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FIFTY-FIFTH PARLIAMENT

FIRST SESSION

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Tuesday, 18 March 2003

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

SWEARING IN OF MEMBER

The SPEAKER announced the election of Mr Victor John Perton as member for the electoral district of Doncaster pursuant to writ issued on 5 November 2002.

The honourable member for Doncaster took and subscribed oath of allegiance to Her Majesty Queen Elizabeth 11.

IRAQ: CONFLICT

Mr BRACKS (Premier) (*By leave*) — Today the world is on the brink of war. Since Saddam Hussein came to power in 1979 some 1 million Iraqi people have been killed in war or civil war, some 4 million have fled into exile and some 200 000 have disappeared into Hussein's jails.

I, like all members of this place, condemn the regime of such a dictator and I also believe that he should be removed. But the world and Victoria remain divided on what action should be taken if Iraq does not comply with the United Nations resolutions of disarmament. I know there are differing views on this impending war, within the Parliament and within the wider community. It has been my consistent and clear view, and the view of the Victorian Labor Party, that military action against Iraq should occur only under the auspices of the United Nations.

Today the United States President George W. Bush gave Iraqi leader Saddam Hussein 48 hours to avert war by going into exile. Today we have also heard from the Australian Prime Minister that our troops will be part of that war if the deadline is not met.

No matter what the views of members of this place or the Victorian community, we support our troops unconditionally. I place on record the support of this Parliament for the troops in undertaking their duties on behalf of the people of Australia.

I am sure all members of the Parliament will unite with me in wishing the men and women of the defence forces a safe mission and a speedy return. This is a very difficult time for them and their families. The troops have no choice in this matter: they are simply undertaking their duties as members of the Australian Defence Force. The decision to commit them to war is a decision of the commonwealth government. Any argument with this decision should be directed at the federal government, not at our troops. I believe they go with the best wishes of the Victorian community, and we hope and pray for their safe return.

I also call on the Victorian community to extend consideration and support to all Victorians of the Islamic faith. Tolerance and compassion are fundamental hallmarks of our state, and I am confident that Victoria's rich multiculturalism will weather us through these difficult times.

I again ask all members of this Parliament to unite in support of the men and women of our defence forces in the conflict that lies ahead. We wish them a speedy and safe return.

Mr DOYLE (Leader of the Opposition) (*By leave*) — It was with a full sense of the gravity of this moment in our history that I read the Prime Minister's statement and, with the rest of the world, watched President Bush's address today. Australia has formally committed troops to the world effort to avoid drifting into disaster and in order to steer a course to safety with regard to Iraq.

Much as we all might wish otherwise, we must now deal with an untenable situation. Australia's key objective is obviously the disarming of Iraq. It is my view that this is what is right in Australia's national interest and in the interest of world peace.

The events of 11 September 2001 and Bali have heightened our awareness of the menace of terrorism. To terrorists we live in a world without borders; for terrorists there are no laws. There is no doubt Iraq possesses chemical and biological weapons. If Iraq is allowed to keep them other rogue countries will do the same. The more countries that have these weapons the greater the chance there is that terrorists will get them. If that happens every western country, including Australia, will be under threat. Despite all other considerations and arguments this untenable situation exists, and we must be resolute.

The Liberal Party fully supports and endorses the actions and decisions of the Prime Minister and the federal cabinet on behalf of the Australian people. There must be no more burdensome responsibility for an Australian Prime Minister than to commit our troops to a war.

In one fervent wish we are all united as a community and as a nation: we hope our troops come home safely and quickly. We thank and honour the men and women whose profession it is to defend our safety by putting theirs on the line. With Australian troops now

committed to any Iraq conflict, I hope there will be no partisan political point scoring which could undermine the respect, support and regard of the community our troops deserve, and the understanding we must extend to their families and loved ones.

In these grave terms we pray for Australia and her people, and we pray for the safety and peace of the world.

Mr RYAN (Leader of the National Party) (*By leave*) — I rise to support the decision made today by the Australian government to commit our troops to what appears now to be an inevitable conflict in Iraq. I do so in circumstances where I recognise the absolute agony that has been encountered by those who have had to grapple with this terrible decision, and who have come to the conclusions that have today been reached.

The reality is that Iraq must be disarmed. I think the days of debating whether Iraq does or does not have weapons of mass destruction are long gone. What we have seen over the last decade or more is the almost eternal prevarication by Iraq as far as the appropriate mechanisms to be employed through the United Nations in relation to the disarmament which the world so badly wants to have happen are concerned. Were this a perfect world, on this terribly imperfect issue this would be done with the imprimatur of the United Nations. However, I say again that in my view and that of my party in Victoria Iraq must be disarmed, and what must be, must be.

I support the Premier and the Leader of the Opposition in a call to all members of our community to support our troops. They are there to do a job. They have been committed to this task, and it is theirs to fulfil. I have a lasting impression of standing on the platform at Spencer Street Station as a 16-year-old to see my brother, Adrian, off to war in Vietnam. Certainly I am the last to say that we want war, but I implore people to ensure that we do not have a repeat of what happened for many years after our troops returned from Vietnam. They suffered what I think was a completely inappropriate response from some members of our community for literally decades until a wound which left a deep scar was healed at least in part.

I recognise that there are divisions in our community about this. There are divisions in this Parliament about this. There are divisions among National Party supporters beyond the walls of this Parliament in relation to this issue. But I say again that the views expressed by the Premier and the Leader of the Opposition are fully endorsed by me, and they reflect what has been said today by the Prime Minister himself in that those differences of view ought to be taken up with the government of the day at a federal level and should not under any circumstances reflect upon our troops who are there, who are now committed to this apparently inevitable conflict.

Finally, I think it behoves us to conduct ourselves as a community in the manner for which we are so deservedly known — for the generosity of our recognition of the many components that make up who we are. I refer specifically to those of the Islamic faith and members of the Iraqi community, particularly those of that community throughout country Victoria. I know that the member for Shepparton has in her immediate area a population in the order of 4000 people of Iraqi heritage. Understandably these people are very concerned about the obvious issues that arise from today's announcement. So it is that I endorse the calls made by the Premier and the Leader of the Opposition for us as a community to respect the grave justifiable concerns held by those people who reside in different parts of this great state.

May our God go with our troops, and may they return safely.

RULINGS BY THE CHAIR

Members: breastfeeding

The SPEAKER — Order! I wish to make a brief ruling in relation to breastfeeding in the chamber. Since the first sitting week of this house I have had discussions with all political parties about whether parliamentary procedures could be altered to accommodate breastfeeding in the chamber in appropriate circumstances. The view expressed in those discussions was that discretion should rest with the Speaker. Accordingly, where a member is required to be in the chamber it is in order for that member, if necessary, to bring an infant into the chamber to be breastfed.

QUESTIONS WITHOUT NOTICE

Bushfires: inquiry

Mr PLOWMAN (Benambra) — My question without notice is to the Premier. I refer the Premier to a media release of last Friday in which he announced the establishment of an internal departmental review into the recent bushfires in Victoria, and I ask: what are the terms of reference for this review, and who are the two independent experts chosen to assist the review?

Mr BRACKS (Premier) — I thank the member for Benambra for his question. I can indicate to the house that the Emergency Services Commissioner, in accordance with the Emergency Management Act 1996, has been charged with the responsibility of conducting an inquiry into bushfires, not only the conduct of the fight against the fires and the coordination of the emergency services effort to fight those fires but also the preparation for the fires beforehand to ensure we were well prepared, including the issues of hazard reduction and back-burning. I know that is an issue many members want addressed, and it will be addressed as part of this investigation and inquiry.

I also indicated last Friday that after further discussions with the Emergency Services Commissioner the government would announce a further two persons with expertise in those areas to assist him in the conduct of that inquiry. That will be announced in due course after the government has further advice from the Emergency Services Commissioner. I have full confidence in his capacity and ability under the act to conduct this inquiry independently.

It is a more appropriate course of action than parliamentarians using this as a political exercise as part of an all-party committee inquiry. Having an independent Emergency Services Commissioner who does not have management or line responsibility for any one of the emergency services agencies but who is charged under the act with the responsibility of investigating is entirely appropriate and superior to anything which this chamber might do to decide this matter rather than bringing in expertise for a panel which includes the Emergency Services Commissioner.

Computershare: global operations centre

Ms GREEN (Yan Yean) — My question is to the Premier. Will the Premier inform the house of the latest investment that further strengthens Victoria's reputation as Australia's information technology capital?

Mr BRACKS (Premier) — I thank the member for Yan Yean for her question and for her commitment to growing employment in the state, to generating jobs and to making sure that we have the best outcome in employment generation.

I note that the member for Doncaster has been re-elected to this place. I wish him every success — —

An Honourable Member — Just!

Mr BRACKS — Well, he has been re-elected. If he were able to comment on this matter I am sure he would wholeheartedly support the government in what it has achieved.

This is the biggest single investment in information technology in Victoria's history. One thousand two hundred jobs will come as a result of Computershare consolidating its international offices and making sure it grows its business by locating its head office here in Melbourne. Computershare will generate a further 1200 jobs on top of the 600 jobs which already exist, making a total of 1800 jobs in the IT industry and making it the biggest IT company in the country. It will also generate some $800 million in new investment for the state over a period of five years. It will enhance Victoria's reputation as a state which has innovation at its heart and which encourages new technology, whether it is information and communication technology or biotechnology.

I wholeheartedly welcome Computershare, particularly on the very day when the state's unemployment rate has been confirmed as the lowest of any state in Australia. As far back as 1999 the government had an ambition and a target to achieve something like 5 per cent unemployment for Victoria, and that was reconfirmed at the 2002 election. The state now has a 5.2 per cent unemployment rate, which is the lowest in Australia.

Innovation is driving these new jobs, and Computershare is a good example of it. Victoria is seeing a greater growth in its economy than any other state, at 4.9 per cent — a full percentage point higher than the national growth rate. I am pleased and encouraged by the endorsement of Victoria shown by Computershare. The government is pleased to see it as a new head office company in Victoria. Computershare operates worldwide and sees Victoria as the centre of its global business.

Bushfires: timber salvage

Mr RYAN (Leader of the National Party) — My question is to the Minister for Environment. I refer to the fact that an estimated $200 million worth of sawlog timber now stands damaged in Victoria's high country following the devastating bushfires, and ask: given the window of opportunity of about 18 months, what strategy is the government employing to salvage this resource before it dies?

Mr THWAITES (Minister for Environment) — I thank the shadow minister for his question.

An honourable member interjected.

Mr THWAITES — Sorry, I'm not sure who the shadow minister is!

Mr Plowman interjected.

Mr THWAITES — I will know? Right!

The Leader of the National Party raised the issue of the salvaging of wood burnt in the recent fires. The principal issue relates to mountain ash, which needs to be salvaged within about 18 months in order to be useable. The government has had discussions with the various parties involved — the companies, the haulers, the loggers and all the parties that would be involved in such an operation.

Mr Ryan — The Greens?

Mr THWAITES — We have not as yet had discussions with them, no; but we have quite properly had discussions with the Australian Conservation Foundation, and I imagine that all parties would take a great deal of notice of the ACF and its views.

The practical issues are quite considerable. It amounts to six years of mountain ash logging in state forest areas that would need to be done in a period of 18 months to two years, which presents very significant challenges in terms of having a work force able to do the logging and an appropriate storage system for those logs. All of that is in order and will occur.

Unfortunately we are in the extraordinary position where the member for Benambra has suggested that we should go beyond that area of state forest, where there is some six years of mountain ash to be logged, and should start logging national parks! That is the most extraordinary statement from someone who is supposed to be an environment spokesperson. I cannot believe that his leader would have countenanced such a view. No-one with any understanding of conservation or the environment would make such an absurd suggestion, which I might say would run counter to the very legislation that his own party introduced.

The government will be salvaging that wood in the state forest, but it will not be logging our national parks.

Employment: government performance

Ms BEATTIE (Yuroke) — My question is to the Minister for Employment and Youth Affairs. Will the minister advise the house of the latest unemployment figures and the actions the Bracks government is taking to increase the job opportunities available to all Victorians?

Ms ALLAN (Minister for Employment and Youth Affairs) — I thank the honourable member for Yuroke for her question. As the Premier indicated just recently to the house, the latest data from the Australian Bureau of Statistics shows that the unemployment rate in Victoria for the month of February is 5.2 per cent. This is significantly lower than the national rate of 6 per cent. Not only is the current Victorian unemployment rate of 5.2 per cent the lowest of any state in Australia, it is the lowest in Victoria since June 1990.

Whilst monthly labour market figures can be volatile, last month was the 33rd month in a row that Victoria's unemployment rate has been below the national rate.

Mr Batchelor — How many?

Ms ALLAN — Thirty-three months of consistent performance by Victoria's economy over the last three years.

Since the election of the Bracks government in October 1999 more than 194 000 new jobs have been created here in Victoria. Importantly this growth has been shared right across Victoria, with country Victoria also experiencing record employment growth, with an extra 48 400 jobs created since October 1999.

One of the reasons why Victoria is leading the country in these figures is the strong economy the Bracks government has created. For example, since 1999 exports have increased by 35 per cent, business investment is at record levels, infrastructure spending is up by a massive 73 per cent and the net number of people migrating to Victoria in the last financial year was over 6000. These record gains in Victoria's economic activity and the continued strong population growth come at a particularly difficult time when we consider the impact of the drought, the bushfires and the climate of rising international instability.

Victoria has been the national standout economic performer, and the latest unemployment figures confirm that. In our first term we in the Bracks government delivered when it came to creating employment opportunities for all Victorians. We delivered over 6900 placements under the community jobs program, with many graduates from that program going on to further employment and training; we funded 1690 traineeships and apprenticeships in the Victorian public sector; we assisted more than 35 000 long-term unemployed people to gain training and employment; and we provided assistance to over 9000 skilled migrants seeking employment in Victoria — and we will continue this with new programs to tackle skill shortages in regional and rural

Victoria and to provide job opportunities across all of Victoria.

To conclude, whilst employment data can move from month to month, an unemployment rate of 5.2 per cent shows that the economic policies of the Bracks government are delivering real results for people throughout the whole of the state. As we have just heard with the announcement by the Premier of the investment by Computershare of 1200 new jobs into Victoria, the Bracks government will continue to build on the achievements in its first term and continue to aggressively pursue economic investment into Victoria and foster strong population growth — and it will continue to do this in close partnership with business, local communities and education and training providers to foster a climate for economic and employment growth right here in Victoria.

Point Nepean: army land

Mr DIXON (Nepean) — My question is to the Premier. I refer him to his statement during the leaders election debate that if re-elected the state government would be prepared to buy any portion of Point Nepean offered for sale by the federal government, and I ask: why has the Minister for Environment already broken the Premier's promise by refusing to even negotiate with the federal government?

Mr BRACKS (Premier) — I thank the member for Nepean for his question. The member failed to go on to read the rest of that statement, which referred to green wedge legislation which would effectively prevent any sale occurring. But more than that, the government has always had the stated policy and position that it wanted the vegetated area handed over to the state government, and it is the vegetated area that was handed over to the state government. The federal government now wants to sell off other areas at commercial rates, and that is totally and utterly irresponsible — and it is irresponsible for the particular reason that the land is already in public ownership! The land is already owned by the people of Australia. It is a very simple matter to leave that ownership there for all time without having a sale of that land in the future. That is a responsibility of the federal government which it does not accept, and it is trying desperately to get out of its responsibilities.

As the environment minister said from the outset, we welcome part of the decision of the federal government to transfer some of the vegetated land to the state government. We accept that, and we accept that responsibility. That land will now be incorporated as part of our national parks, but we do not accept the fact that land that is owned by the commonwealth should be sold at commercial rates. That is something we totally and utterly oppose.

Melbourne Fashion Festival

Ms LOBATO (Gembrook) — My question is to the Minister for Manufacturing and Export. Will the minister inform the house of the effects on the state's economy of this week's Melbourne Fashion Festival?

Mr HOLDING (Minister for Manufacturing and Export) — I thank the honourable member for Gembrook for her question. I am very pleased to be able to provide information to honourable members about the Melbourne Fashion Festival and also provide information about the economic benefits to Victoria of having the fashion festival take place this week. It is a fantastic festival, it is a fantastic event for Melbourne, and it is a fantastic opportunity to showcase here in Victoria the tremendous textile, clothing and footwear (TCF) industries we have and to showcase the fantastic design capacity that exists here in Victoria.

The festival also complements the existing suite of fashion events and fashion festivals which Victoria has attracted and which take place in Melbourne, and it helps us to showcase the terrific textile, clothing and footwear industries the state has.

The festival runs alongside the Mercedes Australian Fashion Week, which takes place in November, and it also complements the Melbourne Spring Fashion Week, which occurs in September. It is a terrific way of reminding people throughout Australia and also throughout the world of the fact that Melbourne plays a very important part in showcasing design by showcasing our TCF industries and providing opportunities for manufacturers of high value-added textiles here in Victoria.

What a tremendous event the festival is! It is a tremendous opportunity for new designers, it is a tremendous opportunity for manufacturers and it is also a tremendous opportunity for retailers to showcase their capacities in Melbourne. I encourage honourable members to get along to some of the festival events to see the tremendous design capacities that exist here in Victoria.

The economic impact of the festival is tremendous. It supports our very important textile, clothing and footwear industries based here in Victoria, which employ over 27 000 Victorians not only in Melbourne but more particularly in regional Victoria. Many members here representing regional seats would be

aware of the tremendous impact that our TCF industries have on regional employment.

The specific data in relation to the economic impact of the fashion festival is considerable. I am reminded that when former minister Tom Reynolds provided information to members back in 1999 he calculated the impact of the fashion festival as generating about $2 million worth of economic benefit to Victoria.

I am very pleased to be able to say to honourable members that as a consequence of the terrific support for the fashion festival that has come from the Bracks government and also as a consequence of the terrific organisation of the fashion festival organisers themselves we have been able to grow the Victorian government's support for the festival and also grow the festival itself. We now calculate the economic impact of the advertising, both print and electronic, of the fashion festival as somewhere in the vicinity of $25 million — tremendous growth. The impact on the gross state product is about $19.9 million.

This is a terrific way of boosting our local economy, boosting our retail sector, boosting our textile, clothing and footwear industries and, most importantly, boosting our design capacities, which provide such an important boost to the high-value-adding end of the TCF industries. That is where the future capacity for growth is, where the capacity for innovation is and where the capacity to grow our exports lies. This is very much the future of TCF in this state. The government will continue to support this event. It is very pleased to welcome L'Oreal as a first-time major sponsor of this event this year. We are pleased to welcome its support of this event, and we are pleased to continue our support.

I am pleased to be able to thank the cities of Melbourne and Stonnington for their ongoing support of the event. We are pleased to see the important impact this important fashion festival will continue to have on the Victorian TCF sector.

Point Nepean: army land

Mr COOPER (Mornington) — My question is to the Premier. I refer to the claim last week by the Minister for Environment that the Bracks government would not purchase the Point Nepean land on offer from the commonwealth government claiming, 'It is public land, so why should we buy it?' — a claim that was repeated in answer to the previous question by the Premier — and I ask: will the Bracks government now adopt this policy for all land transferred from the state government to local government?

Mr BRACKS (Premier) — I thank the honourable member for his question. I say to the honourable member for Mornington that all we want from the federal government is the same deal it gave the New South Wales government. All we want out of the federal government is what it did on the foreshore of Sydney, the same arrangements in handing over that land without cost.

Mr Cooper — On a point of order, Speaker, the question was clearly directed at future government policy in regard to the matter of transfer of the land from the state government to local government. The Premier is avoiding the question. I ask you to bring him back to it and make him answer it.

The SPEAKER — Order! There is no point of order. The Premier had just begun his answer and was addressing the question.

Mr BRACKS — The simple arrangement we want is the identical arrangement which the federal government operated for New South Wales. Nothing less will be supported by our government.

Ned Kelly

Mr HARDMAN (Seymour) — My question is to the Minister for the Arts. Will the minister advise the house of this week's world premiere of the locally produced film *Ned Kelly*, and of its economic benefit to the state?

Ms DELAHUNTY (Minister for the Arts) — I thank the honourable member for Seymour for his question and for his understanding that one of the great benefits of investing in film and television is that it allows Australians and Victorians to tell our stories, explore our history and look at our heroes and our villains. The Bracks government has begun the investment of about $32 million directly into film and television and already it is starting to generate an increase of 30 per cent in the amount of film and television production in this state. That is a good result for a substantial investment.

On top of such beaut films as *Queen of the Damned* we have *Crackerjack* and we now have *Ned Kelly*. This weekend the Oscars will happen in Hollywood, but here in Melbourne — —

Honourable members interjecting.

Ms DELAHUNTY — Actually, also there is a new film about to open called *Wannabes*; I think it is probably a film about the opposition!

Ned Kelly will open in a world premiere this weekend at the Regent Theatre. It is a great story, and there are great actors: it has Heath Ledger, Geoffrey Rush, Joel Edgerton and Naomi Watts. It is a retelling of a story about a larrikin, a hero, a gentleman — whatever your definition of Ned Kelly is, Victorians and Australians love to hear his story. As well as seeing a retelling of his story you can also touch his armour. The Victorian State Library has an exhibition of Ned Kelly memorabilia, and that is also supported by this government.

The economic benefit was the point of the question from the honourable member for Seymour. A $30 million film has been shot here in Victoria, with the great winner being regional Victoria. I am sure the honourable members representing Ballarat would be pleased to see the Clunes hotels overflowing and the Ballarat restaurants reporting celebrity sightings. Mount Disappointment locals were used as extras, and in Moorooduc the streetscapes were used as sets — and I think the honourable member for Bass was even used in a set. In the You Yangs the set that was built in the Earth Sanctuary will remain as a permanent tourist attraction. Also, in Melbourne we have used film technicians and experts. The Melbourne company Complete Post did the post-production work for this film.

The economic benefits from the shooting of the film are substantial, but there is also the flow-on from tourism generated by this film. The exposure a film like this gives to the various locations I have mentioned has been likened to a feature length advertisement with a worldwide audience of around 72 million people. It will also generate tourism interest not only in the places around Victoria where the film was shot but also in the towns of Euroa, Benalla, Glenrowan and Beechworth, where of course the real story of Ned Kelly unfolded.

Victoria is clearly recognised now as a place to do business for film and television both nationally and internationally. The film and television industry is now resurgent in Victoria. The investment made by the Bracks government is starting to pay dividends. Apart from the films I have mentioned there are also six miniseries now in production.

Bridges: Echuca–Moama

Mr MAUGHAN (Rodney) — My question is to the Minister for Planning, and I ask: given that the government has had the independent panel report with regard to the siting of the second Murray River bridge at Echuca–Moama for six months, when will the minister announce her decision, and will the report be made publicly available at that time?

Ms DELAHUNTY (Minister for Planning) — I thank the honourable member for his question. This has been an important issue. The subject of a second crossing has been an issue of great interest to the local community but has also been the subject of a process coordinated by both Victoria and New South Wales. We appointed a three-person panel inquiry to investigate what was the most appropriate siting for this second crossing, and that panel included, of course, a nominee of the New South Wales government.

There has been extensive consultation with the local community, for obvious reasons. This is a very sensitive issue; we need to get it right. The importance of this decision is really the economic future, if you like, of the river city, and there are economic, social and environmental issues that must be carefully investigated, so we want to get it right.

The panel has reported now to the government — both governments — and that will be made public in due course.

Australian Formula One Grand Prix: economic benefits

Mr HARKNESS (Frankston) — My question is to the Minister for Tourism, or the minister for major events. Will the minister outline to the house the recent success of the Australian Formula One Grand Prix and its economic dividend to Victoria?

Mr PANDAZOPOULOS (Minister for Tourism) — The house will be very much aware that Melbourne is one of the few, select cities in the world to have the honour of hosting a formula one event. This government has renewed the contract for this event to 2010 for very good reasons, and they all relate to the very big economic impact this event has.

A major difference between this and the previous government is that we have increased our resources for major events. We have more major events, but we work hard to ensure that our existing events also grow in economic value and importance to Victoria. Because of the event that was held from 6 to 9 March — the Fosters Australian Grand Prix 2003 — we had more international attention and a bigger spotlight on Melbourne and Victoria than has ever been seen before. There are some very good reasons for that. It is because we run the best formula one event in the world. The Premier was at Federation Square launching the Minardi team with Paul Stoddart, who handed him the

2002 Bernie Award for holding the best formula one event anywhere in the world. That is a great thing for Victoria. We run events well!

A key focus is how we grow the economic value of the event. It receives these awards not only because it is well run but because it is a place where the international media want to be — we had a record number of international media here this year, more than ever before — and because interstate and international corporations want to attend our events. We have a dual role as a great events destination and great place to invest. This is an unsung benefit of our major events advantage: all the corporates that visit from interstate and overseas do business while they are having a good time. The formula one event attracts about 30 000 people from interstate and about 20 000 from overseas. And as I said before, this year we had more international media attention than ever.

We also saw some rule changes, which ensured a fairer event. Ferrari was not on the podium for the first time in three and a half years. That brought huge additional overseas promotion for Melbourne and Victoria, which will encourage further investment in our state and more tourists.

I thank Ron Walker and his team. Both they and the Australian Grand Prix Corporation do an excellent job. I also thank Ron for his international involvement, because he was a key driver in changing the rules for formula one to ensure a fairer competition. I also thank him because of his great support for the Australian connection in the grand prix, because we have not had an Australian connection for a while. He has been a great support, along with the Australian Grand Prix Corporation, for Paul Stoddart and the Minardi team, the only Australian and in effect Victorian-owned team — and to Mark Webber. His great support, including the nurturing and support he has provided internationally, is one of the reasons why Mark is driving for his new team, Jaguar.

I am pleased to be able to report to the house that the economic benefit of this event for Victoria this year is $130 million, representing an increase from $96 million in 1996. I again thank Ron Walker, and I thank all the volunteers from the Confederation of Australian Motor Sport, and I look forward to the Fosters Australian Grand Prix 2004.

NOTICES OF MOTION

Mr WELLS having given notice of motion:

Mr Maxfield interjected.

Dr Napthine — On a point of order, Speaker, the member for Narracan just accused the member for Scoresby of lying to the house. I ask him to withdraw that absolutely disgraceful imputation.

Mr Maxfield — I withdraw.

Further notices of motion given.

SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to establish the Southern and Eastern Integrated Transport Authority, to amend the Borrowing and Investment Powers Act 1987 and for other purposes.

Read first time.

MAJOR EVENTS (CROWD MANAGEMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) — I move:

> That I have leave to bring in a bill to promote the safety and enjoyment of participants and spectators at certain venues and major events and for other purposes.

Mr DOYLE (Leader of the Opposition) — Given the generic nature of the title of the bill I ask the Deputy Premier for a brief explanation of its contents and purpose.

Mr THWAITES (Minister for Environment) (*By leave*) — The bill deals with the safety and enjoyment of participants and spectators at certain venues and major events. It could not be clearer than that.

Motion agreed to.

Read first time.

MELBOURNE CRICKET GROUND (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) introduced a bill to amend the Melbourne Cricket Ground Act 1933 and for other purposes.

Read first time.

COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) introduced a bill to amend the Commonwealth Games Arrangements Act 2001 to facilitate the development of the Commonwealth Games village and the development, redevelopment and use of the games village land after the Commonwealth Games, to make further provision for the development and use of Commonwealth Games projects, Commonwealth Games venues and games-related facilities, to establish a body corporate responsible for various matters relating to Commonwealth Games projects, to amend the Project Development and Construction Management Act 1994 and for other purposes.

Read first time.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Police and Emergency Services) introduced a bill to amend the Country Fire Authority Act 1958 to improve protection for volunteers and to enhance community safety.

Read first time.

BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) introduced a bill to amend the Associations Incorporation Act 1981, the Business Names Act 1962, the Estate Agents Act 1980, the Motor Car Traders Act 1986 and the Travel Agents Act 1986 to facilitate electronic document transactions and to make further provision for registers under those acts and to amend the Business Licensing Authority Act 1998 and for other purposes.

Read first time.

SENTENCING (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Sentencing Act 1991 so as to empower the Court of Appeal to give guideline judgments and to establish a Sentencing Advisory Council, to make a minor amendment to the Sentencing (Amendment) Act 2002 and for other purposes.

Read first time.

SEAFOOD SAFETY BILL

Introduction and first reading

Mr CAMERON (Minister for Agriculture) introduced a bill to regulate the safety of seafood, to make related amendments to the Meat Industry Act 1993, to amend the Dairy Act 2000, the Food Act 1984 and the Fisheries Act 1995 and for other purposes.

Read first time.

PETITIONS

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

Housing: loan schemes

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

The humble petition of the following residents of the state of Victoria sheweth the state government-sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings CAPIL, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS), are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low-income bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised: 'affordable home loans specially structured to suit your purse';

2. the home ownership be achieved within 25 to 30 years from date of approval;

3. the payments to be set at an affordable level — i.e., 20–25 per cent of income for the duration of the term for all the loan types;

4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;

5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;

6. the interest rate will be at an affordable rate — i.e., flat rate of 3 per cent per annum or less for the length of the term of the loan geared to income;

7. capital indexed loans be made illegal in this state to protect prospective loan recipients.

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty. (1 Tim. 2:2)

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

By Mr STENSHOLT (Burwood) (17 signatures), Ms LOBATO (Gembrook) (10 signatures), Ms BUCHANAN (Hastings) (29 signatures), Ms MORAND (Mount Waverley) (10 signatures) and Ms GREEN (Yan Yean) (20 signatures)

Laid on table.

DRUG PREVENTION COUNCIL

Annual report

Mr BRACKS (Premier) — By leave, I move:

That there be presented to this house a copy of the annual report from the Premier's Drug Prevention Council for 2001–02.

Motion agreed to.

Laid on table.

CHILDREN'S COURT OF VICTORIA

Annual report

Mr HULLS (Attorney-General) presented, by command of the Governor, report for 2001–02.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Auditor-General — Performance Audit Report — Managing risk across the public sector — Ordered to be printed

Border Groundwaters Agreement Review Committee — Report for the year 2001–02

Film Victoria — Report for the period 1 January 2002 to 30 June 2002

Financial Management Act 1994:

Report from the Minister for Agriculture that he had received the 2001–02 annual report of the Greater Victoria Wine Grape Industry Development Committee

Report from the Minister for Environment that he had not received the annual reports for the period 1 November 2001 to 31 October 2002, together with an explanation for the delay in tabling of the:

Falls Creek Alpine Resort Management Board

Lake Mountain Alpine Resort Management Board

Mt Baw Baw Alpine Resort Management Board

Mt Buller Alpine Resort Management Board

Mt Hotham Alpine Resort Management Board

Mt Stirling Alpine Resort Management Board

Report from the Minister for Health that she had received the 2001–02 annual report of the Optometrists Registration Board

Report from the Minister for Planning that she had received the 2001–02 annual report of the Surveyors Board

Financial Management Act 1994 — Budget Sector — Mid-Year Financial Report incorporating the Quarterly Financial Report for the period ended 31 December 2002

Melbourne 2006 Commonwealth Games Pty Ltd — Report for the year 2001–02

National Parks Act 1975 — Notice of consent from the Minister for Environment to explore for petroleum under permit No. 151 relating to the Lower Glenelg National Park

Parliamentary Committees Act 1968 — Response from the Minister for Health on action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into the Inhalation of Volatile Substances

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

Ballarat Planning Scheme — No. C47

Campaspe Planning Scheme — Nos C14 Part 1, C23

Darebin Planning Scheme — Nos C39, C44

Delatite Planning Scheme — No. C16

Golden Plains Planning Scheme — Nos C11, C13

Hobsons Bay Planning Scheme — No. C30

Kingston Planning Scheme — No. C30

Knox Planning Scheme — Nos C16, C29

Maribyrnong Planning Scheme — No. C36

Melbourne Planning Scheme — No. C67

Mitchell Planning Scheme — No. C15 Part 1

Monash Planning Scheme — No. C34

Moreland Planning Scheme — No. C26

South Gippsland Planning Scheme — Nos C14, C15

Stonnington Planning Scheme — No. C34

Wellington Planning Scheme — No. C17

West Wimmera Planning Scheme — No. C2

Wodonga Planning Scheme — No. C15

Wyndham Planning Scheme — No. C40

Yarra Planning Scheme — No. C56

Yarra Ranges Planning Scheme — No. C22

Radiation Advisory Committee — Report for the year ended 30 September 2002

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer the January 2003 Bushfire Assistance Scheme

Snowy Hydro Ltd — Report for the period 27 June 2001 to 28 June 2002

Statutory Rules under the following Acts:

Fisheries Act 1995 — SR No. 22

Legal Practice Act 1996 — SR No. 20

Meat Industry Act 1993 — SR No. 18

Public Authorities (Dividends) Act 1983 — SR No. 19

Water Industry Act 1994 — SR No. 21

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No. 22

Ministers' exemption certificates in relation to Statutory Rule Nos 20, 21

Victims of Crime Assistance Tribunal — Report for the year 2001–02

The following proclamations fixing operative dates were laid upon the table by the Clerk pursuant to an order of the house dated 26 February 2003:

Agriculture Legislation (Amendments and Repeals) Act 2002 — Remaining provisions (except for ss 6(2)(a), (b) and (c), 9, 11, 12(4), 14(b) and 26 on 20 March 2003 *(Gazette G11, 13 March 2003)*

Regional Development Victoria Act 2002 — Whole Act on 3 March 2003 (Gazette G9, 27 February 2003)

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Section 11 on 15 March 2003 (Gazette G11, 13 March 2003).

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Commissioner for Environmental Sustainability Bill
Constitution (Parliamentary Reform) Bill
Federal Awards (Uniform System) Bill
Outworkers (Improved Protection) Bill
Parliamentary Committees (Amendment) Bill
Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill
Retail Leases Bill
Small Business Commissioner Bill

BUSINESS OF THE HOUSE

Grievances

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That so much of sessional orders be suspended on Wednesday, 19 March to allow a grievance debate under sessional order 4 in substitution of a discussion on a matter of public importance under sessional order 9.

Motion agreed to.

Standing and sessional orders

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That standing and sessional orders be suspended so as to allow the following motion to be considered:

'That it be an instruction to the committee that they have power to consider a new clause and amendments to the Parliamentary Committees (Amendment) Bill which, by amendment of the Parliamentary Salaries and Superannuation Act 1968, enable the schedules to the Parliamentary Allowances Regulations 2003 to apply from 30 November 2002 and schedule 2 to those regulations to take effect as always having included the electoral province of South Eastern'.

Motion agreed to.

PARLIAMENTARY COMMITTEES (AMENDMENT) BILL

Instruction to committee

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That it be an instruction to the committee that they have power to consider a new clause and amendments to the Parliamentary Committees (Amendment) Bill which, by amendment of the Parliamentary Salaries and Superannuation Act 1968, enable the schedules to the Parliamentary Allowances Regulations 2003 to apply from 30 November 2002 and schedule 2 to those regulations to take effect as always having included the electoral province of South Eastern.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 20 March 2003:

Constitution (Parliamentary Reform) Bill

Parliamentary Committees (Amendment) Bill

Terrorism (Community Protection) Bill

Firearms (Trafficking and Handgun Control) Bill

Retail Leases Bill

Small Business Commissioner Bill

Motion agreed to.

MEMBERS STATEMENTS

Macedon: public transport

Ms DUNCAN (Macedon) — Speaker, I also congratulate you on your historic appointment.

The issue I wish to address concerns public transport in the electorate of Macedon. This issue has been raised with me on several occasions as I have travelled around the electorate, and relates to the access to the Met ticketing system, which on the Bendigo line ends at Sunbury.

As the petition is not in the correct format for tabling, I take this opportunity to raise it on behalf of the 389 signatories from the Macedon electorate:

To the Honourable the Speaker and members of the house of representatives assembled in Parliament:

The humble petition of commuters on the Bendigo–Kyneton–Melbourne V/Line services would like to bring to your attention the inconsistencies in the fare structure along this service, compared to other outer Melbourne areas, and to the unavailability of using our V/Line tickets on CBD tram services.

Your petitioners therefore pray that due consideration be given to extending the zone 3 fare structure to include Clarkefield, Gisborne, Macedon and Woodend stations. This would bring the commuters in line with those from Stony Point who have zone 3 available to them while travelling on V/Line trains.

I passed this petition on to the Minister for Transport late last year, and I will continue to work with him and the government to improve public transport in the electorate of Macedon.

Crime: incidence

Mr WELLS (Scoresby) — This statement condemns the Bracks Labor government and the Minister for Police and Emergency Services for deceiving the Victorian community during last year's election campaign into believing that violent crime had significantly fallen under Labor.

The government's 2002 election policy document entitled 'Policy resources', part 1 of *Labor's Plan for Community Safety* states:

… under the Bracks government there has been a significant fall across nearly all street crime categories over 2001–02 …

The latest Victoria Police crime statistics clearly reveal that this is not the case. The truth is that crimes against the person increased in the last financial year by 6.2 per cent, and the total increase under Labor over three years was a disturbing 16.8 per cent.

Victoria Police crime statistics show that between 1999–2000 and 2001–02 homicide was up by 32.9 per cent, rape was up by 8.5 per cent, robbery was up by 10.5 per cent, assault was up by 26.8 per cent, and abduction/kidnap was up by 14.4 per cent.

The minister must immediately provide an explanation as to why the Victorian community was deceived during the last election campaign into believing violent crime had fallen under Labor when in fact it had increased substantially.

Lakeside Secondary College: Visy Cares

Mr LEIGHTON (Preston) — On Wednesday, 5 March, I had the pleasure of attending the opening of the new $1.3 million student facilities at Lakeside Secondary College in Reservoir. The Bracks Labor government contributed a little over $920 000 to the new library and refurbished administration area, while Visy Cares contributed $370 000 for the student centre and canteen. The state government's support was obviously very welcome, but I want to particularly congratulate Richard Pratt and Visy Cares on their support of our local community.

The existing school facilities were very run down and ageing. What started as an approach by the school to Visy Cares for more modest support for the canteen resulted in much more substantial support for this project. The new library provides more space, along with airconditioning, computers and new furniture, while the student centre provides a relaxed and welcoming area for Victorian certificate of education students to study and socialise with their friends.

Visy Cares was motivated by a recognition that it was not only a neighbour of the school but indeed part of the same community, a community where its workers children go to the school and where, in turn, some of

the students go on to work for Visy. The new facility will provide a modern and comfortable learning environment for Lakeside students. I congratulate the school on its determination and Visy on its support of the school.

Members: departmental access

Mr RYAN (Leader of the National Party) — I wish to bring to the attention of the house a matter which at this juncture threatens to bring down the Bracks government in the early stages of its second term. The issue is to do with pasture growth in the Macalister irrigation district. It must be important, because on 3 March I sent a note to the Minister for Water telling him that I was asking for permission to go to Maffra and have a talk to a departmental officer about a paper which that officer had presented to the United Dairyfarmers of Victoria central council on 10 February. I gave him 48 hours notice, and I told him I was also going to see someone from Southern Rural Water about problems with the availability of water from Lake Glenmaggie.

On the Wednesday morning I was due to go I got a call from an officer from the minister's department. She was most apologetic, but I told her, and it is a fact, that I have never indulged in shooting the messenger. I was not allowed to go over to see these two people, one of whom had produced this publicly available paper relating to benchmarking, production, water use and effectiveness on irrigated dairy farms in the Macalister irrigation district, and the other with whom I hoped to discuss important matters of water availability through Southern Rural Water.

I implore the government to be sensible about giving us access to people in these departments. It is important that we have that. Although I am saying this tongue-in-cheek, they rarely do need to — —

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

Victorian School of Languages

Ms BEATTIE (Yuroke) — I would like to congratulate the Victorian School of Languages for the fantastic evening I had the privilege of attending on 3 March. The function at the Copland Theatre at Melbourne University was a celebration of the top scorers in language achievement at the school. It was also a wonderful demonstration of the diversity that thrives within the Victorian community. I would like to thank and congratulate the principal, Frank Merlino, and the school council president, Bruna Pasqua, and their dedicated staff for the opportunity to participate in this wonderful event.

The languages offered by the school include Arabic, Chinese, Croatian, Czechoslovakian, Dutch, French, German, Greek, Hebrew, Hindi, Indonesian, Italian, Japanese, Khmer, Korean, Macedonian, Maltese, Persian, Polish, Portuguese, Russian, Serbian, Spanish, Tamil, Turkish and Vietnamese. Four students achieved perfect scores in their language of choice, and I would like to congratulate Nadia Merlino, Italian; Joanne Ryoo Ji-Hyo, Korean; Christpoh Richter, German; and Amelia Ie, Indonesian.

In the increasingly global context of our daily interactions the value of languages cannot be overestimated. I applaud the Victorian School of Languages for the excellence it brings to its students and the wider community.

Friday is Harmony Day, and in light of current worldwide events, I encourage — —

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

Emergency services: Warrnambool rescue helicopter

Dr NAPTHINE (South-West Coast) — I wish to bring to the attention of the house a tragic two-vehicle collision which occurred on Sunday morning at Myamyn in western Victoria. This collision left three people dead, including two young children, and a young mother and her baby fighting for their lives in Melbourne hospitals. My sympathy goes to the families and friends of all those involved.

