Victoria. However, the minister failed to mention that commitments were to a new-found mate in Gippsland East and not the Otways timber industry.

It appears that the thought of getting lost in the Otways again has given the minister cold feet, so she just will not go there. The minister has a responsibility for the timber industry across the state, including in the Otways — not just at Swifts Creek in particular and Gippsland East in general. Mill operators, value-adding

businesses, and employees are waiting to see the minister in my electorate and discuss the timber industry in the Otways, but obviously a visit to the Otways is not on her agenda.

On 2 November I wrote to the minister and I have spoken to her in Parliament, asking her to visit my electorate and talk with people in the timber industry, but she refuses to turn up. What a disgusting attitude to rural business!

South-west Victoria is running on its natural assets, and I will not stand by and let the minister take an axe to a timber industry that supports so many viable businesses and employees in that district. The Premier, Deputy Premier and other government ministers have touted their commitment to rural Victoria, but the Minister for Environment and Conservation will not turn up and discuss something as important as the timber industry in the Otways.

The inexperience of government members is showing through — no-one on that side of the house has any experience whatsoever. More importantly, government members are not prepared to listen to business people. A Liberal MP is fighting for business and blue-collar workers in the Otways, and the Construction, Forestry, Mining and Energy Union is fighting for business and for blue-collar workers in the Otways, yet the Labor government minister has turned her back on workers in rural Victoria.

Perhaps the man of the moment could intervene. As a ratepayer in the Otways, will the Premier come to the Otways to intervene in this process and put a stop to the absolute disaster the minister has created?

Ballarat: community kitchen

Mr HOWARD (Ballarat East) — I raise a matter for the attention of the Minister for State and Regional Development. I thank the minister for his attendance in Ballarat last week, when he announced funding for the campaign in the heart of the city to allow for Christmas decorations this year. I commend him on that.

An application has been made for the funding of a community kitchen under the rural community development scheme. I ask the minister to support the application for a community kitchen to be established in Ballarat. The proposal is worthy of funding. It was put forward by BRACE, the adult and further education centre in Ballarat, working in conjunction with the City of Ballarat and the Department of Education, Employment and Training, which owns the land where the community kitchen would be developed.

Many community groups are concerned that new legislation makes it difficult for them to conduct the food-handling activities associated with the fundraising and other social activities that are undertaken in the Ballarat community. This development by the Ballarat community is a sensible and practical way to enable worthy fundraising groups such as schools, scouting groups and others to continue their activities in a kitchen developed especially to meet the requirements of the state's food-handling legislation.

The proposed kitchen will be established in the grounds of BRACE in Urquhart Street, Ballarat, and disabled members of the community will have full access to it. BRACE will roster the times available for use by the many community groups wishing to use the facility.

The cost of the project is \$73 000. The application is on a dollar-for-dollar basis, so \$36 809 is required. I commend the efforts of all those involved in this sensible, practical and intelligent initiative for Ballarat, and I ask for the minister's support.

High Street, Doncaster: upgrade

Mr KOTSIRAS (Bulleen) — I refer the Minister for Transport to the reconstruction of High Street between Doncaster and Manningham roads. The former coalition government made funding available for the upgrading of existing arterial roads in Bulleen. However, a number of other projects require special attention to ensure their completion. One of those is the full reconstruction of High Street from Doncaster Road to Manningham Road to a standard that resembles High Street from Manningham Road to Foote Street.

According to the Manningham City Council, Vicroads has approved the majority of funds for the project, which will see two lanes in each direction and incorporate underground drainage, kerb and channel, concrete footpaths, vehicle crossings, and tree planting and nature strip landscaping at an estimated cost of \$5 million. Vicroads TEC funding amounts to \$4.5 million, therefore, a further \$500 000 is required. Costs associated with services and land acquisition are the major contributors to the shortfall. An application to address the shortfall has been made to the chief executive of Vicroads and is supported by Vicroads regional office. The Doncaster Jewish Day School is located in this dangerous section of High Street, and it is imperative that Vicroads completes the project to ensure that no child is at risk.

I ask the minister to ensure that the Manningham City Council's application for additional funding is accepted and supported by Vicroads. I also seek his confirmation

that the project will proceed as programmed by the previous government. A commitment from the minister will ease the anxiety of many residents.