The tragedy has highlighted again the urgent need for this government to fund a multipurpose rescue helicopter for south-west Victoria. A Warrnambool-based helicopter could have been on the scene within minutes, but rescuers had to wait 1¼ hours for a helicopter to come from Bendigo. Indeed, I am advised that one of the injured victims had to remain in the crash vehicle until the helicopter arrived so that that person could be transferred from the vehicle directly into the helicopter and then directly to Melbourne. We know how important that first hour is in terms of the health and safety of people involved in dangerous situations.

The tragedy also highlights the need for black spot funding to realign this dangerous intersection to what is described as a staggered-T intersection. There have been a number of crashes at this intersection over the years, and a number of near misses. We have had a

tragedy in western Victoria which has affected many families and many other people. That tragedy was exacerbated by the lack of a rescue helicopter service in south-west Victoria. I urge the government to take action on the rescue helicopter and the realignment of this — —

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

Clean Up Australia Day

Mr ROBINSON (Mitcham) — As all members would be aware, Sunday, 2 March, was Clean Up Australia Day. Across Victoria tens of thousands of people participated in a whole range of valuable community exercises, including the honourable member for Burwood, who throws himself into these exercises with great relish. I was pleased that in the City of Whitehorse a large number of people involved themselves in a range of different projects, notwithstanding the very inclement weather of the morning. Some 23 sites were targeted throughout the City of Whitehorse, and approximately 5 tonnes of rubbish were collected.

I had the pleasure of coordinating the clean-up exercise at beautiful Abbey Walk, in Vermont. If members have not been to Abbey Walk they should certainly make an effort to visit it. I was joined on that morning by parkland advisory committee members, led by joint secretaries Adrienne Card and Valerie Lynch. Special mention should also be made of the contribution of the local girl guides, who were out in strength on the day with their families.

Clean Up Australia Day has developed into a great Australian exercise, and it deserves the congratulations of members of this house, particularly for those people who involved themselves on what was an inclement morning.

Mornington Peninsula: councillors

Mr COOPER (Mornington) — I want to congratulate a well-known and active community worker in Mount Martha, Anne Shaw, on her election to the Mornington Peninsula Shire Council last Saturday.

Unlike the councillor that she succeeds as the representative of the Mount Martha ward, Anne Shaw will be an honest and fearless representative of her community. She has a great record of many years of voluntary service to the Mount Martha and Mornington communities, and I predict she will be an excellent councillor. In that regard it will be very unusual for the Mount Martha community to have somebody like that representing them on the Mornington Peninsula shire council.

I also want to place on record my admiration of the excellent service given to the people of Mornington and the Mornington Peninsula by David Collings, who finished his term as a councillor and mayor of the Mornington Peninsula Shire Council on Saturday. David achieved an enormous amount for his ward; he did so by diligence and sheer hard work. The people of the Mornington ward are very fortunate to have had David Collings represent them so well over the past three years.

Housing: Frankston

Mr HARKNESS (Frankston) — Over the past three months housing has emerged as a big issue in Frankston. The transitional housing situation is acute and takes up most of the time of support workers, and people presenting with less urgent needs are not necessarily being responded to.

People with housing difficulties often have associated problems — for example, drug and alcohol, psychiatric and family issues. This places extra stress on both the client and the housing worker, who is usually not a trained social worker. Data collection at the local level needs to be undertaken to provide a basis for resource allocation and for agencies to provide additional and tailor-made housing solutions. I will be encouraging the Frankston City Council to develop a AAA housing policy similar to that developed by the Mornington Peninsula Shire Council. I draw the attention of the house to the excellent work done by Cr Judith Coucaud Graley on that council.

Innovative and community-based responses are needed to deal with the Frankston housing situation, such as the French foyer model and Habitat for Humanity. I aim to achieve a commitment for Frankston from the social housing project. I wish to thank Sandy Milne, Peter Gleeson, Kevin Rogerson, Greg Collins and Nanette Mitchell for their ongoing work in grappling with the housing issues in Frankston. I thank them for attending a round table that I held in my office on 13 February this year.

Bushfires: Gippsland

Mr INGRAM (Gippsland East) — I would like to raise an issue in the house regarding the bushfires that recently ravaged large parts of my electorate of Gippsland East. I would like to pass on an invitation to all members of this house to come to East Gippsland

and look at the devastation the wildfire caused to extensive parts of my electorate — places like Omeo, north of Gelantipy, Wulgulmerang, Black Mountain and Tubbut. A large number of those communities suffered some incredible damage.

The issues that need to be addressed now include the urgent need for alternative grazing. I have written to the Premier and the task force about this on numerous occasions. It really does need to be dealt with. I was disappointed to see in the interim report a comment that the temporary provision of areas of public land for grazing is generally not the preferred option for farmers. This is not the actual view of the farmers on the ground. It is essential that that message gets through.

There is also a desperate need for water. Large numbers of farmers and residential householders in those areas do not have water for drinking or for stock. We also need to address the coordination of the efforts that have been put in place. There is no coordination on the ground. People do not know what is being done.

Whittlesea Country Music Festival

Ms GREEN (Yan Yean) — The Whittlesea Country Music Festival and the Victorian and national country music awards were held from 7 to 9 February. The event attracted more than 8000 visitors to the municipality and township of Whittlesea, tripling its population, with families visiting from across the country.

I offer my congratulations to the Whittlesea community for its support and running of a great event. In particular I congratulate the creative directors, Merle and Graeme Gillis; the committee secretary, Julie Sutherland; the president, Allan Hayward; the treasurer, Tony Holding; and other committee members.

I congratulate the volunteers, the service clubs, the State Emergency Service, Victoria Police and the festival patron, Peter Brock.

Sponsors included the City of Whittlesea, Country Victoria Tourism Council, Epping Plaza, Orix, Whittlesea Gas and Hardware, Maton and APRA/AMCOS. The performers included the great local talents, Leslie Avril and Jacqui Clune. National and international acts and special guests included Lee Kernaghan and Smokey Dawson, Greg Champion, the Wolverines, J. R. Williams, Noel Watson, the Costa Brothers, Geordie Jack, the Laws, and Donna Fisk and Michael Christian.

I put on the record my support for and my enjoyment of the festival, and I wish it every success in the future. The national country music awards attracted 530 entries and were broadcast live to radio stations across the country, including ABC Country and on the Prime network.

Emil Braun

Mrs SHARDEY (Caulfield) — The electorate of Caulfield mourns the passing of Emil Braun, who died on 27 February. Emil Braun was a true community leader who served on the Caulfield council from 1983, becoming the mayor of Caulfield some four years later. Like many in my electorate, Emil was born in Europe — in Czechoslovakia. While he avoided death in the Holocaust he lost his parents and brother and began his journey to Australia in 1950, along with many others who had suffered similarly.

Emil began his life in this country in Bonegilla but quickly established himself in his own jewellery business just a few years later. He contributed greatly to the community, chairing the Theodore Hertzel club, raising funds for the aged at the Montefiore Homes and giving great support to the Liberal Party, as well as contributing enormously on the Caulfield council. Sadly Emil suffered from motor neurone disease in the last years of his life. Like everything else during his lifetime he faced this challenge with enormous bravery. I wish to place on record my sincere condolences to his wife, Judy, and to his entire family. He will be sadly missed by us all.

Alex Hangan

Mr HARDMAN (Seymour) — I rise to congratulate Alex Hangan, who recently reached 100 years of age. I had the pleasure of attending his birthday celebration in Seymour, along with members of his family from right across Victoria and Australia. I had the pleasure of handing Alex letters of congratulations from the Premier and the Governor of Victoria.

What was really special about Alex Hangan's birthday was that he has played a significant part in Australia's historical events over the past 100 years. He was a member of Australia's light horse. During the Great Depression he worked on building important infrastructure in Victoria, such as the railways. He served as a signals officer in the air force during World War II; he was 39 years of age at that stage. Alex was also an active member of the Seymour community. He was a member of the St John Ambulance service and a founder of the local credit union.

Alex's family is active not only in Seymour but right across Victoria, Australia and even overseas. It must have been a great pleasure for him to see four generations of his family celebrating his birthday at St Mary's hall in Seymour. Alex still lives at home and was in good health on the day. I wish him many more happy birthdays in the future.

Country Fire Authority: volunteers

Mr MAUGHAN (Rodney) — I wish firstly to recognise the outstanding service given to the state by the Country Fire Authority (CFA) volunteers who answered the call to protect life and property from the devastating bushfires in north-eastern Victoria. While I do not support the call to pay volunteers for attending fires, I believe the government should not only move to protect the jobs of employees attending fires but also, at the very least, reimburse employers for the wages and on-costs of employees attending fires. As many rural volunteer firefighters live and work some distance from their local fire station the cost of fuel to attend training and to respond to fire calls is often in the order of $2000 per annum, and it would be helpful if CFA volunteers were able to obtain their fuel at a discounted rate from the CFA's supplier.

The third thing the government should do on behalf of a grateful community is ensure that the best possible training and equipment are made available to CFA volunteers, and that it does not compromise in any way its program to replace CFA tankers as scheduled.

Venezuela Social Club of Victoria

Mr LANGUILLER (Derrimut) — This week is Cultural Diversity Week and Friday is Harmony Day. On that note it gives me great pleasure to put on record that on behalf of the Premier I recently attended the opening of the Venezuela Social Club of Victoria. I commend the efforts of Mr Leonal Vivas, the Venezuela ambassador to Australia; Ms Eleonora Quijada Cervoni, honorary consul of Venezuela and president of Club Amigos de Venezuela; and other consular officials from the Spanish-speaking community of Victoria who attended the opening of the club, including representatives from Victoria's universities and many members of the community.

Since 1960, when Australia relaxed its immigration laws, many South American born immigrants have settled in this country. They came here to escape political unrest and for economic reasons, as well as to begin new lives for their families in a country far, far away. The Venezuelan community is an important part of the Spanish-speaking community of Victoria. There are more than 21 500 people in Victoria from 18 different Spanish-speaking nations. In the 2001 census, 214 Victorians identified that they were born in Venezuela, up from 165 in 1996. This makes for a growing, dynamic and close-knit community.

The Venezuelan community has come together under the banner of the Amigos Club to celebrate Venezuelan culture and heritage. The club aims not only to bring the Venezuelan community together but to promote its unique culture to the rest of Victoria.

Thompsons Road, Templestowe Lower: upgrade

Mr KOTSIRAS (Bulleen) — Once again I wish to bring to the attention of the Minister for Transport the appalling condition of Thompsons Road between Manningham Road and Templestowe Road in my electorate of Bulleen. I have raised this matter with the minister on many occasions with very little success. This minister does not care.

I have received a letter from one of the residents together with a petition with more than 1000 signatures urging the minister to do something about the road. The letter says in part:

> The action committee have collected 1143 signatures from the local community in support of the proposed upgrade to a safe … standard.
>
> It is significant that almost 30 per cent of the community have responded to the survey in only four weeks. The number of signatures clearly indicates how strongly the community supports the works completion.
>
> … The committee are concerned that the recent allocation of funds by Vicroads for temporary works may be considered to be a full fix — the committee is not prepared to accept this as anything other than a short-term fix to areas of major concern. The proposed works are essentially inadequate, concentrating on road users with little regard for pedestrian and cyclists that use the road.
>
> We will continue to lobby all government departments and officers until we achieve our goal and will actively involve the media where appropriate.
>
> Please continue to support our efforts.

The letter is signed by the chairperson of the Thompsons Road action group.

I wish to present the petition to the minister, and I call upon the new Labor member for Templestowe Province in the other place to get out of her office and speak to the minister.

Blackwood community emergency response team: volunteers

Mr NARDELLA (Melton) — I acknowledge and congratulate the Blackwood community emergency response team (CERT) that has been operating since late last year. It was initiated by Mr Dave Dandy and supported by many community members including Trevor Hill, Michael and Sarah Small, Andy Brideson and Kenn Cann. Andy and Kenn have been there since the concept started two years ago, and John and Wendy Bridgman have also been a part of the team. Wendy has had no prior history in the health sector and is now one of the responders. She is 80 years old and has assisted in a number of cases. Eighteen people have trained to become responders, and they are doing a valuable and great job within the region.

There is much community support for the Blackwood CERT, with $3000 raised so far for a global positioning system, which helps a helicopter find patients and the CERT members. The progress association, through Elizabeth Hall, is purchasing and erecting a windsock to assist the chopper in Blackwood.

The Blackwood CERT works from Myrniong to Trentham, where it has attended motor vehicle accidents. It also helps to link the district nursing service to protect the elderly and infirm, whereby people can be maintained in their homes in the community. I congratulate the Blackwood CERT — the responders and all the other volunteers up there — and the community for a job well done.

Pako Festa

Mr TREZISE (Geelong) — I take this brief opportunity to commend to the house this year's Pako Festa in Geelong, which was successfully held through February. It is a magnificent community festival celebrating Geelong as a multicultural community. The strength and success of the festival is that it genuinely brings the people of Geelong together.

In 2003 the Pako Festa saw the participation of over 40 ethnic communities. In addition numerous schools, service clubs and the private sector took part to make the festa the success that it was. The presence of the Premier to open the festa was warmly and enthusiastically welcomed, as was the government's significant contribution of $55 000 in sponsorship. The organisers are looking forward to working with the Premier and the government to ensure that the Pako Festa continues to grow and prosper.

Finally I commend all those people who contributed in some way to making Pako Festa 2003 the enormous success that it was, especially Jordan Mavros, Michael Martinez, Louisa La Farnara, Ann Patterson and Michael Watts who helped to bring the festa together.

Thorpdale Potato Festival

Mr MAXFIELD (Narracan) — Over the long weekend I attended the wonderful Thorpdale Potato Festival. I had the great pleasure of opening it, and I thank Denise Drysdale, who came along and provided great support on the day.

The potato festival has struggled as a result of the public liability crisis, and I thank the Minister for Finance for his support and assistance in getting the festival up and running again. We missed the festival last year, and I thank all those in the community who came forward and restarted it in such a magnificent way. The insurance that was provided has ensured that the community has confidence that the festival can continue to grow in the future.

It is a great fundraiser for community organisations around Thorpdale. It brings together a lot of people in the community, as well people from as far away as Melbourne, who travel down to enjoy the festival. I was involved in one of the potato peeling competitions but unfortunately I did not peel quickly enough and was beaten by Denise Drysdale.

I congratulate all the participants who carried potato sacks and those who grabbed heaps of potatoes and stuffed them into the bags very quickly. Potatoes are at the heart of the community there, and I congratulate all those involved.

Keilor: market gardens

Mr SEITZ (Keilor) — I raise the plight of some of my constituents, the Keilor market gardeners, and the effect of the drought on those families. It is of great concern to me and my community that as a result of this drought we will probably see a long tradition of market gardening in Keilor disappear. The families have been severely hit by water restrictions, as the Maribyrnong River has dried up. People further up the creek towards the Organ Pipes National Park have had no water and have not been able to water their ground to put in any crops, which means they will suffer financial hardship. Families will not be able to survive.

On top of that, in some places the Maribyrnong River only has a slight flow, and there is blue-green algae in the stagnant water pools. I warn the public not to go

swimming or fishing or go near the water in that area until it is cleared up. I hope the weather changes soon.

On behalf of the market gardeners of Keilor I hope that there is some rationalisation and that some assistance can be given by the government by providing them with reticulated water or some other method of keeping a constant water flow, because over the years since I have been a member of Parliament not having a water supply has been a constant problem.

The DEPUTY SPEAKER — Order! The member for Burwood has 1 minute 10 seconds.

Surrey Hills: community activities

Mr STENSHOLT (Burwood) — I highlight to the house today several important activities in the Surrey Hills community. Part of my electorate includes a good section of Surrey Hills. Firstly, earlier this month the Surrey Hills neighbourhood centre opened its refurbished cottage. What a magnificent refurbishment it has been. I commend Cr Dennis Whelan and the committee of management as well as the coordinators and many volunteers on the work they have done. It was done with funding support from the Boroondara council. Last week I had the good fortune to enjoy our senior citizens lunch at the cottage and see firsthand the renovations.

I also draw the house's attention to the forthcoming Surrey Hills community festival to be held on Sunday week. I urge everyone to attend. This has got bigger and better every year, with the support of the community and the local traders. I commend Damien Hudson and the committee that is organising the festival on the magnificent job they have been doing. This year, as usual, they will be announcing the Surrey Hills citizen of the year and, as an innovation this year, the Surrey Hills young citizen of the year.

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

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Second reading

Debate resumed from 27 February; motion of Mr BRACKS (Premier).

The DEPUTY SPEAKER — Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Independent amendments circulated by Mr SAVAGE (Mildura) pursuant to sessional orders.

Independent amendments circulated by Mr INGRAM (Gippsland East) pursuant to sessional orders.

Mr Ryan — Deputy Speaker, similarly there are amendments that have been prepared by parliamentary counsel which I have handed to the other parties involved in the debate. I am not certain whether they have reached the clerks as yet.

The DEPUTY SPEAKER — Order! They have not yet, but they can be circulated at any time during a break between speeches.

Mr Ryan — Thank you, Deputy Speaker. My purpose was to give notice and I will circulate them in due course.

Mr DOYLE (Leader of the Opposition) — I might say in beginning that prior to their immediate circulation I had not seen the amendments to be proposed in committee by the members for Mildura and Gippsland East, so I am unable to comment on the Liberal Party's position on those. I give the undertaking that during the course of the debate that will be done. It is regrettable that, given it is a fairly momentous bill, members of the Liberal Party have not seen the proposed amendments before entering the Parliament.

Likewise, although we had some notice of the National Party's amendments, we have not had time to consider those in any depth. Therefore, I am not in a position to give a view firmly one way or the other, or the Liberal Party's position on those amendments either. I am sure subsequent speakers in the debate will be able to outline the Liberal Party's views on those.

We are able to say from the outset that the Liberal Party will oppose this bill.

Honourable members interjecting.

Mr Hulls — You are joking!

Mr DOYLE — We understand that this bill was ALP policy at the last election. We understand it will pass both houses and it will become law. We do not intend to approach this bill in any objectionably obstructionist way, but if the ALP is serious in the sentiments it espouses in its own second-reading speech about strengthening parliamentary democracy, then it should listen carefully and seriously to the arguments that will be put from this side of the house, and particularly the arguments in the other place.

Why is that important? It is important because, despite the interjections before, at the very heart of parliamentary democracy lies respect for the views of the dissenting minority. Therefore, to react in the way honourable members opposite just did is to misunderstand the right of this side of the house, no matter what the minority, to have a different view from the majority, and that that is what democracy is. Without that respect for different views and without the minority views being given full expression, you actually do not have a democracy at all. Therefore, we will oppose this bill and do so strenuously.

There is a lot of rhetoric in the second-reading speech about democracy. If we want any indication from the government about where it stands on parliamentary democracy it is interesting to consider the debate of last week and the public conversation about the sessional orders which are now in force. The passing of those sessional orders was a most inauspicious beginning to the 55th Parliament and in fact detracts from the quality of debate in this house.

It is equally true that those sessional orders were passed by this house as they were passed by the other place. That does not of itself make them an improvement to the operation of this house nor a reform — the euphemism usually applied by the ALP. The proper term really would be 'change'. That sessional orders debate framed this Parliament in a regrettable way. If I had concerns then I have more grave concerns now, when we consider the changes that are before us in the Constitution (Parliamentary Reform) Bill 2003.

In this place, although it is a convention, the second-reading speech is supposed to be the intellectual defence of the government's position. The way it is delivered and its printed form — that is, the conventions of the Parliament — make it, if you like, the expression of the mind of the government. If that is the case, then the second-reading speech on the Constitution (Parliamentary Reform) Bill 2003 is a signal failure as an intellectual defence of the ramifications of this legislation.

I have merely 10 points to make on the second-reading speech itself. Given our sessional orders, I have approximately 3 minutes per point. That may or may not be enough time, but there are two that I wish to go to which are at the heart of our opposition — and they may well be those things which do from time to time philosophically divide this chamber. We should not scoff at that. We all know that Parliament and politics have their cycles. Just as I remember being on that side, I am sure there are members on that side who remember being on this side — —

Mr Hulls — Yes — it was awful!

Mr DOYLE — I imagine with the honourable member over here it would have been, if I may say, but I remind him that all cycles turn.

There are some things in this bill which we find anathema to the way the place should operate. In particular, the notion of election of members of the Council by proportional representation is anathema to the Liberal Party — for reasons that I will outline. I understand that the other side may disagree with us fundamentally and philosophically and on a matter of principle; nevertheless, the disagreement is there.

The second matter on which we disagree is the entrenchment provisions, and there are some questions I will raise about whether they are constitutional. There are questions and concerns I wish to raise which I do not believe have been addressed by the second-reading speech, and I would certainly request the Premier to explain in his summing up the constitutional defence for what appears to me to be a contradiction between the federal constitution and the entrenchment provisions in this bill.

Let me go first to the points that are made about proportional representation. As I said, the second-reading speech is meant to be the intellectual defence for the position the government is adopting in the legislation. The second-reading speech says this about proportional representation:

> … the report described that country voters expressed the view that they would prefer to vote for a candidate who understands issues relevant to them.

The second-reading speech also says:

> They would be more inclined to vote for a regional candidate residing in a regional area, so that rural issues were voiced in the Legislative Council.

Our point is that that may well be the exact opposite of what occurs under the proposed system. I note in passing that one of the National Party's amendments goes to that very concern about the rural voice — the voice of country Victoria — which we believe will be diminished under this proposal. That is why, even on first glance, we in the Liberal Party would be inclined to support the National Party's amendments on that issue.

If you look at the schedule to the legislation, which spells out the districts which will make up the regions from which five members will be returned, you can see there are real concerns about the constraints that are

built into this system because the government is determined to have proportional representation.

If you wish to have 40 members and 5 regions, then you have to have 11 districts per region. If you are going to keep the members of this chamber, what you can do in grouping those districts is very constrained indeed. That is shown in the schedule to the bill which demonstrates that there are by my count five regions — regions 2, 4, 5, 7 and 8 — which are entirely city dominated. Of the other three regions, one asks electors to consider as a region the community from Frankston all the way through to Orbost; a second — region 3 — puts together our two major regional centres of Ballarat and Geelong and all territory in between; and a third — region 6 — takes in a wedge of Victoria that it can scarcely be argued is a community of interest, because it runs from Bendigo to Wodonga and across to Mildura and back again. They are the so-called rural areas. But I am sure our colleagues in the National Party would argue that even in those regions some of those districts are not rural at all — they are either regional in the extreme or city fringe.

The problem was always going to be that following the decision to go to proportional representation (PR) the population centre of Melbourne would dominate any division of seats — and that indeed is what has happened.

The other part of the argument for PR — and we have heard the public debate — is that it will allow for the representation in the upper house of all voices in the community, because much smaller parties, or smaller groupings, will enter the Parliament of Victoria. We can argue that that will be a good thing or a bad thing. There may well be people in this chamber who would applaud the entry of the Greens party, for instance, but equally there may be members of this chamber who would applaud — I hope not, let me tell you — the entry into our Parliament of the One Nation party. In the vagaries of politics it is difficult to tell which of those minor groups will hold sway.

My caution would be that proportional representation may not be the panacea the government seeks to allow for the representation of all voices of the community — but worse than that, and more fundamental to it, is the fact that the argument is a fraud. What quota will you need to get a seat in the upper house under this system? The answer is 16.6 per cent. That is the highest quota in Australia, so again the stated aim, worthy though it may or may not be, will surely be undermined by a quota at that level.

We in the Liberal Party would say that despite the lofty sentiments of those on the other side, there are things in this bill which may well bring about the exact opposite of the desired outcomes. That comes down to the argument that is made in the second-reading speech — and you can see why — that this method will ensure the highest level of regional participation in a way which is consistent with the democratic principle of one vote, one value. There's the rub. When a government of a state of our size has to balance those two very worthy objectives with a chamber of this number, a determined number of people in the upper house and the demographic domination of Melbourne, then it will not achieve the desires it wants. While the government is seeking what it might think are worthy aims, our concern is that those aims will fail and this Parliament and our democracy will be the poorer because of it. There is a fundamental difference in belief between ourselves and the Labor Party; therefore we could not do anything but oppose this bill, given our fundamental principles.

There is a second matter which is completely anathema to us, and that involves the provisions of entrenchment. There are two conflicting issues here: one is the position of some arrogance taken by the government, and the other is a question of legality. I am delighted that the Attorney-General is at the table, because I am sure he can address the second of those issues — the question of constitutional legality.

Mr Ryan interjected.

Mr DOYLE — I am sure he could.

Mr Hulls — Fire away.

Mr DOYLE — Okay, here we go. I will read it to you, but quickly. Nothing would give me greater pleasure than to fire away, let me promise you!

The second-reading speech says later:

> As further recommended by the constitution commission, the bill seeks to protect the democratic institutions and procedures that support our government by entrenching both existing and new provisions.

It goes on to talk about how those entrenched positions can become an act of Parliament only if they are passed by a majority of Victorian voters voting at a referendum or by the legislatively defined special or absolute majorities.

The second-reading speech goes on to say that this is the way the Victorian public will have a direct say about how its constitution is changed. Can I add a cautious note of reality? I note that the

Attorney-General was the federal member for Kennedy and may well have been in Queensland when the former Labor Premier, Wayne Goss, sought to change parliamentary terms from three years to four. At that time, he might recall, the whole community agreed with Wayne Goss, yet when he put that question to a referendum in Queensland it was defeated.

To simply say, 'Because there are now referendums we can change things', is really to deny the history of referendums in Australia and in the states. The Wayne Goss referendum should serve as an example where there was great public support for the issue, including support for it on both sides of the Parliament, yet when they put it to a referendum it went down.

Mr Hulls — That's democracy.

Mr DOYLE — That is what you say is the way to change it. I take up the Attorney-General's point that that is democracy. It may well be, but remember the argument the government makes, that it provides for change. Our concern on this side is that it may do the opposite. The Attorney-General is right that that is a matter for a referendum; but if the stated aim is to provide flexibility to enable change, the referendum mechanism may not be the one to do it.

In relation to the more serious issue of the entrenching provisions — the things that can be entrenched, the things that will be entrenched and the things that will happen following that, which are listed — I simply raise the question of constitutional legality.

Section 6 of the federal Australia Act 1986 covers the manner and form of making certain state laws, and it states:

> Notwithstanding sections 2 and 3(2) above, a law made after the commencement of this Act by the Parliament of a State respecting the constitution, powers or procedure of the Parliament of the State shall be of no force or effect unless it is made in such manner and form as may from time to time be required by a law made by that Parliament, whether made before or after the commencement of this Act.

I would argue that what it is arguing there is that one Parliament cannot bind another Parliament. It makes a very clear distinction there between constitutional matters that are within the purview of the Parliament — things like the numbers in the house, the process of election and the boundaries. I would argue that all of those things could be entrenched, and the federal constitution argues that case. But I suggest there is also a question raised here about elements which are not contained in the constitution of the powers and procedures of this house — for instance, matters like local government, the Director of Public Prosecutions (DPP), and in particular the Supreme Court. It may well be that that provision of the federal constitution does not allow entrenching of matters concerning those areas in legislation such as this. I ask the Attorney-General and the Premier to look very closely at that question of entrenchment, particularly at that section of the federal constitution and particularly at those elements of the Australia Act 1986 which are not within the intent of this Parliament, such as the DPP.

There is a second point which really shows a certain arrogance from the government side. That arrogance is that at this moment the Labor Party, which is the government of the day, can determine the mind of the Parliament now and in the future — it can say, 'We have the wisdom for all time to set this in concrete'. That has not been the history of our Parliament. In fact, previous Labor governments have changed from time to time a number of the things which this Labor government now wishes to entrench. I suggest it is arrogance to suggest that now, at this moment, the Labor government knows for all time what it is that this Parliament will require.

Look at what has happened through the ages. For instance, if you look at a change that occurred as recently as 1988, a change to the length of the parliamentary terms made by a previous Labor government, that change was made because that was the wisdom of the time. It was exactly what the government of the day now says was wrong — that was changing to eight-year terms. The government has said it was wrong, and the opposition actually agrees with fixed four-year terms, but we are not suggesting we have the received wisdom for the entire future for this Parliament. In fact the number of members of the upper house has changed throughout the history of the house: from 30 to 42, to 48, to 35, to 34, to 36, to 44.

I am suggesting that by entrenching some of these provisions what the government is saying is that somehow it has received wisdom that no Parliament before now has had, and that it knows better than any future Parliament what it will need.

Mr Hulls — This is a specious argument.

Mr DOYLE — Why are you doing it then?

Mr Hulls — Your argument is circular.

Mr DOYLE — Let me go back to the second-reading speech and some of the points I want to make that are of concern, but given that I have 10 minutes left under sessional orders I will have to make them quick.

My first point is that the very first paragraph of the second-reading speech talks about — the language is pretty high flown — how this will bring our Parliament into line with other states. Which ones? This government's New South Wales colleagues have actually just entrenched eight-year terms in the upper house. Which states does it bring us into line with? As far as I can tell, in one element of what the government has done it brings us into line with Western Australia, but that is it. The second paragraph of the second-reading speech talks about bringing the Victorian constitution in line with the rest of Australia. There is no evidence for that; it is just a bald statement in the same way as the government tends to use words like 'reform' when it means 'change'. It is not the same thing at all.

If you move on again you have a wonderful statement in the second-reading speech, which talks about new rules to make Parliament more accountable, making the Legislative Council a more effective house of review and further improving transparency. This is the mantra of Labor: transparency, openness and accountability. Later it even has the nerve to talk about freedom of information (FOI) and how wonderfully it has performed, which is not the view I might say of the Ombudsman, one of the people the government wishes to entrench. But the mantra will always be there.

Mr Hulls interjected.

Mr DOYLE — I find it difficult to work up great enthusiasm for something that is so trenchantly appalling.

Mr Hulls interjected.

Mr DOYLE — You must be more worried than I thought if you are bringing that up. You must be more worried about this contribution than I thought.

There is an attempt in this to legitimise the Constitution Commission of Victoria. The second-reading speech talks in this language about how the Parliament should reflect contemporary views in this increasingly changing society. If it is increasingly changing, why do the entrenchment provisions? That was the point I was trying to make to the Attorney-General before. But more than that, why would you say that about a commission which had received 200 submissions? I remind honourable members that when we were dealing with marine parks there were something like 4500 submissions, and when we were dealing with the box-ironbark issue there were something like 3500 submissions, but to the constitution commission there were 200 submissions. So it has hardly been an issue of great moment out there, and I would hardly call that a legitimisation of the commission's conclusions.

The next part of the second-reading speech talks about fixed four-year terms. Again it is very flowery in its praise of four-year terms, the certainty and stability this will bring and how it will strengthen our democracy.

Mr Hulls — Now you're talking!

Mr DOYLE — And you can say that with a straight face after taking us last year to the earliest possible election that this state could have!

Mr Hulls — What was the result?

Mr DOYLE — So the end justifies the means! It is a beautiful statement.

The result was disappointing, but the point remains the same: how can you on the one hand argue that we need four-year terms, say you believe in four-year terms and that they are an article of faith, when you have just come off the earliest possible election that Victoria could have? As was reported in the *Herald Sun*, it is hypocrisy.

I have talked a little about the rural voice, as have a number of my colleagues, and I am sure my colleague the Leader of the National Party will also raise that matter. It is a real concern of ours. Despite what the second-reading speech says, we believe the proposal would reduce the rural voice of Victoria, and that would be a great pity.

There is a further point I want to make here about a statement which I found breathtaking in its hypocrisy. There is a provision in the bill which talks about respecting a government's mandate — that when a government makes election promises or where it makes statements of policy then really the Parliament should respect that. It talks about new measures which start with inserting a new principle of respecting the government's mandate. It is a statement of principle only; it does not compel the Legislative Council to comply with the government's mandate. It asks the Council to undertake its reviewing role while respecting the mandate of the government to govern for the people. If that had been the case in the last Parliament, when the Labor Party did not have a majority in the upper house, then the industrial manslaughter legislation, which this Attorney-General introduced and which I presume is not making a reappearance in the same form, would already have been law. So the government is either wrong now or it was wrong then; I am not sure which it is.

Similarly with heroin injecting rooms, which were opposed in the upper house of this Parliament — —

Ms Beattie interjected.

Mr DOYLE — It is actually on the bill, if you have read it, which I doubt very much. I am trying to help you here.

If that had been the case earlier heroin injecting rooms would be a reality in this state, because that would be the provision that was respecting the government's mandate, yet now the government would agree with the opposition that it is not something that should be introduced in Victoria. So even the government's own provision has been given the lie by the experience in the last Parliament.

The final point I make is about freedom of information. It is remarkable that this legislation talks about guaranteeing the existence of freedom of information legislation in this state.

Mr Hulls interjected.

Mr DOYLE — It is very important, as the Attorney-General says, but if there is one indication of this government's hollowness when it comes to transparency it is FOI. It is not us saying that; it is the Ombudsman who says, 'The government may think it has done well, but its performance has been' — to quote his word — 'terrible'. The very officer that you wish to enshrine in this legislation has called the ALP'S performance on freedom of information 'terrible'.

Here again we find weasel words about guaranteeing the existence of freedom of information in this state. We know that may well be the rhetoric, but the reality is quite different — in the same way that the sessional orders were changed, and in the same way that the entrenchment provisions and proportional representation will have the opposite effect to the one stated in the bill. The government's performance on freedom of information has been nothing short of shameful, and it knows it. That is not just us saying it, it is the Ombudsman saying it as well.

As an intellectual defence of this bill I must say that the second-reading speech is remarkably shallow. The opposition does not believe there is any way it could have introduced an amendment which might have offered some degree of working with the government on this because of the fundamental disagreements about two provisions in particular — and they are, of course, proportional representation and entrenchment. Given that the opposition does not think there is any point in amending a bill the core provisions of which its members think they could not live with, it has not sought to bring amendments into the house. Having said that, I repeat that the opposition will oppose this bill.

We think it is bad law. It is unsure in areas like the collision between what the bill proposes and the federal Australia Act. We think the outcomes may be the opposite of those intended, and we think this Parliament and our democracy will be poorer for the passing of this bill. I regret that that is the case, but at the same time, as we have said, we understand that this bill will become law and that it will determine the way the Parliament operates. We can do nothing about that, but we do insist that democracy is all about hearing the voice of the minority. It is not about saying at a later stage, 'I told you so', but it is about the collective wisdom of this place being greater than the individual wisdom of the governing party. The governing party is under a number of constraints, given the promises and public statements it has made. If we had thought there was a constructive amendment that could have been introduced into the house, we would have done so.

We reserve for the moment our view of the amendments proposed by the National Party and the two Independent members. We will look at those amendments closely during the course of the debate so we can come to a considered decision about how we will vote on them.

A government mandate is one thing. But I regret that this piece of legislation will take parliamentary democracy in this state backwards. Because I am proud of what we do here and the institution we serve, I am sad about that. I recognise the fact that the government will put the bill through, but I offer our criticism in the spirit that that is our belief. We hope that some of those views, particularly about the constitutional clashes, will be addressed by the government.

Mr RYAN (Leader of the National Party) — The National Party is absolutely and trenchantly opposed to this legislation. That has always been its view, and nothing has changed. Indeed, for reasons that I will canvass in the time I have to contribute to this debate, the view we have always had has hardened in light of the legislation which is before the Parliament today.

I have 20 minutes — or something less than that now — to contribute to this debate. That in itself is a commentary, particularly upon a government which professes to be open, honest, accountable and transparent. It is a commentary because, for reasons which remain unexplained, the sessional orders which this government introduced as a first step when it took

office after the last election have imposed severe constraints, particularly on the National Party. Nowhere is the inappropriate nature of those sessional orders more self-evident than in this debate. What those sessional orders mean is that I have only 20 minutes to speak. Even if the other six members of my party had the opportunity to speak, the sessional orders would give them a total of one hour. All of that means we have a total of at best 80 minutes to speak about what this government by its own assessment says is the most major constitutional change to have occurred in the state of Victoria for the past 150 years. Yet the limitations which have been imposed upon us restrict our capacity to contribute to this important debate to a miserable maximum of 80 minutes.

At the core of our opposition is the issue which has always most troubled us, which is that this legislation is a transparent attack on the capacity of country Victorians to have a voice in the Parliament of this state. This legislation deliberately intends to reduce the number of country representatives in the Parliament. For that reason alone the National Party is absolutely and trenchantly opposed to what this bill is intended to achieve.

Like the Liberal Party we accept that ultimately it will be passed, because the government now has the numbers in both houses, and I will return to that point in a moment. But the fact remains that the design of this legislation is to further reduce the voice of country Victorians in the state Parliament. That in itself is a tragedy. I say, absolutely deliberately, that there is a shocking irony in the fact that today we have already discussed events unfolding on the other side of the world which are very much to do with war in Iraq, which I fear will occur over the next 48 hours and beyond and which involves all sorts of issues to do with freedom of speech and the capacity for people to be able to get up and have their say and to do so fearlessly. Yet although it has been a benchmark of this Parliament over the last 150 years, this government intends to significantly curtail the capacity of country Victorians to have their say. That comes on top of the sessional orders, to which I have already referred.

The legislation is here largely under false pretences. It is built on a deck of cards, and when you have a look at the way it has been constructed it is apparent that there is utter falsehood in the way it has been brought to the house.

The pivotal argument mounted by the Premier over the years was around the use of the word ‘undemocratic’. How often did we hear the Premier stand at the podium and say that changes were needed in the Legislative Council because of the undemocratic system that applied in the state of Victoria? Of course the answer was always that there is nothing undemocratic about it. The system works very simply, as it has for 150 years — if you attract the votes you win the seats. That is how the system has always worked; there is nothing complex about it.

But lo and behold, what has happened? In a sheer political sense — putting it in that narrow sense — it is to the government’s credit that it has been able to win enough votes to have control of the Legislative Council. In itself that immediately puts the lie to the central plank of the way the Premier has historically argued his case over these changes. In fact, as it now transpires this purportedly undemocratic system has worked brilliantly in the favour of this current government by delivering control to the government of the very house that it was fearful it would never be able to gain control of. That in itself, as a single point, in one stroke puts the lie to the way in which this government has run its case.

One of the interesting aspects of the fallout in terms of sheer politics is going to be the way the members of the current Labor government gradually have it dawning on them that, certainly in the case of the upper house, they are going to be voting some of their own number out. I wonder if they have yet organised amongst the factions who is going to go; if they have yet decided who it is who is going to be in here for four years and then go. It will be an interesting discussion to see unfold in their caucus over the next three or four years, and certainly in terms of the factional movements it will bear watching.

Someone over there in the Labor Party will realise that they have been had because of an associated point which I move to now — that is, the issue of the truncation of the eight years into four years after the election has been held. When candidates stood for the Legislative Council on 30 November they believed they were standing for election for a period of eight years. I wonder how many in Labor’s ranks have been sold the pup. I also wonder about something else.

It has been said by the Premier that there is legal advice which says it is appropriate to truncate the eight years to four years. I call on the Premier to release that legal advice. If the advice is as the Premier says I call upon him to release it and let all Victorians have a look at it, but most particularly let those members of the upper house in the Labor Party who are about to cut their own political throats by voting this legislation up have a look at it to make sure that everybody can be satisfied about its content.

The other way this legislation is said to be justified is on the basis of the examination by the famed Constitution Commission of Victoria. What a mickey mouse operation that was! As the Leader of the Liberal Party indicated, there are many instances easily recalled where literally thousands of submissions have been made with regard to very worthy matters of the day, and he nominated a couple of them. What happened in this instance? We had a couple of hundred submissions. But worse than that, this constitution commission — this circus! — took itself around Victoria and paraded its wares with a view to attracting public opinion.

The reality was that two men and a dog turned up to those forums. I do not know that there were more than about 20 or 30 people at any one of them, certainly in country Victoria. There were instances around Victoria where the only people who were at them were school students who had been invited along to have a bit of a look-see, or where they were people employed by this venerable organisation to give it a hand in whatever it was supposed to be doing; or its own numbers themselves — all three! Indeed I would venture to say that the constitution commission members — namely, three — in some instances constituted a crowd which was greater than those otherwise in attendance.

To sell this nonsense on the basis that this is some sort of remarkable event arising out of an extraordinary examination by the constitution commission which was the recipient of all sorts of extensive and in-depth submissions by people at large across this state is an absolute furphy. It was a mechanism whereby the chattering classes in their various forms could all come together for the purpose of being able to put a point of view which was dear to their respective hearts. I endorse the fact of their having the opportunity to put their point of view over an issue close to their hearts — that is fine by me because we live in a great democracy — but to think that that process can be used as a mechanism to justify the massive constitutional change we have before us is an absolute joke, or indeed it would be a joke were it not so serious.

Then there are other issues to do with the minor parties. It is said the minor parties will be advantaged by the process which is unfolding before this house. Again, how can the government say such a thing with anything in the vein of a straight face? Amongst the minor parties who is going to get 16.6 per cent or 16.7 per cent, or whatever it is, to get themselves over the line into this Parliament? Although I am not a betting man — I am just a simple country boy — there have been bets made in this place. I know there will not be any one of what are currently known as the minor parties that will be able to win a seat in relation to this because of the fact of having to satisfy this quota. Again, it is a joke.

I am rattling through these things a bit because, as I have already pointed out, I have no proper time available to me.

Then there is the issue of the regions and the way in which they are to be constituted. Rhetorically, Acting Speaker, I invite you to consider those areas which are to comprise the regions as set out in the Constitution (Parliamentary Reform) Bill in the schedule at page 75. I invite you to consider those on the one hand as opposed to the 47 municipal councils which are named in the schedule at page 4 of the Regional Infrastructure Development Fund Act. Let us just pause there for a moment to highlight the significance of that fund. It is intended to be devoted to regional areas around Victoria, and the municipal councils that are the beneficiaries of that fund are named in that act.

On any view, when you try to compare the municipalities set out in that fund — which by definition imposed by this government represent regional Victoria — with those that are now nominated as being within the regions to be constituted under the terms of this legislation, there is next to no comparison. That is why we have looked to move the amendments which will be distributed during the course of the debate. The National Party intends to move an amendment which would require that three of the eight regions must constitute predominantly rural districts. That is our intention in moving that amendment.

We want to ensure, as best one can in the face of this legislation, that there is appropriate rural representation even within the ambit of a structure which we say is fundamentally flawed. We are trying to do our best to make it right when fundamentally we accept that it cannot be made right.

For example, the people down at Frankston and Portsea will be pleased to know that they are now part of rural Victoria. That will be a sensational bit of news! We have fabulous communities of interest between people down there at Portsea and those over at Mallacoota. They will want to talk about some wonderful things. I am sure the good folk down at Mornington are absolutely right across the issues to do with the bushfires that have ravaged East Gippsland over these past weeks and months. They will know all about that. After this legislation has been passed they will certainly want to talk to their colleagues within their same constitutional region. Like hell they will, Acting Speaker! They do not and they will not. The simple fact

is that what is proposed by way of definition of these regions does not stand up to proper scrutiny.

You have the further sin in this in that the constitution commission recommendations are not exactly replicated in the bill anyway. The want-of-confidence provisions are not in the commission's report, and neither is the provision that the President have a deliberative vote. This government has just put those in because it seems to think that it is a good idea at the time. They have nothing to do with what the constitution commission report actually contained.

There is the question of preference allocations and their complexity. Bill Baxter in the other place had a briefing from the department on this issue and he put to them a scenario on the distribution of preferences. The departmental people who had come along to give advice about it could not answer him! Frankly, I defy anybody to understand the extraordinary complexity of the preference allocations in this bill.

I might ask, while I am on it, what has happened to the principle of one man, one vote? As the transfers occur, the votes do not have a whole part any more — a vote is not worth one full vote any longer. There are some basic issues such as that that this government has included in this legislation. It has struck at the democratic system that we have long enjoyed here. I have already referred to the amendments.

On the question of the blocking of supply, we are not opposed to that. However, I point out to the house that the last time that happened in this state was by the Labor Party in 1952. We in the National Party are not opposed to that provision being contained in this legislation. I suppose it is one of its redeeming features.

I finish, if you like, on the question of this constitutional change where I started: we all value enormously this question of freedom of speech — it is an imperative for us. The Leader of the Opposition has talked about the value of a minority party view being put on all the issues of the day. I dare to suggest that even members of the Labor government now do not accept that they have the mortgage on wisdom on all these matters. The experiences that have already been pointed out — for example, on legislation on drugs in this state — are a classic instance of where government view can change from time to time. Members of the government do not have a mortgage on these things. To make these changes in the way that they are making them is a sad day for the state of Victoria.

I pause, if I may, to have circulated the amendments which the National Party has foreshadowed.

National Party amendments circulated by Mr RYAN (Leader of the National Party) pursuant to sessional orders.

Mr RYAN — These two amendments go to that first issue that I have referred to — that is, that three of the eight regions, as they are defined in this bill, must consist of districts that are predominantly rural.

The other proposed amendment is that there be the introduction of postal voting in the voting system for elections in Victoria. We have put that proposition fundamentally because we think people are sick to death of what occurs on polling day at the booths where they are subjected to an array of propositions which are advanced by all parties of all persuasions, including the National Party. We think that people would rather do away with that system, which has become convoluted in its form. We think that the way in which people have adjusted to postal voting systems in local government elections demonstrates that people would be receptive to this concept. We invite the government to consider it. So it is that we have these proposals before the house for the purposes of this debate.

I also commend to the house the comments that have been made by the Leader of the Opposition on the issue of entrenchment. I, too, will be very interested to see the outcome of the points which he has raised on an apparent conflict in what is now proposed as opposed to the current position within our federal constitution.

I also endorse his commentary about freedom of information legislation and the way this government, which has had so much to say about this important issue, has utterly flaunted it for the purposes of being able to protect its miserable skin over the past period of its initial term in government. That sentiment has roundly been expressed by the Ombudsman in recent days.

Again for the public record let me say that this is the end of the 20 minutes that I am now allowed under these sessional orders. Let me conclude with the same point as the one I made when I started: I am a member of this Parliament, as are the 87 others of us who are in here. I have always cherished and always will cherish being able to come in here and put a point of view. I think that the people who elect us and send us here to represent their interests expect us to be able to come along and put that point of view fearlessly. Often over the years I may have been lead speaker for my party in circumstances where others have not spoken, for whatever reason — mainly because we have had agreement with the government over the fact of making

sure that we had time lines apply to enable the debate to go properly back and forth across the house.

What this government has done in terms of those sessional orders is an unmitigated disgrace. What it is now seeking to do is compound that sin by introducing this legislation. The National Party is absolutely opposed to this because it strikes at the foundation of all those things which are dear to us collectively and which bring us here as country members of this place. That is why we will oppose this bill. We will speak against it, as I have done today, and by Jove we will vote against it when the time comes.

Mr MILDENHALL (Footscray) — What a great day it is in this Parliament, and what a great privilege and honour it is to speak on this legislation. Some time in the future I hope a little Mildenhall grandchild will say, 'What did you do in that Parliament, grandpop?', and I will say, 'I was part of the government that presided over and brought forward' as the *Age* said:

> … the most sweeping parliamentary reform in Victoria since 1856.

It is a great day and a great reform. Probably the *Sunday Age* put it best of all when it stated:

> For more than a century, well into Victoria's post-colonial statehood, the upper house behaved with upper crust arrogance, tossing out legislation and governments at will.
>
> …
>
> The most important change will be four-year fixed term parliaments.
>
> …
>
> A Premier will no longer be able to call an early election simply because the timing happens to be politically favourable.
>
> …
>
> The most courageous (in the *Yes, Minister* sense) will be the adoption of Senate-style proportional representation for the Legislative Council.
>
> …
>
> In principle, multimember electorates are more democratic in two ways: most citizens will be represented by one or more MPs for whom they actually voted; and candidates of minority parties will have a better chance of winning a seat.
>
> …
>
> … the National Party will lose its former built-in electoral advantage, [and] it will be harder for either the Liberals to regain, or Labor to retain, control in the upper house.

It is a great day. This comprehensive range of reforms includes four-year fixed terms of Parliament; restructuring the upper house; proportional representation with optional preferential voting for the upper house; a process for filling casual vacancies; the President having a deliberative vote; recognising the principle of a government mandate; removing the power of the upper house to block supply; the dispute resolution process; and entrenching in the constitution some of those key features of our democracy, which include freedom of information, the Ombudsman, the Victorian Electoral Commissioner, the Auditor-General, the Director of Public Prosecutions, the Supreme Court, and local government. It is a great day.

It is extraordinary that the opposition opposes the legislation despite the exemplary process that has been followed in the lead-up to this legislation: the formation of the constitutional commission; the engagement of expert advice; the drawing together of the essential details of upper house reform, including other constitutional reforms around the world; the engagement of consultants to get advice; the production of issues and consultation papers; the conduct of hearings; the preparation of a report to government and the public discussion that followed; and then the ultimate test in our democratic process, the submission of the proposals, the essential features of the legislation, to the people for their review.

We have had an overwhelming endorsement of this package. It never occurred to the opposition and the National Party to get involved in this process. Because they always believed they would be insulated by the in-built conservatism and intransigence of and the inbuilt structural protection offered by the upper house, they never thought they would have to consider these proposals seriously. They thought it would never happen! Well the election has been conducted and won, and true to the principle of the government mandate as articulated in the legislation, the Bracks government will proceed along this path of reform.

The opposition has put two main arguments against the legislation, partly repeated by the National Party. The first is that the entrenchment powers are not constitutional. The government has had that question examined in some detail, and the best available advice is that it is constitutional, that state parliaments have the power to make laws concerning the constitutional powers and procedures of their parliaments. Those references, authorities, precedents and cases are available for examination by the opposition. The power is broad and substantial, and some cases may come forward where that will be challenged, but the best advice we have is that all the authorities point towards this Parliament having that substantial power.

The second major objection put by both the Liberal and National parties is that this is some sort of concerted attack on country representation. There is absolutely no basis for that proposition. Under the existing system all country MPs could live in the city. Under the proposals we are putting forward members places of residence, the localities that members relate to, will have to be put on the ballot paper. Non-metropolitan areas will constitute 15 seats out of 40, or 37 per cent, compared to 16 seats out of 44 seats currently, or 36 per cent — that is, 37 per cent compared with 36 per cent. The argument that there is less guaranteed representation for rural areas is quite spurious.

In other comments he put forward the Leader of the Opposition argued against the principle of proportional representation. On the one hand the plea to the house is to hear the minority, yet this is precisely the rationale behind the proposed structure of the upper house that is contained in the bill.

The argument that this is about the Bracks government arrogantly imposing some sort of received wisdom on future governments and on the current opposition does not hold water. As I explained before, you could not have had a more detailed and drawn out consultative process than the one that was followed in the lead-up to this legislation. It was tested at every level among the experts, or as one opposition member said, the chattering classes and the academics. It was tested in forums of interested members of the community, and it was tested by the electorate. This has been subjected to intense scrutiny. It is beyond doubt that this Parliament, having had these propositions voted on overwhelmingly by the community, has not only the mandate but the tested background to proceed with the legislation.

This is a great day in the Victorian Parliament. The proposed amendments have been dropped on the table only very recently. They will be examined in due course, but the substance of the bill will proceed. The government has a mandate, and it will drag this Parliament into the 21st century with this great reforming legislation.

Mr HONEYWOOD (Warrandyte) — Let the record book show that the second speaker for the opposition has a maximum of 10 minutes to debate the most important legislation in my almost 15 years in this Parliament. Having said that, we have just heard from the honourable member for Footscray that his grandchildren will celebrate his contribution today. Some of us would wonder about that. What his grandchildren may well be worried about in years to come is that their grandfather was an entrenched conservative.

This constitution bill is all about entrenchment, and surely entrenchment is a conservative notion, not one you expect from a Labor Party that is meant to be committed to social change, that is meant to be committed to dynamic change. The Labor Party is meant to be committed to having a situation better than a referendum to ensure that change can happen, yet today we have a static approach to government. We have so-called constitutional reform which is all about entrenching things for all time, and entrenching them in a very conservative manner.

In the few minutes I have the first point I want to make is that the third parties and Independents have been sold a pup when it comes to the notion of proportional representation in this bill. At the end of the day we have a government that is hooked on window-dressing and which has convinced parties such as the Greens and many Independents — dare I say maybe even yourself, Acting Speaker — that this will be great for parties that are not part of the two-party system in Australia.

Let us have a look at how easy it is to get elected into the upper house in other state jurisdictions. In New South Wales an upper house member requires a quota of just 4.5 per cent to be elected — 4.5 per cent and you are in Parliament in New South Wales! In South Australia you require 8.3 per cent of the vote to be elected. In the Western Australian system it is 12.5 per cent. Even if you look at the federal government and the half-Senate election, which is the norm for Australian elections in the federal jurisdiction, the quota is 14.2 per cent. What do we find here in Victoria? A government that is supposedly committed to third parties, to minor parties and to ensuring that all Victorians have proper representation has proposed the highest quota of any Australian jurisdiction — 16.6 per cent! The government has lifted the high-jump bar to make it even more difficult for third parties to get elected into the upper house in Victoria in any number of electorates.

We know what members opposite are about. They want to make sure they maximise the Labor Party vote. They want to make sure they entrench the two-party system. Sure, the Liberal Party will be the beneficiary of that — it will have upper house members in the western and northern suburbs of Melbourne.

Ms Beattie — Never!

Mr HONEYWOOD — We have had one there before, and we will have one again.

The government should not try to convince the young people of Victoria in particular, or the people who have very independent views — people, dare I say it, from electorates such as yours, Acting Speaker — that this is all about enhancing representation for representatives outside of the two major parties. It is not, and it should be seen for what it is. Of course Gareth Evans, a former senator, referred to one third party as 'the fairies at the bottom of the garden', and I guess that sums up the Labor Party's approach in reality.

Then we come to entrenchment. As I said when I began my contribution, entrenchment is a conservative concept; it is about keeping things as they are for evermore. Labor speakers will no doubt respond to that assertion by saying, 'Of course we have the referendum mechanism — we will now be able to have a referendum to ensure that social change is reflective of the parliamentary change in future constitutional amendments'. The Labor Party itself has a history of despising referendums: the Labor Party hates referendums.

The Labor Party believes that federal referendums have been the single biggest impediment to constitutional change in the federation of Australia. That is a Labor Party mantra, yet the government comes in here with the biggest ever constitutional change in the state of Victoria wanting to entrench this for all time so that no future Parliament can change it, and saying we should rely on a referendum to get changes made in the future. That goes against the very principles the Labor Party stands for when it comes to its constant argument that a referendum favours the conservative forces of Australia because it single-handedly ensures that constitutional change does not take place.

Then we come to the whole issue of representation. With eight electorates of five members of Parliament each, how accessible will your average upper house MP be? We had local council elections last weekend.

Mr Kotsiras — A good result.

Mr HONEYWOOD — A very good result in some areas, particularly Manningham and Maroondah. Most of the 54 councils elected last weekend are of single ward or even single councillor make-up. In some cases there are two local government councillors per ward but in very few councils do we have councillors elected from right across the council's boundaries. Why is that? Because the buck stops with the single elected representative.

Mr Mildenhall — So you would abolish the upper house.

Mr HONEYWOOD — I take up the interjection of the member for Footscray. Abolishing the upper house may not be such a bad thing compared to the so-called reform the government has brought here by way of so-called constitutional reform. Of course as a Liberal politician, unlike the member opposite, I can speak my mind. He cannot! He will be removed from his party and sent to Coventry if he speaks against the party line; we all know that.

In future every upper house MP will be looking after 403 000 voters. It is hard enough as it is in another place to look after 120 000, but 403 000 voters? What happens if we find that all five MPs in one of the eight upper house seats decide to have their electorate offices in Bendigo? What happens then if you live in Mildura and you want to visit your local upper house MP? You are going to have a day's march there and back. What we find is that when it comes to actual democratic representation the average Victorian citizen will have far less accessibility to their upper house member.

We have just heard that some upper house seats will range from the Mornington Peninsula down to Mallacoota or from Mildura down to Bendigo. With the upper house configuration under the current constitution at least we have two members of Parliament for each of the 22 electorates. At least Victorians know that by and large there are upper house electorate offices available for them to visit. When I hear members opposite whinge and whine about that concept it shows that most of them probably keep their electorate offices closed half the time. They cannot be bothered keeping them open because they are not really about practical democracy; they are about the rhetoric not the reality when it comes to being accessible.

At least if we had been provided with a referendum on the issues before us today every Victorian would have been mailed the case for and the case against the radical change in this legislation. Instead of that the Labor government chose typical window-dressing tactics and appointed three men in suits to a committee. Two of them are rats to their party — —

Honourable members interjecting.

Mr HONEYWOOD — We know what the Labor Party thinks of rats in its ranks. But the Labor Party knew the result it wanted, so it appointed two Liberal Party rats and one retired gentleman to go around and talk to each other. If there had been a referendum at least voters would have been mailed information and got to read about what is going on here!

Mr WYNNE (Richmond) — What an extraordinary contribution from the Deputy Leader of the Opposition!

This is a proud day. Only Labor governments can undertake this level of fundamental reform. I am delighted to be following my colleague the member for Footscray to support the case for this most fundamental reform to the electoral process. History will show that this debate and this reform will be one of those iconic reforms of the Bracks government. In 10, 15 or 20 years time, when we look back on what will be an extensive record of reform by this government, this will be one of those highlights — one of the cornerstones of the Bracks government. It will fundamentally reform the upper house of this Parliament which for so long has been a fiefdom of conservative governments.

It is fair to say that this legislation has gone through an extraordinarily extensive consultative process. Contrary to the views of the Deputy Leader of the Opposition, you would be hard-pressed to find three more eminent persons than Mr Macphee, Mr Hunt and Mr Hampel, who undertook the broad consultative process throughout Victoria to arrive at a set of recommendations which were put before the government. In going around Victoria they provided discussion papers which were broadly disseminated, opportunities for public comment and open meetings, which is very much a hallmark of the way this government has sought to operate. It went out to the community to consult on this far-reaching set of reforms contained in the report entitled *A House for Our Future*.

Perhaps more important than that, the government picked up the vast bulk of the recommendations of that eminent group and tested the matter in the ultimate court of public opinion: at a general election. The government clearly articulated to Victorians what its policy position was: fixed four-year terms and fundamental reform of the upper house.

Without question the government has a mandate for this reform, but it does not take that mandate in any arrogant way. The government tested this at the court of public opinion and the public overwhelmingly supported the policy position, not only with the result in the Legislative Assembly but also with the magnificent result gained in the upper house of this Parliament.

I will touch briefly on a couple of matters that were addressed in contributions by speakers for the opposition parties. The Leader of the Opposition called proportional representation an anathema and said he has deep concerns. He was followed by the Deputy Leader of the Opposition arguing the case in relation to entrenchment. Proportional representation is the only fair and reasonable voting system to operate in elections of members of the upper house. It is echoed in the commonwealth sphere in voting for members of the Senate.

The concern that has been expressed is that the government is trying to perpetrate a con on the people of Victoria because with a threshold requirement of 16 per cent of the vote no minor party members will be elected to the other house. In four years, time will tell whether that proposition is correct. Others who are perhaps better able to count than I would argue slightly differently. I submit that anybody who understands the electoral process knows that, once this bill is enacted, if you start from a position of about 8 per cent of the primary vote, with the distribution of preferences you would be well and truly in the hunt to find yourself in the upper house. It is quite wrong for the opposition parties to purport to show that following the next election we will not see minor parties elected to the upper house. I suspect that we will see a number of Greens candidates, and possibly some Independents, elected to the upper house.

Mr McIntosh interjected.

Mr WYNNE — The honourable member for Kew indicates that there might be some Greens candidates elected to the lower house. I am not sure who he is referring to, but I suggest he look carefully at how the Green vote was distributed throughout Victoria. By no means is that a phenomenon that particularly pertains to the inner city, if he is in fact referring to inner-city seats.

It is important to dispel what was said by the Deputy Leader of the Opposition in what was an extraordinary contribution, when he argued that the Labor Party has been conservative in ensuring there are some entrenchment provisions within this bill. I will go to a couple of those provisions. Should there not be a requirement that there be a sitting of Parliament each year? Should there not be provisions relating to appropriation bills and the ability of the Council to block their passage, provisions establishing a dispute resolution mechanism, provisions ensuring the continuance of the Supreme Court and provisions establishing the offices of the Director of Public Prosecutions and the Auditor-General and matters relating to these officers?

Mr Nardella — That is very conservative.

Mr WYNNE — That is extraordinarily conservative!

An Honourable Member — Dangerously conservative!

Mr WYNNE — It is a dangerously conservative proposition. The opposition is clearly either misguided or being deliberately mischievous when it comes to looking at this legislation.

Mr Nardella — It's just lazy.

Mr WYNNE — Possibly, as my colleague suggests, it is lazy in terms of looking at this piece of legislation in any detail.

I want to briefly clarify a point made by the Leader of the Opposition which pertained to the electoral boundaries detailed in schedule 1. He intimated that they were set in stone; in fact, that is not the case. There are interim provisions in that schedule in case there is a need for an early election. The Leader of the Opposition well knows, as all members who have read the bill would know, that there is a clear process to be undertaken through the Victorian Electoral Commissioner for the drawing of electoral boundaries between 1 January and 30 November 2005, and we know what the process is. The electoral commissioner, the Surveyor-General and a County Court judge will go through the long and well-established process by which the eight districts for the new upper house electorates will be established.

I am not sure whether the Leader of the Opposition has misunderstood the basis of the legislation, but I wish to reassure him that that schedule provides for an interim set of districts which would be triggered if we have to go to an early election.

This is a groundbreaking piece of legislation, and it is Labor legislation. Let us be clear about this: only the Labor Party has been prepared to undertake this great and fundamental reform that goes to the heart of ensuring that the upper house of this Parliament is a democratic institution that reflects the will of society generally. Clearly this legislation will not be to the benefit of the Labor Party. No longer will we have a two-party system in the upper house of a Parliament. Instead we will have a whole range of different interest groups represented in the upper house — Independents, the Greens, the National Party, the Labor Party and the Liberal Party. Surely that is of benefit not only to the upper house itself but also to Victorians, who will have a strong and democratic institution in the upper house of this Parliament.

Clearly that is not the case at the moment. I repeat that it is only the Labor Party that has been prepared to undertake this fundamental reform. I wish this bill a speedy passage.

Mr McINTOSH (Kew) — I take up the comments by the member for Richmond relating to entrenchment. It is bizarre in the extreme that following a constitutional debate which extended to perhaps only 200 or 300 people in the whole of the state of Victoria, which failed to capture the imagination of the people of Victoria, which might have been the subject of half a dozen editorials, particularly in the *Age,* but still failed to raise any substantive interest and which received only 200 submissions in totality, the government is about to entrench provisions in our state constitution that range from the procedures and practices of this Parliament and the opportunity for and ability of someone to be elected to this place — and, most importantly, the mechanism by which someone is elected to this place — to provisions relating to freedom of information (FOI), local government, the Director of Public Prosecutions (DPP), the Ombudsman, the Auditor-General, the Supreme Court and, indeed, the executive arm of government.

While I make no comment about the merits or otherwise of those matters, there is a fundamental legal question which should be asked and which needs to be answered by this government, and I certainly look forward to the Attorney-General answering it. Under what power does the government entrench the provisions relating to FOI to the point where they cannot be removed from our state constitution except by way of referendum?

Unlike what happened with the Australian constitution, we have not had a referendum by which the Victorian people have voted to have these provisions inserted in our constitution — it is being done by way of an ordinary bill in this Parliament — yet the only way they can be removed is by way of a referendum.

If the government were truly dedicated to the process of democracy it would be providing for a referendum to put these provisions in and a referendum to have them taken out, as happened with the Australian constitution, where there was not one referendum like the one that passed the constitution act but two referendums to insert the provisions which ultimately became part of the constitution. Surely the government needs to engage the electorate far better than it did last time.

I turn to the major criticism I have about the entrenchment provisions. The Leader of the Opposition raised this issue in his contribution, and I again ask the Attorney-General to enlighten this house as to the legal basis upon which he is entitled to entrench provisions

relating to FOI and local government. The Australia Act, which was passed by this Parliament and the federal Parliament, did a number of things, including removing appeals to the Privy Council. No-one doubted that having anachronistic appeals from the High Court in Australia to the Privy Council in this day and age would be a little bit strange, so accordingly these things were settled.

Our one remaining link to our British past is the fact that we happen to share a monarch: the Queen of Australia just happens to be the Queen of the United Kingdom. However, there is no doubt that the Australia Act severed its traditional links with the United Kingdom. Indeed, one of the provisions of that act relates to the powers of the Parliament to conduct its own affairs. A strong constitutional convention has been applied as a matter of law, which is that one Parliament cannot bind another Parliament. That means that after an election a Parliament, within the limits of its plenary power, is able to make laws for the good governance of whatever jurisdiction it covers — in this case, good laws for the state of Victoria.

The one exception to that notion is that Parliament itself can introduce laws that deal with the constitutional powers and procedures of the Parliament that enable it to entrench those provisions, that there can be a mechanism that gets around the notion of a simple majority in the houses of Parliament enabling such a bill to pass. That has been upheld by the High Court in the case of *Attorney-General (NSW) v. Trethowan*, which is a well-known precedent. There you had exactly the same sort of entrenchment we are talking about here, dealing with the abolition of the upper house in New South Wales.

In that case the High Court said it was permissible for the New South Wales Parliament itself, dealing with the constitutional powers and procedures of the Parliament, to require any bill that sought to abolish the upper house to have to go to the New South Wales people by way of referendum. It would certainly be my argument that section 6 of the Australia Act limits absolutely and expressly the powers of this Parliament, as one of the state parliaments in Australia, to make amendments to the entrenching provisions that relate to the constitutional powers and procedures of the Parliament.

It is legitimate therefore to entrench the provisions, if the government so chooses to do it, by way of a referendum. As much as we object to the notion we all know it will go through both houses. The government will do it by using its absolute majority in both houses, not by way of referendum, and because of the history of referendums in this country it will be almost impossible to change the number of members, how long they are elected for or the electoral districts and boundaries. All of those things will be locked into place once this bill goes through.

But how can the government say that something like freedom of information deals with the constitution, powers and procedures of the Parliament? It deals with the opportunity of the people of Victoria, the opposition and any other interested party to discover government documents. It has nothing to do with Parliament but has to do with government documents. How does local government being entrenched as the third tier of government in Victoria deal with the constitution, powers and procedures of this Parliament?

Mr Wynne interjected.

Mr McINTOSH — I shall repeat it for the member for Richmond: how does dealing with passing laws in relation to local government deal with the constitution, powers and procedures of this Parliament? It does not. Even the member for Richmond is shaking his head, because he acknowledges that I am right in that regard. In relation to the Director of Public Prosecutions or the Ombudsman, no matter how noble your cause, how can you possibly pass laws entrenching those provisions into our constitution? Does it deal with the constitution, power and procedures of this Parliament?

I am sure the Attorney-General would have got legal advice. We have not actually had a Solicitor-General in this state for over 12 months, given that the Solicitor-General has been on long-service leave. We are about to get another Solicitor-General in a couple of weeks. I was talking to the candidate-elect recently at a bar function. He told me two weeks, so we can all expect our new Solicitor-General to be installed within two weeks.

In relation to something as simple as this entrenchment, if I am wrong, I am wrong, but I would certainly like to hear the opinion the Attorney-General has in relation to entrenching in our constitution all of these bizarre provisions that have nothing to do with the constitution, power and procedures of this Parliament. Under our constitution a referendum will be the only way you will be able to change those provisions. In my view this is contrary to the provisions of the Australia Act, an act which still governs the state of Victoria and every other state and the commonwealth. It is not permissible to entrench these provisions. However, if I am wrong I look forward to the Attorney-General enlightening me on these matters.

As I said, this bill introduces a mechanism that will make it virtually impossible to change these provisions. It has not gone to the Victorian people, unlike the Australian constitution, which was voted on twice by the Australian people — and they accepted it. This has been a complete travesty because what the government is doing is making it virtually impossible to make mechanical changes to the administrative or executive arm of government in relation to these matters. The DPP, the Ombudsman, the Auditor-General, the executive arm of government and FOI all relate to the administration of government; they have nothing to do with the procedures, practices and constitution of this Parliament.

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

Mr ROBINSON (Mitcham) — I certainly welcome this opportunity to speak on the Constitution (Parliamentary Reform) Bill, which in my opinion is long overdue and which has widespread public support.

We have had an interesting debate so far, but I put it to the house that upper house reform is something that people associate readily with the Bracks government. It has been discussed at the last two election campaigns. It has been subjected to examination by a constitution commission. We have had a previous bill in this house and a fairly lengthy debate in the last Parliament, and we have had widespread commentary. No-one could argue credibly that what the government is intending to do has not been subjected to discussion across Victoria.

In the few minutes available to me I would like to highlight just a few aspects of the bill which I think are worthy of comment and highlight my reasons for supporting it. Firstly, I shall comment on the provision for fixed parliamentary terms of four years. This is a welcome step in Victoria. It is long-overdue and has wide public support. One of the interesting features of the parliamentary and electoral systems we have — and most members would be familiar with this — is the widespread anxiety and uncertainty that is experienced by business in trying to understand when the next election will be held. That worries and concerns big business and small business. I recall at the time of the Mitcham by-election, which was held in December 1997, that a number of shopkeepers said to me — —

Ms Beattie interjected.

Mr ROBINSON — Thank you very much; it was a great day.

A number of shopkeepers were very firmly of the view that one of the reasons retail trade was down in that area at that time was the uncertainty of the election. It was a very high profile by-election, and these things do make an impact on consumers and their spending patterns.

Secondly, the bill will reconstitute the Council to consist of 40 members. This is a novel step in that we are going to reduce the number of members of Parliament. I think that is the first time in many years, if in fact ever, Parliament will take the step of reducing the number of members on the public payroll. It is worth noting that as a Parliament we pass legislation and have systems in place requesting other people to be more productive. This is effectively a step asking ourselves to be more productive, and in that sense it is greatly welcomed.

One of the highlights of the bill is that it will remove the ability of the Council to block supply. I think this has been a much-abused power of the Legislative Council. Earlier in his contribution the Leader of the National Party referred to the Labor Party having invoked that power, I think, in 1952. He conveniently overlooked the actions of the conservatives in the upper house, who on three occasions in one week in 1947 chose to do just the same, and the grounds on which they did that were nothing more than base political advantage.

At that stage in Australia's history the Chifley commonwealth government was looking at nationalising the banks, and that was the subject of a long public debate. The Liberal Party, or conservative, opposition at the time in Victoria decided that if it could get an election organised by blocking supply it would be very advantageous to it. So it duchessed the banks and off it went to block supply three times in a week. It got the election, and the government of John Cain, Sr, was terminated. It is not a proud record for the Parliament that over many years in the other chamber it has used that power to block supply for such a base political intent.

Finally, and very importantly, the bill will provide for proportional representation. There has been a lot of commentary about this but in my mind it is a simple change.

Ms Asher interjected.

Mr ROBINSON — I did go to the St Patrick's Day dinner last night. The honourable member for Brighton suggests that I might be running on less than all four cylinders, and she might be right.

It is a fairly simple proposition that the proportional representation form of voting will provide greater opportunity for non-major parties or individuals who do

not associate themselves with the major parties to get elected. It is not a guarantee — Parliament is not about providing guarantees for people to get elected — but it is a move that will provide greater opportunity.

To illustrate that point I want to highlight a series of numbers from the election of November 2002. It is worth noting that of the upper house votes cast in Victoria last November, 51 719 were for the Democrats, 4158 were for the Christian Party, 4614 were for the Hope Party, 314 700 were for the Greens and 19 533 were for candidates other than the major parties. That makes a total of 394 724. Under the system they went and participated in last year those 394 000-plus Victorians had no effective choice when casting an upper house vote because under the system we currently tolerate in Victoria there is absolutely no chance that those candidates can win a majority in those provinces.

What we are trying to do with the bill before the house is introduce a system which gives Victorian voters a much greater opportunity to put into Parliament someone from a minor party or an Independent. When you look at those raw numbers of almost 400 000 Victorians aspiring to do that you cannot ignore them. In fact they make a compelling case for change.

In the couple of minutes left to me I want to rebut a couple of myths that have been put about by some of the opposition speakers today. One of them suggests that the current boundaries provide a much more effective representation. I am not sure that that works at all. Effective representation is a product of many things and one of them is tenure of office. If people are required to face the voters every four years, by and large they are going to work a bit harder than if they have the option of sitting there for seven or eight years before their candidature in an election comes up again. That is a pretty straightforward and commonsense proposition.

We have been told that changing the boundaries of upper house provinces and creating the proposed regions will somehow destroy existing communities of interest. To my mind that is a very presumptuous claim. If you look at the existing boundaries of upper house provinces I do not know that you find huge commonalities of interest in them. The seat of Mitcham, for example, falls within the upper house province of Koonung. You would not think that there is much connecting people at the northern end of the Mitcham electorate with people from the southern end of what is now the Scoresby electorate. They are not communities with a great deal in common. Similarly, I put it strongly that when you look at the outline of the upper house province of Eumemmerring it does not have great communities of interest.

So it is presumptuous to argue that the system we have at the moment is perfect. I think it is imperfect. The changes that are proposed in this legislation will give people a much better chance of casting a vote for effective upper house representation.

I know this bill will be of great benefit to and welcomed by many people in the Mitcham electorate. I would like to think that they are all going to vote for the Labor Party but they are not. Increasingly we as members of Parliament, and the Parliament itself, are having to deal with electorates that are seeking representation in different ways that challenge the established beliefs of political parties and their members. This bill goes a long way towards doing that. It will be a great step forward for the Parliament and I am very pleased to support the Constitution (Parliamentary Reform) Bill.

Mr PERTON (Doncaster) — Thank you, Acting Speaker. It is a pleasure to see you in the Chair for the first time.

The opposition accepts that through its election win the government has a general mandate for reform of the upper house. But that general mandate does not translate into the specific provisions of this bill. I doubt that many Victorian voters who chose to vote for the government had their vote determined either by the government's policy on upper house reform or the specific elements that are contained within this bill. One is reminded of John Stuart Mill's edict that the tyranny of the majority can in essence be worse than the tyranny of the tyrant — or the magistrate, as he said.

The government has won a thumping majority, but in the course of producing this bill it has used as its base document one produced from a flawed consultation process. As the Leader of the Opposition indicated, the consultation on the marine national parks bill received almost 4500 submissions and the consultation on the box ironbark national parks legislation received in excess of 3000 submissions, and yet submissions on fundamental change to the constitution of the state received little more than a couple of hundred submissions.

The public consultation process could have only disappointed people whom I regard as friends: Alan Hunt and Ian Macphee. I am sure when they took on the task they would have hoped for a greater degree of public participation and support. The government has not even accepted their recommendations in full. One

of the arrogances of this bill and one of the abuses of the majority that this government has is the entrenchment provisions that in absolute arrogance say that the decision of the current Premier in this year of 2003 is to effectively stand for all time unless a government — Labor, Liberal or coalition of some description — is prepared to undertake the expense and effort of a referendum to change, for instance, the date of the election.

Already a number of people have commented adversely on the end of November as the election date: university students doing exams, VCE students aged 18 potentially having to vote in the middle of their exams, and traders preparing for the Christmas sales. New South Wales is about to conduct its mid-March election. Maybe that is the appropriate date. Maybe four or eight years down the track there will be a general consensus that we need to change this element of the constitution, but a government and Parliament would then have to go through the process of a referendum to achieve that change.

As the Leader of the Opposition indicated during his contribution, other elements that have changed throughout the history of this Parliament — the number of members in the upper house and the lower house and other essentially administrative tasks in other parliaments — are being entrenched as a result of this bill. That is inappropriate. It is an abuse of power and what it says is that the wisdom of Steve Bracks, the existing Premier, is of such weight that we must entrench it for all time. The Minister for Manufacturing and Export, who is at the table, may one day seek a leadership position in his party. He, too, would be locked in even if the logic went the other way.

One of the most badly flawed elements of this piece of legislation — and it would be interesting to put this to a referendum — is its so-called model of proportional representation. The government in its second-reading speech says that this new system of voting will open up the upper house to a range of other political groupings, but the reality is that the quota required will be 16.6 per cent. That is the highest quota of any Parliament in the country. One can imagine that the Greens, potentially at their most rampant in an inner-city area, might be capable of scoring 16.6 per cent of the vote.

Mr Smith interjected.

Mr PERTON — The honourable member for Bass says he hopes not!

What it says is that there is little chance of the Democrats being elected. There is also little chance of parties that may establish themselves over the coming years and decades having representation in the upper house. If the government were sincerely committed to proportional representation, then it would have looked at the Tasmanian model, for instance. It could have looked as close as New Zealand, with its multimember — —

Ms Asher — Preserve us!

Mr PERTON — At least the New Zealand system is a fair-dinkum system that actually delivers proportionality even to minor parties, although there are differences. There is a strong Australian view that our democratic system is best reinforced by a party or a coalition of parties winning a strong majority. On the other hand, the New Zealand system has tested the ability of Westminster governments to put together new types of coalitions such that those governments have to deal with small parties. The great fraud in this legislation is that it purports to provide proportional representation. In structuring the legislation to require 16.6 per cent quotas the Labor Party has clearly designed it to entrench a majority for itself and to entrench a substantial majority for the two major parties, effectively squeezing the opportunities for Independents and minor parties.

Compare that with the New South Wales upper house, where many minor parties are represented. The government's legislative program still gets through that upper house, but it requires a sensitivity to other opinions. It is disappointing that a government that claims to be introducing proportional representation has not actually done so but instead has created a system that will disfranchise minor parties and disfranchise people in country areas.

The issue of disfranchising people in country areas has already been very strongly covered by the Leader of the Opposition and the Leader of the National Party. The bill has created a number of seats in which there is almost no community of interest or where community interests are competitive — for example, the inclusion of Geelong and Ballarat in the one electorate. Clearly those two areas regard themselves as being in competition. It is also clear that Geelong, with its larger population, will dominate. Rather than developing a stronger community of interest, which the member for Mitcham spoke about in the last few minutes of his speech, it is quite possible that these new seats will create greater antagonism between communities as these members are elected.

As I indicated, opposition members accept that there is a mandate for the reform of the upper house, but we

believe that mandate requires a genuine commitment to democratic reform and a genuine commitment to the interests of not just the opposition party but also minorities in general. It should have properly protected the interests of country Victorians as much as it protects the interests of city Victorians.

In years to come we will live to regret these changes and live to regret the fact that they are being entrenched. As I have indicated, whether it is when the young ministers who have been at the table during this debate come to leadership positions in a Labor government or whether it is when the Liberal Party comes to power again, there will need to be a sensible reform of some of these elements which have been stymied by the government's insistence on the entrenchment provisions and the requirement for referendums.

Mr HARKNESS (Frankston) — It is with enormous pleasure that I rise to make my first contribution to a second-reading debate. My contribution to a 1999 text, *The Kennett Revolution*, by Costar and Economou, concluded that urgent reform to the Victorian Legislative Council was unlikely; but the opportunity is now there to reform this place and finally make the upper house democratic and accountable. Victoria needs a well-structured and well-behaved upper house to ensure better legislation.

Although almost all modern bicameral parliaments have a broad franchise in both houses, the Victorian upper house does not accurately represent the thoughts and feelings of the electorate. Some of the contributions to the debate have referred to representation, and it is about that I would like to speak.

The Victorian Legislative Council is notorious for not containing diversity. It certainly does not mirror the population at large, and there has been a tradition of electing white males to that place. Victoria has a strong reforming democratic tradition, as evidenced by the introduction of secret voting in 1856, the regular payment of MLAs in 1886; the abolition of plural voting in lower house elections in 1899; the granting of the franchise to women in 1908; the entitlement of women's candidature in the Assembly in 1923; and the full franchise in the upper house in 1950. The Legislative Council's historical role has been described by Ward and Hudson in *Essays on Victorian Politics* as:

> … a final bulwark on behalf of the propertied interests against any encroachment on their fundamental political and economic interests, whether that encroachment be from a Labor government or an errant non-Labor government.

The Victorian Legislative Council was created in the mid-1850s as a class-based chamber to reflect the interests of colonial property holders. There existed a qualification for membership of the Council based on the possession of freehold property. A higher property qualification was also instituted in the Council.

Additionally the electoral boundaries of the Council were skewed in favour of non-metropolitan areas, which further strengthened the conservative nature of the upper house. Victoria's Legislative Assembly and Legislative Council are essentially elected by the same method of voting — single-member preferential electoral systems — which does not provide the diversity that is found in the Australian Parliament, where since 1949 proportional representation has been in place for the Senate.

John Galbally summed it up well in 1969 when he said:

> Empires have crumbled, monarchs have been dethroned, the House of Lords stripped of its powers is suffered to exist as a museum of hereditary aristocracy, but the Legislative Council continues to dominate the political life of Victoria. Governments are broken there. Today it is stronger and more unrepresentative than ever.

And that has not changed.

While occasionally described as a valuable institution in need of overhaul and as an indispensable feature of state parliamentary democracy, it has also been referred to variously as a museum, the Red Morgue, a bludger's paradise, and as a retirement home for political hacks. The role, functions and make-up of Victoria's Legislative Council have sparked debate for most of its history.

I cite A. F. Davies, who is often quoted describing the Legislative Council as 'a malicious, mechanical anti-coconut shy … pitching back bills and bits of bills unpredictably'.

In a 1975 editorial the *Age* also summed it up:

> The Legislative Council had a dismal early history as a club for the propertied and rural interests of the state … It has failed to operate as a house of review but has ranged from a costly rubber stamp to a spanner in the works of reforming government …

Malcolm Clarke, speaking in 1928, claimed that two chambers of identical structure are ineffective — and this is the problem we have in Victoria. He said:

> The necessity for a second chamber in any scheme of government has been admitted by practically every political writer of eminence, all being in accord in emphasising the point that the second chamber to perform its duties perfectly must be composed in a different manner from that of the

> popular house. A second chamber, which is simply an echo of the other house, will make both subject to the same influences and representative of the same interests, and in such a case it is absurd to expect the one to act as a balance and a check upon the other.

The Legislative Council did not come naturally out of the character of the people nor was it based on scientific theory. Rather it was, in Clarke's words 'a jumble of old English ideas clumsily put together with what were supposed to be democratic principles'. However, if the upper house is structured correctly and appropriately bicameral parliaments can provide an effective means of checks and balances on executive government policy making within a Westminster-derived parliamentary system.

The current political architecture of the Victorian Parliament is based on a 19th century system which has become anachronistic. There is a mismatch between the structure and functions of the upper house, and reform is essential. Debate in Victoria is not guided by any particular model for bargaining and negotiating legislation through the bicameral Parliament, and problems appear inherent in the policy-making process, with an electoral system in the upper house which entrenches a strong and adversarial party structure.