Crime: rate

Ms BEATTIE (Tullamarine) — I ask the Minister for Police and Emergency Services to investigate ways to prevent the crime rate from spiralling as it did under the failed Kennett government.

With your indulgence, Mr Acting Speaker, I will read from some notes because the statistics are astounding. The crime rate recorded by the Victoria Police has increased by 11.1 per cent over the past few years with robberies increasing by 88.5 per cent, deception, 42.3 per cent, theft of motor vehicles, 28.9 per cent, residential burglaries, 12.4 per cent, and assaults, 9.9 per cent. I am aware of the Bracks Labor government's commitment to increase police numbers, but my community is concerned that we should be not only combating the rising crime rate but also considering ways to take a proactive stance to prevent crime. The community is also concerned about effective reductions in legal and other services for the disadvantaged. If crime surveys and statistics are anything to go by, the previous responses to the crime rate have had little positive impact on the level of crime.

It is clear that we must search for other alternatives because failure to do so would be at our own peril. Some overseas countries have had dramatic and immediate successes arising out of reducing opportunities to commit crime. Rather than choosing between opportunity reduction and social prevention, a better course may be to develop strategies that incorporate a balance of both. I ask the minister to undertake that investigation.

Parliament: sitting hours

Mr PHILLIPS (Eltham) — I refer the Leader of the House to the practice of the house sitting through lunchtime and ask him to use his substantial influence, which I know he has, to convince the government to go back to the old sessional ways of breaking from 1 o'clock to 2 o'clock. I ask the Leader of the House to do that for a number of reasons: firstly, to ensure that ministers have every opportunity to be briefed during question time; secondly, to ensure that all honourable members have the opportunity of getting to question time in an orderly fashion; and thirdly, it would be in the best interests of the staff and honourable members.

In principle the opportunity to work through lunchtime seems a good way of extending the opportunity for honourable members to debate bills. I have not benefited from the additional hour and do not believe — —

The ACTING SPEAKER (Mr Richardson) — Order! I remind the honourable member that he must confine his remarks during the adjournment debate to matters relating to government administration, not parliamentary administration. It is legitimate to talk about the effects on ministers and so on, but not legitimate and in order if the honourable member's remarks are related to the running of the house.

Mr PHILLIPS — I appreciate that, Mr Acting Speaker. It is a difficult matter to deal with on the adjournment and relate it to ministers only.

The ACTING SPEAKER (Mr Richardson) — Order! And I will not make it any easier for you!

Mr PHILLIPS — It is to the benefit of ministers to have a break, and therefore to the good working of the house, which would then be in the best interests of the community. It also gives honourable members the opportunity to get a bit of fresh air, to walk around, to be briefed. However, I am also concerned about the staff of this place and the running of the house. This is a good opportunity to at least consider whether the new system has been working in the best interests of the house.

Huntly preschool

Ms ALLAN (Bendigo East) — I ask the Minister for Community Services to investigate a problem that has arisen with Huntly kindergarten in my electorate of Bendigo East. The kindergarten, which was opened in 1993, is facing difficulties with enrolments for the 2000 school year, and that is having an impact on its ability to make ends meet financially.

Sadly, Huntly kindergarten has been affected by the changeover from direct to per capita funding, as have other kindergartens across Victoria. The former government cut approximately \$16 million from kindergarten budgets. It was a cruel blow to the children of Victoria and has resulted in parents of kindergarten-aged children having to fundraise just to keep kindergartens afloat.

Huntly kindergarten is in an area in my electorate that is not entirely well off. Parents cannot afford to put their hands in their pockets every time they need to raise a little bit of extra money for the local school, kindergarten or football club to fill the former

government's funding black holes. The change in funding arrangements has placed great pressure on the committee, parents and community associated with the kindergarten. I am sure honourable members can appreciate that the local community takes pride in its kindergarten and is involved with its operation.

At a recent meeting I had with members of the Huntly kindergarten committee at the kindergarten premises they outlined the budget difficulties. I received a lot of information, which I have forwarded to the minister. Enrolments for 2000 have dropped, but they are expected to pick up in following years as a result of significant growth in the area to the north-east of Bendigo. The committee would like to keep its fees at an affordable level, but without an increase in fees the kindergarten will be faced with a significant budget shortfall. With even a modest increase of fees it will still face a difficult financial situation. The parents and friends are good fundraisers, but it is unrealistic to expect the Huntly community to raise thousands of dollars to fill the void.