The Victorian upper house has not traditionally been a bastion of representativeness. Indeed it was not until 1950, as I said before, that universal adult franchise was introduced to it. Property qualifications prevented 40 per cent of potential voters from voting, and this became increasingly difficult to justify. The original rationale for having property and other qualifications in upper houses was to prevent the majority from dispossessing the minority property holders.

Prior to the Second World War electoral and parliamentary systems in Victoria were only ever reformed in order to shore up or entrench some partisan advantage for the Country Party, which held a central role during this time. These bullock-wagon parliaments nevertheless brought about some degree of modernisation of responsible government. However, significant reforms, particularly to the upper house, were only achieved by the ALP. Then, after the tumultuous period leading up to the watershed decade of the 1950s and during the Liberal Party's reign, very little was done, save the facilitation of conjoint elections for the two chambers of Victoria's Parliament.

In Victoria the Parliament is supposed to provide the main checks and balances on the actions of the executive, and the constitution should provide the means by which Parliament operates, but this clearly does not occur with the current arrangements. With an electoral system which allows a party to unfairly dominate both houses, executive dominance poses the risk of government becoming corrupt and Parliament degenerating further into an arbitrary institution, as it was between 1992 and 1999.

While the 20th century has seen franchise reform and to a lesser extent electoral reform, much more is needed with regard to the latter, and reform of the powers and workings of the Legislative Council and of constitutional matters are crucial. The Victorian Legislative Council is still very much the adversarial second chamber of the Westminster tradition, where the Machiavellian pursuit of political ends comes far too often before legitimate reviewing and refining of legislation. Now a Labor government has seen the bigger picture and shall implement much needed reforms to reintroduce to the Victorian Parliament the ideals of democracy.

I will spend a few moments talking about the staggered terms that hark back to colonial times, when they were put in place to insure against a government elected in the lower house on a popular whim. Upper houses should not have staggered terms — having a fresh mandate rather than a stale mandate is preferable. It is undesirable that half of the upper house is representative of a different era, a different mood of the electorate, and not reflective of the current view the electorate has. The 27 years of Liberal domination prior to Labor's 1982 win was a veritable ice age. Liberal-inspired changes to parliamentary electoral procedures were both retrogressive and motivated by partisan interest. By contrast, Labor rewrote the constitutional map of Victoria and will do so again.

In summing up I remind the house that it was Henry Bolte, a former Liberal Premier, who quite often advocated reform of the upper house. He believed that some sort of reform was essential to ensure that legislation was not blocked by an upper house. An upper house ought not be obstructionist or obsequious. The Victorian upper house has certainly not been the jewel in the crown of Victorian democracy. The Bracks Labor government has given the upper house the chance to reform. It is up to the upper house now to take the opportunity. It is a real opportunity to deliver real democracy for Victoria.

Mr KOTSIRAS (Bulleen) — It is with pleasure that I stand to speak on the Constitution (Parliamentary Reform) Bill, but I think it should be renamed the Constitution (Labor Hypocrisy) Bill because that is exactly what it is. This bill shows Labor for what it is — just smoke and mirrors, window-dressing and hypocrisy.

I tend to agree with John Ferguson, who said in the *Herald Sun* that next week when Labor changes the rules on the upper house we should be bored, dismissive and turn the television to the World Cup but that we should never forget who did it, why and what a pack of hypocrites they really are.

I tend to agree, because this bill proves that the Labor Party is made up of a bunch of hypocrites. Members opposite claim that the bill is the result of the recommendations made by the Constitution Commission of Victoria. The commission, and I agree with other opposition members, was a circus. The government chose three people who were its puppets and who moved around on the surface telling members of the public that they were there to listen — while not telling them that the government had given them the outcomes. They knew the outcomes and the recommendations, yet they went on a trip around the state trying to convince people that this should happen.

The purpose of the bill is set out in clause 1, and I shall go through it to show that the Labor Party is a bunch of hypocrites. One of the purposes is:

> … to provide for the filling of casual vacancies in the Council.

In *Hansard* of 22 November 1995 the current Treasurer is reported as stating:

> I am pleased the Premier has not proceeded with his proposal to abolish by-elections in this state. We could not have supported that.

In *Hansard* of 12 November 1997 the current Premier is reported as stating:

> By-elections can have profound repercussions. I believe the Mitcham by-election will result in a culture change in this state.
>
> …
>
> My words will be recorded in *Hansard* and they will stand up to scrutiny in the future. This is a five-year turning point. It is the right seat, the right by-election, the right issues and the right time.

Again in *Hansard* of 1 September 1998 the current Treasurer stated:

> Tonight the honourable member for Gippsland West is in the Parliament for the debate. Had the Premier's plan gone through, no by-election would have been held in Gippsland West — a crony or stooge of the Premier would have been appointed to Parliament. The people of Gippsland West would have been represented by someone hand-picked by the Premier — not by someone who will represent their interests on jobs, health, education … a crony, a mouthpiece hand chosen by the Premier.

What has changed? A government that is happy to change now was not happy to change in 1997.

The second provision in clause 1 provides for proportional representation (PR) in the upper house. It seems that the Labor Party is happy to introduce PR in the upper house but not happy to introduce it in its own organisation. I have a newsletter from Labor Unity under the heading 'Working to elect Labor governments' which states on the question of PR:

> In the past these positions have been determined in accordance with the principles of proportional representation. In other words, all the groupings in the party are represented in accordance to their size as would be demonstrated by a PR ballot of admin.
>
> However, the inherent fairness of such a long-held party principle is lost on Kim Carr and Greg Sword.
>
> Not only do they not accept this principle, in making this decision they have rejected all previous admin recommendations, all of which have been passed by state conference, which call for the principles of PR to apply to all appointments to head office.
>
> All the more remarkable when you contrast the Carr/Sword position against that of the parliamentary party, which is about a mandate PR as part of its welcome reforms of the upper house. In other words, we will have one rule as dictated by Carr/Sword — —

Mr Mildenhall — On a point of order, Acting Speaker, although there was an initial attempt by the member to discuss the principle, this has gone into the details of another organisation. It has nothing to do with the principle anymore. This is not being used for the purposes of debating this bill in any sense.

The ACTING SPEAKER (Mr Nardella) — Order! I do not uphold the point of order. The honourable member is discussing this on his way through, and he will move on to other substantive points.

Mr KOTSIRAS — The article continues:

> The reason the new party elite of Carr/Sword rejected PR and past practice was in order to seize control of head office and place the candidates in charge. No properly constituted ballot of admin would ever produce this outrageous outcome.

On the surface Labor Party members are happy to support PR for the upper house, but when it comes to their own party they feel that PR does not work because the factions are far too powerful. The government was happy to promise to introduce the bill and support PR in the upper house simply because prior to the election it felt it would not have control of the upper house. Having made this promise it now has to do something about it.

Labor Unity has written a letter to its equivalent state council asking all members to support its recommendation. I would like to see how many Labor members of Parliament will support the recommendation to introduce PR to elect office bearers to their administration. I would be interested to see how many of the next state council will support the proposal.

Clause 1 also says the bill aims:

> … to re-constitute the Council to consist of 40 members elected from 8 regions, each region returning 5 members.

This will reduce the representation of country Victoria — for example, all New South Wales upper house members are from Sydney. In an article against proportional representation Richard Herr states:

> Holding these politicians accountable for their actions at subsequent elections is a third vital aim … elections can be used to give directions to parliamentarians on the policies the majority wish to see implemented. This is the mandate theory of elections. Finally, elections provide a mechanism for making the country's rulers aware of the opinions and views of the community which they will govern until the next election.

Who will take the responsibility if there are five members in a region? That is a problem that Dr Herr points to. He goes on to say:

> A representative from a single-member district … has no doubts as to who are his or her electors, just as I have no doubt regarding who is their MP. The same cannot be said for PR systems.

That is especially so in Tasmania.

Clause 1 also refers to minor parties. The Premier and the minister who assists him on multicultural affairs claim that they support multiculturalism. I would like to see what they will do should a One Nation party member enter this Parliament. Through this bill we may have a One Nation member controlling the Parliament. I would like to hear what the Minister assisting the Premier on Multicultural Affairs will say when he has to deal with a member of Parliament from the One Nation party. Will he be happy to claim, 'Gee, I have just discovered myself: I know my ancestors and I support multiculturalism', as he has in the past?

The bill is flawed: it is window-dressing and smoke and mirrors. Government members are upset because they know the bill has failed, but they will sit there and accept everything the Premier and Treasurer say.

You have no guts and no backbone — absolutely none. You just sit there. When you were on this side you argued about that with our backbenchers. You are much worse: you sit there and accept everything the Premier tells you.

The SPEAKER — Order! the honourable member for Bulleen will address his comments through the Chair.

Mr KOTSIRAS — My apologies, Speaker. Labor Party backbenchers have no backbone; they simply accept everything that is fed to them. They are in the dark and behaving like mushrooms. They have been given only garbage and will have to accept it.

I will not support this bill; I will vote against it. The people of Victoria will see that this bill will achieve exactly nothing.

Mr LONEY (Lara) — It is indeed a pleasure to participate in debate on this bill, which is probably the most significant reform bill to be debated in the Parliament for a century. Consideration of the role of the upper house in any bicameral system is very important, and it should be treated with some seriousness in any reform attempt. This bill is about ensuring that we have a bicameral system which is actually effective as a system of governance for Victoria in a new millennium rather than one which dates back 150 years, one which serves the people of Victoria in a new millennium rather than our hanging onto one which was probably correct at the time it was introduced but is now clearly not serving the needs of the Victorian electorate in the way the Victorian electorate wishes it to.

It is interesting to listen to some of the debate that is taking place because part of it hinges around, in some senses, the right to reform the upper house and whether it is appropriate to reform upper houses. It is a variant in some ways on the old argument that if it ain't broke, why fix it. I will deal with that argument in a minute.

The issue here is that the reform of parliaments takes place constantly in all parliamentary models, whether in Australia or in other countries. Reform of parliament is not something that does not occur and that parliaments themselves do not turn their attention to. In the Victorian model we should be as keen as any other parliament in the world to ensure that we have a parliament that is serving the needs of the people. If we have a look at commonwealth parliaments we can see the sorts of reforms that have taken place in other areas within the memory of everybody in this house — you do not have to go back 100 or more years to find those reforms taking place.

Reforms have taken place in Westminster. Reforms have been made to the powers of the House of Lords in

recent years. They were necessary to ensure that the House of Lords was contemporary and acted in a manner in which the electorate expected it to act and not simply as an outmoded obstruction to the government of the day. The House of Lords has undergone a number of reforms over the past few decades.

We also have an example in the Australian Parliament, where the Senate has been reformed since the 1970s. One of those reforms is something the opposition is arguing against here — that is, the reform to the way senators are appointed if there is a vacancy during a Senate term. That reform was put to the Australian people and was endorsed by them in a referendum. Members opposite have come in here today talking about referendums. That is a model that has been endorsed by the Australian people in a binding referendum; that is why it was introduced.

There are other reform mechanisms. The commonwealth Parliament has undergone reform processes in the Senate and the House of Representatives with the introduction of the second chamber arrangements. That was a significant reform. Parliaments should not be static, they should be dynamic bodies that attempt to address the needs of the community they serve at the time they are serving it. Reform is something we should be prepared to undertake.

Unfortunately we have this talk today about why a referendum mechanism was not used in relation to this. It is worth having a look at that. Aside from the argument about the mandate, which I would have thought was a legitimate argument here — we can talk about a mandate for a policy that was articulated not only at the 2002 election but also at the 1999 election, so it was put up at two elections and was endorsed by the Victorian people on two occasions — why no binding referendum? It is quite simply because the constitutional provisions up to this point do not provide for a binding referendum in Victoria. They do in the Australian Parliament but in Victoria there is no binding referendum provision. I would suggest that had we gone down this path of a referendum in Victoria we would have had an opposition that would have argued that it was not binding — that there was no constitutional basis for a referendum and therefore it was not binding. We would have had that argument being trotted out at that stage.

There is some interest in the position the opposition takes about binding referendums. One could point out that in seven years of government the Liberal Party never saw the need to introduce a binding referendum provision into our constitution. During that period the former government did a few things that will not be possible after the passage of this bill. The changes the former government made to the Auditor-General will not be possible after the passage of this bill. We have not heard much discussion about that particular aspect of this debate.

I would have thought that all people in this Parliament should have given support to the position of the Auditor-General as an officer of the Parliament. That is what the Auditor-General is — an officer of the Parliament. He works on behalf of this Parliament and should be supported by the Parliament, but we remember the way a previous government attempted to cut down the Auditor-General. Part of this bill will ensure that that cannot occur in the future. The Auditor-General will be given absolute constitutional protection under this bill, as will the Director of Public Prosecutions.

Those of us who have been around this place for a while can recall the way in which a former Director of Public Prosecutions was treated by a previous government, where the mechanism for the removal of a Director of Public Prosecutions was a bottle of red wine. This bill will entrench those two very important positions in the Victorian constitution and ensure that they cannot again be changed arbitrarily by any government of whatever colour. Once it is put in, not even this government will be able to arbitrarily deal with an Auditor-General or a Director of Public Prosecutions if it does not like their actions. Being officers of the Parliament, this is the sort of protection those positions should be given.

There has also been some talk about the way people will vote under this provision and that it will produce these horrid results. I have some respect for the intelligence of the electorate, and I think people work things out pretty well, but I will say this: I think the opposition's crystal ball on how the electorate will respond to things has been shown to be terribly flawed in recent times, and I am not too sure we should take too much notice when members opposite start to pronounce how the Victorian electorate will respond to certain things. I think the Victorian electorate will respond to this change with great support. I think people will see that within this we are creating a Parliament that is attuned to this millennium, not to 150 years ago. They will embrace it with enthusiasm, as we all should in this chamber.

Mrs POWELL (Shepparton) — I am pleased to join the debate on this bill. It was interesting to hear government members say in their contributions that this

is a great and proud day for the Parliament and for the government, but can I say that it is a very sad day for country Victoria.

As a former member of the upper house I consider I am fully qualified to make a contribution on this bill. I also recognise another former member of the upper house who made the successful transition to the lower house, that is, the member for Brighton, who is at the table. I recognise also the member for Melton who is in the Chair at the moment, and the member for Bass. A number of former members of the upper house have successfully made the transition to this place. We have fond memories of the upper house and believe it has an important role to play in Victorian politics.

As the Leader of the National Party stated in his contribution, the National Party opposes the bill. It has put forward a number of amendments including one that provides that three of the eight regions must be predominantly rural. It also seeks to insert a new clause proposing that voting at an election be only by postal vote. The National Party believes that those amendments need to be supported.

The National Party will not support any legislation that reduces the representation of country Victoria and this bill does that in a number of ways. It creates regions that are so large that the community will lose contact with its local members of Parliament. To try to get around those electorates as a rural member will be absolutely ridiculous and time consuming. The legislation also reduces the number of members representing country Victoria. Therefore the voice of country and regional Victoria will be reduced in this Parliament.

The proposed new boundaries will reduce the number of country members of Parliament by one. That is borne out by the fact that there will be eight regions, three of which will be non-metropolitan, each having five members, so on the government's own figures there will be 15 country members of Parliament. Currently there are eight rural provinces with two members each, which means there are 16 rural members. There will be one less rural member of Parliament and yet the Labor government claims that the proportion of country members will rise by 1 per cent. Currently there are 16 country members in a total of 44, under the new system there will be 15 out of 40 and therefore there will be a 1 per cent rise, but, as I said, in reality there will be one less rural member of Parliament.

The size of the country regions will be enormous. The area that I represent and live in will be part of region 5, the northern region. That region will comprise almost half of Victoria. It will have five members representing an area of over 108 000 square kilometres with a population of approximately 383 000. The electorate will stretch from Mildura to Corryong and right down to Sunbury. Many of the 47 councils identified by the Regional Development Infrastructure Fund are predominantly rural councils, so they will now have included with them some outer metropolitan councils. I wonder whether those councils will get funds from the Regional Development Infrastructure Fund? The Leader of the National Party said that in outer Melbourne there is not much community interest in rural Victoria.

The upper house provides a very important role in Victorian politics as the house of review, but importantly it also brings local issues to the Parliament. As a member of the upper house I was able to raise important issues during the adjournment debate every night if I chose — and I usually did. I was able to speak on how legislation affected my community in country Victoria and to raise the profile of country Victoria in the Parliament.

Since its election the Labor government has tried to diminish the role of the upper house. In this session it has reduced a member's opportunity to speak during the adjournment debate: it now has a roster of people able to speak during that debate. All ministers used to be in the house during the adjournment debate so members were able to raise issues directly with a minister and get a response. Now the Labor government provides only one minister during the adjournment debate who takes everybody's comments and has to pass them on. The government has also put time limits on contributions to debate on legislation. In effect this gags country members as well as other members of Parliament.

During the government's last term a number of changes were made to sessional orders. At question time, supplementary questions were allowed and members were able to move that the Council take note of a minister's answer, which gave members an opportunity of putting the minister on notice and getting some more information. The government has now removed that opportunity because too much pressure was put on the government and it was made more accountable.

The Labor government has also deceived the people of Victoria by intimating in the public arena that there has been little change to the Victorian Parliament since its inception in 1856. In fact the Legislative Council continually assesses and revises its procedures to make it a more accountable and relevant house of review — and that is what it is currently.

The government's rhetoric that it has a mandate to reform the upper house and will make changes to the constitution to allow the recognition of the principle of a mandate will have far-reaching effects right across Victoria, not just on this issue but on many issues. In my six and a half years as a member of the upper house for North Eastern Province, I did not have one letter, email, phone call or person in the community asking me to change the upper house or say that it is an issue for them. When the government put forward its discussion paper in August 2001, people started asking, 'Why is it doing this?', 'What is so wrong with the upper house that it needs to be reformed?'.

The government has put out much misinformation. It says that upper house members have eight-year terms. They do not. Upper house members are elected for two terms of the lower house, which are a minimum of three years and a maximum of four years. As I said, I had been a member for six and a half years when the election was called. The Constitution Commission of Victoria report talks about phasing out the current terms:

> The fixed four-year terms the commission recommends would take two parliamentary election cycles to implement.

It does not talk about bringing in the changes immediately; it talks about implementing the changes and phasing out the current terms.

The government also said that it consulted widely. It established a three-member constitution commission. Members have talked about public meetings. The attendances in country Victoria were very poor: eight people in Mildura, 15 in Horsham, 18 in Wangaratta, and 20 in Shepparton. The public meeting in Shepparton was held on a day that the Legislative Council was sitting so I was not even able to be there.

My electorate officer went in my stead so she could hear what was going on. In fact, as I said, about 20 people were there, but most of them were schoolchildren and people who probably had an interest. I put out a press release urging people to go to the public meetings to find out what the upper house reform was all about, telling them the date and asking them to come to my office to get the information. Still only 20 people turned up. My electorate officer attended and said the commissioners led the debate.

On 22 August 2000 Premier Bracks visited Shepparton and then travelled to Wodonga to give the annual Michael Joseph Savage lecture at the local campus of La Trobe University. The topic was 'Revitalising Victoria's democracy'. The program started at 7.30 p.m. and was supposed to go until 9.00 o'clock. The Premier was introduced at 7.30; he spent 5 minutes talking about Mr Savage and 10 minutes talking about the government's proposed upper house reform. He spoke for 10 minutes about the reform to the upper house! Worse than that, at the end of the evening the audience was told there would be no questions. No questions on something so important as upper house reform! So much for open and accountable government.

Only a few hundred submissions were received. We have heard that other inquiries received thousands. Surveys were conducted and people could not even name their upper house members, so how will making electorates larger overcome the problem of voter recognition? It will make it impossible to have face-to-face consultation.

In the last few seconds available to me can I say that this is a sad day for democracy and freedom of speech in Victoria. The National Party will oppose this bad legislation.

Ms ALLAN (Minister for Education Services) — I am pleased to speak on this bill this evening. Having spoken in the previous Parliament on each occasion that this issue was debated, I am certainly delighted that on this occasion this debate will bring positive change and the greatest democratic reform to the upper house in its 150 years.

I will confine my comments to just the one area that has been referred to a number of times already during the debate — that is, the issue of country representation, particularly as I represent a country electorate. Earlier in the debate this afternoon the Leader of the National Party said that the National Party view had hardened against this legislation. I suggest that it has hardened its position against the democratic will of Victorians. At the last election it was clearly spelled out that the Bracks government wanted to reform the upper house. Clearly Victorians voted for the Bracks government and voted for a reform of the upper house. The core of the conservative parties opposition is their wanting to protect the position of privilege they have held for much of the past 150 years of the existence of the upper house. Certainly the National Party's comments about a decline in country representation is absolute bunkum. This bill will enhance country representation, and I will go to that in particular.

The Leader of the National Party indicated that he was concerned about country people losing their voice under this change. We all remember how the National Party lost its voice for seven years under the former coalition government, where the National Party rolled

over time and time again when the former Premier ran rampant with his ideological destruction of country Victoria. We remember how the National Party lost its voice when the former government closed 176 country schools, 12 country hospitals and 5 country train lines. We remember well how the National Party lost its voice between 1992 and 1999.

This legislation will bring about much better representation for country people. It will enhance parliamentary representation for country people because it will provide greater diversity among their elected representatives — for example, the voters in Bendigo have only ever been represented once by a Labor MP in the upper house, and that was Arthur Smith who held the seat of Bendigo Province between 1952 and 1964. This legislation will provide an opportunity for people to be represented by someone for whom they voted.

The National Party opposes this legislation as it has opposed previous reforms to the upper house because it is more worried about protecting its own MPs than opening up democracy for country people. Under the current system the National Party at the 2002 state election attracted only 4.3 per cent of the statewide vote for the upper house, yet it holds 11 per cent of the upper house seats. That is clearly disproportionate representation, and that is what National Party members are worried about. They are worried about looking after themselves and their mates in their privileged upper house.

At this point it is important to note that country people are not solely represented by the National Party. The National Party does not speak for everyone in country Victoria because many country people vote for Independents and for Labor and Liberal people. They even vote for Greens. It is important to note that the National Party does not have control over all the votes of country people, and certainly country people are not as one in being interested in the rampant conservatism that the National Party represents.

This Bracks government legislation will reform the upper house so that that house will represent all Victorians whether they be Liberal, Labor, Greens, Independents or National Party voters. It is very exciting legislation, and I am extraordinarily proud to be part of the Bracks government which is reforming the upper house — reform that will bring massive improvements in the operation of democracy in this state.

Ms ASHER (Brighton) — I will leave it to my National Party colleagues to rebut the position taken by the minister. I congratulate her on her appointment. I hope she handles her portfolio with more dexterity than she handled that contribution.

The key issues of this bill have been touched on by many members: four-year fixed terms for both the upper house and the lower house; proportional representation with an 8 by 5 configuration and a reduction in the number of upper house members to 40; a removal of the capacity of the upper house to block supply; and entrenchment of certain provisions in the constitution. Some lesser issues have also been touched on — that is, the issue of optional preferential voting below the line now in the upper house which will be allowed under the bill; the boundaries which have been touched on by a number of speakers; and a recognition of the government's 'mandate'.

I wish to raise a couple of matters which are of some concern to me. First, basically if you get the votes you get the seats. The Labor Party, while it complained loudly in the last Parliament when it did not have the seats, has now seen demonstrated to it the processes of democracy. Basically the current method of election for the upper house is exactly the same as the lower house; and of course Labor won, it got the seats. I think it should recognise that.

I point out to the newly elected member for Frankston, and he was not in the previous Parliament, that in the previous Parliament 306 bills were debated and only 7 were refused. That is scarcely an example of an obstructionist upper house.

In relation to four-year fixed terms, the Liberal Party certainly supported that in a vote in this chamber in response to a private member's bill brought by the member for Gippsland East. The Liberal Party voted in favour of that. I guess the unusual feature of this bill is that it provides the same term for the upper house as for the lower house, which is unusual in Australia. It is not unknown in Australia but is unusual, and it contrasts very strongly with New South Wales, where there is an eight-year fixed term. However, there are three exceptional circumstances to the fixed term, and they have been touched on by other speakers.

In relation to proportional representation, one thing that concerns me is the adulation almost for proportional representation as being particularly democratic; if you listen to members of the government it is more democratic than other forms of representation for multimember constituencies. I refer honourable members to writings that I have mentioned previously in the house in the days when I had a longer speaking time, writings in particular by R. A. Herr and

W. J. Hemmings, where the nature of proportional representation and its direct accountability has been questioned by a number of academics. They went on to posit that there was a stronger relationship between people elected under the previous method. I will not go through those arguments again, as I have done so on previous occasions in this house.

However, notwithstanding the relatively high quota of 16.66 per cent, generally proportional representation gives minorities an overrepresentation compared with the major parties. Maybe that is good, maybe it is not; but there are examples where governments have had mandates and upper houses have blocked those mandates, and that in itself has consequences.

The question I have for the government, which I know will not be answered, is: why this model? The Constitution Commission of Victoria, which we have heard much of in this debate, put forward four models ranging from 6 electorates of 7 members to 7 electorates of 7 members, 8 electorates of 5 members — the model the government has chosen — and 9 electorates of 5 members. I would be particularly interested to find out why the government has chosen this model. I would like to know whether self-interest has led it to choose the model that is enshrined in the Constitution (Parliamentary Reform) Bill 2003.

Members have touched on the government's choice of boundaries, and I am well aware that the Electoral Commissioner has been asked to draw up boundaries for this reform in 2005. I might ask, 'Why 2005? Why not earlier?'. Perhaps the minister will respond to that in his reply. But the government has put a series of indicative boundaries in a schedule to this bill — in other words, its preferred boundaries — under which an election would be held if a double dissolution occurred in exceptional circumstances prior to the electoral commissioner drawing up the boundaries.

Whilst I reiterate the concerns of my colleagues about the diminution of rural and regional representation, I also note the incredibly broad communities of interest in the eight regions put forward by the government. Some of them are exclusively city regions, but if the member for Mitcham wants to sustain an argument that having four lower house seats, which is the current circumstance, does not sometimes represent a broad community of interest, I cannot follow how having 11 lower house seats in one constituency can be acceptable.

I also want to touch on the removal of the power of the upper house to block supply, and again there will be varying views on that. We have picked up the model that exists in other states whereby budgets must be passed in the Council within one month of their being passed in the Assembly. I seek an assurance from the government — because with this provision it is technically possible to have no debate at all in the upper house — that upper house debate on the budget will always be allowed.

Both major parties generally favour above-the-line voting for the upper house, and it will probably result in a diminution in the informal vote. But one significant change that has not received much comment so far is the capacity for voters to have below-the-line optional preferential voting for the first time, provided they vote for five candidates — in other words, so the preferences can exhaust.

I do not know what the Greens think of that. We will probably see preferences exhausting in the New South Wales election on Saturday. In fact this is a substantial change that has not received much debate but should receive it — that in optional preferential below-the-line voting provided you have to vote for five candidates.

There are new deadlock provisions in the bill, many of which have again passed without much comment. The deadlock provisions give unprecedented power to the Premier, and the question for the government to answer is this: why were the recommendations of the independent constitution commission on deadlock powers — everyone understands that you have to resolve a deadlock — not adopted in this bill rather than these new provisions? I do not know where they came from, but they clearly give significant power to the Premier in the circumstances of a deadlock.

The upper house is now required to respect the government's mandate, which under this bill is defined as the policies, promises and initiatives which were publicly released by or on behalf of the government during the last election campaign — which presumably for both major parties will be documents totalling several hundred pages. We can debate that as we will, but the mandate provisions are not binding, so they are not as significant as the government's press releases would like members of the public to believe.

There are now three categories of entrenchment prescribed under this legislation. There are core provisions — and I note that the Ombudsman, who has just criticised the government for its failure to deliver on freedom of information, will be protected. I am very glad he reserved his criticism of the government until after this bill was second-read in the Parliament! I also note the freedom of information entrenchment, which says very little except that there will be access to

information. There will also be an entrenchment of provisions that can be changed by a special majority of Parliament, defined as three-fifths of the total number of members of the Parliament; and there are other provisions which can simply be changed by the existing method — that is, an absolute majority of the total number of the members of each individual house.

I note that the jurisdiction of the Supreme Court is among these provisions. I recall my days on the other side of the house, when the Labor Party railed against the number of section 85 statements and the jurisdiction of the Supreme Court being changed simply by an act of Parliament. The government now has the capacity to do something more stringent with these provisions, but it has deliberately chosen the status quo.

I conclude by saying that the government's motivation is one of self-interest. All one need do is look at the government's changes to sessional orders, which mean that members of Parliament are severely limited in the time they can speak.

Mr SAVAGE (Mildura) — I am pleased to have the opportunity to speak in support of the Constitution (Parliamentary Reform) Bill. The sessional orders we are now working under mean that more of us have the opportunity to speak. It is a great step forward, and I am surprised that people continually whinge about it. They are usually the ones who abused the system before and talked endlessly in this place when bills were second-read because they had unlimited time. I view this as a great change to the sessional orders because it gives us more of an opportunity to speak on bills. We are not running to the guillotine with bills which only one or two people have spoken on. A bill of this importance is deserving of consideration by everyone on the back bench, not just the lead speakers.

The reform of the upper house has been a passion of many members in this place, and it and four-year terms were certainly things that the Independents viewed as priorities back in 1999, when they were listed in the Independents charter. It is a great outcome to be standing in this place and endorsing four-year terms for everybody. We can now predict when the next election will be, and people cannot come to this place for up to seven or eight years and not be accountable to the people who put them there. Now those upper house members will have to get out there and work harder, and I have seen it happening already. They are now actually delivering great outcomes to the people they represent, and it is good to see. They are almost pretending they are lower house members.

An Honourable Member — Are they enjoying it, though?

Mr SAVAGE — I don't know. I would like to make mention of the constitutional reform review, because some members in this place made some disparaging remarks about the make-up of that committee that I thought were untoward. Professor Hampel is a former Supreme Court judge and a man of some significant character in this state; Mr Ian Macphee is a former federal parliamentarian; and Mr Alan Hunt had 30 years in this Parliament in the upper house. The derogatory mention they received was undeserving, as they are not in a position to defend their names. They did what the people of Victoria asked them to do, and that was to look into constitutional reform. You may not like the answer, but you should not make disparaging remarks about a person's character merely because they did what they were told to do.

Ms Asher — There's a confession — what they were told to do!

Mr SAVAGE — Yes — a constitutional review. I can see why you haven't gone far.

Deputy Speaker, if you look at some of the elements that the constitution commission found in the upper house and at what the perceptions are about, I think you will find them worth remembering. The upper house was described by some people as unduly adversarial and partisan — did the former member for Brighton fit the bill? — and acting in a narrow party political way; as replicating the Legislative Assembly; as providing insufficient opportunity for the expression of alternative points of view; as being negative and obstructionist; as not being representative of the Victorian community as a whole; as not holding the previous government to account; and as rubber-stamping its legislation.

Honourable members interjecting.

Mr SAVAGE — There is certainly no perfect combination, but I think the upper house actually worked pretty well in the last three years — it did its job — but before that it was an abject failure. It did not initiate any legislative change other than housekeeping amendments. You cannot have it both ways: you cannot have it as a good house of review when you are not in government and not have it work the other way.

I have to take exception to the remarks of a number of speakers who said that we might let One Nation into this place. That is not likely, but if that is the democratic outcome you cannot close the door because you do not like a certain group of people. I think the

Greens are more scary than One Nation at some junctures. I have heard members on both sides say that there are some policy elements of the Greens which are very undesirable. However, if they get a position in the upper house that is the way democracy is, and we have to live with that. You cannot say, 'I do not like that person. He is bad news. He represents something I do not like, therefore we'll change the system and we'll stop him getting in'.

I have to say the National Party deserves some censure on this because its members are always whingeing about diminished democracy. Here they are, the great voices of country Victoria, yet when they were in government for seven years they sold off the trains!

Mr Delahunty interjected.

Mr SAVAGE — You have to hear it again. It is true. You nobbled the Auditor-General, you destroyed freedom of information, and we are still living with that legacy. So where was that voice of country Victoria? You find it only when you are in opposition. It is too late then, and people will never put their trust in you again. There is no realistic debate.

Mr Walsh — Where is the train?

Mr SAVAGE — The honourable member for Swan Hill, a newcomer in here, obviously has no sense of history. He asks by interjection, 'Where is the train?'. If we had not had it taken away by the National Party it would still be there, so well done! And it was not the honourable member's predecessor who saved the train at Swan Hill; it was the chief executive officer of his municipal council.

Honourable members interjecting.

Mr SAVAGE — We are working on it. It is a lot harder to get things back than to take them away, as National Party members know. Because of the privatisation of electricity we are now paying the highest price for electricity on the east coast of Australia — because the National Party sold us out. The National Party sells off and sells out! That is what it stands for.

Sitting suspended 6:30 p.m. until 8.03 p.m.

Mr SAVAGE — Prior to the dinner break it was my pleasure to be endorsing the parliamentary reform bill. I do not support the National Party amendments on postal voting, the reason being that it is a clear ploy. I noticed that at the last election the National Party had great trouble putting men on the ground. The greatest way of avoiding that responsibility is having postal voting, so you do not have to put people on polling booths and you do not have to put them outside for pre-polling. It is a great time saver and a great manpower saver.

There are other aspects to this bill that need to be scrutinised. Above-the-line voting certainly diminishes the opportunity for electing Independents to the upper house. I know my colleague from Gippsland East will speak about that at a later point; he has some amendments, which I will be supporting.

The appointment of casual vacancies should always be by countback; it should never be by appointment by this Parliament. How on earth are you going to choose an Independent, should there have been one in the upper house? You cannot possibly choose somebody, irrespective of whether they have been a member of a party for 12 months or not! The countback provision works. It was something that was agreed to in the last Parliament, and we cannot see that being taken out. I remember when the former Premier said that by-elections should be decided by way of appointment, so that if you had a by-election in, say, Gippsland West, the member would be appointed from the same party. That would have defied the logic of the electorate back in 1997, when the former member for Gippsland West, Susan Davies, was elected. That should always be in the hands of the people; the executive government should never ever be given the power to choose a person's representative.

As to the new clause I have proposed, I would imagine that if people had a vote in this place to remove the term 'Honourable' for members other than ministers, the President of the upper house and the Speaker — —

Mr Smith interjected.

Mr SAVAGE — I know, but I am saying 'if people had a vote in this place'. I think it is a shame that — —

Mr Maughan interjected.

Mr SAVAGE — If we cannot go into committee on this bill it will mean there are some fairly significant failings in democracy in this state. We have been into committee on this bill before, and I can see no reason why we cannot explore committing — —

Mr Maughan interjected.

Mr SAVAGE — We can sit all night. That is democracy at work. I think it will be a tragedy if we do not have a vote on that. I would imagine there would be universal support for it. I think 13 out of 25 members in the upper house have elected not to be called

'Honourable'. I think that is an indication that this is an antiquated term. Let us move on and bring the upper house into a more relevant usage of personal titles.

It has been put to me that one of the reasons they want to keep the title 'Honourable' is that they get better seats on aeroplanes. That is disgraceful.

Mr Smith — You said that, nobody else did!

Mr SAVAGE — No, I did not say it. The honourable member for Bass would remember using perks and abusing his position over a long period of time, so he is a marked man in this place. He is a relic from another age. You are a dinosaur! Unbelievable!

Somebody said to me after looking in from the outside that they would like to be reincarnated into the upper house as a National Party member, because nobody knows them and nobody cares!

Mr LANGUILLER (Derrimut) — I rise very proudly to put on the record my support for the Constitution (Parliamentary Reform) Bill. It is indeed a great reform that only Labor can bring about. It sets out the most comprehensive reform of the Victorian parliamentary system since it was established in 1856. It amends the Constitution Act 1975 and the Electoral Act 2002 and brings the Victorian constitution into line with the rest of Australia. It gives the Victorian people a stronger, fairer and indeed better democracy.

The first thing that needs to be said by way of background is that a constitution commission was established in March 2001 for the purpose of looking into constitutional reform in Victoria.

The commission had to consider a range of aspects within the context of the terms of reference. It had to refer itself to and respond to the community's needs, aspirations and views. It had to have respect for the rights of majorities, minorities and individuals. It had to give consideration to balancing economic, social and environmental aspects. It had to strengthen the accountability of the system to the community, and it had to give consideration to maximising openness and transparency. Indeed the commission had to consider how it would apply a fair and democratic principle, and how it would foster the capacity to meet the challenges of a changing social, economic and technological environment.

The first thing that needs to be said and directed to the opposition, the National Party and the Liberal Party is that we do have a mandate. The Victorian people expressed themselves at the last election. There was broad debate. There was a lot of consultation. The media expressed its view and there were articles left right and centre. The community took an enormous amount of pride in being part of the process and constitutional reform was debated at length in this state. We do have a mandate. We are able to bring about this reform with political and moral authority. We must do it, we will do it, and we will do it the Labor way.

The other comment that needs to be made is that this system will allow for diverse representation in the upper house. Again, only the Labor government can do that. Only the Australian Labor Party under the leadership of the Premier can bring about legislation which will see diverse representation in the upper house. Let me say clearly that we might see our numbers in the upper house reduced, and we recognise that that may well be the case, but we are doing it responsibly because ultimately we want to make a contribution to democracy and the future of Victoria. That is the Labor legacy into this century and the next century — making the upper house more accountable and workable. Making the upper house one that will play the role of being a house of review in a democratic society, one which has changed and evolved and consequently brought about the changes and reforms needed.

The purpose of the bill is to reform the Parliament of Victoria, based on the recommendations made by the Constitution Commission of Victoria. It will provide for a fixed four-year parliamentary term unless dissolution of the Legislative Assembly occurs sooner. This is a principal point, one which the people of Victoria and the government are proud to bring about because it will provide Victoria with certainty and stability. The business community in my electorate time and again has indicated to me — I am sure this applies to all members in this house, although the opposition may not wish to recognise it — that it was a bit sick and tired of having governments that after three years started flirting with the proposition of elections and the Premier at the time, whether Labor, Liberal or National Party, trying to determine the date of the election according to his or her political agenda.

The people of Victoria want to know that we will act responsibly, that we will set a fixed four-year term and that elections will normally be at the end of November irrespective of political agendas. The economy of the state and the business community will benefit from the stability that will come with knowing that the election will take place at the end of the term. Only Labor can do that; the opposition would not have the courage. It did not have the courage to bring about reform of any type, but the Australian Labor Party under the Premier is bringing about that reform.

The reforms will also reconstitute the Legislative Council to consist of 40 members elected from eight regions, each region returning five members. This will effectively mean that there will be a reduction of members in the upper house. What a great reform! Only a responsible party like ours in government could bring about a reform which will see the reduction of representatives in the upper house. It is a politically, economically and financially responsible reform. The opposition will not recognise it, but we certainly do it.

We must commend the members in the upper house who will vote for this reform with pride, dignity and responsibility in the full knowledge that in some ways it might be to their detriment. Only the Australian Labor Party under the Premier can bring about reform which in some ways might well be to its own detriment. The upper house will see diversity of opinion. It might well have Greens. It might well have other Independents. It might well have political parties and Independent representatives with whom we may or not agree, but we think that is good for democracy. We are prepared to carry the day. We are prepared to have a debate and win the argument in a democratic and responsible way.

The reforms the government will bring about will also provide for the entrenchment of certain legislative provisions. This matter has been discussed at length in this chamber today, and the opposition has referred to it. Clause 16 of the bill amends section 18 of the Constitution Act 1975 to provide for three methods of entrenchment. They are: by a referendum of Victorian electors conducted in accordance with the Electoral Act 2002; by a special majority, meaning three-fifths of the whole number of members of the Assembly and the Council respectively; and by an absolute majority of the whole number of the members of the Assembly and the Council respectively.

The following core matters are entrenched in section 18 by referendum, and I quote from the explanatory memorandum:

> The requirement for a referendum;
>
> Regions, number of members and the quorum of the Council and to the President;
>
> Districts, duration of, quorum of and number of members of, the Assembly and to the Speaker;
>
> A session of Parliament each year —

et cetera. I refer members to the bill itself.

The government is proud of these reforms. They are Labor reforms, and they are democratic reforms. They are reforms which will see this institution working in a better way. They are reforms which will see greater sections of the Victorian community represented politically in the upper house.

They will see diversity of views and opinions. This is an era in which we need to argue day in and day out for diversity because we cannot take it for granted. It does not happen everywhere. We are surrounded by countries which unfortunately do not enjoy levels of democracy and civil rights that we do in this nation and in Victoria.

I am proud to put on record that this reform is one of the most important reforms that Labor has brought about — that the Premier has brought about. It has the support of the Victorian people. It was widely consulted on prior to the election. It was the subject of close examination by the constitution commission, chaired by honourable members of the community — Ian Macphee, AO; Alan Hunt, AM; and indeed George Hampel, QC. They were committed to delivering a good report after listening to the community and to bringing to this Parliament the best recommendations made by the Victorian people to be brought in this century — a reform which only Labor can bring about.

Mr COOPER (Mornington) — The word ‘reform’ appears in this bill and I noticed the honourable member for Sunshine used the word many times during his contribution. I have heard some loose uses of words in my time in this chamber but the use of the word ‘reform’ in regard to this bill is certainly very loose because ‘reform’ would mean ‘an all-encompassing change’. It would mean doing more than just changing the electoral system. It would mean changing the entire way in which the Legislative Council works, but that is not the way this government has attacked the problem. It has attacked it from its position prior to the last election when it clearly had the view that the whole electoral system in regard to the Legislative Council was stacked against the government party and that it would never ever be able to have control of the upper house in this state.

The election of last November showed that this is not so and that the electoral system is not stacked against the Labor Party. It showed that if the community at large wanted to support the Labor Party, it would end up giving Labor a majority in the upper house. Indeed it did. But now that we have the lie put to the position adopted by the Labor Party prior to the last election, we have that party’s members committed to a course of action of changing the electoral system — not changing the way the upper house is to go about its business and not looking at the ways in which it could become a house of review such as the Senate, which has a

different role from the House of Representatives in the federal Parliament. No, what we still see in the way this government has approached the question of so-called reform is that it retains the image of the upper house as just another chamber mirroring the activities and role of the Legislative Assembly. Instead it is proposing to just change the electoral system.

Therefore we can very fairly say, and the people of Victoria very fairly will say when they look at this, 'This is no reform bill. This is a bill to change the system by which the members of the upper house are elected to this Parliament'. It is at that stage that we find some significant problems with this bill and the reasons we are not going to support it.

For a start, we have to look at the question of enfranchising country voters throughout this state. This bill will effectively disenfranchise country voters. When you look at the fact that eight regions are going to be created from which the members of the Legislative Council will be elected, you find that all of them are either solely metropolitan or have such significant metropolitan representation that the country voter will be outvoted by the metropolitan voter.

In my part of the world, which happens to be region 1, you have metropolitan areas such as Frankston, Portsea, Mornington, Mount Eliza, et cetera — the whole of the Mornington Peninsula — being thrown in with people from the area represented by the honourable member for Gippsland East, including Mallacoota, Orbost, Swifts Creek and all points in between.

Mr Ingram — Or not represented, whichever the case may be!

Mr COOPER — Whatever you want to say, but the fact of the matter is that we will have a region where the most populous areas will be outvoting the less populous areas.

We do not have to look too far for an example of what will happen. You only have to look over the border at New South Wales to see what happens in those instances. In New South Wales every one of the upper house MPs has their electorate offices in the city of Sydney — every one of them! Therefore it is a strange thing for government members to be bringing the bill forward under the guise and banner of reform, saying that they see this as a desirable outcome. I certainly do not see it as a desirable outcome, and I believe the government should be seriously rethinking that particular part of its legislation.

After all, this government has proudly boasted that it will act on behalf of all Victorians, including country Victorians. It includes their representation, their voices and the ability of country Victorians to be able to elect country Victorians to represent them. It is not much good if country Victorians are not represented in the upper house of this Parliament and it is certainly not much good if the upper house MPs all decide to have their electorate offices in the city of Melbourne rather than dotted around country Victoria.

Mr Nardella interjected.

Mr COOPER — It is all very well to yell, but I am making a point that can be substantiated — —

Mr Nardella — It's wrong!

Mr COOPER — You say it is wrong, but the fact of the matter is that in New South Wales it is not wrong. Why should it be any different here in Victoria?

We know full well that it will not be any different. All of the bombastic yelling and screaming by the member for Melton will not change that. He can yell as much as he likes; it will not change the inevitable outcome. As a result we are going to have less representation for country Victorians and less of a voice for country Victoria, and that is not something that should be supported by this Parliament.

This is a bill which reduces the capacity of MPs in the Legislative Council to contribute to debate and thereby scrutinise the activities of government. We are seeing for the first time a situation in the Legislative Council where sessional orders now gag members and guillotine debate. Yet this is being put forward by the government as a significant step forward and something that is worthwhile.

There has never been a need for gagging debate in the upper house. Certainly when the coalition government was in power we would sometimes dearly loved to have gagged debate in the Legislative Council, but we did not go down that track. The Labor opposition at the time took full advantage of it, and fair enough. That is democracy. It is the voice of the people at work, enabling members to represent their constituents and make their point — and they did so.

The strange thing was that the guillotine was never needed.

Mr Stensholt — It never sat!

Mr COOPER — Yet now we have members with the extensive parliamentary experience of the member for Burwood coming out with the usual untruths, trying to blacken the reputation of the Legislative Council by

saying, 'It never sat'. He should go back and have a good look at the statistics, because the reality is that the Legislative Council sat a fair bit. Even in the days of the Cain government, the Kennett government and in the first term of the Bracks government, the Legislative Council did not disrupt the business of government and did not throw out legislation, as has been alleged.

Last but not least I want to talk about the so-called reform that allows all these diverse groups, as the member for Sunshine said, the opportunity to be elected to Parliament and put their point of view. We are talking about the Independents, the Democrats, the Greens, the Shooters Party and One Nation. However, under this government's so-called reform proposals they are going to need a 16.6 per cent quota to get elected to the Legislative Council, so they should not hold their breath waiting. Reform of the Legislative Council in the terms proposed by this government is nothing more than a furphy and a lie.

Mr HULLS (Attorney-General) — What a great day for democracy in Victoria! It truly is a momentous occasion. I am pleased to be part of the most significant reform of Victoria's parliamentary democracy in some 150 years. We should all be proud of it.

As a government we are bringing Victoria into line with modern democratic states. We believe that this is a bold and progressive reform which demonstrates the leadership of the Premier and the leadership of the Bracks government. It also demonstrates our commitment to putting the people of Victoria at the centre of the democratic parliamentary system in Victoria.

This bill, as we have heard, includes three methods of entrenchment: by referendum, by a majority of three-fifths and by an absolute majority. Some comments have been made by speakers on the other side about entrenchment, and I want to touch on that particular issue.

'Entrenchment' is the common legal term for the enactment of legislation which renders the repeal or amendment of a particular provision more difficult than would ordinarily be the case. The provisions which are entrenched by referendum are the core provisions of the constitution, including the existence of the Director of Public Prosecutions, the Auditor-General, local government and the Supreme Court. These provisions can only be changed with the approval of the Victorian people by means of a referendum. As I said, the opposition has raised the issue about the legality of these entrenchment provisions.

Let us be very clear about this: the weight of legal opinion absolutely supports the existence of an entrenchment power. This means that provisions can legally be entrenched in our constitution. While the sovereignty of Parliament is central to the constitutional structure of Victoria, it is in no way compromised by the entrenchment of specific provisions. The courts have accepted that the entrenchment of provisions in a state's constitution does not derogate from the sovereignty of that particular state.

Indeed a committee of this very Parliament — the 1990 Legal and Constitution Committee — has previously recognised the power of Parliament to entrench provisions. As everyone would be aware, we already have entrenched section 85 of the constitution relating to the Supreme Court, and that was entrenched by an absolute majority.

We have to ask why the opposition is raising this issue of entrenchment.

We remember the dark old days of the former Kennett regime and what happened to some of our democratic institutions under that regime. We must ask whether there is some sort of hidden agenda on behalf of the opposition in relation to some of these democratic institutions that Victorians hold sacrosanct.

None of us can forget the callous disregard of the former Liberal government in failing to protect the rights of Victorians. We all remember the attacks on and the undermining of the independence of the Ombudsman and the attacks on and the undermining of the office of the Director of Public Prosecutions. I am proud to be part of a government that has turned this legacy around and delivered on its promise to the Victorian people to reform our parliamentary democracy.

Entrenchment will certainly ensure that it is the will of the people that is paramount, and indeed the will of the people that will prevail against any political whim, such as that which was demonstrated in the past by the former Kennett government, or which is perhaps being contemplated by the now opposition. In its questioning of the entrenchment provisions unfortunately the opposition appears to still have scant regard for the capacity of Victorians to think for themselves and to make informed and strategic choices through the referendum process. The people of other states of Australia have demonstrated that they know, understand and accept their responsibilities in this regard. In New South Wales alone there have been something like 12 successful referendums, including

referendums relating to terms of Parliament and to those of upper house members.

Unlike the opposition, the Bracks government is prepared to lead Victoria to a place where Victorians are empowered, where our democratic institutions are protected and where citizens are at the heart of decision making. That is why I am proud to stand here tonight as Attorney-General and be part of this momentous reform so far as the Constitution (Parliamentary Reform) Bill is concerned.

Having listened to some of the contributions from the other side, I suggest a number of sad and sorry little individuals on that side would not understand true reform if it hit them in the face. The fact is that they should be very proud, as I am, to be part of this reform, because in years to come people will read the debates that took place on this momentous reform and see who were the clear thinkers who were representing the wishes of Victorians and who were the irrelevant contributors who did not understand what Victorians wanted.

We have a clear mandate to implement these reforms, and anyone who denies that is absolutely kidding themselves. Not only that, it is an opportunity to bring the upper house into the 21st century. Having listened to some of the contributions made in the past and to some of the things that have been said about the upper house, and given some of the things I have personally said about the upper house, and I stand by those things, I hope — I am sure — that this bill will bring the upper house into the 21st century.

The upper house has been described in many ways, not the least true of which is that it is a cryogenic chamber for honourable conservative nobodies. The fact is that it should be a vibrant chamber that is representative of all Victorians — and indeed that is what these changes will make it. It is not before time.

I conclude by saying that this is a proud moment for democracy in the state. I am absolutely proud to be part of this momentous reform. I am sure that everyone on this side and those Labor members on the other side — we are all around the place really, but there is still not enough of us! — are proud to be part of this enormous democratic reform. I stand here as Attorney-General very proud to be part of a Bracks government that has had the guts to implement this momentous reform.

Dr NAPTHINE (South-West Coast) — The Constitution (Parliamentary Reform) Bill covers a wide range of fundamental changes to the Victorian constitution and therefore needs to be treated very seriously. It is a sad indictment of our democracy, of the Victorian Parliament, and indeed of this Bracks Labor government that MPs are restricted by the recent changes introduced by the government to sessional orders which will effectively prevent individuals from fully and properly debating these important issues. That in itself says much about the lack of real commitment of this government and the Labor Party to the proper democratic processes in Victoria.

Given these unreasonable time limits, I will have to restrict myself to comments on a few points only with respect to this legislation. The first point I make is with respect to the fundamental hypocrisy of the Bracks Labor government with regard to this very issue. I refer to the 2002 election policy of the Bracks Labor Party, which under the heading 'Giving Victorians a say in their constitution' states:

> Labor will give Victorians a say in their constitution for the first time by providing for referendums on core issues.

I could not think of any more important core issues than the issues in the legislation itself, yet where is the referendum on these issues? What the government wants to do is to make wide, sweeping changes to the Victorian constitution and then introduce provisions that make sure only future changes are subject to a referendum. If it really cared about democracy it would put these changes to a referendum.

I have heard the rubbish from the other side about a mandate. If honourable members on the other side believe they won the election on the fundamental issue of changes to the upper house in Victoria they have rocks in their heads. There was a whole range of issues before the electorate in 2002, of which changes to the upper house ranked about 150th. It was not on the political agenda. The government does not have a mandate on these issues, and I suggest it should stick to its fundamental issue of putting a referendum on these issues to the people of Victoria — that is, if it really cares about democracy, if it is really committed to this change and if it is really committed, as the Attorney-General said, to giving the people of Victoria a say about the future of the constitution.

When we have a look at the areas that will be entrenched in these changes that are before the Parliament, not before the people of Victoria, the whole list covers just about the same range of issues that are changed by the legislation. The government is changing those issues in a single piece of legislation that is before just the Parliament and will be passed on a simple majority vote and is then saying, 'For democracy's sake any future changes to those areas should be subject to a referendum'. That is the height of hypocrisy. I

challenge the government to put these issues to a referendum of the people of Victoria before it entrenches them in the constitution. If it really believed in democracy it would do exactly that — it would live up to its rhetoric and put these changes before the people of Victoria.

I wish to speak on behalf of people in country Victoria. These changes will significantly reduce real and effective rural and regional representation. It will force the relocation of upper house MPs from regional and rural Victoria to the outer suburbs and perhaps a few regional cities. I believe you will no longer see upper house MPs with offices in places like Hamilton, Warrnambool, Sale, Mansfield, Kilmore, Nhill, Mildura or Maryborough because under the changes that are being introduced the electorates in country Victoria have a significant base in metropolitan and outer metropolitan areas. That is where the population is, and that is where members will relocate their offices. The electorates are too large to properly service. The proportional representation system will entrench greater loyalty to the party system rather than the electorate, because the members will be more concerned about getting no. 1 or no. 2 on their party tickets than actually effectively representing the people in their electorates. We will have a system that works against effective local ownership, local representation, local recognition and fighting for local issues.

The government claims that there will be three rural electorates. The schedule of the bill is subject to change by the Victorian Electoral Commission but it outlines the fundamental shape of the electorates. Region 1 will include such prominent rural parts of Victoria as Frankston, Mount Eliza, Mornington and Monbulk. I do not call any of them country Victoria — they are outer metropolitan areas. Region 3 will include Wyndham Vale, Melton, Rockbank, parts of Sydenham, Geelong and Ballarat.

Mr Nardella — Rockbank is country.

Dr NAPTHINE — Rockbank is outer metropolitan Melbourne, as is Sydenham. You should come to Portland and see if you think Rockbank is in country Victoria.

Mr Nardella — I have been to Portland.

Dr NAPTHINE — You have probably been there once. We probably chased you out of town if we had any sense.

Region 6 includes Sunbury which is an outer metropolitan area.

The electorates are too large for members of Parliament to effectively service. Region 6 goes from Mildura to Corryong, and from Warracknabeal to Yarra Glen. Region 3 goes from Werribee and Melton to the South Australian border. Region 1 goes from Portsea to Mallacoota, and from Wilsons Promontory to Omeo. Those huge geographic areas will effectively prevent localisation of members of Parliament, local ownership of members of Parliament and proper representation. These changes will effectively denude country Victoria of upper house representation.

In light of these proposed changes we have to put some real questions about the changed nature of the Legislative Council and whether it should exist at all. I argue quite strongly that it would be better for Victoria and for democracy to abolish the Legislative Council rather than pursue this proposal to create an unrepresentative house dominated by political hacks who will be fighting for the no. 1 or no. 2 ticket on the ballot paper rather than effectively looking after the electorate.

If we look at the situation when the upper house was established in the 1850s, well prior to Federation, it was a different era. The upper house was created largely to serve a different purpose.

Mr Mildenhall — They were squatters.

Dr NAPTHINE — I could not agree more with the comments — they were landowners and they had a different role to play. It is more than 100 years since Federation and since 1901 we have seen a continual shift of power and responsibility to the federal government. I support much of that change, whether it be in taxation, industrial relations or a range of other activities that we have agreed to cede to Canberra. There is still a significant role for states to play in service delivery, and states should still exist in those service delivery areas, but I suggest quite strongly that Australia is overgoverned with three levels of government and a relatively small population.

In the context of these proposed changes there is a very sound case to actually abolish the Legislative Council in Victoria and significantly reduce the number of politicians in this state, and to expand by a small number, perhaps to 99, the members of the Legislative Assembly so that we can effectively get local representation by local people who live in local areas.

Queensland has a single house of Parliament and irrespective of the politics of the government of the day in Queensland it seems to work reasonably well. At the state level right across Australia we should have a

democratic system with a single house of Parliament. Governments of the day should be put to the test and when they are elected to govern they should be allowed to get on with the job and be judged by the people every four years at election time.

With these proposed changes we are denying effective regional and rural representation. We are entrenching political systems rather than effective representation for the people of Victoria. We are adding to the overgoverning of the state of Victoria. We have a real opportunity — rather than going down this track which I believe is the wrong direction for Victoria, democracy and good government — to take a breath and look 30 or 40 years into the future. If we do that fairly and honestly, the alternative is to abolish the Legislative Council and look to revise what we do in the Assembly so we get proper representation in Victoria.

Mr INGRAM (Gippsland East) — It is a pleasure to rise to speak in this debate and to look back at some of the history of debate on constitution parliamentary reform bills. I am running out of fingers, counting the number of times we have stood in this place and debated this issue in the last Parliament and this one.

It is interesting to pick up one of the issues the previous speaker, the member for South-West Coast, raised — that is, abolition of the upper house. I was in this chamber as an Acting Speaker when the Student Parliament sat and this was one of the issues raised. The interesting thing is that they voted not to abolish the upper house.

One of the provisions in the bill before us requires that, once this bill is passed, any future changes to the constitution must be put to a state referendum. I will guarantee the member for South-West Coast that if we put abolishing the upper house as an option to the people of Victoria they would say 'Get rid of it'. As we know, most people in our community do not know who their upper house members are and they do not know what role they perform.

The interesting thing is that in the one state in Australia that does not have an upper house it was recognised that the lack of checks and balances that were supposed to be instituted by an upper house led to that state being run by a government rampant with corruption and a whole range of other things that were exposed through a royal commission. That is one of the protections upper houses are supposed to give to state parliaments — I would like to cover that.

We have an incredibly diverse culture and a range of views in our population that cannot necessarily be represented by just two parties in this place. The government is normally formed in the lower house and that is done by establishing the districts around the state. Normally it is very difficult for others — members of third parties and Independents — to be elected to this place; normally they are elected to the second chamber. It is only when democracy breaks down that Independents and third parties are elected to Parliament — that is, when there is no access through the second chamber, Independents and members of other parties are elected.

Mr Smith interjected.

Mr INGRAM — Maybe members should consider why we are here. I am here because my local member failed. The protection that was supposed to be provided in the democratic systems of this state failed my constituents and I was elected to this chamber.

Mr Smith interjected.

Mr INGRAM — If I hadn't been elected, maybe you would have still been in government in the last term.

What does this bill do? We have a proportional system — sorry, we — —

Ms Lindell interjected.

Mr INGRAM — Thank you for the assistance. Too much proportional. We have a preferential system in this state, which means that when they go to the polls every person's vote counts. That is a fundamental plank of our democracy: that every person's vote has equal value in this state.

Another core principle that I believe should be in our democracy is that every member of Parliament should be directly elected by the people. I find it absolutely hypocritical to see that this bill says we should be able to fill casual vacancies by appointment of the chamber, particularly Independent members. We could then replace a deceased or retiring Independent with whoever this chamber chooses in a joint sitting of the Parliament. Imagine a situation where we are trying to establish a finer balance in the upper house and we potentially have a balance of power situation when an Independent or minor party person passes away and this house chooses who should replace that person. That is something that needs to be addressed, hence some of the amendments I have circulated.

One thing I do congratulate the government on is fixed four-year terms. It has been a long, hard road. On a number of occasions we have sat in this place until

some ungodly hour of the morning, trying to get that through. To see a number of opportunities to do that and a number of bills shredded in the last Parliament was pretty demoralising. When I go around my electorate I find that the majority of the people support four-year fixed terms to stop Premiers and governments jerking the population around by going to the polls when they think it is going to suit them. That is a really great outcome. When it passes, I will be cheering from the balcony in the upper house — it is probably disorderly, but I will have a go at it. A number of things are disorderly in the upper house!

The bill also recognises the mandate of a government. That is interesting, because the word 'mandate' is probably overused in politics. How many people in my electorate would know half the things this government came to office on? If you go out and sell individual policies to the community, then it will accept that mandate. If I ever got into the same situation as last time, I would be looking at the fine print of a lot of policies, and a lot of the community would too. If it knew some of the things that both parties stood for in the lead-up to an election, I am sure it would not support them. The community chooses the best possible policies, and when it has the opportunity to use proportional representation in the upper house, then it will choose people to have their say.

The bill reduces the number of members of the Legislative Council by creating eight regions with five members each. I do not think that is the best model, but I will support it. Last time around the Independents tried to make amendments to the previous bill. One of the issues that needs to be addressed is that many members of the opposition parties are saying that country representation will be lost. Let us look at country representation, because their argument is a misunderstanding of the role of the Legislative Council, which is to have a second look at legislation and government policy. It is about scrutiny and a check on rampant executive governments. It is not supposed to be just a mirror image of the lower house.

The upper house has had an interesting history. It was originally established as a house of landowners. Although it was not the most democratic model, it served its purpose. It was later changed for the right reasons, and the current model is now basically a duplication of the lower house. We are overgoverned by area representatives. We have local members of Parliament here, area representatives in the Legislative Council and area representatives in the federal House of Representatives. We also have local councillors who represent local areas. We need the diversity that comes from the population being represented in the upper house so their views can be heard.

There are two methods of democracy. Either people are elected to come in here and speak on behalf of their constituents or people protest out on the street. If they cannot get their views heard by the Parliament or when they protest out on the front steps, we end up with anarchy.

One must look at what the failure of the upper house has resulted in. In the years of the Cain and Kirner governments, Victoria had some serious financial problems. Whether they were as big as they were blown up to be is a moot point, but they were serious. There needed to be significant reforms, and there were. But during that entire time the upper house did not investigate either the reasons behind the problems or how to fix some of them. It actually passed legislation which caused the problems to escalate.

When the government changed did the new administration that was totally controlled by the Liberal and National parties in the upper house change? No, the people who were supposed to be representing country Victoria, including my electorate, cut back schools, reduced police numbers and sold off our gas and electricity industry — which is going to cause incredible financial damage for decades to come, particularly in country areas. It closed down our railways, although luckily we are about to see passenger rail services return to Bairnsdale in the middle of this year. I hope members will ride back into beautiful Bairnsdale on the first *Gippslander* train. Probably the most damaging thing the Liberal and National Party government did was force councils to amalgamate, reducing rates by 20 per cent. That caused significant financial hardship in my area.

I hope this bill goes into committee, because I have some amendments to move. Unless bills go into committee and members have an opportunity to debate and vote on amendments, democracy in this state will be seriously disabled.

Ms BEATTIE (Yuroke) — The debate clearly shows why the Liberal Party has been confined to a small area on the other side of the house. In the past three and a bit years it has done no work on policy at all, and tonight we see the Liberal Party making policy on the run. The Deputy Leader of the Opposition and his former leader came in here as champions of abolition. That is extraordinary! Why did the Liberal and National Party government not bring in that policy during its seven years in government?

The former opposition leader told us that we are overgoverned. It is strange that he pushed the former member for Warrnambool aside in his effort to get the new seat of South-West Coast. Here we see hypocrisy at its greatest.

The National Party is also making policy on the run. The member for Shepparton told us that it will be moving amendments to provide for postal voting for elections. What a policy that is. The National Party does not even trust the people of Victoria to go to the ballot box. It cannot man all the ballot boxes and booths, so it wants people to post their votes. I suppose it would like to have 150-word statements, like they do in council elections. Then it would never have to face the people except by way of a little booklet at election time.

We keep hearing what a progressive house the upper house has been. How did it get the name Red Morgue if they were such an action packed team up there?

Mr Smith — Because of people like you!

Ms BEATTIE — Don't you say anything. Your speech was the worst I have ever heard!

I will talk a bit about history. In 1856 the Victorian Parliament was formally opened. In 1857 Victorian men were given the right to vote for the Legislative Assembly, and the need for a person to be a property owner in order to be a member of the Legislative Assembly was removed. At that time property qualifications applied for men standing for and voting in the Legislative Council elections — this was our action-packed upper house.

In 1878 — we have moved along a bit — payment for members of Parliament was introduced. In 1908 women over 21 were given the right to vote, and they were granted the same property qualifications as men in order to vote in the Legislative Council elections. There was more action in 1911, when preferential voting was introduced. We had to wait another 12 years before the constitution was changed again, and it was a great day when women were permitted to stand for Parliament on the same basis as men — but there were still property qualifications in the Legislative Council.

It was another 12 years before compulsory voting was introduced. In 1950 full adult suffrage was achieved, and in 1973 the voting age was reduced to 18. In 1975 Victoria formally enacted its own constitution, and in 1982 the principle of one vote for one value was introduced.

You can see that our constitution has not moved along quickly, as members in that small portion of seats on the other side keep telling us. In their efforts to present themselves as great moral crusaders and white knights on chargers who are going to save democracy, members over there forgot a few things along the way — but they also remembered a few things. They tried to denigrate the men who went around Victoria talking about *A House For Our Future*. We saw the unseemly behaviour of the Deputy Leader of the Opposition, who in a disgraceful and outrageous attack called the Honourable Ian Macphee, AO, and the Honourable Alan Hunt, AM, rats. A member of their own party called them rats!

How the worm turns in that party when its members are down. Instead of regrouping and coming up with new policies, they make policy on the run and turn against their own. They should also apologise to Professor George Hampel, a former Queens Counsel and judge of the Supreme Court — and they should put their apology in writing — instead of denigrating his great contribution.

There seems to be some notion that under the revised system of voting you will not be able to open an office in the country. I do not see anything in this bill that would prohibit you from opening an office in the country.

An honourable member interjected.

Ms BEATTIE — No, it does not. What has happened? Members in that small corner on the other side want to stay in Melbourne. That is why they do not want to open offices in the country and be where their electors are. If they have to be in the country, their voters will know what they are like and will not vote for them anyway, so it is probably best that they stay in Melbourne.

We seem to be stuck on the sessional orders, which apparently do not allow for great debate. If members cannot get to the point in 10 minutes, I do not know what they think they are doing. They should get some key performance indicators into their work, because they do not know what they are doing. I remember one night listening to the member for Hawthorn debating the green wedge legislation for 6 hours. He came back after question time, and he came back after dinner, but did we hear 6 hours of great debate? No, we heard the one speech 12 times. His speech took half an hour, and he repeated it 12 times! That was an appalling attack on democracy. It was about filibustering and wasting the house's time. I do not intend to do that. I intend to let others in my party have a go — unlike the member for

Hawthorn, who at that time was trying to make a bid for the leadership.

I commend this bill to the house. People witnessing this debate in this house will see the opposition filibustering and trying to present themselves as white knights in shining armour coming to save our democracy. They had the chance for years and years to move amendments and reject bills in the upper house. How many times did they do it during the Kennett government's time in office?

Mr Nardella — Zippo.

Ms BEATTIE — Absolutely none! I commend this bill to the house, and I wish it a speedy passage.

Mr DELAHUNTY (Lowan) — It has not taken long for Labor to forget country Victoria, has it!

An honourable member interjected.

Mr DELAHUNTY — You might have at the moment, but things will change. The reality is that I will not be supporting this bill because it basically comes down to the fact that it is reducing country representation. I heard the member for Yuroke talking about filibustering. I thought she wasted 10 minutes of our time — or not quite 10 minutes — because she had nothing to contribute to this debate.

I will try to outline my concerns. The redistribution before the last election took away two country seats, not because of changes in the legislation but because of a population shift. The Lowan electorate is the largest in the state. I can fit the electorates of 76 of the other 87 members in this house within my electorate. I could fit nearly 18 of the 22 upper house provinces within the electorate of Lowan, yet the legislation we are going to bring in to reform the upper house will create a province that will include Lowan and 10 others!

Mr Cameron interjected.

Mr DELAHUNTY — That is a typical response from the Minister for Agriculture. He calls country people sheep! As a member representing country Victoria he is a disgrace for using those words.

Presently in the Legislative Council country Victoria has eight provinces of two members each. Therefore we have 16 country representatives, most of whom live in the centre of their electorates and are therefore accessible to their constituents, who, more importantly, are able to see them. There is in this bill the possibility of establishing eight regions, and the National Party has proposed amendments to provide for three of those regions representing rural Victoria.

It is going to be very difficult for the government to do, but if there are three regions with five members each, even on the government's own figures we will have only 15 members representing country Victoria. Our National Party amendments call for three of these eight regions to consist of districts that are predominantly rural. We also have another amendment which calls for voting by postal vote.

The member for Yuroke, I think it is — —

Ms Beattie — Don't you know where the country is?

Mr DELAHUNTY — If that is the best contribution you can make, you are really pathetic.

The reality is that we have just seen council elections right across Victoria, the majority of which have been held using postal votes. We had results coming out very early the next day, and we also had a great acceptance of postal voting by the community. In fact we have seen a greater participation in voting through postal votes. The National Party worries about this, too, because I can tell members that in my electorate of Lowan my party was represented at every polling booth — not like the other parties. We in the National Party think the amendments we have put forward provide for what is best for the electors and what is good for democracy, and that is why I am supporting them.

The upper house province that will include Lowan will also have places like Geelong, Lara, South Barwon, Bellarine, Ballarat West and Ballarat East.

Mr Nardella — And Melton!

Mr DELAHUNTY — Yes, Melton is in there too. Where is the commonality of interest between those people and people out at places like Edenhope, Dartmoor and the like? I will highlight that point by quoting from a letter I received during the last debate on this legislation in 2002 which came from the West Wimmera shire. It says:

> West Wimmera Shire Council is concerned that the proposal to change the structure of the Legislative Council would lead to huge electorates with loss of local accountability …
>
> The chance of electing a member from a small country community within the rural area would be as remote as the preponderance of votes would be in the provincial cities such as Ballarat or Geelong.

The letter went on to say:

> West Wimmera Shire Council is most concerned with those proposed changes, and we urge you to represent these views to the Victorian Parliament.

I will do that strongly. I highlight the fact that the new Western Province will be the size of Ireland, and for the information of members Lowan will consist of half that area.

In this discussion many issues have been raised affecting opportunities in country Victoria. One of the things country members always talk about is the importance of making sure that the views of the communities and business sectors in their areas are represented in this Parliament. The National Party gives that country representation. We have no pecuniary interest in the city at all; therefore we strongly represent the country. I will give an example of that. We have led the charge on fire management, we have led the charge on water storage and distribution and we have led the charge on roads and road funding.

It is with a sad heart that I have to report in this house the death of three people at a Myamyn road intersection. We need the funding to make sure that intersection is altered so this will not happen again. The country voice has to be heard. We have highlighted road funding. We had it in our policy at the last election — that is why we got supported in country Victoria — when we also highlighted the need for an air ambulance for western Victoria. It took 1¼ hours for the helicopter to get from Bendigo to that accident scene. We know from discussions with many people that the first hour — that golden hour — is critical for the survival of injured people. Unfortunately three lives were lost. I have had discussions with hospitals and councils in western Victoria, and there is still a strong push for the provision of this air ambulance. Again I call on the government to fund this very important service.

I always believed that constitutional changes should be based on what will work in a political crisis, and they should be enduring. I have had no letters in my electorate looking for a change in this area. Labor says the Legislative Council is undemocratic. This is misleading. It is elected on the same basis as the lower house, and I have not heard any mention of that here tonight. When we had this debate in 2002 we said that if the trend of the previous election continued Labor would get the majority in the upper house. What happened? That has continued on, and Labor now has control of the upper house. I will be interested to see what legislation the government changes now that it has control of the upper house; and I will be interested to see what legislation it stops. All the criticism was that under the previous coalition government there was no change. Let us wait and see what the Labor government does in the upper house about changing legislation.

We now have members of the Legislative Council, or MLCs, who live in the centre of their electorates. In New South Wales the office of every MLC is in the city. I again use that to reflect on the Senate representation in Victoria. I ask anyone here to name half a dozen Victorian senators. Country people in particular have difficulty naming those senators. They probably know of only two. They know Senator McGauran because he has an office in country Victoria and he gets out there.

Honourable members interjecting.

Mr DELAHUNTY — You are probably right.

They also know Judith Troeth, who advertises around country Victoria. But the reality is that we never see the country Labor senators in country Victoria, and they are supposed to represent all of country Victoria.

I remind the house that in 1984, after two years of extensive consultation, the then Premier, John Cain, brought in the changes we have at the moment. As we said, these changes have not been wanted. As has been highlighted, the Constitution Commission of Victoria went around the state. I remind honourable members that there was not much interest in public meetings around country Victoria. There were 15 people in Horsham, most of whom were from schools and who were just invited to attend to see what went on, and a member of my staff; there were 8 in Mildura; 18 in Wangaratta; and 20 in Shepparton, even though the honourable member for Shepparton put out press releases to encourage people to participate. So we can see that there was not any great anxiety about the role of the upper house.

In this bill we see provisions for choosing a replacement member. In reality the parties will choose the people who will be elected to the Legislative Council. There will be a dogfight among members within the major political parties to get up the list in priority. That is the major fight they will have — to get up the list — because then they will be voted in under a ticket whether for the Labor Party, the Liberal Party or whatever party it may be. If this bill goes through the parties will elect the representatives to the Legislative Council. I do not think that is good.

An article in the *Herald Sun* of 31 May 2002 asks:

> Do Victorians really want to import Senate frustrations into Spring Street?
>
> The Bracks government does …

I think that is not what people want.

As I said, this legislation is not good for country Victoria, and it is not good for the Lowan electorate. The Labor Party has shown again that it has no shame; this bill represents hypocrisy of the highest order. It talks about proportional representation. I would like to see an Independent get 16.6 per cent of quota to try to get into the Legislative Council. The reality is that that will not happen in the large electorates, as has been highlighted here already. I do not support this legislation, and I strongly support the amendments put up by the National Party.

Mr HOWARD (Ballarat East) — I am very pleased to be able to speak on this Constitution (Parliamentary Reform) Bill. As we have heard, it is a very significant bill marking the most significant change in terms of parliamentary reform that has happened in this state for over a century. And which government is bringing it forward? It is the Bracks Labor government!

This bill brings forward the opportunity to have a much stronger and much fairer democracy for Victoria. When you hear the comments made by the opposition speakers on this bill you understand both why Labor is in government and why it is being well received by the people of Victoria. It is because Labor is prepared to listen to people. It is prepared to be progressive and make changes.

We heard from many opposition speakers suggestions about changes which may have happened to reform the upper house and acceptance of the fact that the upper house should have changed. We even heard from two opposition speakers, including the former leader, that the upper house should have been abolished. Yet in years and years of Liberal-National Party governments how much reform did we see to democracy in this place? We saw none. The Liberal and National parties were not prepared to bring forward any of the changes they say should have been brought forward when they had the chance. Instead they sat back and let things go as they were.

The people of Victoria recognise that the upper house has not been working as a functioning house for the democracy of the people of this state. It has simply been a reflection of what has happened in the lower house, except that upper house members have been elected for not just one term but for a double term. Under the present system they have been there for eight years. Anybody who stands for election only once in eight years is not really considered to be democratically elected or responsible to their electors. The people of Victoria are fully supportive of the view that the upper house should be brought into line with the lower house, with members elected every four years.

The system of proportional representation will also allow for a different dynamic in the upper house so that it does not become either the house of the rubber stamp or the house of frustration, depending on whether it is controlled by the party that controls the lower house or by the party opposing the party that controls the lower house. As we have heard, proportional representation will enable the opportunity for Independents or members of minority parties to be elected in the upper house to provide a different dynamic — a dynamic such as the one we currently see in the Senate and one that should mean that the upper house will be better appreciated by people in Victoria as they see that different dynamic taking place.

We have also seen this government take a very substantial position in acknowledging that the people of Victoria want governments to have fixed terms. Although it is not necessarily in the interests of this government to bring this change forward, it recognises that to provide stability for the people of Victoria and to recognise the positions it has put to the Constitution Commission of Victoria, which it established, it will take that step of going to fixed four-year terms. As I said, it is not necessarily in the government's interests, but it is clearly something the people of Victoria see as being of advantage. The government is pleased to accept that view, because it wants a sounder form of democracy for the people of this state.

We have also heard a lot of concerns expressed by people saying this will be dreadful for the country. As the member for Ballarat East I have a large rural constituency in my electorate. I am very satisfied that this model offers great opportunities for country Victoria. As we have heard, there will be three electorates and five members will be elected from across each of those electorates. There is no reason to believe they will all be from the big population centres. There are great opportunities.

Honourable members interjecting.

Mr HOWARD — We see the pessimists wanting to find the worst-case scenario, but there are great opportunities for best-case scenarios — for five members across those electorates to be spread across those regions. In fact a number of them, perhaps three or four, could be from the outlying parts of those regional areas. If they show they are doing their job, and if they are attractive to the voters of these regions, there is no reason to believe that there are not great opportunities for the people of Victoria.

I am fully supportive of this legislation and very pleased to be a member of the Bracks government, which has listened to the people of Victoria. It is not whining and whingeing like the opposition but is bringing forward genuine democratic change for the people of Victoria.

Mr THOMPSON (Sandringham) — The Attorney-General referred to this legislation as being modern reform. The last time the Labor Party used the word 'modern' in a Victorian parliamentary context was when it was referring to modern methods of financial management in the 1980s. That led to the loss of the State Bank and record levels of debt and unemployment in Victoria. The Attorney-General also used the word 'monumentous'. I have not been able to locate the word in either the *Macquarie Dictionary* or the *Oxford English Dictionary*, but 'monumentous' this legislation may be. According to the *Macquarie Dictionary* the word 'monument' is defined as:

> … 2. any building, megalith … surviving from a past age, and regarded as of historical or archaeological importance … 5. a building, especially one that is not necessary or functional, erected at public expense at the initiative of a public leader to gain personal kudos.

The years will determine the extent to which the legislation may or may not be 'monumentous'.

I have one striking concern with this particular piece of legislation and that is the degree to which it will change the role of the upper house from a house of review to a house that will be brought down to the same electoral cycle as the Legislative Assembly. There will be a loss of institutional knowledge from one Parliament to another. Upper house members will vie for the opportunity to be re-elected and they will lose the opportunity to make the contribution that they have made historically to parliamentary committees of inquiry and other areas of political work that is part of the process in this arena.

A further concern I have is the loss of country representation as a result of the probability — not the certainty — that those members who represent larger areas will not have the opportunity to establish their offices in rural locations. In 5 or 10 years will we see members of Parliament with their offices based in Mildura, Sale, Warrnambool, Wodonga, Hamilton and other areas where at present there are the offices of members of Parliament representing the upper house?

Another concern at having five-member electorates — and it might be noted that in the last century there were larger numbers of members who represented parliamentary provinces and it was a case of everyone and no-one being responsible for particular issues — is that there may not be the opportunity for people to have issues taken up on their behalf when five members are theoretically responsible or not responsible for a particular matter.

A further matter that I direct close attention to in this debate for posterity is the role of the upper house in terms of the right to reject a supply bill. Under the bill before the house, the upper house will no longer have that right. Just for the record, it is important to note the position of the Labor Party on the right of an upper house to reject a supply bill. I will be reiterating some remarks I have made on previous occasions in this chamber. They come from a paper delivered by Sir David Smith at a conference held in 1995 by the Faculty of Law and the Centre for International Public Law of the Australian National University in the Senate chamber of the Old Parliament House. It related to the position of the Labor Party regarding a perceived convention that precluded the Senate from ever using its constitutional powers to oppose a government's money bill. According to one Senate debate the following statement was made:

> There is no tradition, as has been suggested, that the Senate will not use its constitutional powers, whenever it considers it necessary or desirable to do so, in the public interest. There are no limitations on the Senate —

or in this case read 'upper house' —

> in the use of its constitutional powers except the limits self-imposed by discretion and reason.

The paper continues:

> No, they are not the words of Senator Reg Withers, Leader of the Opposition in the Senate in 1975. They are the words of the [then] Leader of the Opposition in the Senate in 1967, Senator Lionel Murphy, who went on to add: 'There is no tradition in the Australian Labor Party that we will not oppose in the Senate any tax or money bill, or what might be described as a financial measure'.

There is more. I turn now to a quote from a debate about money bills in the House of Representatives:

> The Prime Minister's assertion that the rejection of this measure does not affect the commonwealth has no substance in logic or fact. (My) party believes that the crisis which would be caused by such a rejection should lead to a long-term solution. Any government which is defeated by the Parliament on a major taxation bill should resign. This bill will be defeated in another place. The government should then resign.

The paper goes on:

> … they are not the words of Leader of the Opposition Malcolm Fraser in 1975.

Rather:

> … the words of Leader of the Opposition Gough Whitlam in 1970.

The paper continues:

> When that same bill reached the Senate in 1970, this is what Senator Lionel Murphy, Leader of the Opposition in the Senate, had to say: 'For what we conceive to be simple but adequate reasons, the opposition will oppose these measures. In doing this the opposition is pursuing a tradition which is well established, but in view of some doubt recently cast on it in this chamber, perhaps I should restate the position. The Senate is entitled and expected to exercise resolutely but with discretion its power to refuse its concurrence to any financial measure, including a tax bill. There are no limitations on the Senate in the use of its constitutional powers, except the limitations imposed by discretion and reason. The Australian Labor Party has acted consistently in accordance with the tradition that we will oppose in the Senate any tax or money bill or other financial measure whenever necessary to carry out our principles and policies. The opposition has done this over the years, and in order to illustrate the tradition which has been established, with the concurrence of honourable senators I shall incorporate in *Hansard* at the end of my speech a list of the measures of an economic or financial nature, including taxation and appropriation bills, which have been opposed by this opposition in whole or in part by a vote in the Senate since 1950'.
>
> At the end of his speech Senator Murphy tabled a list of 169 occasions when Labor oppositions had attempted to do, unsuccessfully, what the Liberal-National Party opposition were to succeed in doing five years later.

I will make some other comments on the legislation before the house. The first issue relates to the entrenchment provision. The opposition is generally supportive of the principle of entrenching the positions of the Auditor-General, the Director of Public Prosecutions, the Victorian Ombudsman and the Electoral Commissioner, and to establish them as independent officers of the Parliament. However, the opposition is extremely concerned about the entrenchment of essentially administrative matters, which might relate to the number of members, regions or districts, and terms of Parliament. This represents a fundamental change to the Victorian constitution which has never required a referendum previously. I suggest it is presumptuous to believe that the current Parliament can know what the future holds and that to require a referendum which is doomed to failure may well be short sighted.