Already the minister has shown her commitment to kindergartens. I congratulate her on last week's announcement of the \$250 fee subsidy for parents who are health care card holders and have four-year-olds attending kindergarten. Given that Huntly is a good kindergarten that has great parent and community support and the potential for a great future, I ask the minister to assist it in any way she sees fit.

Greater Geelong: Belmont traders levy

Mr PATERSON (South Barwon) — I ask the Minister for Local Government to investigate whether an office of local government investigation is required into scurrilous allegations made about the City of Greater Geelong by the Geelong West branch of the Australian Labor Party.

The ALP wrote to Mayor Jarvis on 26 October alleging that a proposal for a traders levy that has been examined by council for High Street, Belmont, is not to assist the promotion of traders' interests in that area at all. The allegation made by Christine Couzens, who is the secretary of the Geelong West branch of the ALP, suggests that the real purpose of the levy is to:

... cover the cost of employment of a person who could be a political organiser for councillors re-election ...

The implication is that the council is attempting to create some sort of slush fund for itself by collecting from traders in High Street, Belmont. Mayor Jarvis replied to Ms Couzens describing the attack as malicious, and saying:

Your question concerning the scheme's introduction as a means to employ a political organiser for councillors re-election is not only distasteful, but it is also not worthy of comment and only brings you and the branch you represent into disrepute.

The letter and the action by the Geelong West branch of the ALP has brought into disrepute every councillor of the City of Greater Geelong by suggesting that the councillors would indulge in such a practice.

I ask the minister to investigate whether the allegations are correct. Given the source of the letter, I suspect they may be unfounded. The author of the letter is also president of the Trades Hall Council branch in Geelong and operates her union and ALP agenda from the electorate office of the honourable member for Geelong in Pakington Street. It would be interesting to know — —

Mr Trezise — On a point of order, Mr Acting Speaker, what the honourable member for South Barwon said is totally incorrect.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member will resume his seat. A point of order is not an opportunity to refute what an honourable member has said.

The honourable member's time has expired.

Powercor: Geelong office

Mr TREZISE (Geelong) — I ask the Minister for State and Regional Development to draw to the attention of the Minister for Energy and Resources in the other place the loss of 35 jobs to the Geelong area as a result of the private provider of electricity, Powercor, closing its Geelong customer service office in Malop Street, Geelong. The closure will have a twofold effect. Firstly, Geelong will lose 35 valuable jobs which, presumably, will be transferred to Melbourne, and if the people who hold the 35 jobs move to Melbourne, Geelong will lose the 35 families and the ongoing economic benefits to the community.

Secondly, that service facility loss to Geelong will be noticeable to visitors and residents because Powercor's office is in Malop Street in the centre of the city. Already offices have closed in areas of the south-west region, particularly in Colac, Hamilton, Casterton and Camperdown.

The former Kennett government gave Powercor the contract to deliver electricity to nearly 55 per cent of the state, including to Geelong and the south-west region. That contract allows Powercor to make about \$130 million profit a year — and I wouldn't mind a

slice of that! The electricity customers of Geelong contribute significantly to the bottom line.

At present the employees of Powercor, the relevant trade union — the Australian Services Union — and the federal member for Corio, Gavan O'Connor, are fighting to save the 35 jobs — as are the honourable member for Geelong North, a Geelong Province member of the other house and I. The jobs are vital for Geelong, and I ask the minister to assist in saving them by writing to Powercor and outlining the concerns of the Geelong community.

Knox: platypus habitat

Mr LUPTON (Knox) — The matter I direct to the attention of the Minister for Environment and Conservation concerns the platypuses that inhabit the Corhanwarrabul and Monbulk creeks in the City of Knox. The platypuses live there in quite large numbers. Concern has been expressed by Greening Knox that because of the proposed development of the Waterford Valley golf course and residential area, the habitat of the platypuses could be disturbed and they could move elsewhere. The concern is about disruption to the habitat for the entire length of Monbulk Creek.

Greening Knox fears that as development occurs in the area the habitat of that native animal species will be damaged. Will the minister consider establishing another committee to investigate the situation and decide whether open space could be created on either side of the creeks —

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

Responses

Mr BATCHELOR (Minister for Transport) — The honourable member for Footscray raised with me the significant matter of an upgrade of the Footscray retail precinct in the heart of his electorate. He referred to the plans that have been developed by the Maribyrnong City Council and the important role that railway infrastructure plays in those plans.