I have already made some comments on fixed four-year terms. Virtually no other jurisdiction in Australia has an upper house that has a parallel term with the lower house. This may well be a 'monumentous' matter, but whether it will be regarded as successful by those upper house members who are subjected to that political cycle will be determined in the course of time.

It might be noted that the Liberal principles on Legislative Council reform are that electoral boundaries reflect communities of interest. The opposition is concerned that this model will disfranchise country voters. It is worth noting that one of the regions encloses the current electoral districts of Bass, Frankston, Gembrook, Gippsland East, Gippsland South, Hastings, Monbulk, Mornington, Morwell, Narracan and Nepean. Essentially this would require a local member to travel between the Mornington Peninsula and Point Hicks to adequately and properly represent a constituency, and to establish a profile in a constituency of that size within a four-year political cycle. It is not practical or reasonable to expect a member to be able to do that successfully.

In terms of other levels of reform, there is the issue of proportional representation. The question is whether it will be an improvement if control of the upper house of this Parliament is given to a minority interest group — be it the Greens, the Democrats, One Nation or the Shooters Party — that will have the negotiating capacity to determine the legislative agenda of the Victorian Parliament. Again, whether these issues will be 'monumentous' will be determined in the course of history.

Mr LANGDON (Ivanhoe) — It is my great pleasure to add my words to this debate. I am, I believe, the 23rd speaker on this bill.

Mr Cameron — Everybody gets a go!

Mr LANGDON — The minister is correct. We only have to look at the days of the Kennett government or even the last Parliament to see when we had limited speakers. At this point in time the Leader of the National Party would probably just be sitting down and the first government speaker would probably be up, but today we are up to our 23rd speaker! This is part of the reform package the government is bringing in to allow people to debate. That is just one example in this house of what the government is doing, but this parliamentary reform bill is going to do a lot to the upper house.

As the member for Ivanhoe, one of the things I am and have been most concerned about is stale mandates. I was elected in 1996 at the same time as the upper house member, the Honourable Carlo Furletti. His mandate was to become very stale — so stale that this time round he did not continue in the job. He made promises at the 1996 election and did not have to come back to the electorate until the last election in November. He could stay in there for six-odd years and not have to honour any of those promises. He was grateful for that and hoped it would continue. But the truth has come

out and history has now been made. We now have Templestowe Province back in the fold of the Labor Party. It is a rare occurrence, but a very good one for Lidia Argondizzo in the upper house.

One of the things that anyone in this house will note is that most voters want fixed dates — they are begging for fixed dates. They do not like it when the government of the day can have an election when it wants to. They like the idea of fixed dates and certainty. This bill certainly adds that.

When I speak to people they also tell me that they do not like people saying that the Victorian constitution can be changed without a referendum. Everyone thinks the Victorian constitution is very much like the Australian constitution and that voters would have a right to have a say. Basically they have been conned for the last 150 years to think that, but this bill will rectify that. This bill is complex. Certainly I will not speak on every aspect of it, but these are some of its fundamental aspects.

The bill constitutes a requirement and brings into fact that we need referendums. It does away with stale mandates. It brings in fixed terms. No-one in this house can argue that this government does not have a mandate for bringing it in. We went through the whole process. We produced reports. The public knew what the government wanted and we got a record majority in the upper house and in the lower house, so no-one in this chamber should be able to argue that that is not what the Victorian public want. There is no doubt that they want it very much.

I am also aware that unfortunately this debate has come on before quite a few other people can speak on it. There are quite a few new members of Parliament across the board, mainly in the Labor Party because we have so many more members, who would love to make speeches on this bill. Unfortunately the bill is being put to the vote early, as is the will of the government, but it is fundamentally because the government wants to get this bill through quickly.

An example of a member who would like to speak on the bill is the member for Prahran. I know he is happy to be in the chamber at the moment. He has a longstanding interest in this subject. For example, he chaired the Australian Labor Party law reform policy committee, which in 1984 prepared the draft Labor policy on upper house reform. I am sure the member for Prahran would love to make his comments, and I am more than pleased to pass on his best wishes for this bill. As I said, fundamentally the Labor Party wants this bill through the house as quickly as possible, and the Victorian public does as well. I commend the bill to the house.

Mr CLARK (Box Hill) — In the 10 minutes that the Labor Party is prepared to allow members to speak in this muzzled and dumbed-down Parliament, let me try to make just a few points. First of all I could sum up the remarks of the honourable member for Ivanhoe, who encapsulated the Labor Party's approach to the Parliament, by saying, 'Never mind the quality, feel the width'. It is marvellous that we have had 23 speakers — never mind that they have all had to cram every point into a few seconds!

The Labor Party's approach to the upper house is what is really upsetting. In all the time of the so-called evil Kennett government were the brakes ever slammed on the freedom of the opposition in the upper house to put a point of view? Never. Was the Honourable Theo Theophanous ever compulsorily sat down despite speaking for hours and hours on end in his filibusters? Never. Was the Honourable David White or any of the other Labor members ever forcefully shut up in the upper house under the so-called antidemocratic Kennett government? Never. But the minute the members of the Labor Party get their hands on the institution, they break it. They have broken it once with the sessional orders they introduced in the other place, and now they are completing the job with the legislation before the house.

We are losing the continuity of the upper house, we are losing the stability of the current system of alternating elections, and most importantly we are removing from the electorate its ability to make the choice as to whether it gives a partial or a total mandate to one side or the other. When electors believe there is a need for change and reform and they have confidence in a particular side they give that side a mandate in both houses. When they are not so confident you end up with a split mandate. That option is disappearing under the regime that is now being brought in.

Mr Stensholt interjected.

Mr CLARK — The member for Burwood says, 'Where's the logic in that?'. One of the ironies of the situation is that the best commendation for the present system is that it works. It is perhaps one of the perversities of the Westminster system that while all the continental philosophers and political theorists in the world may say the Westminster system does not make sense and is not conceptually sound, it has the great advantage of having worked for generation after generation. The Labor Party proved in the election just passed that it is as capable as any other party of winning

control of the upper house provided that it gets the votes to do it. As the honourable member for Wimmera most astutely observed, it will be interesting to see how much the Labor majority in the other place rejects legislation just as they expected the coalition majority in the other place to do during the term of the Kennett government.

Let me talk about the issue of rural representation. A number of previous speakers have thoroughly documented the difficulties we are now facing: the lack of communities of interest and the fact that so-called predominantly rural and regional electorates will be relying on the metropolitan fringe to balance the numbers.

The Labor Party model essentially tries to do two inconsistent things. In effect it tries to invent a square circle. On the one hand it adheres to the principle of one vote, one value, which of course we on this side of the Parliament fully support; on the other hand it tries to say to country Victoria, 'You've still got country representation'. The model tries to say that three out of the eight regions are going to have predominantly non-metropolitan representation. However, that is impossible when you bear in mind that around 28 per cent of the Victorian population lives in the non-metropolitan area. The Labor Party is fudging, twisting and sliding with this zonal system to try to achieve these two mutually inconsistent objectives.

The Leader of the National Party is trying to solve that with the amendment he has brought before the house — and good on him for trying. But he is taking on a near-impossible task, because the inherent logic of the model that the Labor Party is bringing to the Parliament is incapable of securing both one vote, one value, and a near exclusively non-metropolitan representation in three out of the eight zones.

This leads to the third major point I want to make about this proposal, which is that it is neither fish nor fowl. You can make an intelligent, logical case, to use the words of the member for Burwood, for a pure proportional representation system in which the state as a whole votes as one electorate and every fine shade of opinion of about 2 per cent or more is represented. That at least has intellectual rigour.

But what is the justification for this zone-based system, other than that the Labor Party's hard number crunchers have been through the mechanics and have figured out that it gives them the best possible odds of maybe getting control in their own right if they get enough votes in enough seats? They also hope it will be just enough to buy off some of the minor parties by giving them some hope that they may get elected from time to time. But they have not properly embraced the full principles of proportional representation, and they are enshrining their model in the constitution in a way that means that anybody else who in future might want a more thorough implementation of proportional representation will not be able to do so without going through a very difficult process.

The Attorney-General says that surely we have enough confidence in the people to give them the power to have their say by way of referendum. The obvious retort is that if that is the case, why is this model not going to a referendum? There is incredible arrogance in the government's approach of seeking to bring this model into Parliament and entrench it in the constitution with only a flimsy sham of debate preceding it. When you think back to the extensive constitutional conventions and the multiple referendums that preceded the establishment of the commonwealth constitution, the member for Footscray and others have a nerve saying that this has been a detailed and thorough process.

All honourable members know that there was next to no public interest in this constitutional reform issue. A commission was appointed to come back with a particular result and model, and we now have a whole lot of half-baked ideas being entrenched in the constitution with little attention whatsoever and in a way that pre-empts the actions of future generations. Labor's attitude is that this generation of members of Parliament knows a darned sight more than their predecessors or their successors are likely to know, so we are prepared to go off with hardly any proper consideration. All we can hope is that those poor officers in the Department of Premier and Cabinet who have been responsible for preparing this legislation have got it right, because if they have got it wrong we will suffer for years to come.

I shall make two brief references to that. First of all on the dispute resolution — the deadlock procedures — pages and pages of detailed drafting will be entrenched in the constitution. Heaven help us when we get to the fine print if they do not work properly; and how will we sort ourselves out if a constitutional crisis is created as a result?

Another reference is to contrast the proposed section 94F with the proposed section 94G of the Constitution Act. Proposed section 94G opens with the words:

> There is to be in force at all times as part of the laws of Victoria an act that provides for …

It then talks about the Electoral Boundaries Commission. Proposed section 94F of the Constitution Act does not have any of those opening words about 'there is to be in force at all times a law'; it just says:

> (1) The Electoral Commissioner appointed in accordance with the Electoral Act 2002 is an independent officer of the Parliament.

Why the difference in styles? Is there more entrenchment of one than the other? We certainly have no explanation for future generations that will have to worry about that if it ever comes to the test.

This is the arrogance of a government which thinks it knows everything, which is focused on style but not on substance and which will impose this cumbersome, ill-thought-through, ill-considered and poorly debated model onto the people of Victoria not only for this generation but for future generations. What it says will be entrenched for years to come.

In conclusion, in terms of dumbing down the Parliament, in terms of the impossible attempt to create a square circle out of one vote, one value and rural representation, in terms of its half-baked semi-implementation of proportional representation, and in terms of its ill-considered entrenchment of complex provisions of the constitution, this bill is a failure on all four counts and deserves to be defeated.

Mr HUDSON (Bentleigh) — It is with great pleasure that I speak on the Constitution (Parliamentary Reform) Bill, because I believe it is one of the most far-reaching reforms of the Parliament that we have seen in 150 years. I also believe it will restore the faith of the Victorian public in our Parliament and in our democracy.

Of particular importance are the reforms proposed to the upper house. For too long the upper house has been a bastion of conservatism in this state, and in its current role has outlived its usefulness. Originally the Legislative Council had two major responsibilities: to protect the interests of the propertied, the wealthy and the educated; and to check the more radical popularly elected Assembly by acting as a house of review.

Over 150 years the reason for the existence of the upper house has increasingly been called into question. The privileged franchise of the upper house was removed in 1950, but it has never properly functioned as a house of review. As early as 1859, Mr Cathie, a member of the Legislative Assembly, summed up the situation:

> The upper house was a house of endurables and their power would never be broken until a mighty moral phalanx was raised up against them.

A mighty phalanx has been raised up against them. The Victorian constitutional commission has been raised up against them, the people of Victoria have been raised up against them and the overwhelming mandate that has been given to the Bracks government to introduce these reforms has been raised up against them.

The government had at the heart of its election commitments in both 1999 and 2002 reforms to the Parliament and to the upper house. Prior to the last election this bill was debated in this house and in the community. I believe the bill has widespread support in the public because it reflects the views of the community. The commission embarked on a most extensive consultation process throughout Victoria and every member of the Victorian public had the opportunity to contribute.

Honourable members interjecting.

The ACTING SPEAKER (Ms Campbell) — Order! Interjections are disorderly.

Mr HUDSON — Every Victorian had the opportunity to contribute to debate on the reforms that were proposed, and we thank those who did for that — unlike the opposition, which has ridiculed the Victorian public, ridiculed the consultation process and shown the same contempt and arrogance that it has demonstrated in the upper house over the past 150 years.

I also think it is a disgrace for the honourable member for Warrandyte to attack the members of the commission. I believe the work of the commission, reflected in this bill, will stand the test of time, unlike some of the words from opposition members today.

Let us look at the extent to which the upper house has operated as a house of review in the last decade. Between 1992 and 1999 not one government backbencher amended a single piece of legislation in the upper house, yet the opposition sought to amend 185 pieces of legislation and moved 480 amendments.

Under the Kennett government the upper house did not support the independence of the Auditor-General or the Director of Public Prosecutions. It did not protect our freedom of information legislation, nor did it give much time to reviewing the Kennett government's legislation. It passed 739 bills and took an average of just 191 minutes to pass a bill. In other words, the upper house has failed as a house of review. The reason that it is not a house of review is simply that it is elected on the same basis as the Legislative Assembly. There is no point in having an upper house that is a clone of the Legislative Assembly. There is no point in having an upper house the sole agenda of which is to obstruct the

progressive agenda of governments in the lower house. This is a view that is shared by virtually every political commentator in the state. It is shared by the Victorian community, but unfortunately it is not shared by opposition members.

What we are seeing with these reforms is that the Victorian government is bringing practices in this Parliament into line with those in most of the other mainland parliaments. In most of those parliaments we have a house of government where the electoral system allows for a major party to be elected with a mandate to form a government. In most other states we also have a different system of election that allows the upper house to be elected as a house of review.

The government is not introducing these reforms because we believe they will produce any long-term political advantage; quite the contrary. We understand that with these reforms and multimember electorates there will be a diversity of views represented in the upper house. We understand that with multimember electorates 95 per cent of the electors will have someone in the upper house who will represent their point of view, unlike the situation that exists now.

The honourable member for Mornington said that large parts of country Victoria will not be represented as a result of these reforms. Under the current system, until recently the two Western Province members had offices at 46 and 47 Brown Street, Hamilton. The upper house member for Gippsland has offices in Cunningham Street, Sale, as does the lower house member for Gippsland South. At least under our proposals the regions will have five members of the Council to share around the major towns in those areas.

The honourable member for Mornington also suggested that under the new system the upper house elections will result, as they do in New South Wales, in all the members having their offices in the capital city. The point about the New South Wales system is that it is a statewide electorate. We are still maintaining a system of geographical electorates. It would be very surprising if people who were elected on a geographical mandate did not locate their offices in the places they represented.

The other historic feature of the bill is that it gives Victorians for the first time a say in their own constitution. The claim by the Leader of the Opposition that somehow we cannot entrench the constitution, or that we do not have the right to do so, is completely without foundation. In fact, in 1990 the all-party Legal and Constitutional Committee addressed that very question in a report to the Parliament and said we could entrench fundamental parts of the constitution. That committee included the current members for Doncaster and Murray Valley.

From the speeches made by opposition members today it is very clear that they do not just object to this on technical grounds, they actually do not believe in the power of the people to exercise their judgment in a referendum. Is the opposition basically saying people do not have the good sense to exercise their judgment? That is completely at odds with what is happening in other states.

There have been 12 successful referendums in New South Wales, including ones in relation to extending terms, the independence of the judiciary and the election of members of the upper house. I do not think there is any ground at all for concern that the referendum power would not be exercised in this state or that the public would not exercise it sensibly.

This is a cohesive package of fundamental reforms which I believe will go a long way to restoring the community's faith in our parliamentary democracy, a faith that the Constitution Commission of Victoria found is being continually eroded. All of these measures have been recommended by the constitution commission. It is worth mentioning an observation of the constitution commission. It said:

> Successful implementation of these measures would result in a more vibrant and progressive democracy, with respect for rights of both majority and minority and with more inclusive and better decision making. It would also temper the mistrust and cynicism that threaten genuine democracy.

I believe this bill will reduce that level of cynicism. I believe it will help restore democracy. I wholeheartedly support the commission's recommendations and commend the bill to the house.

Mr JASPER (Murray Valley) — I strongly support the comments made by other National Party members on the Constitution (Parliamentary Reform) Bill. I have listened with a great deal of interest to the comments that have been made by a number of members from both sides of the house, particularly the member for Bentleigh, who has just resumed his seat. As far as I am concerned he has rose-coloured glasses on and is wet behind the ears. He really does not understand how the parliamentary system works and what has happened in the state of Victoria.

We heard some statistics, for instance, about the Constitution Commission of Victoria. The member for Bentleigh hung his hat on that to a large extent in saying that the constitution commission had travelled the whole of the state, listened to a large range of

people and come up with a report. However, as the member for Shepparton indicated — and I think it is worth repeating — very few people attended the public meetings that were held in some of these country centres. Eight people attended the meeting the constitution commission held in Mildura, 15 attended the meeting in Horsham, 18 attended the meeting in Wangaratta in my electorate of Murray Valley, and 20 attended the meeting at Shepparton. You could hardly say that that was a representative group of people from those areas. As far as the member for Bentleigh is concerned, he hangs his hat on the recommendations made by the constitution commission.

I say from the outset that I am a strong supporter of the Westminster system of government and indeed the bicameral system of government we have in the state of Victoria. However, we need to get things into perspective. I understand the thrust of the government in seeking four-year terms, and I now strongly support the fixed four-year terms that are proposed in this legislation. I must say that I previously supported the system where it was a four-year term and the Parliament would run three years with the Premier of the day having the option to call the election in that fourth year. However, with what has happened more recently and looking at the way that system has been manipulated to call an election to suit the government of the day to try to see that it is returned to office, I am now a strong supporter of fixed four-year terms. I listened to the member for Gippsland East, who was a strong supporter of that in the previous debate on this legislation. As I say, I now strongly support four-year fixed terms.

As far as the upper house is concerned, I think a strong case can be put forward that there should be four-year terms for upper house members. However, I also listened to some of the previous speakers. The Attorney-General came into this house with his typical sanctimonious attitude, telling us what we should be doing and what his belief is. He said that this is the will of the people. I suggest to the Attorney-General that it is not the will of the people, and if he really wants to suss out the will of the people, perhaps he should go to a full referendum on changes to the Legislative Council. As I indicated earlier, the member for Bentleigh hung his hat strongly on the fact that the constitution commission had come up with these recommendations, but when you see the number of people who were involved and the submissions that were made, surely that was not fully representative of the people of Victoria.

I listened to the member for Mildura. I was disappointed with his cynical comments. The comments he made were warped in many respects. He talked about the members of the National Party in another place. I will quote his words as I wrote them down: 'Nobody knows them and nobody cares'. I take issue with the comment the member for Mildura made, because as far as I am concerned in the upper house seats that are represented by the National Party the members have done an excellent job. They are well known in north-eastern and north-western Victoria and in Gippsland.

Mr Cameron interjected.

Mr JASPER — I will allow the minister to make his comment in response later. I can tell him that from my experience those members have worked hard. They are well known in their areas and they have represented them extremely well. In their positions as members for North Eastern Province, the new member for Shepparton and the Honourable Bill Baxter in another place certainly worked hard. I believe that in the new system we will not have the representation we require in country Victoria, and the sort of representation we will have will mean that country people will miss out. There need to be great changes to the proposed legislation. I listened to the contributions of other members who indicated their opposition to the new system of eight areas across Victoria, each with five members. Those people will not be known as they are now. I think that will be to the detriment of the state of Victoria.

The other issue I want to cover very quickly is the thought that members of the upper house do not do any work in looking at legislation. I am a great supporter of this bicameral system of government. We have seen legislation come into the lower house of this Parliament, often with little debate. At 4.00 p.m. at the end of the three days we have seen bills go through this house with no debate whatsoever. Fortunately we have had an upper house that has been able to debate that legislation and give us an appropriate analysis of it. Indeed we have had amendments come from the upper house to the lower house which have been logical and which have been accepted by this house. We have appropriate discussion and we can have the two-house system working extremely well where legislation is properly debated. It has been demonstrated in years gone by that that can happen, that in fact we can get appropriate discussion not only in this place but debate in the other house and amendments coming back to the lower house. That debate would not happen in a single-house system.

The huge geographic areas we will have in the new system will be totally unworkable for us in country

Victoria. As I indicated, those National Party upper house members who operate in country Victoria generally work hard and are well known. Should this new system be put into place I suggest that we will have members who do not represent country areas; they will be based generally in outer metropolitan areas where they can achieve a vote. We will not see them, and we will not get the support of those people in country areas, particularly in the northern part of the state. When you look at the proposed electorate which will stretch across the whole of the top of the state, you can see it will be totally unworkable.

I suggest the government should look at withdrawing the legislation and going forward with the referendum. Ask the people of Victoria whether they want this legislation and will they accept it. I think the government will get a different view if it goes to the people with a full referendum on these proposals.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Savage) — Order! Under sessional orders the time for the adjournment of the house has arrived.

Wongabeena Association: funding

Mr COOPER (Mornington) — I wish to draw a matter to the attention of the Minister for Community Services. I ask the minister to do something to correct the hopelessly inappropriate and inadequate funding provided to the Wongabeena Association in Rosebud. Wongabeena provides vital support and employment services to a large number of Mornington Peninsula residents who have a disability. It does this on a 50-week service model as advocated by the state government in line with its Victorian state disability plan 2002–12. Not only is this plan the model and brainchild of the Department of Human Services, it is also strongly supported by the clients of Wongabeena and their families.

Given that background it is very disturbing that the government refuses to support its own disability plan by providing funding for only 46 weeks per year, despite the fact that services are provided for 50 weeks per year in accordance with that plan. I am asking for the government to put its money where its mouth is and to stop short-changing Wongabeena. I am talking about an additional service at a cost of $90 000 per year; that is all we are talking about each year for the government to support its own disability plan and for that money not to have to be dragged out of the pockets of volunteers and the families of the clients at Wongabeena. I do not think that is too much for this government to shell out to keep its commitment to people with a disability. The government proudly proclaims that it is very strongly in favour of doing a lot more for people with disabilities, yet Wongabeena is seeking $90 000 extra per year and not receiving it from the government.

Requests made to the government by Wongabeena have been given the flick pass. I ask the minister to look into the issue as a matter of urgency and to provide the level of funding needed for Wongabeena to provide services to its clients in line with the government's own disability plan.

The honourable member for Nepean has also been working hard on this issue, as Wongabeena is actually situated in his electorate, but Wongabeena draws a lot of its clients from my electorate, and both of us are keen to see it being given the support which it deserves and which the government should be providing but which so far it has been denied. I ask the minister to act on this as a matter of urgency.

Police: Preston station

Mr LEIGHTON (Preston) — I wish to raise a matter with the Minister for Police and Emergency Services concerning the development of a new police station at Preston. I ask the minister to ensure that the police station is built, and I hope to be able to advise the house of any progress in this matter. Naturally when it is built I will ask the minister to come out and open it.

Anybody who has been in the existing police station, which was built some 60 years ago, would see how Dickensian it is. You only have to visit the cells to understand why a couple of days ago the Health Services Commissioner had something to say about the state of them. They are absolutely horrific, and I know the police officers who have to work in that station would share my views.

Unfortunately the question of a new police station has had a chequered history. When the Labor Party was in government in 1992 contracts were signed between the state government, the then City of Preston and a private developer for a three-way exchange of land, with a new police station to be built near the existing one. I refer to the *Preston Post Times* of 28 September 1992, which quotes the Liberal candidate for Jika Jika, Mr Greg Eade, as having said in August:

> … a Liberal-National state government 'will honour the $1.73 million allocated' to buy the land for the new station.

The article goes on to state:

Mr Eade said a coalition government would honour any legally binding contracts regarding the stations.

That is precisely what the coalition government did not do. One of the first things the incoming conservative government did was to tear up the contracts. Pat McNamara tore up the contracts because he wanted to pork-barrel a police station somewhere else — I think in Shepparton — and the matter was not decided on merit. Indeed the need for a new Preston police station sat at the top of the Victoria Police priority list for the life of the Kennett government. Clearly it did not decide the location of new police stations on any sort of merit, and it took an election commitment by the then Bracks opposition in 1999 to get the matter moving again.

The miserable lot on the other side have the cheek to query the government's capital works programs. The new Preston police station is proceeding on time. It is going to be an important new facility for my area, and I would like the minister to confirm its development.

Bridges: Corowa

Mr JASPER (Murray Valley) — I wish to raise a matter for the attention of the Minister for Transport in relation to the Murray River bridges. The house would be aware that there are a large number of bridges across the Murray River between Victoria and New South Wales. I have raised this issue on many occasions, as have other members, including the member for Rodney, seeking to get bridges constructed as quickly as possible.

In 1989 a bridge was constructed at Tocumwal, and I thought that at the rate we were building bridges I would be dead before the next one was built!

Mr Cooper — How's your health, Ken?

Mr JASPER — It's going okay.

However, the bridge at Howlong, funded by the Victorian and New South Wales governments, was opened by the Minister for Transport last year.

The particular bridge I now raise for the minister's attention is at Corowa. It received a $12 million allocation from the federal government under the Federation funding program over four years ago and work has been done in the last couple of years to bring that to fruition. The estimated cost of the bridge is $18 million, and I understand contracts are about to be let, but there is some procrastination in the signing of the documents and announcements because the New South Wales government is in election mode.

I would like the minister to inform the house of the current position relating to the contract for the replacement bridge at Corowa. Will the minister indicate to the house the name of the successful contractor and the funding that will be provided by the state government for the construction of this bridge, recognising that $12 million has been provided by the federal government but that the two state governments will be funding the balance of the estimated cost of construction of $18 million?

We are now at a stage where a huge amount of work has been done in calling tenders for the construction, and selective tenders have been provided. I understand the contract is about to be let — if it has not been let already. We need to know precisely where we are so we can make the appropriate announcements and see that the construction commences as quickly as possible, recognising that the current bridge between Corowa and Wahgunyah is over 100 years old and in a generally dilapidated condition. The bridge is being maintained as a single-lane bridge with traffic lights, and it will be reconditioned and handed back to the two shires.

It is imperative that this bridge construction is commenced as quickly as possible and that we do not get held up because of the election in New South Wales or any other action which may hold up the letting of this particular contract.

Multicultural affairs: racial and religious tolerance

Mr CARLI (Brunswick) — I raise a matter for the Minister assisting the Premier on Multicultural Affairs that concerns today's announcements that Australian troops have been committed to a war against Iraq. My electorate has the highest number of people from the Middle East, particularly from the Arabic countries, of any electorate in Victoria. I am concerned about the likely reactions of the community to the war. I call on the government to take action to promote racial and religious harmony in this state, especially in communities with large numbers of Arabic people or people with Arabic backgrounds.

After the 11 September incident in the United States of America we saw many instances of people of Arabic origin being discriminated against. We have seen hostility, taunting and a whole series of things, as if these people were somehow connected to the acts of terrorism. My concern is that terrorism, hatred and ignorance will raise their ugly head again in the context of this new Iraq war. Peace-loving people who live in our community and who happen to be of Middle

Eastern origin may again find themselves the victims of discrimination and racial and religious abuse.

It is clearly important in this difficult time that Victorians stand by the state's proud record of racial and religious tolerance and harmony. It is incumbent on the state government to assist communities where there is likely to be a backlash and where people could be victimised to ensure that those communities are able to respond appropriately through various programs which promote racial and religious harmony and through which we can observe and assess reactions.

I seek from the Minister assisting the Premier on Multicultural Affairs a commitment that the government will work with local communities, particularly minority groups that include people of the Islamic faith and people from Middle Eastern backgrounds, to ensure we have a sense of solidarity and harmony and that we promote racial and religious tolerance. This is a very difficult time. I know from my own community the amount of tension that has built up over the last months. It is important that we, as leaders in this community, demonstrate the sort of tolerance that really marks multicultural Victoria.

Port of Portland: slipways

Dr NAPTHINE (South-West Coast) — The issue I raise is for the minister responsible for ports, and the action I seek is that the government stop procrastinating and get on with its election promise to fix the slipways at the port of Portland, which closed its slipways in July 2002. There are two slipways in Portland: a 100-tonne slipway which was opened in 1952, and a 300-tonne slipway which was opened in 1963. These slipways are extensively used by the local commercial fishing industry, including cray fishermen, squid fishermen, trawl fishers and recreational fishers. They are also used by Portland Ocean Steel and other local firms. Portland Ocean Steel is a local boat builder which provides very good employment and does a good job making vessels that are sold around the world.

As I said, the slipways are important for the local fishing industry and local jobs, and they provide a good service to the local community. A study by a respected and experienced engineering firm, TGM Pty Ltd, together with Bay Lifting and Testing Pty Ltd, has identified both short and longer term works that are needed for the safe operational return of the slipways, because there are concerns about safety from a Workcover angle. But that could be fixed in the short term, which is what we are seeking, as well as a longer term commitment.

I remind the house that in 2002 the then Minister for Ports, Ms Candy Broad in the other place, was reported in the Warrnambool *Standard* of 18 November as saying:

> … $2 million from the Regional Infrastructure Development Fund would go towards urgent maintenance works, rationalisation of facilities and ongoing funding.

That was under a heading which quite rightly said '$2m vow to fix up slipways'.

Further she is reported in the *Portland Observer* as saying:

> The time frame for action, if re-elected, would be very quick, according to Ms Broad.
>
> 'The advice to me is we are 99 per cent there in putting into place this model for public control'.

We had a bipartisan commitment from the then Minister for Ports for a $2 million commitment to fix the slipways and deal with the issues affecting the commercial fishing area. Indeed the Liberal Party made similar commitments to resume control of the slipways and the commercial fishing area. Since then we have had ongoing procrastination and indecision.

We want the minister and the government to back up the rhetoric they were happy to use at election time to commit funding, saying it would be done very quickly. Months later the fishing industry in Portland is still waiting for the slipways to be fixed and still waiting for the commercial fishing precinct to be repaired. Indeed Portland Ocean Steel is losing business opportunities and investment. I call on the minister to back up the government's promises and to get into action.

Education: early school leavers

Mr ANDREWS (Mulgrave) — I raise a matter with the Minister for Education and Training. I ask the minister to take action to ensure that young people in my community who are leaving school early can be catered for within current education programs. As one of the younger members of this Parliament — and it is a great honour to serve in this place — I have an appreciation of the issues facing younger people, and that is very important. Obviously education is an important issue for my local community and for younger people more broadly.

While this government has been able to achieve significant improvements in the number of people completing year 12, there are still those who for one reason or another choose to leave school early. I am seeking action from the minister and the government to ensure that those young people are adequately provided

for and are not allowed to slip through the net, as it were.

My electorate is a vibrant one. It is ethnically diverse, with a great mix of industry. It is also a centre for high-tech and value-adding industries. Local suburbs are filled with families who want only the best education and training opportunities for their kids. Part of that is about establishing pathways to secure meaningful employment.

Sadly under the previous Liberal government many young people lost faith in the public education system after savage cuts to resources and the sacking of scores of teachers across the southern and eastern metropolitan regions of Melbourne. The TAFE sector was left in an absolute financial crisis, with Chisholm TAFE, one of our local providers, on the verge of financial ruin.

Things have got better by virtue of this government's investment. Some $4.9 million has been spent on capital works in our local schools. Just today students from Wheelers Hill Secondary College, which is in my electorate, visited the Parliament. Wheelers Hill is a fine local school, and last year it received $2.29 million for an upgrade of its technology library and administration facility. This represents the largest upgrade in the school's 23-year history.

Further, as I mentioned earlier this government has made real improvements in the school retention rate, with an increase across Victoria from 76.2 per cent in 1999 to 80.9 per cent at the end of the 2002 school year. Similar improvements have been achieved in my local region as well.

Despite these improvements and Labor's investment and the real results that investment has bought, there remain a number of students who for one reason or another leave school. I call on the government and the minister to make sure those kids are appropriately catered for and that education programs delivered by this government cater for their needs and provide them with appropriate pathways to meaningful and worthwhile employment, giving them the opportunity to be as good as they can be.

I am only too aware of these issues. and I am happy to raise them. It is for these reasons that I seek the minister's continued support for those who leave school early, particularly with their pathways towards meaningful employment.

Motorcycles: wire rope barriers

Mr KOTSIRAS (Bulleen) — I raise for the attention of the Minister for Transport a matter to do with the wire rope barriers that are placed on roads throughout Victoria. I ask the minister to set up an independent committee to look at the major problems associated with wire rope barriers. It is good to see that two ALP members support my concern — one a former member of Parliament and one a current member. The former member is Eddie Micallef, who was the member for Springvale — a good man whom the Minister for Manufacturing and Export knows.

In a letter to the Motorcycle Riders Association of Australia dated Tuesday, 23 July 1996, Eddie said:

> I would like to take this opportunity to commend the Motorcycle Riders Association of Australia on its fight to have wire rope barriers removed as their presence is clearly a danger to motorcyclists.

This was reinforced by the member for Essendon, now the Speaker, in a letter dated 21 March:

> In response to your letter of 18 March 1996 … I make the following observations:
>
> …
>
> 3. Wire rope barriers are dangerous and should not be erected.

In light of the fact that one former member and one current member of Parliament believe the wire rope barriers are a danger, I urge the minister to set up an independent committee to look into the problems associated with this issue.

As a former bike rider I also see the dangers in these barriers, and I do not believe they offer any security for bike riders or passengers. The Motorcycle Riders Association of Australia agrees. It has sent me an article which I would like to read into *Hansard* regarding the death of a young gentleman. It reads:

> Ferntree Gully motorcyclist, Toby Noble, who died on 21 November 2002 after losing control of his bike and ploughing into a wire rope barrier on the Burwood Highway, was a young P-plater who had a reputation for being careful.
>
> Toby, 23, was coming home from work early in the morning, riding slowly … The road is a savage left-hand down-sloping curve that appears to have a camber problem. There are two lanes and Toby was in the inner one.
>
> We are not sure why Toby dropped his bike and we know that he and his bike slid at a fairly shallow angle across both lanes … across a small median before he hit the WRB. By the time Toby hit the post he would have lost most of his … speed. This accident clearly illustrates that even at slow speeds roadside posts are dangerous.
>
> …
>
> The latest offering from transport minister Peter Batchelor in this saga is to put WRBs down the centre of high-risk

dual-lane roads in the country. This will just lead to more motorcycle fatalities.

I ask the minister to set up a committee to examine once and for all the danger of these barriers.

Police: Coburg station

Ms CAMPBELL (Pascoe Vale) — I raise for the Minister for Police and Emergency Services a matter relating to the Coburg police station. I ask the minister to provide my constituents, local businesses and our local community with some indication of where the site of the announced Coburg police station will be.

It is very important for the Moreland police district that the site be announced so that infrastructure and planning matters can commence. Our local police provide an outstanding service from a rather antiquated building. The Minister for Police and Emergency Services, after hearing strong words from our local police and also from business and from me, announced in the May budget of last year that there would be a new 24-hour, $9 million Coburg police station rebuild. The local community is very keen to have the minister come out to our area and make an announcement — or he might care to do it here tonight — about where the actual site will be.

I assure the minister that our local community appreciates our local police. When I last visited that police station the police were referring to people who dropped in to say thank you after the police had looked after them following burglaries. Some of these people had been traumatised as a result of various incidents, and the police are highly acclaimed and really appreciated by them.

We want to make sure that our local police have a great piece of infrastructure from which to operate — a piece of infrastructure that will allow the uniform branch, the criminal investigation unit, the traffic management unit and the sexual offences and child abuse unit to provide first-class services in the Moreland police district.

Currently the police station is located physically well down towards the southern boundary of the police district. People from all parts of my electorate want the police station built in their particular patch, but they are happy to have it in Hadfield, Glenroy, Fawkner or Pascoe Vale. What we would like now is for the minister to give us the site so that the police can be more centrally located for all parts of the Moreland police district and not tucked down in the southern end.

Mr Nardella interjected.

Ms CAMPBELL — We would be delighted to have one 24-hour police station, because as a result of the great work the Bracks government has undertaken with local communities many members want new police stations. I ask the minister to promptly give advice on where the station will be.

Aquatic facilities: Frankston

Mr HARKNESS (Frankston) — I request through the Minister for Manufacturing and Export that the Minister for Sport and Recreation in another place address the need for an aquatic centre in Frankston. The findings of the Frankston City Council aquatic centre feasibility study indicated that people living in the area of Frankston make less use of public swimming facilities than people in other Melbourne metropolitan areas that have been surveyed. A key constraint to aquatic participation in the area is the lack of a suitable facility that provides for a broad range of interests.

Mr Honeywood — On a point of order, Acting Speaker, the member on his feet is a new member, but he should realise by now that members should not read word for word their contributions to this debate.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Frankston will refer to notes but not read from them.

Mr HARKNESS — Thank you, Acting Speaker, I am just referring to copious notes. The long-term aquatic facility strategic direction in Frankston should support the development of a major regional aquatic centre to service the large potential catchment area. Such a complex should incorporate multi-use aquatic areas, a 50-metre pool with regional spectator facilities, health and fitness areas, secondary spend areas, leased areas for health services, social and relaxation areas, amenities and plant and car parking and outdoor surrounds to complement the venue.

Such a development should be at a high-profile site with main road access and suitable land area for proposed and future extensions located close to other complementary activities. The development of such a facility should be undertaken, and, as I said at the outset, I ask the minister to provide advice on plans to address this need in Frankston.

The regional catchment population in Frankston is expected to continue to increase over the next 10 to 20 years — for example, by 2011 the population of the Frankston City Council area is expected to increase by 24 000 people to 133 000 residents. Similar population growth is expected in surrounding municipal areas that

may use a regional aquatic centre in Frankston. There is a clear need for hydrotherapy services for older people and activities for younger people in the Frankston area. Over the coming weeks I will be distributing a survey to people around Frankston seeking their feedback on the possibilities of an aquatic centre in Frankston.

Wilmot Road Primary School: speech therapy

Mrs POWELL (Shepparton) — I raise an issue with the Minister for Education Services. I was recently contacted by a Mr John Byrnes, who is the assistant principal at Wilmot Road Primary School in Shepparton, about a grade 1 student, Jason Cooper, who has a very severe speech disorder called dyspraxia.

John has taken a particular interest in this boy. He told me that he was a teacher in the secondary school section for 18 years and knows that if there is not a significant improvement in Jason's expressive language before he reaches secondary school he will have a very tough time when he gets there. John therefore believes he has five years, while Jason is at the primary school, to find some improvement in Jason's speech pattern. He also believes Jason will be socially isolated in a secondary school environment and is at genuine risk of dropping out and becoming a problem in the community if he does not get support now.

This Wilmot Road Primary School in Shepparton has a very strong reputation for getting the most and the best out of its students, and it has come to me with a very strong concern about this little boy. I visited the school and met Jason. He is a lovely, bright, happy little boy, but he is also very lonely. He is hard to understand, and this makes him very frustrated. The principal, Barbara O'Brien, told me that when Jason first came to school at the beginning of the school year he was happy, confident and bright. But now he has no friends, and he does not like to play in the school ground because, as he said, the other kids bash him up. He spends a lot of time with the school nurse or by himself. Jason's speech impediment is so severe that he is a safety concern. He explains what is wrong with him if he gets hurt or he falls over in the school ground or somebody bashes him up, but he cannot be understood.

The school applied for support from the students with disabilities program and was rejected. Jason has a severe language disorder, but it can be improved. We were told by a speech therapist that Jason's language can be improved. I ask the minister to review Jason's case urgently and provide the necessary assistance to give this lovely young boy the best chance in life.

Responses

Ms GARBUTT (Minister for Community Services) — The honourable member for Mornington raised with me the issue of Wongabeena, which provides day services to people with a disability and has done so for many years. I must say that we on this side of the house are very proud indeed of our record of improving disability services. After seven years of neglect and cuts by the Kennett government we have increased funding to disability services by around 35 per cent. We have put a lot of priority and effort into improving those services.

Wongabeena has moved to providing day services to its clients across 50 weeks rather than the 46 weeks it used to provide them for. It has done that to allow the people that use those services to better and more flexibly plan for their annual leave. They still get only the 46 weeks of service, but they can choose when to take their annual leave. That is certainly in line with the government's policies, but it is regrettable that in making that move the financial implications and the sustainability of the changes were not fully considered before those changes were set in motion.

In order to resolve this matter I am told there have been meetings between the representatives of Wongabeena and senior regional disability services staff. They are currently working together trying to identify how they can resolve those issues within the agency's current funding base and still according to policy and the funding plan. Those issues are still being worked through. I am confident that some resolution can be found and that there can be a successful outcome for all those involved.

Mr BATCHELOR (Minister for Transport) — The honourable member for Murray Valley raised with me the issue of a new bridge proposed to be built at Corowa and asked for what in effect might be a status report on this new bridge.

I can assure the honourable member that from the Victorian government's point of view it is doing everything it can to make sure this goes ahead as quickly as possible. The article he referred to in the local paper appears to be a bit of local politicking because of elections on the other side of the border; Liberal Party candidates and members of Parliament up there are trying to exploit the situation. If they were working as hard as the member for Murray Valley, members of this government and I — if the Liberal Party had emulated our hard work — this project would have been built a long time ago.

As the honourable member for Murray Valley knows, the bridge was a designated Federation bridge and was to be funded by the federal government. The funding shortfall was considerable. However, in its 2001–02 budget this government gave a strong commitment and made money available way back then to fund its share of the shortfall. I am advised that it will take about $18 million, which is the preliminary cost estimate currently being market tested through a tender process. The federal government in announcing this project made only $12 million available and has left the state governments of New South Wales and Victoria to pick up the shortfall.