I understand the number of people who travel to the Footscray retail area either by foot or by a combination of foot and public transport is in percentage terms one of the highest for any retail area in Victoria. It is important when redeveloping any area that an established fact such as that is taken into account in the development plans so the area can be further developed and fostered.

The council has developed an urban framework for central Footscray and the honourable member has asked that the Department of Infrastructure and I assist in a number of different ways. In the first instance, I give an undertaking that we will cooperate with the council in working up plans and establishing what is needed in the area. If it would help, we will receive a delegation and have discussions at officer level.

The task is made a little harder than it might otherwise be because of the process of privatisation of public transport initiated by the previous government. It not only privatised but fragmented public transport. That means a number of private companies and various agencies need to be brought into the discussions and adds a layer of complexity to the process. However, through the auspices of the Department of Infrastructure, the government will try to encourage those private companies, National Express in particular, to gain an understanding of what is going on and play a role in the facilitation and bringing to fruition of the dreams for the retail heart of Footscray.

The government will also be talking to Victrack, which has responsibility for developing the assets of the former Public Transport Corporation. As the honourable member for Footscray so accurately stated, those Victrack assets are still publicly owned. I suspect it is a miracle they escaped complete privatisation. Because Victrack has responsibilities in the area the government will be seeking its active participation in bringing the plans to fruition.

In essence the honourable member for Footscray is looking for support with infrastructure works in relation to Barkly, Hopkins and Leeds streets for the railway station redevelopment, and particularly importantly, support for a modal interchange program to help maintain the public transport focus of that important retail area.

The government will do whatever it can. It considers it an important area for development and will work as closely as it can in facilitating the plans. It will take on board the requests for financial assistance, but as the honourable member would understand, the government is not in a position to commit itself to those at this time.

The honourable member for Bulleen raised with me a matter of road reconstruction. In particular he referred to the section of High Street between Doncaster and Manningham roads and called for Vicroads to provide assured funds and, in particular, to cover a shortfall. That section of road is an important part of our road network, and I will undertake on behalf of the honourable member for Bulleen to contact Vicroads to

get a full report and get back to him about how the problem can be addressed.

The honourable member for Eltham raised a matter in an eloquent and skilful way — —

Mr Hamilton — He got away with murder.

Mr BATCHELOR — He did because of his skill. As Acting Speaker he has learnt such things already — how to drive issues through the adjournment debate.

He raised with me the issue of the sitting hours of Parliament. As all honourable members and staff of Parliament know, a significant change has occurred in the spread of the parliamentary sitting hours. We are starting earlier, sitting longer and sitting through the lunch break. Without wishing to extend the sitting hours tonight — —

Honourable members interjecting.

Mr BATCHELOR — I will take up some of the interjections. Let's work around the table and take up the interjections.

I will give consideration to the views put forward by the honourable member for Eltham. He sought a change to the sitting hours to allow extra time for ministers to do their work, and I know the shadow ministers are desperate for extra time to carry out their parliamentary duties. Longer continuous sittings require a big ask of the staff. To their credit the staff have got on with the job and are facilitating the extra demands placed on them by the adoption of the new sessional orders.

The government will have a look at the demands placed on the staff and members of Parliament and will discuss the issue. I am happy to see whether we can reach a broad consensus across the Parliament. If we are unable to reach a broad consensus we will have to pursue the issue. A number of options could be considered. For example, we could take a shorter meal break or we could start earlier on Tuesday. A number of creative options could be looked at. I do not want to pre-empt the discussions other than to say that if members on both sides of the house are finding it difficult or if they would like some respite, which would also assist the staff, the government will look at the situation.

However, we need to recognise that a legislative program needs to be adopted, and given that the numbers in the chamber are now much more evenly balanced a much higher level of consultation and negotiation will be required, as has already been demonstrated, and there will need to be a recognition by all members of Parliament that the government must be able to get through its legislative program. A lot of

recognition will need to be given to that, and if people prefer to use their time in the chamber constructively instead of being obstructive, I would be prepared — without committing the government — to at least have some discussions on a without-prejudice basis to see whether we can reach a broad consensus.

The ACTING SPEAKER (Mr Richardson) — Order! I call on the Minister for Racing, who I am sure wishes to reach the committee room without delay. I will ask the Minister for State and Regional Development, as he is in the leader's chair, to speak last and pick up the matters that relate to ministers who are not present. I am not aware that you are also going to the dogs, Minister!

Mr HULLS (Minister for Racing) — The honourable member for Shepparton raised a serious matter, and I thank him for raising it in a bipartisan way. He knows, as I do, that drugs in sport should not be tolerated. The honourable member showed me the courtesy of raising the matter with me yesterday, and I have been able to obtain a briefing from the department, a copy of which I will furnish to the honourable member for Shepparton.

The honourable member would agree that the unlawful use of drugs in greyhound racing is strictly prohibited by the rules of greyhound racing. As is the case in all codes of racing, the rules provide that animals presented at race meetings must be drug free. However, two specific classes of drugs have created difficulties in the greyhound racing industry, one of which is anabolic steroids. The anabolic steroids are needed by the greyhound racing industry to prevent greyhound bitches from going on heat. Injectable or oral anabolic steroids are used to control the breeding cycles and allow the bitches to continue racing.

However, some of the anabolic steroids have been used inappropriately on male dogs, and the Greyhound Racing Control Board is leading the greyhound racing world in a joint initiative with the Commonwealth Serum Laboratories to develop a specific vaccine for controlling the breeding cycles of greyhound bitches, which will remove the need to use anabolic steroids. The board is confident the initiative will succeed in the next 6 to 12 months.

The drug referred to by the honourable member for Shepparton is EPO, which is a naturally occurring human and animal blood glycoprotein. It is available as a prescription drug for the stimulation of red blood cells in humans suffering from anaemia. Illicit use of the drug has occurred in human athletes — notably cyclists — in the belief that it enhances performance by increasing stamina.

Mr Kilgour — The Tour de France.

Mr HULLS — The honourable member mentions the Tour de France, which had a major problem — he is dead right. The thickening of blood caused by the drug has resulted in the deaths of cyclists, as the honourable member for Shepparton would know.

To date no laboratory anywhere in the world has been able to develop a test for positively confirming unnaturally high levels of EPO in horses or greyhounds. There is no scientific evidence to support its performance-enhancing properties in animals.

The honourable member for Shepparton raised the blood testing of greyhounds, and I will certainly take up that issue with the relevant authorities. I am told the Greyhound Racing Board does not believe there is any widespread use of EPO in greyhound racing, but now the matter has been raised by the honourable member I will seek further advice on that.

Racing Analytical Services, as are other racing laboratories around the world, is conducting collaborative research on the detection of the drug. I agree with the honourable member that drugs in sport, no matter whether they involve human or animal endeavours, should not be tolerated. The illicit use of drugs must be clamped down on very hard, and I will do everything I can as Minister for Racing to ensure Victoria has a drug-free racing industry.

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Ballarat East raised with me the question of funding a grant for a community kitchen based on an application that has been made through the Ballarat City Council under one of the state government's industry support and regional development programs. He put a persuasive case in support of funding the project.

I am pleased to say that two weeks ago in Ballarat I met with the honourable members for Ballarat East and Ballarat West, the Mayor, Cr John Barnes, and the CEO of the City of Ballarat, and we discussed a number of projects for Ballarat, including this one. One of the other projects we discussed is the Heart of the City project, an excellent major marketing and urban renewal strategy for the City of Ballarat.

Last Friday in Ballarat I announced that the state government had provided about \$42 000 for the city's banner project to help with better marketing of the city, particularly during such times as the Begonia festival and the Christmas festival, which was launched last Friday amidst bands, fanfare and so on. The launch

advertises the retail opportunities and strengths of Ballarat during the run-up to Christmas.

The project raised by the honourable member is what is known as the community kitchen. It involves a number of cooking facilities that have been built to comply with all the stringent requirements of food regulations and are made available for community groups to use. I am pleased to say that, having looked at the application submitted through the council and heard the persuasive arguments presented tonight by the honourable member for Ballarat East, the government has approved a grant of \$36 810 to the City of Ballarat in support of the project.