This government and the government of New South Wales have made the necessary arrangements. On advice that has been given to me as recently as today I believe the New South Wales government, which has responsibility for delivering and project managing this project on behalf of the three governments associated with the funding of this proposed new bridge, is waiting for sign-off from the federal government, which has to sign off a deed of grant. If the federal government has in fact signed this, it has kept it a secret from everybody else. It has not advised the Victorian government, and it certainly has not advised the New South Wales government. We ask it to simply get on with the job so that New South Wales and Victoria can build this community asset on behalf of the people.

The honourable member for South-West Coast raised with me the issue of a slipway at Portland and a commitment in terms of funding given by the previous minister responsible for ports, Ms Candy Broad in the other place, in November last year. The honourable member for South-West Coast, as I recall, outlined the comments that were made by the then Minister for Ports, who had indicated that an approach would be made to the Regional Infrastructure Development Fund for $2 million to go towards the funding of the slipway repairs. That is exactly what will happen — an approach will be made to the Regional Infrastructure Development Fund, and we will take that up with the minister responsible for that fund, the Minister for State and Regional Development.

I can assure the honourable member for South-West Coast that this government does deliver on its promises, and that will be one of the commitments it will deliver on during this term. It is an important project for the local Portland fishing and maritime industry and the community, and it directly stems from the failed privatisation of ports that was undertaken by the Kennett government, of which the honourable member for South-West Coast was an important member. When the member was asked to put up his hand to enter into those sorts of arrangements around the cabinet table, he did that. He is directly responsible for the difficulties this government now faces in trying to fix up a lot of institutional arrangements which have gone belly up, or gone bad, and which have been against community interests right around the state. That is not only with ports; we are spending a lot of our time and energy in transport fixing up the mess left behind by the Kennett government, but we will do it. The problem down at Portland is yet another one of those.

The honourable member for Bulleen raised with me the issue of wire rope barriers and called for me, as I understand it, to implement an independent inquiry. He then went on to try to support his call by highlighting a very tragic accident that occurred out in the eastern suburbs — in Ferntree Gully, as I recall.

Unless I am wrong, the wire rope barriers that were installed at the site of this tragic accident were installed by the previous Liberal government. They were not installed by this government, although it has installed wire rope barriers at a number of locations because they achieve road safety outcomes. It is interesting to note that wire rope barriers have been successfully used for about 30 years around the world and for about 10 years in Victoria. A recent study by Vicroads found that there had been an overall 92 per cent reduction in casualty crashes at major sites where these barriers had been installed.

I have instigated a series of research programs that have already been completed and another one is under way. So in a sense this government has already undertaken the sorts of initiatives the member for Bulleen called for. It is a pity he did not understand or had not been briefed factually by the Motorcycle Riders Association of Australia as to what was happening. I point out to him that the Australian Transport Safety Bureau in 1998 and Monash University Accident Research Centre in 2000 found that wire rope barriers had distinctive advantages over other types of barriers. In May 2001, at my instigation, the Australian Transport Council directed that the Standing Committee on Transport arrange for Austroads to investigate the severity of motorcycle injuries in relation to different types of barriers, and we are awaiting the result of that investigation. Once that is received the government will make it publicly known.

Mr HAERMEYER (Minister for Police and Emergency Services) — The members for Preston and Pascoe Vale raised a matter relating to two police stations which had originally been committed to by the Kirner government under the accelerated infrastructure program — namely, Preston and Coburg police

stations. Upon coming into office the previous government, the Kennett government, cancelled the contracts for the construction of both these police stations. They are both very old police stations which have been neglected for a long time and are well overdue for replacement.

The Preston police station is a 60-year-old building, and I inspected it in opposition and again after I became a minister in this government. I must say that it is the worst police station I have seen in this state, but that is no reflection on the members who serve in it. They do a spectacular job under very difficult circumstances. For example, their document storage is operated out of a container. They are working in very difficult and cramped conditions, yet those police officers still do a very good job for the community.

This government made replacement of the Preston police station a priority. The previous government received numerous reports urging the replacement of that police station and indicated that the Preston station was the no. 1 priority for replacement, yet it kept on being overlooked.

I am very proud to be the minister in a government that is replacing the Preston police station with a new, 24-hour police station at a cost of some $8 million. The new station will be on the corner of Roseberry Avenue and Kelvin Grove and will initially accommodate some 99 police officers. This government is proud of being able to fulfil that requirement, because it has the police to do it as a result of its policy of employing police rather than sacking them. The police station is designed to accommodate growth in the number of police officers to a further 26 and is expected to be completed around mid-2003.

I want to thank the City of Darebin for its cooperation in helping the government to identify a site and work through the various planning requirements, and I particularly want to congratulate the member for Preston, who has been an assiduous advocate on behalf of his constituents and on behalf of the police officers in his constituency. I have no doubt that law and order in the Preston electorate and particularly within the City of Darebin will be better off for it.

The member for Pascoe Vale raised the issue of Coburg police station, which the government committed to in the last budget. Coburg police station is again a very run-down old station. More importantly, the current location of the police station is inappropriate for the community it services. Given that the government has already committed in this term to provide a new, 24-hour police station for Brunswick, which will be closer to the Moreland Road area, it is appropriate that the Coburg police station move a bit further north.

The police department has identified its preferred site as being on the corner of Boundary Road and Sydney Road, and that is where the police station will be located. This will enable the Coburg police to service their community, which reaches as far as Glenroy, more effectively than they are able to from their current site. The new station will be a $9 million facility. It is designed to accommodate 86 staff and will initially accommodate around 72. Again I am proud to announce that police are available to fill it.

I also want to commend the member for Pascoe Vale, who lobbied me intensively during our last term of government to have the very old and decrepit police station at Coburg replaced. She certainly succeeded in achieving that. She has been a very effective advocate for her community, and I would be very pleased once the design is in place and the tenders are let to come out and turn the sod with her, because she has done a ton of hard work to ensure that this police station is built.

Ms KOSKY (Minister for Education and Training) — The member for Shepparton raised a matter in relation to Wilmot Road Primary School and a grade 1 student, Jason Cooper, who suffers from dyspraxia. The matter concerned funding for the program for students with disabilities. I will pass the matter on to the Minister for Education Services, and I am sure she will respond very quickly.

The member for Mulgrave raised a matter for my attention in relation to school retention rates in his area. Whilst acknowledging that retention rates for young people within schools in his area have increased, he said we still need to take action. The member asked for action in relation to students who are missing out within the current programs, and he talked about how school retention rates within his area had increased whilst this government has been in office. He also acknowledged that students are still missing out on educational programs and as a result are going into uncertain employment situations.

I can inform the member of the new Victorian certificate of applied learning (VCAL), a new certificate sitting alongside the Victorian certificate of education (VCE). The new certificate is for year 11 and 12 students and focuses more on applied learning. Within the member's electorate Brandon Park and Wellington secondary colleges are both providing VCAL this year, and as I understand it Noble Park Secondary College is looking at implementing it from next year. The government has provided over $85 000

to assist the first two schools in implementing VCAL programs as well as additional funding for the growth in enrolments.

The new Victorian certificate of applied learning provides another pathway for students who either dropped out before they did VCE or started doing VCE and did not perform well. These students want a pathway through to TAFE or to apprenticeships and traineeships, and this new certificate provides that pathway for them. It will provide them with a very clear credential recognised not only by their schools but by industry as well, and will provide credits towards other endeavours of education in which they may wish to partake.

The government has also provided additional funding for the managing individual pathways plan, which is about providing extra counselling for students and follow-up with students who may be thinking of leaving school early. Within the honourable member's electorate almost $881 000 has been provided to schools to ensure that students who are thinking of leaving school early are followed up early rather than at the time they decide to leave.

We need to focus on the students who are not currently being picked up within the increasing retention rates in Victoria, good as they might be. We need to focus on those students who are still not getting the advantage. VCAL is one option for them, but we are also looking at how we can apply credit transfers for educational learning across different areas, including TAFEs, so that students have recognition for their learning within schools which they can transfer either to TAFEs or to adult and community education providers and which can work to their benefit in terms of educational credentials and employment opportunities.

The government is constantly looking at new opportunities in those areas. Certainly if the honourable member has ideas for areas within his own electorate, we would be happy to hear about them. There are processes in place to make sure there are additional pathways as well as additional mechanisms so we can be informed of gaps in the education program and new opportunities that can be put in place to make sure we meet our target of 90 per cent of young people successfully completing year 12 or its equivalent by the year 2010.

Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) — The member for Brunswick raised some very serious issues in relation to potential impacts on community harmony in Victoria as a result of the imminent war and conflict in Iraq. In these times it is important to remember our values about respect and understanding of people. One of the great things about Victorians is that we have been able to build a welcoming and accepting society for all immigrants. It is one of the great success stories for Victoria, and Victoria is a leader in Australia. However, it is at these times that these sorts of things come under some potential challenge, and that is why governments need to take leadership roles and be proactive.

It is ironic that this week Victoria is celebrating Cultural Diversity Week, so I guess if there is going to be a war the timing is about right; it is a good way for us to remind the Victorian community of the strengths of our cultural diversity. I launched Cultural Diversity Week on Monday at Glen Waverley Secondary College, which has been proactively involved. I am pleased that many schools across the state are involved in their own Cultural Diversity Week activities. In addition a number of community festivals have been held over the week and will be held over this forthcoming weekend to highlight cultural diversity.

Cultural Diversity Week comes from an election commitment by this government, and it will be held at this time of the year on an ongoing basis. During the Cultural Diversity Week celebrations not only did we launch the web site produced by Glen Waverley Secondary College as part of the main celebrations, but a variety of schools across Victoria took part in a multimedia competition where young people highlighted what, for them, are the values of diversity. In addition the Premier today launched a multicultural media expo. This coming Friday, 21 March, which is the most likely date of the commencement of war in Iraq, also happens to be the federal government's Harmony Day. On the evening of Harmony Day about 1000 people, including members of Parliament, will attend a great gala dinner. People would, of course, have noticed some of the 56 banners in public locations around the city promoting Cultural Diversity Week. Posters and postcards have also been mailed out.

It is a fitting way to highlight the key issues raised by the member for Brunswick as well as highlighting the potential issues for our Arabic and Islamic communities. The government has been very much aware of — and obviously there is a lot of public debate about — the potential conflict in Iraq. We decided early on to ready ourselves to produce some TV ads as part of our racial and religious tolerance campaign last year. Those ads will commence re-running from today. The key focus of the ads is 'many backgrounds', 'all Victorians' and 'beyond tolerance to respect'. They are starting today and will be running for a period of six months to remind our communities.

I want to thank very much the TV stations involved in this, because a number of TV and radio stations are giving their own air time free as part of community service announcements so these ads can be run. They see the importance of the ads in these potentially troubled times in minimising the impact of this conflict on certain communities. Certainly there has been a lot of discussion between the Arab communities, the government and the Victorian Multicultural Commission about the potential of this conflict, and we will be keeping a close eye on it.

Arabic and Islamic communities have been receiving funding for a range of different programs that highlight the importance of their communities in creating better understanding and bridges between Arabic and Islamic communities and the broader community. The Community Support Fund is funding a two-year building program for the Arabic community's social services. We think that is very timely and very important. We call on all Victorians to exercise caution in their language in these times and to exercise caution in their actions. Of course we also have our racial tolerance laws against vilification, and if members of the community are vilified, they can use them as well.

I thank the member for Brunswick for raising the issue. We will certainly be keeping a very close eye on the situation to ensure that there is minimum harm to our Islamic and Arabic communities, not only in his electorate but across Victoria.

Mr HOLDING (Minister for Manufacturing and Export) — The member for Frankston raised a matter for the Minister for Sport and Recreation in another place concerning the provision of aquatic centre infrastructure in the Frankston area. I will pass that on to the minister, and he can respond to the member for Frankston directly.

House adjourned 10.55 p.m.

Wednesday, 19 March 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.35 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Agricultural Industry Development Act 1990 — Victorian Strawberry Industry Development Order

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases by the Mint Incorporated for office and performance space for community purposes (two papers).

APPROPRIATION MESSAGE

Message read recommending appropriation for Parliamentary Committees (Amendment) Bill.

MEMBERS STATEMENTS

Silvana D'Ambrosio

Mr BATCHELOR (Minister for Transport) — Silvana D'Ambrosio died yesterday, 18 March. Silvana and her family lived in Fawkner, but to me she was more than just a constituent: she was a true friend, an inspiration and a guiding light. She was of course the mother of Lily, the member for Mill Park.

Silvana had a huge reputation for being active in her local community. She was greatly appreciated as a kind-hearted woman who had a sharp intellect, astute political judgment and a generosity beyond most others. She knew what social justice meant, and she practised it all her life.

Silvana migrated to Australia from Calabria, Italy. She overcame the difficulties of language, customs and a new country. She had a determination to help others and to contribute to the community. She established and successfully ran a local group called the Fawkner Italian Women's Health group, but it was known to everybody as 'Silvana's group'. She will be missed, particularly by her husband, Livio, her son, Corrado, her granddaughters, Elenore and Madeline, and son-in-law, Andrew.

Max McKay

Mr MULDER (Polwarth) — I take the opportunity to congratulate a 12-year-old boy from my electorate, Max McKay, on his achievements not only in the state of Victoria but also interstate due to his legendary equestrian skills. Max, a student at Colac College, has most recently been given the Colac Sportsmen's Club junior sports star award for 2002 in acknowledgement of his outstanding saddlery skills, which also include winning the Barastoc horseman of the year award for the third year running.

His achievements in the equestrian field were exemplified by his being chosen by a national panel of selectors to be part of an exclusive dressage development squad limited to 10 riders across the country. Max is an inspiration to every sportsperson by showing that age is no barrier, and there is no doubt in my mind that it will not be too long before we see Max competing in the Olympics on behalf of Australia. I therefore extend my best wishes to him for his future.

Sam Clifford

Sam Clifford has recently been voted the Colac Sportsmen's Club Colac *Herald* sports star of the year for his achievements over the past 12 months in the sport of shooting. A major highlight for Sam was when he won the high-gun award at the national clay target shooting championships at Wagga Wagga last year despite competing against some of the country's top shooters. He is the second youngest person to take this title and was only one target off the national record. Sam travelled to the United States as part of the Australian team competing in the Grand American titles. I have no doubt that this will not be the last time he will represent our country in this type of sports event. I congratulate Sam on his past accomplishments and wish him every success for the future.

Rosewall community centre

Mr LONEY (Lara) — I extend my sympathy to the member for Mill Park and her family.

Recently I had the opportunity to visit the Rosewall community centre with the Minister for Employment and Youth Affairs to talk to community justice program (CJP) participants. This particular CJP program, auspiced by Geelong Adult Training and Education as part of the Bracks government community building and neighbourhood renewal programs in Geelong's northern suburbs, is producing wonderful results.

Participants on that day, many of whom had been unemployed long term before entering the program, spoke with pride of their role in projects that are important to the local community.

One participant reported how having been given the opportunity to work with the local primary school she

had been able to play an important role in putting in place a walking bus and a breakfast program. Other participants reported their role in mapping the area's local businesses to ascertain their business needs, whether they employed locally and what would be required for them to grow and/or employ local people. All participants commented on how much better they felt about themselves and their lives as a result of being involved in these projects. This was particularly so as they could see their work benefiting their own community.

I commend all of the participants in the project for their enthusiasm and involvement. I commend the government for putting in place the program.

Relay for Life: Hamilton and Horsham

Mr DELAHUNTY (Lowan) — I wish to extend my congratulations to the Relay for Life teams across Victoria. I will particularly focus on two of them in my electorate.

The Hamilton Relay for Life team this year raised $87 000 for cancer research, more than doubling last year's effort. I congratulate the coordinator, Faye Gumley, and also the Glenelg Water Board for contributing — not from their rates — $18 000 to the total, one of the highest amounts of any team in Victoria.

The event shows a strong commitment to the cause of cancer research, with 52 teams competing. There were some major individual efforts. Kevin Brooks from the Uniting Church was the highest individual fundraiser, raising $1600, and Clinton Thomas clocked up something like 275 laps. The highest total number of laps was achieved by the Eventide rest home.

The Horsham Relay for Life event is on next Friday, 26 March, and the organising committee is chaired by Gerry Smith. Last year the Horsham group raised nearly $100 000, and it is looking to try to improve on that effort.

These events provide the opportunity to celebrate the lives of cancer sufferers, support those who are fighting cancer and honour those who have been lost. They also provide the opportunity to symbolise every step we take in this community in our goal to have a cancer-free world for future generations.

Bicycles: Upfield shared pathway

Ms CAMPBELL (Pascoe Vale) — I pay tribute today to Laurie and Pat Burchell of the Coburg Bicycle Users Group and its members, as well as those at Brunswick Bicycle Users Group, for their long-term advocacy and tireless commitment to the completion of the Upfield shared pathway. Laurie wrote to me last November outlining CBUG's relentless efforts to achieve a safe cycling and pedestrian off-road path beside the Upfield rail line.

CBUG's and BBUG's arguments and enthusiasm for the social, environmental, financial and health benefits of cycling are infectious. Age and cycling ability are no barriers in their view. Laurie's correspondence included a 14-year-old media clip of the need for pedestrian lights across the rail line in Bell Street. The Bell Street traffic has increased, as Laurie outlined, and Coburg is to become a regional activity hub.

This is Seniors Week, and to Laurie and all of those at CBUG in particular, I say congratulations. You are inspirational, and you live the message that seniors are at the age to be valued, involved, productive, active and consumer wise. I pay tribute to Laurie's enthusiasm and to Joe Zorelli's technical oversight, because they have encouraged many people of great variety in age and cycling ability to get on their bikes. I encourage others to do the same.

Planning: Bulleen drive-in site

Mr KOTSIRAS (Bulleen) — I condemn the Minister for Planning for telling the residents of Bulleen what type of development should be allowed to be built in their own backyard. The minister does not live in the electorate, has no connection with the area and has no idea what residents want.

Yet again this government has set up a committee — another committee — to look into the old Bulleen drive-in site and make predetermined recommendations. The residents are concerned that the minister has hijacked the process and ignored the wishes of all the residents, and this is despite her saying in the *Manningham Leader* that it is a win-win situation for the landowners, residents and Manningham council. She has urged the council, Parks Victoria and landowners to act on the committee's findings.

I call on all the residents to get involved and to participate in the discussions to decide on what type of development they will accept. I also call on the two local councillors, Cr John Bruce and Cr Geoff Gough, two very hardworking councillors, to listen to the concerns of all the residents and to work with them to come up with a proposal that is in the best interests of all residents.

It is disappointing to note that the new Labor member for Templestowe Province welcomed the minister's decision without questioning her reasons. The wellbeing of residents and not party politics should come first. I urge the minister to stay out of the affairs of Bulleen.

Burwood: community development group

Mr STENSHOLT (Burwood) — I, too, extend my sympathy to the honourable member for Mill Park and her family.

Today I wish to commend the work of a new community group known as CRACAS, made up of concerned residents of Ashburton, Chadstone, Ashwood and the surrounding areas. This group has developed from a residents reference group formed to advise the Ashburton and Ashwood-Chadstone community strengthening initiative. That initiative is looking at developing community development programs in the area following the very successful work of committees that I chaired, and has delivered better public housing and community health facilities to the area.

CRACAS has representatives from all sections of the community — youth, mums, ordinary workers, community activists and retired people. Among them are Margaret Taylor, a tireless worker for local schools and the Amaroo Centre, who last weekend missed out being elected a councillor for the City of Monash by only 250 votes; Arthur Larsen, who is a former vice-president of the Returned and Services League; Elsie Larkin, a long-time resident and community volunteer; and Chris Barcham, who as a young mum is the driving force behind many local community groups.

Others on the committee are involved with local scouts, school councils, neighbourhood centres and youth groups. They are a genuine cross-section of the community. Already they have lobbied successfully for council support to run in April a local kids fun day at Jordan Reserve, and they are gearing up to run a local festival in October this year. Led by Uniting Church youth worker, Lisa Carey, they are making a real difference in their community, and I commend them. I hope they continue to grow and have great success. They have my full support as their local member.

Bunyip State Park: regeneration fire

Mr SMITH (Bass) — I wish to raise a matter of great concern, particularly after the devastating bushfires in Victoria. Last Friday, 14 March, the Department of Sustainability and Environment (DSE) decided, probably in a fit of conscience, to start a regeneration fire at the Three Sisters in the Bunyip State Park. The fire was on the southern side of the range and was clearly visible to the people of North Bunyip and beyond. The local Country Fire Authority unit was not notified until late on the Friday morning that the Bunyip road would be closed. However, there was no notification to the local community, which is, and has every right to be, a bit jittery at the moment with regard to bushfires.

The decision to burn would not have been made on the Friday morning, and the affected community could have been told, either through the local newspapers or via a letterbox drop. It appears that the DSE is lurching from one act of neglect and irresponsibility to another. Surely it has a duty of care to the community to keep it informed. I say to the DSE boffins — consider the people.

Koolyangarra Preschool: reopening

Mr LOCKWOOD (Bayswater) — I would like to acknowledge the hard work of a group of people who managed to get a local preschool reopened after Knox council had closed it because of a drop in enrolments. The people of Bayswater rallied around the Koolyangarra Preschool in Bayswater, raising funds and gathering enrolments. They then embarked on a campaign to persuade the council to reopen the kindergarten. They were ultimately successful, and it is in full operation this year.

The people who campaigned hard were Brenda Key, Belinda Cooper, Tracey Thompson, Barb Morris, Bayswater school principal, Doug Elliot, and his vice-principal, Ian Michaelson. A successful committee is now running the preschool, including Doug Elliot, Kylie Steele as president, Peter Lugg as secretary, Kylie Watkins as treasurer, Kalyca Lugg, Jennie Bashford, Brielle Faragher, Tracy Hyland, Runlah Khan, Tanya Laban, Marlan Snary and Martin Williams. These people will make sure this kindergarten has a successful year in 2003 and beyond.

Preschool is more than a childminding centre; it is now a child's introduction to school education, and it sets a foundation for many things that are important to children when they start their formal school education. It is important for parents of four-year-olds to have a centre within walking distance, especially those who lack their own transport. It is vital for the success of neighbouring schools, and it is vital for the regeneration of the central Bayswater area.

I congratulate the parents, and the community that supported them in their work. I wish them well for the future. Local schools and preschools play a key role in the regeneration of central Bayswater because they maintain the link with young people.

Bushfires: volunteers

Mr JASPER (Murray Valley) — I refer to the recent devastating fires across eastern Victoria and join with others in paying tribute to the thousands involved in fire suppression and containment activities. In particular I pay tribute to the huge number of volunteers who assisted in the mammoth task of fighting the fires which lasted 59 days and burnt out 1.1 million hectares of land.

However, some discussions have now centred around the possible recognition of the work of the volunteers, including of course the members of the Country Fire Authority. Two brigades across my electorate have indicated they would rather see funding provided for the purchase of additional equipment than, say, the presentation of medals or certificates. For instance, the Numurkah fire brigade highlighted that in a letter to me, urging the consideration of funding for equipment instead of incurring the cost involved in providing medals or certificates.

They highlighted the difficulties involved in providing the names of volunteers who attended the fires. Such a list may not recognise those who provided backup by way of travel and other arrangements and assistance for people who attended the fires, as well as those who stayed at the home base to maintain the local services that are provided by the Country Fire Authority and other volunteer organisations.

I encourage the Minister for Police and Emergency Services to examine this suggestion, which has been put forward in good faith by local brigades, and to consider providing funding for additional equipment for these volunteer organisations.

Ray Jose

Ms GREEN (Yan Yean) — Last night I had the pleasure of being part of a Diamond Creek Rotary Club dinner held in honour of one of Diamond Creek's much-loved and pre-eminent citizens, Ray Jose. Ray has actively served the Country Fire Authority for 37 years, playing pivotal roles in the Diamond Creek, Wattle Glen and Hurstbridge brigades and in the formation of the Kinglake West brigade and Lower Yarra and Whittlesea–Diamond Creek groups. Ray is a much-loved elder statesman in the CFA.

Ray has also been a long-term member of Diamond Creek Probus and Plenty Valley FM, which for someone with Ray's great personality and verbal skills is a natural extension of his work. Ray and Margaret, his wife, are also an important part of the Sacred Heart parish in Diamond Creek. Tributes to Ray last night were made by Adrian Hem, ex-captain of the Diamond Creek CFA, Cr Michael Hall, Colin Sharp on behalf of Diamond Creek Probus, Father Macintosh from the Sacred Heart parish, Martin Wright from Plenty Valley FM, and his daughter, Mandy.

In his response Ray, humble as ever in receiving the honour that was bestowed on him by the community, referred to his working class roots and growing up during the Depression in Preston and Reservoir. He talked about his family and about his mother feeding families during that time. His ill health at the moment is slowing him down, and I wish him well in the future. His response at the end of the evening, 'May you be in heaven half an hour before the devil knows you are there', characterises Ray.

Melbourne 2030 strategy: submissions

Mr BAILLIEU (Hawthorn) — The government's Melbourne 2030 strategy was released in October shortly before the election. Its release was delayed for months to minimise public scrutiny. Despite explicit promises that the strategy would be presented as a draft for formal consultation, the document was released as a final position. Under pressure the government invited submissions on its implementation only and on a minimum timetable. But with no public process, no independent review and no undertaking to provide a response, that has been a sham.

It is now rumoured that over 1000 submissions have been received. Many of them have been highly critical, and adverse immediate impacts have been reported. The government must now post all submissions on the web site, establish a public and independent review of those submissions, and withdraw the ministerial direction that has obliged planning authorities, including the Victorian Civil and Administrative Tribunal, to follow the strategy, with disastrous repercussions.

Wandin Yallock Primary School: sports centre

Ms McTAGGART (Evelyn) — On 28 February I officially opened the sports centre at Wandin Yallock Primary School. This project took six years to complete. The school and the local communities rallied together to raise in excess of $400 000. There was no funding for the project from federal, state or local

governments or from the education department or sporting bodies. This is a remarkable achievement.

I congratulate the following people from the facilities group on their vision and commitment to this project: David Rosendale, Sue Lush, Robert Day, Geoff Larner, Jeff Henderson, Rocky Palmieri, Judith Bond, Kevin Walsh, Alan Harford, Anatol Miglas, Robert Crellin, John Ladner, Mary Anne Dooley, Leanne Ford, Helen Wheeler, Paul Kennedy and John Ross. I also congratulate David Glover on his architectural, building and planning expertise, which really helped to get this project off the ground.

The large crowd that attended enjoyed a performance by the school band and a brass band, and some of the students played a game of basketball on their new court and then enjoyed a sausage sizzle. I thank the principal of the school, Colin Uren, for his work on this project and for giving me some background on this small community school. May the Wandin Yallock Primary School enjoy this facility for many years to come — and once again, congratulations!

Beaumaris Returned and Services League

Mr THOMPSON (Sandringham) — This morning I pay tribute to the contribution made by the foundation members of the Beaumaris Returned and Services League (RSL). A 50th anniversary function was convened last month, and while the ravages of time have depleted the number of foundation members, I wish to note the ongoing contribution of people such as Peter Eldred, James Milane, Keith Taylor, Stan Curnow, Max and David Petley, and Robert Marden. Their family histories and their many contributions to the community very much reflect the early development of Beaumaris as a precinct, and the Beaumaris RSL stands as one of the great RSLs in Victoria. Its members include the immediate past president of the state RSL, Bruce Ruxton, who made an outstanding contribution to veterans affairs in Victoria. The current president, David McLachlan, is also a club member.

At an anniversary dinner convened by the club president, John Moller, regard was had to the development of the RSL during its 50-year history, from its early beginnings in a shed in Beaumaris through to the magnificent house on the hill today. It is one of the great RSLs in Victoria, assisted by the active contribution of many club members such as Don Carruthers, who has developed a display of memorabilia. Those members have contributed to the work of Legacy and the support of the families of veterans and servicemen in Victoria's community.

Braeside: fire response

Ms MUNT (Mordialloc) — I extend my sympathies to the member for Mill Park and her family.

On Saturday, 25 January, a fire on some open land at Braeside near Mordialloc Creek threatened nearby homes and factories. This fire was defeated by a large number of people, including Country Fire Authority career and volunteer firefighters, the Metropolitan Fire Brigade and others all working together.

I would like to place on the record my appreciation of the work of those groups, who came from far and near to help us out. They included the Helitak bird dog helicopter, the Langwarrin–Cranbourne group support van, the Springvale pumper, the Springvale tanker, the Springvale support unit, the Keysborough tanker, the Noble Park tanker, the Hampton Park pumper, MFB tanker 34, the Edithvale pumper, the Edithvale salvage unit, the Edithvale support unit, the Crib Point tanker, the Tyabb tanker, the Somerville tanker, the Balnarring tanker, the Shoreham tanker, the Shoreham quick fill, the Frankston tanker and the Chelsea support unit.

In addition the St John's Ambulance group from Cranbourne and the Metropolitan Ambulance Service helped to treat the five people who were injured by the heat and smoke. I extend a big thank you from the people of Braeside and the Mordialloc electorate to all of those who helped us.

Rumbalara Aboriginal Cooperative

Mr HARDMAN (Seymour) — On Monday I had the privilege of representing the Premier at the Rumbalara Aboriginal Cooperative luncheon for seniors and elders from all communities across Victoria, which was held in Shepparton as part of the Victorian Seniors Festival 2003.

The festival attracted people from across the state, and importantly there were a couple of tables of people from Karingal Hostel in Seymour. There were also members from the Aboriginal community of Healesville, including Dot Peters, who is a respected elder from that area. At the event there were several acts including traditional Aboriginal dancers, Torres Strait Island dancing and the Rumbalara line dancers. Many of the acts included audience participation, adding a lot of fun to the event.

I congratulate Lena Morris, Kate Egan, Justin Mohammed and all the staff who organised this highly successful event. It was a really important time to reflect on the importance of the reconciliation process and its role in ensuring indigenous Victorians are

provided with the opportunity to live as long and as healthily as we know other Victorians do. We know that Victorians and Australians are living longer, but at this stage the Aboriginal community does not share their long life. The occasion was very important.

Strides for Stroke

Mr ANDREWS (Mulgrave) — Last Thursday I had the great pleasure of representing the Premier at the launch of Strides for Stroke, a walk around Australia to be conducted by John McLachlan who suffered a stroke some years ago. He is 65 years of age, and this is his contribution towards raising public awareness of the effects of stroke and also hopefully reaching a fundraising target of around $800 000. He embarked last Thursday on the walk, which will take him two and a half years. I want to place on the record my congratulations to him on this wonderful effort. It is a great testament to his recovery from the stroke he suffered. Moreover it is a wonderful and selfless act to make such a personal sacrifice over such a long period of time to raise both awareness and finances.

His route will not necessarily be a direct one via the capital cities. He is taking the time to go via Shepparton, Benalla, Wangaratta, Bendigo and Ballarat. I am happy to provide to the honourable members representing those communities details showing when John will reach those towns so that a proper acknowledgement of his efforts can be put in place. His wife, Maryanne, is also to be congratulated. This is a wonderful effort on behalf of all those who suffer from stroke, both now and in the future.

Road safety: Frankston

Mr HARKNESS (Frankston) — In standing up for Frankston I have been running a series of round tables on policy issues. Too many politicians think they know all the answers, but I am interested in what residents think. That is why I held a road safety round table on 14 March with the following people: Julie Bible, Anna Tiamos, Bob George, Sergeant Bruce Buchan, Cameron Mattingly, Kelly Schroeter and Graham Spencer. My electorate office has received numerous requests to deal with speeding in local streets, including requests from concerned residents who have lost family members on freeways. Education, in combination with public works such as black spot programs, is crucial. Programs should also be available for young people who do not attend school.

The Fit to Drive program has been a successful, local community-driven approach to dealing with road safety issues in Frankston and on the Mornington Peninsula. Every year 10, year 11 and year 12 student receives some form of education, such as taking part in the Keys Please program. This is made possible this year through the Community Support Fund and would ideally be expanded across the state. The walking school bus program is also an excellent initiative. I endorse the terrific work of local people in dealing with road safety issues, and I look forward to working even more closely with them as a member of the parliamentary Road Safety Committee. I congratulate the people from the various organisations such as Work With Care in the Shire of Mornington Peninsula, Vicroads, the Frankston police and the Peninsula Road Safety Committee, as well as Kelly Schroeter from the Teenage Road Accident Group, who is the Frankston City Council junior citizen of the year.

Italian Senior Citizens Club

Mr MILDENHALL (Footscray) — I had the great pleasure of launching Seniors Week at the Footscray Italian Senior Citizens Club at the Footscray YMCA at a fantastic function organised by Natale Bulzoni and his dedicated committee. Much dancing, singing and revelry was enjoyed by all. This club is an inspiration to the local community and to the seniors scene in Footscray. It is a hive of energy and organisation, consistently well attended and a great participant in the cultural and community life of Footscray. It also participates actively in multicultural functions organised by government, and I know the club will be well represented at the multicultural dinner on Friday night. It also helps organise a number of social programs and provides important social contact for its members, including the traditional, established and very active Italian communities in both Footscray and the inner western suburbs.

Margaret Campbell

Ms GILLETT (Tarneit) — I would like to pass on my condolences to the honourable member for Mill Park on the sad loss of her mother. My own mother died very suddenly on 6 December last year, so I understand how she is feeling and where she is this morning.

I place on the record my thanks to a wonderful woman in my community, Margaret Campbell, who has for a number of years run a writing competition for primary and secondary school-age children called Imagination Creation. Margaret started the competition locally, with children from the Wyndham area participating. I am pleased to give full credit to Margaret, because that competition is now running virtually statewide.

There are a number of winners in the categories that Margaret has created for poetry and stories. She has also attracted sponsors, which in this day and age is quite a difficult thing to do. May I place on record my thanks to Wyndham Books, the Werribee and District Historical Society and also Westwood Real Estate for doing the real work that is required to encourage our young people by letting them know that there are careers that exist where they can be using their imagination and creativity.

The SPEAKER — Order! The member for Oakleigh has 30 seconds.

Royal Melbourne Institute of Technology: Hamilton 10MMM project

Ms BARKER (Oakleigh) — I was very honoured to attend the launch last Friday of the 10MMM project at the Royal Melbourne Institute of Technology campus at Hamilton.

This exciting new initiative will establish a multimedia project which will reach out and involve young people in an activity that will provide them with a great deal of assistance in breaking down geographical isolation.

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

GRIEVANCES

Point Nepean: army land

Mr DIXON (Nepean) — I grieve for all Victorians at the state government's attitude to the land at Point Nepean.

The attitude we are seeing from this government is one of hypocrisy and of not caring about election promises but making election promises disposable when they get too hard. The state government has been given 210 hectares of pristine bushland on Point Nepean. Part of the condition of the land being given to the state government by the federal government is that all unexploded ordnances will be cleaned up and the area handed over as part of the Mornington Peninsula National Park ready for use for tracks. It is a magnificent area of bushland that has never been open to the public before.

On 8 November in the leaders debate during the election campaign the Premier promised that the state government would, if they had to, purchase any of that land. I quote from a transcript of the debate:

> Henderson: If all else fails would you buy the defence land at Point Nepean to ensure it remains a national park?
>
> Bracks: We're actually very prepared and ready to do that very thing —

that seems black and white to me —

> but we want the owner to clean it up properly —

the owner is doing that. It will be handed over —

> … you know the explosives and the … I know I am going a bit long — —
>
> Henderson: I know the issue, if they don't?
>
> Bracks: Um, the answer is, yes, we would proceed. We have the legislative capacity to do that for our green wedge legislation that if the commonwealth ever try and dispose of this, we will make sure legislation — it stays in public hands and part of the national park.

That is rather unequivocal as far as I am concerned, and it has been said to many thousands of people. There is no denying it; it is there in black and white and many people heard it.

Not only did the Premier say that this land would remain in public hands if this government was re-elected, but during the election campaign the then Minister for Environment and Conservation came down to the electorate and also said that if elected the state government would make sure that that land, by whatever means, would remain in public hands. The then member for Frankston East also came down to the Mornington Peninsula and promised that if re-elected the Labor Party would keep that land in public hands. All the Labor candidates for Hastings, Nepean and Mornington also said — in fact they issued a very nice bright green leaflet saying it — that if elected the Labor government would keep that land in public hands and buy it if it needed to.

So they have all said it. It is in their election brochures that were sent out, it was said at public meetings, it was said in the media, it was said by the Premier on TV and also by the new member for Western Port Province, the Honourable Geoff Hilton. He also promised that the state government would deliver on that election promise.

Members of the government, including the Deputy Premier, have said on many occasions, 'Oh, no! The federal government should give it to us. It is public land, it should be given to us. Levels of government do not sell public land to each other. It belongs to the public, the same public, and therefore should be given to the state government'.

There is a bit of a local problem with this, and I think the government has been caught out in its hypocrisy. I have two good examples of the state government flogging off public land either to private sources or to another level of government — that is, local government. It is quite hypocritical to say, 'We want land for free if we are to receive it, but if you own it you've got to pay for it'.

My first example is the land around the Devilbend Reservoir — a magnificent green space on the Mornington Peninsula. That reservoir is no longer used for water storage purposes, so part of the proposal is to flog off the land. Some 55, 5 acre lots are going to be sold. Not only will the lots not be given away, the government is going to put housing on them. At least with the land down at Point Nepean the federal government has said, 'No matter what happens, no matter who buys it or who owns it, there will be absolutely no housing'. Yet we have got the state government flogging off public land for private housing on the Mornington Peninsula — and not even to another level of government! It is a beautiful environmental area.

The other example, another prime bit of public land, is the old Mornington High School site. Part of that is also being flogged off for housing, but it is also being sold to the Mornington Peninsula Shire Council — it is public land being sold to another level of government.

Honourable members interjecting.

The SPEAKER — Order! The member for Nepean, without the assistance of the member for Macedon or the member for Mornington!

Mr DIXON — The Mornington High School site, on public land, has a hall on it that was basically built through community subscription. The government has sold that hall, so there is a double whammy there as well.

These are just two examples in my electorate on the Mornington Peninsula of the government hypocritically selling off public land, even though it is at the Valuer-General's price, which is the agreement with the federal government. I have another four examples, but I have not got the time to go through them.

It is not as though the state government is going to have to pay for the 80 hectares it is being offered by the federal government, get no return and be encumbered with some sort of ongoing maintenance costs. Already community groups have offered to lease the land for quite a substantial amount of money. One group said it was prepared to put up $15 million to lease the 80 hectares from the state government. As I said, it is not like the state government is going to have to pay out $15 million, or whatever the price might be that the Valuer-General actually puts on the land, and receive no return. A community group is prepared to pay $15 million to lease and maintain the land and have it used according to the community master plan, under which it would not be used for housing or high-rise development.

What will the cost of that land be? Some people are quoting quite extraordinary amounts. The actual cost of that land is in the government's hands, and it can name its price. How can the government do that? It can do it through the Minister for Planning, who has the power to put over whatever planning restrictions she thinks that area of land deserves.

Part of the arrangement the federal government has proposed to divest itself of this land is that there is to be absolutely no residential development on that land at all. That takes a fair bit of the cost and value out of the land. The majority of the buildings, which are over 150 years old, are heritage listed and obviously there are extreme restrictions on how they can be used. However, as I said, the Minister for Planning can put whatever planning restrictions she feels are needed over that area, and that would reduce further the value of the land on the open market, or what that land is worth according to the Valuer-General.

Not only is the value of the land in the government's hands, but community groups are willing to pay the amount required in leases so that it remains public land and is protected whatever way the state government wants. It is totally in its power to do that and everybody is happy for the land to remain in public hands, as has been promised.

I was interested to learn that the Minister for Local Government said in the other place yesterday that handing over land is just not on and that the government would not be part of that. Yesterday the Premier totally avoided the question. At least the Minister for Local Government actually gave an answer and committed to not doing it. I find that quite extraordinary.

We also have an interesting precedent down there. In 1988 the federal government offered some land that it did not require at Point Nepean to the state government to be incorporated into the Mornington Peninsula National Park. That was done through an exchange of assets: the state received the land and in exchange gave other assets to the federal government. So there is a recent precedent, set under the then Labor government,

on the very same block of land on the Mornington Peninsula.

I encourage the member for Western Port Province to be vocal on this. Over the last 12 months the federal member for Flinders, Mr Greg Hunt, and I and other members of the Mornington Peninsula community have been very vocal in standing up to the federal coalition government, saying on behalf of our community, 'This is what our community wants: our community wants this land to remain in public hands; our community does not want any public housing'. We pressured, pressured and pressured the federal government and last week they came good with their offer: no public housing and all the land to remain in public hands.

I am calling on the member for Western Port Province in the other place to turn around and apply the same pressure on his government to honour its election promise to the Victorian community: the people of Victoria and especially the people on the Mornington Peninsula. He needs to get in there and stand up for his community because that is what they want. He should follow the lead of my federal colleague and myself regarding our federal colleagues in Canberra.

Environment Victoria has come out very strongly in favour of the draft master plan for the area and the federal government's gift of 210 hectares to the state government with all the ordnances cleared up, with the assurance that there will be no housing and with 10 to 20 hectares to go to the Mornington Peninsula Shire Council. Environment Victoria has come out strongly in favour also of the federal government's first offer to the state government as a priority sale. Environment Victoria has expressed disappointment at the offhand way in which the Deputy Premier said, 'We are not interested; we will not buy it; we don't care,' and that no correspondence would be entered in to, and with the government's attitude and its total intransigence on this problem.