A broad range of groups have shown interest in the facility, and the funds raised by the use of the kitchen will be invested back into the community. The project deserves to be encouraged because it will benefit the wider community and will prove useful for many years to come. The total cost of the project is being shared on a fifty-fifty basis between the state government and the Ballarat Adult and Further Education Centre. It is a good project and the government is committed to it. I will be writing tomorrow to the mayor of Ballarat, John Barnes, confirming that commitment.

The honourable member for Geelong asked me to raise with the Minister for Energy and Resources in another place his deeply held concern and anger at Powercor's decision to close its Malop Street office in Geelong and, in the process, to shed 35 Geelong jobs. It is not a matter that comes within my portfolios, but I will certainly transmit his comments to the Minister for Energy and Resources, along with his request that the minister write to Powercor expressing the government's concern about the decision.

It is a matter of regret that this has happened only 10 days after cabinet members visited Geelong for an extremely successful day meeting community and business leaders throughout the city. Ministers visited widely on that day, and a community reception was held in the afternoon. The round of visits was coordinated by the honourable members for Geelong and Geelong North. It is a pity that a decision made by Powercor, announced only 10 days later, should take away from the positive work being done in Geelong by the Bracks government, the council and others to boost job opportunities.

I know the company will not have taken the decision lightly, but I assure honourable members that the Bracks government is deeply disturbed by it, particularly in light of its commitment to providing \$8 million in south-western Victoria to assist Powercor to upgrade its electricity infrastructure as well as to

improve efficiency in the dairy industry. These things are always a two-way street: the government is helping Powercor with infrastructure; the company should be conscious of its job responsibilities in regional Victoria.

I thank the honourable member for raising the matter and assure him that it will be communicated to the Minister for Energy and Resources along with his request that she raise, in the strongest possible terms, her concern about the decision taken by Powercor.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Polwarth raised a matter about the Otways. The new member certainly has a lot to learn. The matter he raised was full of exaggeration and lack of content, and his grandstanding revealed a lack of knowledge. The honourable member should rethink his presentation tactics.

The government has been in office for five weeks, three of which have been parliamentary sitting weeks. The Swifts Creek issue arose when we were in opposition. I visited Swifts Creek and the Otways when in opposition and I intend to visit them and other parts of Victoria again. There was not much content in the honourable member's contribution, but I believe the matter he raised concerned logging in the Otways.

The previous government ruined the national forest agreement process. Over the past few years there has been continual protest about the activities of the previous government. I have already put in place methods to improve the regional forest agreement process by sitting down with all the stakeholders from the Otways and other parts of Victoria, the timber industry, the union and tourism representatives and environmentalists. It is called consultation. The honourable member does not know what consultation is because it was not seen for a long time in this state. I wish to improve the process.

Criticism has been expressed about the long process period being secretive, with no access to information to help those concerned to make decisions or submissions. The previous government pushed through the process without proper consultation. I am putting in place a consultation process that will meet much of the criticism of the industry, stakeholders and the residents the honourable member purports to represent.

Unlike its predecessor, the Bracks government is committed to regional and rural Victoria, to increasing jobs and economic activity and supporting rural towns. I do not want our parliamentary term to have the employment record of the previous government. In its last three years only 2 per cent of new jobs were created

in country Victoria while the remainder were created in Melbourne. That is a disgraceful record, one that the current government will remedy. The Bracks government is committed to improving the standards of those in rural and regional Victoria and to open and honest government. We will deliver. That is a far more substantial commitment than the cheap political shots being taken by the honourable member for Polwarth.

The honourable member for Knox raised the damage that may be caused to the habitat of platypuses in Monbulk Creek. Greening Knox expressed concern and asked about open space being created along Monbulk Creek. One of the most encouraging aspects of living around Melbourne is that platypuses have increased in numbers in the creeks close to the city and suburbs. There are problems with many of the suburban creeks. The government hopes to address those problems with its stormwater policy, which sets out to improve the health of urban streams. I received a letter from the honourable member for Knox outlining his concerns and offering suggestions. I have asked my department for advice on how to resolve this issue.

Ms CAMPBELL (Minister for Community Services) — The honourable member for Bendigo East raised the matter of Huntly preschool, and has done so on previous occasions. As a result of concerns expressed by the committee of management the honourable member visited the preschool soon after her election. She briefed me within the first week of being elected and has spoken to me on the matter a number of times in Parliament.

Last Wednesday, at the Department of Human Services regional office in Bendigo, we spoke with the regional director and the children's services officer about the concerns expressed by the Huntly preschool committee of management. The preschool has a dedicated parent committee and staff team — the children are happy and receive appropriate care and education. Huntly, which is on the outskirts of Bendigo, is experiencing a slight dip in enrolments for next year, creating problems for its financial viability.

The previous government cut \$16 million from preschool allocations and then handed over an underfunded system to the committees of management. The new Bracks government is addressing the matter and has undertaken to increase the per capita allowance for health care card holders next year.

To assist the preschool and ensure that enrolments increase, fees are affordable and the children continue to receive the high standard of care and education they currently enjoy, I will work with the committee of management, the regional office, children's services

officers and the honourable member for Bendigo East. One other group — local government — is crucial to increasing enrolments.

I congratulate the honourable member for Bendigo East on having raised the matter again and I will again raise it with the regional office.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Tullamarine raised the issue of the rising crime rate in the state and took the commendable attitude that a more preventive approach to crime is needed.

The attitude of the previous government was to build more prisons. Unfortunately, that is a sad example of shutting the gate after the horse has bolted. One of its solutions to crime was more prison beds; another was denial that the crime rate was rising and that there was a serious growing crime problem. The former government told us there was a decreasing crime rate and quoted the Australian Bureau of Statistics figures. It argued that Victoria's crime rate in 1997–98 had decreased by 0.3 per cent. Selective statistics were used because the ABS figures represent only nine categories of offences across Australia.

The statistics used to measure crime in the state are the official figures published by the Victoria Police each year. Those figures show that over the past four years the crime rate in Victoria increased by 11.1 per cent, with some alarming increases in categories such as robbery — up 88.5 per cent; deception — up 43.3 per cent; theft from motor vehicles — up 28.9 per cent; residential burglary — up 12.4 per cent; and assault — up 9.9 per cent. While that was occurring the previous government was busy cutting police numbers. It took some 800 police officers out of Victoria Police while the crime rate was rising in the manner I have described.

Police officers are not employed only to react to crime. They have an important and proactive role to play in preventing crime — getting out into the community and doing the proactive patrolling to stop crime before it occurs. Beyond that, a broader and more overarching approach to crime needs to be taken. Unfortunately when a government cuts thousands of teachers from the education system and the year 12 retention rate drops, some 20 per cent many of the affected children will end up as crime statistics and drug casualties or in prisons. That is the sad tale of what happened with the cuts the previous government made to the social infrastructure of the state.

The Bracks government is about looking at and taking care of crime across all portfolios. It is a responsibility

of the whole community. The government is about providing education and community services — and it is about addressing the causes of crime. To that end it will establish a crime prevention agency within the Department of Justice. Its role will be to identify, develop, promote and evaluate effective crime prevention programs and to establish an electronic catalogue of some of the best crime prevention ideas and programs available both here and internationally. The information will be published on the Internet and the resource will be able to be accessed by country people, local government, local communities and individuals.

In addition, the crime prevention agency will have the role of developing a crime prevention strategy. It will work closely with government agencies, the police force, the corrections system and local communities to develop local crime prevention initiatives that are specifically tailored for the needs of those communities. It will also support early intervention programs for young people who are at risk of graduating to offending behaviour later in life.

The Bracks government has a comprehensive and integrated approach to dealing with crime. It is not just about enforcement and imprisonment; it is about tackling the causes of crime. That is the approach it will take. I commend the honourable member for Tullamarine for recognising that dealing with the crime that affects her community is about more than just building more jails.

Mr CAMERON (Minister for Local Government) — The honourable member for South Barwon raised a matter concerning a Belmont traders levy. It appears the levy has been controversial among traders and others. I understand that the honourable member asks that I conduct an inquiry. You will appreciate, Mr Acting Speaker, that the office of local government can conduct inquiries into a council. However, I understand that that is not what the honourable member is seeking.

While the opportunity exists I should set out that the view of the government is that inquiries into local councils should occur only in the most exceptional circumstances. The view of the government is shared in many parts of the nation — that is, that local government is the legitimate third tier of government, and that local matters are best handled at the local level.

The SPEAKER — Order! The house stands adjourned.

House adjourned 5.50 p.m. until Tuesday, 30 November.

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