As I said, the Mornington Peninsula Shire Council has been given 10 to 20 hectares and it will decide how much of that land it will take at Policeman's Point, a magnificent spot on the cliff top overlooking Port Phillip Bay and the Portsea township. In real estate terms it is probably the most valuable land. That will be deeded forever as public open space, so the shire cannot build anything on it and will have to maintain a park there. It will be a magnificent community facility. I know that the people of the Mornington Peninsula and Victoria are grateful to the federal government for that generous gift to the local shire and for the fact that there will be no housing on the land.

Regarding the heritage buildings that I have talked about, it is not as though the federal government will give them to the new owner, whoever that is — hopefully the state of Victoria — totally uncared for and rotten, because at the moment the federal government is spending $4 million on renovations of the buildings and in removing the asbestos. I was on the bay at the weekend and I noticed that a lot of the roofs of the old building have been removed and that the renovations are going full steam ahead. So the federal government will hand over the buildings in very good condition, as well as keeping to the promise it has made to remove all unexploded ordnances from the more than 200 hectares it is giving to the state.

Regarding the quarantine museum, rather than it existing on a month-by-month basis as it has in the past it has been given a three-year tenancy by the federal government and the people there are pleased about that.

In conclusion, I urge the government to fulfil its election promise made public by the Premier, by all the Labor candidates on the Mornington Peninsula and the former Minister for Environment and Conservation that they would do everything it took to ensure that that land at Point Nepean remained in public hands. The state government can set the price and buy it. People are waiting to lease and use the land, but it is too good an asset to waste.

Business: chief executive officer salaries

Mr LONEY (Lara) — I grieve today for ordinary working people in Victoria and Australia when their remuneration is compared to the remuneration of chief executive officers (CEOs) of Australia's largest corporations. When that comparison is made ordinary working people are entitled to feel ripped off. I am pleased that the Minister for Industrial Relations is currently in the house.

Speaker, the 1980s philosophy of 'Greed is good' is certainly not dead but well and truly alive in the senior levels of some of Australia's largest public companies such as AMP, BHP Billiton, the National Australia Bank, Lend Lease, Coles Myer, Wesfarmers, Southcorp, the Commonwealth Bank, Publishing and Broadcasting Limited, GIO and, of course, the now infamous HIH and One.Tel. Before proceeding I acknowledge the work of Bella Lesman from the parliamentary library, whose research and figures I will be using in my contribution to the house today.

Over the last 15 years there has been an explosion in salaries, allowances and benefits paid to CEOs of these companies. According to data supplied by Mercer

Cullen Egan Dell to the parliamentary library, since 1988 the average base salary for an Australian chief executive officer has risen from $112 104 to $237 476 — a rise of 112 per cent.

I will list some of their allowances and benefits: company car, car parking allowances, annual leave loading, private travel and entertainment, employer superannuation contributions, employee salary sacrifice superannuation, loan benefits, other cash payments and cost of fringe benefits tax. The value of incentive payments over the same period rose from an average $72 159 to $150 579 — a rise of 111 per cent. Within this category incentive bonuses for CEOs over the same period rose by a massive 386 per cent. Many of the CEOs that we hear about in the media earn far in excess of these amounts. *Business Review Weekly* recently found that the average salary of the highest paid executives of 80 of Australia's largest listed companies was $2.3 million.

At the same time, between 1988 to 2003, the annual total wage of their loyal employees, if they were not made redundant by those same bosses, rose by 51 per cent or by less than half that of the bosses who continually lecture them on the need for restraint. ACTU research found that the average annual salaries of Australia's top CEOs increased by 38 per cent in 2002 and blew out from an average 67 times the federal minimum wage in 2001 to 89 times the same wage in 2002. All this occurred without a whimper, of course, from the federal workplace relations minister, Tony Abbott.

This is the minister who becomes very concerned about any claim for a small handful of dollars from ordinary workers. Ordinary wage earners are entitled to ask why their request for better salaries are met with cries about having to compete locally with low-wage countries while their bosses justify these obscene increases on the grounds of being in competition with the world's highest paid executives.

Those in corporate leadership in Australia clearly do not lead by example. But unbelievably this gulf in remuneration between CEOs and employees is only the tip of the iceberg. The area in which our CEOs are really cleaning up is in departure packages. Many of these departure packages are obscenely inflated through the mechanism of stock options, which because they have no immediate value and have to date not shown up on profit and loss statements have been attractive to both boards and executives but not necessarily to ordinary shareholders, who do not know about them until such arrangements are brought to light after the departure of the CEO.

There is no evidence that, despite the rhetoric, they are tied to performance, with the leaders of some of the biggest corporate disasters in Australia taking home some of the biggest payments. Jodee Rich walked away from One.Tel with $11.7 million in bonuses in the two years prior to the collapse of One.Tel. Rodney Adler received $3.7 million on termination from HIH plus a guaranteed $480 000 annual consultancy arrangement.

Since 2000, 16 CEOs of the largest companies in Australia have departed their jobs with a total of almost $170 million in departure payments in their pockets in addition to the generous salaries they have been receiving, with many having spent little time in their companies. George Trumbull, the AMP chief executive ousted in 2000, returned to the United States with $23.4 million in his early termination package. Doug Ebert, chief executive of the National Australia Bank subsidiary in the United States of America, Michigan National, was dismissed in 2001 after the business was sold and got a performance payment and pension of $20.8 million. Sheryl Pressler from Lend Lease resigned after one year in the job with a $15 million termination package. Dennis Eck of Coles Myer was ousted in 2001 with $15 million, $5 million of which was called an early termination fee. Michael Chaney, chief executive officer of Wesfarmers Ltd, has a $7.94 million salary, which includes a 10-year long-term bonus of $6.71 million.

The list goes on and on until we come to our largest company, BHP Billiton, where Paul Anderson, the former chief executive, left after four years in charge with $18.37 million in final salary and termination benefits. That was on top of Mr Anderson's standard remuneration package for 2002 of $9 million, so on top of that there was an extra $9.37 million in termination benefits. The 2002 BHP Billiton annual report shows that Mr Anderson received an annual cash bonus of US$1.18 million for the 2001–02 year on top of his base salary of US$837 916 — or to put it in our terms, $1.53 million — as well as his other benefits, including a short-term share-based compensation of US$2.33 million, or $4.25 million, and various other entitlements. In addition his contract entitled him to performance rights that had not been exercised but which had a notional value of $6.31 million, taking the total of his termination benefits to around $10 million. He actually pulled in a total of $7.8 million in 2000–01 on what was supposedly a base salary of $1.5 million.

Brian Gilbertson, his replacement, has done even better. Mr Gilbertson took up the position with a salary of $9.22 million for the June year, and after resigning from the job after only six months the speculation is that his departure package could be as high as

$30 million. Compare that to the position of some 356 000 Victorian workers who work under schedule 1A of the Workplace Relations Act and rely for their conditions of employment on arrangements which the federal minister, Tony Abbott, holds to be fair and reasonable. Schedule 1A workers have no entitlement to benefits that are standard among federal award employees, including severance pay. The examples I will give to the house come from the building workers — the breed Minister Abbott reserves for special venom and hatred.

A building worker on a commercial building site in Victoria who has been two years on the job gets a weekly rate of $853.10 and a fare allowance of $12.62 a day. A group 3 skilled labourer on the same building site will get $738.72 and a fare allowance of $22.50 a day. A third-year apprentice bricklayer gets a $650.90 salary. What does a schedule 1A employee working on the same site, a fully qualified bricklayer, get? They get $524.78 a week or $13.81 per hour with no overtime allowance if they work longer than the standard 38-hour week. Compare that to what a bricklayer employed under an enterprise bargaining agreement would get. They would get $844.46.

So their base salaries and arrangements are not great when compared with the remuneration of the leaders of the companies they work for, but maybe they make it up in redundancies. I turn to the redundancy provisions for these workers. If one of these workers has been working two years full time on the job — not the schedule 1As, but those who are under an award — what are their redundancy rights? On their first redundancy — I note 'their first redundancy' — they are entitled to relief of up to $2000 through Incolink. Their superannuation is protected, as is their annual leave, but of course we have seen with many company crashes in recent times that while those entitlements are legally protected they are often never paid.

People who have been in a job for two years walk out with a maximum of $2000 in redundancy entitlements, compared to the multimillion-dollar payouts that the people who employ them are receiving. However, it gets even worse if one looks at schedule 1A workers because most of them who are made redundant have no access to even the $ 2000 under Incolink. Effectively they get nothing more than the statutory entitlements to whatever annual leave and superannuation they may have accrued. This is the fairness for ordinary workers under the industrial relations system that Minister Abbott likes to talk about. These are the building workers who, according to Minister Abbott, are ripping off Australia. These are the people that he attacks daily. But where is Minister Abbott when we hear about the huge, unjustified and obscene payouts to the leaders of some of our biggest companies?

Minister Abbott continues to attack ordinary Australian workers while these top-end rorts simply continue without comment. Whenever these issues are reported, Minister Abbott goes missing in action. He is not out there making the same statements that he makes about a building worker seeking a $12 a week increase. We do not hear him making the same comments about a building worker who says, 'Well if I have to work in 45 degree heat and without proper safety requirements, then I want something extra for it'. Minister Abbott says that these workers are ripping Australia off, but he has said nothing about the chief executive officers who have walked away with departure packages averaging more than $10 million apiece over the past few years, on top of very generous salaries.

I do not stop at Minister Abbott. I have not heard anyone from the conservative side of politics take up this issue and criticise those sorts of arrangements. I acknowledge that as a result of a commonwealth Public Accounts Committee report the federal government has now belatedly moved on the issue of including stock options on profit and loss statements. This will be a help, but the federal government must do more — —

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

I call the honourable member for Benalla. As this is the honourable member's inaugural speech, I ask the house to extend him the normal courtesies.

Member for Benalla: inaugural speech

Dr SYKES (Benalla) — Congratulations to you, Speaker, on your appointment, and congratulations to all other members of Parliament, especially those who, like me, have been elected for the first time.

I have enjoyed listening to the inaugural speeches of other members and learning about their pathways to Parliament, their visions and their electorates. My journey to Parliament has taken a little longer than many, and I have savoured and learned from many experiences along the way.

My journey started in Garfield, a small community in West Gippsland, and continued via Melbourne, where I studied to be a veterinarian prior to moving to Shepparton in the Goulburn Valley and later to Benalla in north-east Victoria. Along the way I played football, firstly for Garfield and later for the University Blues, followed by three years playing for Fitzroy and then

four years for Shepparton. Later I coached junior football and became involved in sports administration.

Through football I have made many friends from all walks of life and learnt many lessons. At Fitzroy I learnt to be adaptable. I started as a centre half-forward, and during my 54 senior games I played in every position except first ruck and first rover. I was too short for first ruck and too slow for first rover! I have found that being adaptable has provided me with many and varied career opportunities.

I also learnt to be humble in defeat — something we experienced often during my time at Fitzroy. On the other hand, success with other clubs, particularly Shepparton, has taught me to be gracious in victory. As a footballer I played in a number of representative sides, teaming up with previous on-field opponents to compete against other sides. This has helped me work with people of different philosophies to achieve mutually desired outcomes.

As a veterinarian I have managed large-scale animal health and welfare programs and national research programs in Australia and overseas. The Australian brucellosis and tuberculosis eradication campaign was the largest program in which I was involved. It cost more than $1 billion and took 20 years to complete. Over the past decade I have devoted considerable time and energy to Landcare, both on my farm and within the community. I have also been actively involved in the Benalla Trust Foundation, which we set up to help local families in crisis.

My particular skill is the ability to link livestock owners and people in rural communities with scientists and city-based senior bureaucrats, and vice versa. I look forward to being able to use my skills and experience in my role as the member for Benalla.

I am the second of four children of hardworking, independent-thinking parents who chose the challenge of creating a lifestyle in country Victoria in true pioneering spirit in the 1930s and 1940s. Both my parents served in World War II, my mother in the WRAAF and my father in the RAAF. For a long time I did not fully appreciate the contribution of my parents and their generation to the development and security of Australia. I do now, and I wish to record my indebtedness to them all.

I am eternally thankful to those who endured the wars, the Depression and the postwar years to help make our country what it is today. To them I say, 'Thank you for doing what you did so that we may do what we do'. The ranks of these people are thinning, and both of my parents have passed away. However, today I would like to acknowledge special people such as Mrs Donaldson and Ken Terry, who continue to inspire me with their courage, their drive and their can-do approach to life.

I also appreciate the contributions of the many people who have come to our area from other countries and who, through their hard work and enterprise, have created wealth and opportunities for us to enjoy. In particular I recognise the contribution of the many people from Italy who have contributed so much to the prosperity of the Ovens, Kiewa and King Valley areas.

My wife, Sally, and I have lived, worked in and enjoyed north-east Victoria since 1975, with a couple of breaks — once in Scotland for 12 months, and later in Darwin for 18 months. In both cases, as with each time I have travelled overseas with my work, it did not take long for me to appreciate why north-east Victoria is such a great place to call home.

Sally is a successful businesswoman and currently owns and operates a stationery and office supplies business in Benalla. She is also a very capable sportsperson and can whop me on the golf course. Sally's involvement in small business, sporting and community activities over many years has helped to give us both a good insight into the functioning and strength of country communities. We have three children. Elissa, our eldest daughter, is a veterinary nurse married to Dean. They live in Albury and are excellent with horses. Both Elissa and Dean have represented Australia in polocrosse.

Our son, Ben, is a veterinarian currently undertaking further studies in the United States of America. Ben intends to return to Australia and concentrate on the intensive care of foals, reflecting his passion for life, something which as a veterinarian and farmer I also have. Our youngest daughter, Christie, lives in London and is married to Karl, an Englishman — unfortunately! They have a beautiful daughter, Aeisha, whom we see far too little of due to the tyranny of distance.

I would like now to turn to the electorate of Benalla. It is large, at 17 000 square kilometres, and diverse both physically and climatically. The electorate extends from the Goulburn River plains around Nagambie, Murchison and Avenel in the west, to Eildon and Woods Point in the south, to the high country resorts and valleys in the east, and to Glenrowan, Thoona and Devenish in the undulating country to the north. The people of the area are also diverse, ranging from farmers, small business people and locals who have called the area home for many years to an increasing

number of people who have come in the past few years to enjoy the refreshing climate and beautiful scenery.

The electorate is well serviced by hospitals and schools which are staffed by dedicated and caring people. Funding is a perennial issue, as it is elsewhere in Victoria. The major industries in the area are agriculture, light manufacturing, retail and general services. Within each of these industry categories is a wide range of activities — for example, agriculture includes irrigated and dryland farming, dairy and beef, prime lamb and wool production, pigs, poultry, aquaculture, cereal cropping, vegetables, mushrooms, orchards, grapes, hops, tobacco, green tea and forestry.

Key manufacturing industries include ADI, which makes munitions — and I am not sure if it is a good or bad thing to be close to it at the moment; Monsbent, which manufactures particle board; Hudsons, which makes building frames; Carter Holt Harvey and several other industries based on making timber products; Schneiders, which makes electrical transformers; Teson Trim at Euroa, which makes upholstery for cars; the Benalla Spinners, which makes carpets — and I think some of the carpets in this establishment may come from Benalla Spinners. Also at Eildon there is a houseboat building industry, which is suffering at the moment. There is also electricity production in the form of Southern Hydro at Mount Beauty. There are also many other smaller businesses manufacturing a wide range of items from farm equipment to things like gas converters for motor vehicles.

A vibrant retail sector ensures access to a wide range of food, clothing, household goods, and business and agricultural equipment. Capital of the service industries, tourism is the key. Victoria's major snowfields are in the electorate, and the towns of Tawonga South, Mount Beauty, Bright, Mansfield and Eildon also provide a range of exciting tourist attractions based on the natural beauty of the area. Other parts of the area of tourist interest include the Avenel and Strathbogie wineries, the King Valley wineries, and the haunts of Ned Kelly at Glenrowan, Benalla and Euroa. Strathbogie shire has become the horse capital of Victoria, and Nagambie boasts a world-class rowing course. Benalla's regional art gallery is a must to visit, and Winton Motor Raceway attracts tens of thousands of people to the area each year.

Benalla is the largest community, with around 10 000 people. Other communities which I have not specifically mentioned in this address include Euroa, Violet Town, Myrtleford, Longwood, Strathbogie, Bonnie Doon, Tolmie, Sawmill Settlement, Moyhu, Whitfield, Jamieson, Thornton and Goorambat, reflecting that there are many communities in our area, all with different needs.

The electorate includes all or part of seven local government areas: the Murrindindi, Mansfield, Strathbogie and Alpine shires; the City of Greater Shepparton; and the rural cities of Benalla and Wangaratta. I would like to take this opportunity to congratulate the recently elected councillors for each of those local government areas, and I look forward to working with them in the future. I would also like to thank the outgoing councillors for their efforts in the past. The electorate also includes four alpine resort areas: Falls Creek, Mount Hotham, Mount Buller and Mount Stirling. Major water storages include Lake Eildon, Mokoan, Nillahcootie, Buffalo and William Hovell. Eildon particularly is the home of water sport-based holidays, and Mokoan is an excellent fishing and yachting lake.

The area abounds with people with get up and go and stickability to endure tough times, epitomised by the mountain cattlemen who embody the character of pioneering Australians, a character which is integral to Australian culture. The strength of character and resilience of people in our area is being sorely tested now by the drought, which has affected most of the electorate, and more recently the bushfires, which have impacted mainly on the Alpine shire, involving the communities of Tawonga South, Mount Beauty, Porepunkah, Myrtleford, Bright, Harrietville, Wandiligong and Dinner Plain; and the alpine resorts of Hotham, Falls Creek and Buffalo; but have also impacted indirectly on tourism in the King Valley, Mansfield, Mount Buller and Mount Stirling areas.

I commend the government for its package of support measures. The people of the electorate look forward to the return of tourism, the rehabilitation of the environment and the fast tracking of major capital works programs. I suggest that projects such as a staged sealing of the Bogong High Plains Road, the upgrading of Bright's water supply and providing natural gas to the Ovens Valley would be great projects to be fast tracked.

I must pay tribute to the many people who helped combat the fires. Over 4000 people were involved in combat and direct support, and many more in related activities. I thank the people of Parks Victoria, the Department of Sustainability and Environment, the Department of Primary Industries, the police, the Alpine shire, Vicroads, the army and other government agencies, as well as the State Emergency Service, Red Cross and other support agencies. Help from interstate and overseas was also very much appreciated. In

particular I thank the members of the Country Fire Authority (CFA), who came from all parts of Victoria to help when we needed it. The employers of the many volunteers also deserve our gratitude for releasing their staff, often on full pay. Mount Beauty's effort in raising $10 000 for their local fire brigades in less than one week is indicative of the recognition of that support that we very much appreciate.

The challenges for the future in the Benalla electorate are many. The first challenge is to overcome the effects of bushfire and drought. However, judging from the way the main street of Mansfield was humming on the long weekend, and by the vibrancy of the Alpine Valleys Wine and Food Festival at Myrtleford on the same weekend, the recovery is well and truly under way.

There must be a full and independent inquiry into the bushfires. The inquiry should cover all aspects, including preparation, combat, recovery and review, and local people need to be encouraged to have their say. The government must also immediately repair the fire control lines and damaged fences on private properties. There is also a need to ensure the provision of equipment for the CFA and continued support for volunteers.

On a broader note, I will strive to deliver more and better employment opportunities; better services, especially health, education and care for our disabled and aged; and infrastructure, especially roads and bridges. I will strive to achieve the equitable use of water and to protect and enhance our environment and natural resources with a focus on issues such as Crown land management, acidity and waterway health. I will fight to save Lake Mokoan and ensure it is managed more efficiently. Specific issues include Kirwans Bridge, the rehabilitation of petrol station sites, the upgrading of sporting and community facilities and the putting in place of a better library in Benalla.

I will also focus on our children for they are our future and they must be our priority. I will support you-can-do-it programs and team sports and anything else that helps provide our children with role modelling on becoming good citizens.

I thank the previous members for Benalla, particularly Denise Allen, Pat McNamara who represented the electorate for 18 years, Tom Trewin for a similar period before him, and Albert Cook for an even longer period before them.

I also thank the many people who have assisted me: my wife, Sally; my daughter Elissa; my niece Fairlie; Senator Julian McGuaran; the honourable member for Gippsland South, Peter Ryan; and many other people.

I am here as a member of the National Party because I share the National Party values — values shaped by life's experiences and not just political ideologies. I am also here because I greatly admire Peter Ryan for his strength of leadership, his energy and his integrity. We will work together to represent the interests of country Victorians. My wish is to earn the respect of the electorate, the people of Victoria and the Parliament, not only by my ability to get things done but also by the way I go about it. Thank you.

Applause from gallery.

The DEPUTY SPEAKER — Order! There should be no acclamations from the gallery.

Richmond: East Timorese community

Mr WYNNE (Richmond) — Deputy Speaker, I commence my contribution by acknowledging your rise to the distinguished position of Deputy Speaker of this house, a position I know you will undertake with your usual level of professionalism and fair play.

I also commend the honourable member for Benalla on his inaugural speech. I share some commonality with him because my wife spent six very happy years living in Benalla and working as the director of its fine art gallery. Sadly we had to live apart for the first six years of our marriage because she was delighted to have the opportunity to be its director. I spent many weekends in Benalla and enjoyed the great hospitality of the people of the district.

Today I grieve for a serious and very tragic matter, which is the plight of the East Timorese community. As many members would be aware, my electorate of Richmond houses the vast preponderance of the East Timorese community who, at least at this point, call Australia home. People will well remember the devastating Dili massacre inflicted upon the East Timorese community in the early 1990s. Who can forget that horrific television coverage of people being mowed down, killed and fleeing for their lives? That is what the people who are living here in Australia fled. They fled tyranny and massacre — they literally fled for their lives.

About 1500 East Timorese live in Australia with their families. They are what are called principal applicants. A community of East Timorese lives in Darwin, but the vast preponderance of the East Timorese community call Melbourne their home. Many of them live in the high-rise estates in Richmond, although a number live

in Dandenong and Springvale, and in the Moonee Valley and Maribyrnong local government areas. They have lived under temporary protection visa status for a number of years. Many have lived in Melbourne for up to 10 years. In effect these people have made Melbourne their home. They live and work here, and their children were born and are educated here. Of course their original home was East Timor, but they fled and have now made Melbourne their home and sought the sanctuary of Australian democracy and an Australian way of life — the quality of life that was so cruelly taken away from them during their time in East Timor.

We now find that the federal government is reviewing all of those cases. It has said that the temporary protection visa category these people currently operate under should be subject to review and has indicated, as it has indicated in the case of so many people who have sought refugee status in this country, that they should be sent home because there are no longer any humanitarian or security reasons for them not to return, or threats to the East Timorese community, and they should go home.

What a situation to find yourself in — having fled oppression and the very real threat of death, having fled from a country that has been absolutely devastated and lived in Australia for a period of up to 10 years, having established yourself and educated your children here, you are now asked to go back to a country you no longer know.

This is an intolerable situation for Victoria to find itself in. The Victorian government and the Premier have shown extraordinary leadership. The Premier was one of the first political leaders in this country to visit Timor. He saw at first hand the devastation that had been inflicted upon that country prior to its independence. He reached out a humanitarian hand to offer real practical assistance to the community in Timor. But he did more than that. Not only did the Premier show moral leadership, he showed practical leadership, which is a hallmark of this government. It said it was not prepared to allow the Timorese community to be cut loose. The community has called Melbourne its home but it is now effectively stateless because its situation is under review by the federal government.

So what we have done as a state government is to provide in my view the most comprehensive safety package of any state government in Australia. It goes to the most fundamental and basic things that we as a humanitarian society would expect. It goes to issues like providing housing access to the Timorese community. The former Minister for Housing is sitting at the table now, and through her direct intervention she said, 'No, the East Timorese community is not going to be thrown out of this place. We are going to reach out our hands and provide support to these people at this most vulnerable time in their lives'. So we provide the most basic form of support — housing support.

We also provide health support through our community health centres. Again, in her new capacity as the Minister for Health, the minister has provided direct and very basic support to the East Timorese community through the North Richmond community health centre, which we fund. We provide educational support to those young children who are attending state education at the West Richmond Primary School. We do more than that: we provide access also to an education maintenance allowance to provide for those basic services that these children need — books, uniforms, financial support for outings and libraries and the sort of access that is provided generally to the community.

We have provided community services support that is much needed by the Timorese community through the health centre and through the Minister for Health, with a direct grant to the North Richmond community health centre to provide a community development worker to work with the Timorese community to develop it and to support members of the community in their application process to the federal government.

But our support goes further than that. The Attorney-General, in that humanitarian way for which he is so well known, immediately came forward and said, 'This is a critical time in the life of the Timorese community. They are undergoing review. We will provide legal support to them to assist them to mount their cases'. He provided an initial grant of $65 000 to the Refugee and Immigration Legal Centre, which recently came back to the government saying that it was in such a crisis situation with more than a thousand applications before it that it needed further support. What did the Bracks government and the Attorney-General do? They said yes. I put my hand up again and was told, 'Here is another $50 000 to further support the Refugee and Immigration Legal Centre' — and the Attorney-General is attending in the chamber now — to provide that much needed legal support to the Timorese community'.

The Labor state government has provided a comprehensive safety net package, but what has the federal government done? The Premier has now written three times to the Prime Minister saying that these people should receive a humanitarian response from the federal government. There should be a special visa

category for this East Timorese community. A precedent has been established for this. We should not forget that the former Hawke government provided a special visa category for Chinese students who had fled the Tiananmen Square massacre. So there is an already established precedent for these East Timorese people whereby the federal government could today at the stroke of a pen make a reasonable humanitarian response that it would provide a special visa category for this community which has lived here — let us not forget — for up to a decade.

But no, firstly, the federal government does not have the decency to respond to the Premier's three letters; and secondly, what response do we get from the Minister for Multicultural Affairs, the Honourable Gary Hardgrave? They should be sent back! I quote from a news report:

> 'The Australian government and the Australian people have invested tens of millions and more to come in the nation of East Timor to build a country out of the debris that was left behind', he told reporters.
>
> 'And I think the people who are in East Timor want their countrymen to come back and be part of that process'.

At a recent forum the Consul-General for East Timor, who is based in Sydney, very clearly stated the position of the East Timorese government — there is no place for these people at this time. The country of East Timor has been devastated. The most basic infrastructure — roads, communications, electricity — is not in place, and to add insult to this response by the federal government, it is suffering a drought. East Timor does not have enough water or enough food. The East Timorese government cannot assist the people who are there at the moment, much less take back another 1600 families.

What was the response of the Leader of the Opposition? I would have hoped the state Leader of the Opposition might have taken a bipartisan and Victorian approach to this humanitarian crisis. What did he say? I will tell the house essentially what the Leader of the Opposition said: 'These are not easy decisions'. Absolutely they are not easy! He said that you have to take everything into account. The federal minister has now done that and made a decision — that is, that they go home. I thank the Leader of the Opposition very much for the tremendous sense of support he provides to the East Timorese community. One would have thought that for once we could have had a bipartisan approach to this, that we could have stood up as a Parliament and said, 'No, the Parliament of Victoria stands with members of the East Timorese community and supports them. They should have a special visa category here in Victoria'.

In the few moments I have left I want to quickly touch upon the role of local government and acknowledge the extraordinary support provided by local councils which host so many of the East Timorese community. In my own electorate, the mayor of Yarra City Council, Sue Corby, and her councillors provide fantastic leadership in supporting the campaign to assist this community. As well, the cities of Maribyrnong, Springvale, Dandenong and Moonee Valley have worked fantastically together on a strategy to assist the East Timorese community in both a political and a very practical way. I acknowledge today particularly the City of Yarra, and the mayor, Sue Corby, for the leadership they have shown.

At the end of the day, this comes down to a simple proposition: when things are wrong you can reach out as a community and provide a humanitarian response. What we are seeking is the most basic level of support for the Timorese community — the support of knowing where they can live in the future. They should be able to live here.

Bushfires: victims

Mr PLOWMAN (Benambra) — Before I join the grievance debate, Deputy Speaker, I also add my congratulations to those of others on your appointment to this post. I am quite sure, knowing your track record well, that you will provide not only the fairness this position requires but also the wisdom that is needed to keep this house in good order. I look forward to being party to that.

I grieve this morning for the victims of the recent fires — not only those who have been burnt out by and suffered from the fires but those who have suffered the trauma of being on a knife's edge for six weeks knowing full well that at any time in that period they could have been burnt out, lost their farms and had their families put at risk. I know full well, having been part of it for the first four of those six weeks of the fires, that this had an enormous impact on those families. Now very many of them are suffering a degree of trauma because of the feeling of complete let-down afterwards.

I particularly want to use this contribution to the debate to air my concerns, because I do not think the government is showing any real sign of responding to the real concerns of these people. They have suffered from the fires while continually fighting them for up to six weeks in a row. These people who helped put out the fires are now suffering from the post-traumatic

anxiety of believing that the fires will recur unless something is done by this government.

The main avenue available to the government to satisfy the real concerns of the fire victims is the establishment of an open, public and independent inquiry into all that occurred in the lead-up to the fires, during the fires and as a result of the fires. Unfortunately — in fact sadly — under the current government's proposal this will actually not occur. The inquiry that is being established will be neither open to public scrutiny nor properly independent. Suggesting that the office of the Emergency Services Commissioner is independent of government is like asking the Chief Commissioner of Police to be impartial when she is reporting to her minister or the government about the performance of her police force.

When I asked yesterday for the terms of reference of this inquiry it was made clear that no terms of reference are available. When I asked who the two people are who will be supporting the commissioner, again there was no answer from the Premier. Frankly that is just not good enough. It is now more than 10 weeks since these fires started. When I asked these questions in the first sitting week the response was, 'We will wait till the fires are over'. The fires are over. I asked the Premier again to give answers to these very vital questions.

It is extraordinary that this inquiry is going to be limited to written submissions. It will not be open to verbal submissions or to open public inquiry. The reason I have concerns about that is that in the main firefighters are not submission writers. The best submission writers are people who are constantly using a pen to put on paper what they think about things. These firefighters speak from the heart, and they need the opportunity to give that advice to the government and the community and to provide the best advice available as to what went wrong in these fires by way of saying what they have to say.

The questions that the victims of these fires are asking me need answers, and the questions are multiple. The first one is, 'Will the government be prepared to change its forest management practices?'. That mainly opens up the question about fuel reduction burning. Undoubtedly for those areas that are locked up in national parks and state forest we need to introduce a systematic program of fuel reduction burning which has a maximum cycle of 15 years.

A joint media release from the Department of Sustainability and Environment and the Country Fire Authority on 24 January stated that there are 7.7 million hectares of parks and forests and that 400 square kilometres of hazard reduction has been done over the past five years. If you add that to the fact that about 41 800 hectares is the average area of those forests that is burnt each year, you see that under that burning-cycle regime it would take 450 years for everything to be fuel-reduction burnt — 450 years! Clearly we need that fuel reduction burning over a maximum of 15 years, and those areas close to human habitation need to be on a maximum of 5 to 10 years.

In the 1960s and 1970s over 300 000 hectares were burnt annually in the Orbost area alone. That is indicative; probably about 10 times the amount that is currently burnt. To have a situation where it would take 450 years to get through fuel reduction burning at the rate we are going clearly indicates how inappropriate that is.

Recently there was a forum run by the Institute of Public Affairs at which Dr Phil Cheney from CSIRO Forestry and Forestry Products spoke about fire intensities running between 20 and 100 000 kilowatts per hectare. That is based on the amount of fuel load on the floor of the forest. That gives you an idea of the difference between an area of forest that has been fuel reduction burnt and area that has not. With an area that is fuel reduction burnt with about an eight-year rotation, it gets down to about 15 tonnes per hectare, and that can be handled by rake hoes, firefighters on foot and aerial support with water bombing.

When you get to fires like the one at Canberra you get to fire loads of about 50 000 kilowatts per hectare, which gives you an indication of the extent of the heat in that Canberra fire. That is the reason why that fire was so hard to control when it burnt into the outskirts of the city.

The other person who spoke at that meeting was Syd Shea, who is the professor of environmental management at the University of Notre Dame. He talked about those fuel loads and the fact that we are teaching our students in primary and secondary schools and, more importantly, in tertiary institutions that we can live with a system of forest management that generates this build up of fuel load.

He talked about the Aboriginals, who used fire to farm the country. The whole schedule of burning has gone from the geological fires of the past and the taming of the bush, which was the way the Aboriginals farmed with fires, to the situation now where we have feral fires. Until we recognise that and change our education system we will not get to a position where we can control fires in the bush, nor will we get to a stage

where we can properly manage those areas of bush and forest.

The second issue is that it is essential that the government live up to its promise after the Glenorchy fires of providing assistance for the rebuilding of boundary fences. People in those areas that were burnt out or who had fences deliberately destroyed by back-burning or building containment lines desperately need that assistance to rebuild their boundary fences.

The next issue is whether the government will restore the containment lines built on private land. It has done a lot to restore the containment lines on Crown land — and legitimately so. There were containment lines which were very wide, and areas of private land were bulldozed to contain fires that were burning on public land. It should be the responsibility of government to atone for that.

Will the government provide appropriate assistance to farmers who have lost their water supplies as a result of those efforts to contain those fires on public land or put out those fires as they burnt from public land to private land? Again, this is a very important issue to farmers, particularly in the Gippsland area. It is important also that the government review its policy that cattle grazing in the alpine and forest areas in the eastern parts of the state be removed. Again, the evidence from these fires unmistakeably shows that where there has been grazing the fires have been restricted in ferocity and in very many cases have been contained by the grazing in the alpine areas.

It is most important that the government also rethink its policy on removing the hardwood logging industry from the forest areas of this state. We have the best resource in those people who have been trained in forestry management and, as a consequence, in fire management. Three people in my area made an extraordinary contribution to the management of those fires: Ernie Cole, David Skase and Jeff Ross, the first two in the Razorback track fires, and Jeff Ross principally in the Pinibar fires. These three men are examples of people trained in forestry throughout the state who committed an enormous amount to containing the fires to something that was manageable and properly managed in the areas they were in.

The loss of logging contractors through those areas is also an enormous loss of those people properly trained in forest management. When we lose those logging contractors, we also lose the heavy machinery that they have at their disposal, which was used throughout all those fires in north-eastern Victoria.

The third loss is of the logging tracks, which give access for firefighting. The last question that needs to be asked of the government is: will it review the recommendations following the 1939 fires and the Ash Wednesday fires? The review from the Ash Wednesday fires clearly states:

> Fuel reduction through controlled burning is the only effective means of significantly reducing forest fires … Whilst conservation aspects must be respected, they should not be allowed to override reasonable safety measures achievable by fuel reduction.

It also states:

> Local government legislation should be amended so that conservation interests cannot overbear sensible fire prevention and protection measures.

These recommendations from this report on the Ash Wednesday fires have not been supported in the last 20 years. It is important that this government looks closely at that report, and that it does respond to all those questions that are asked of it.

Finally I offer my gratitude to all the Victorians — and there are probably about 10 000 of them in total — who contributed to fighting these fires in every way. It was a wonderful effort, and I am deeply grateful on behalf of all Victorians, particularly those Victorians in my area who were affected. I conclude by expressing my condolences to the family of Cheryl Barbara Frankhausen, who tragically lost her life as a result of these fires.

Iraq: conflict

Mr LANGUILLER (Derrimut) — Today I rise to grieve the eventual fact that Australia will be at war in the next few hours or days. I also grieve because bipartisanship in terms of how we run this country and its foreign policy, which has lasted in Australia certainly over the last 25 years, has collapsed. It is unfortunate that we have no agreement at a federal level on the management of this conflict.

I also grieve because there is also unfortunately an increasing degree of frustration with, and indeed a level of collapse in, the way the United Nations (UN) has worked and is working. Indeed, the countries that form the coalition of the willing are increasingly positioning themselves as an alternative forum and body for the purpose of running international relations in the world.

In addition, one fundamentally has to grieve because troops of our own young men and women are out there under the command of Prime Minister John Howard, and they are on instructions in relation to engagement

in the war with Iraq. Inevitably, as happens in wars, we are likely to lose lives. Our strong good wishes and good desires, including the desire that they come home soon and safely, go to them. We have an enormous amount of respect, not only on this side but on both sides of this chamber, for our men and women who are doing their job and discharging their duties as members of the Australian armed forces.

May I qualify my remarks by putting on the record what is obvious — that is, I am not an expert in this matter. Indeed I do not claim to have all the knowledge that I should have in relation to this conflict. But I can tell you one thing, Deputy Speaker: I have received numerous deputations and representations in my electorate by many members of the community indicating that they are against the war because they do not know why we are at war.

In a democracy like ours in Australia the question of why we are at war is fundamental. It is fundamental not just to the Prime Minister — not only he should know why we are at war — but to every Australian citizen. Every member of the community is entitled to know, if we are to be engaged in war, why that is the case. The plain and simple answer is that there is not a single answer. The Prime Minister has failed to pass the test of explaining why we should be at war.

Australia has maintained the centrality of its alliance with the United States. Australia has maintained the centrality of its adherence to the United Nations collective security system. Australia has maintained the centrality of its strategic engagement of its region. These have been the fundamental pillars and premises upon which governments of both persuasions — certainly the Australian Labor Party over the last 25 years — have developed and conducted foreign affairs.

It is strategic — and may I qualify that and say unashamedly so — that Australia maintain a relationship with the United States of America. Certainly the ANZUS treaty should be upheld. In addition to and concurrent with that is a very strong commitment by the Australian Labor Party to the United Nations and the way in which the UN functions. We in the ranks of the Australian Labor Party are strongly committed. May I separate 'us' from 'them' because bipartisanship in relation to this matter no longer exists. We have been committed to the United Nations and the way it works. We are committed collectively and fundamentally to collective security. Primarily we are committed, certainly in the initial stages and as far as possible, to a policy of containment before we move on to a policy of intervention.

There is a problem because our commitment to the United States should not be exclusive of our commitment to the United Nations. Wrong and imperfect as the United Nations may be, it is much better than any system or any system that preceded it. I think in that light we must continue to be committed to the United Nations. We must also be committed to the United Nations because we are a small nation. If there is anything to be gained by collective security at the UN level, if anyone is to gain anything by it, it is small nations, because the UN is a group of fundamentally small nations.

At the third pillar of Australia's foreign affairs relations and policies and the way in which we think this country should conduct itself as a member of the international community, there is a commitment to the region. We are part of Asia and the Asia–Pacific. We must be, and certainly claim that we will be, entitled to maintain a healthy and constructive relationship with the region, and indeed with our neighbours.

The three pillars on which our nation should have continued to work — that is, the relationship with the United States, the strong commitment to the United Nations and the strong commitment to our neighbours — have been let down by the Prime Minister of Australia, Mr Howard. Why? Because the Prime Minister has gone unilaterally with the United States, ignoring the views and sentiments of our neighbours and ignoring the propositions that have been advanced by the United Nations.

We have not been able to secure agreement among the five members of the security council, and we have not been able to secure or strike an arrangement or consensus at the general assembly. We have not been able to do that because there are members of the international community and members of the United Nations who believe that this conflict can be resolved in a different way.

Let me put it plainly on the record what is not in dispute in this chamber — Saddam Hussein is a dictator. He, himself, has tortured and been responsible for the disappearance of thousands of people. He, himself, has used weapons of various types on his own people. No-one claims that Saddam Hussein is not responsible for the lives of thousands of people from both his own country and neighbouring countries. But that is not the point. The point is: how are we going to resolve this issue? It appears that through unilateral action by the United States, Howard and Blair it will be resolved by military might.

I put it to you, Deputy Speaker, that had we had a strong commitment by the United Nations to and consensus around the proposition of surrounding Saddam Hussein — his borders and his system — there was a much better opportunity of resolving this crisis by way of international pressure and diplomacy instead of by way of military intervention.

Let us understand what the Prime Minister is saying. Fundamentally he is advancing four arguments: first, we must unilaterally attack Iraq to prevent another terrorist attack as in Bali; second, we must unilaterally attack Iraq to prevent Iraq giving weapons of mass destruction to terrorists; third, we must unilaterally attack Iraq to prevent other rogue states giving weapons of mass destruction to terrorists; and fourth, the great humanitarian afterthought, we must unilaterally attack Iraq because of our federal government's unique, deep and longstanding concerns over the human rights of Iraq.

I am referring to the debate that was and is currently being conducted in federal Parliament. Time will not allow me to cover the responses that have been submitted by the Shadow Minister for Foreign Affairs, Kevin Rudd, and the federal Leader of the Opposition, Simon Crean. In their response they say that the Prime Minister has failed the test. On this side of the political spectrum in Australia, we do not believe that a case has been made against Saddam Hussein.

The Central Intelligence Agency (CIA), through its director, George Tenet, said in a letter to the Foreign Intelligence Committee of the United States Senate on 9 October 2002 that at present the likelihood of Iraq providing weapons of mass destruction to terrorist organisations was remote and that the likelihood of Iraq engaging its weapons of mass destruction itself was remote.

When asked further what were the circumstances under which it would be more likely or even probable that Iraqi weapons of mass destruction would be provided to terrorist organisations or be used by Iraq itself, George Tenet said that in the circumstances of a USA-led attack on Iraq Saddam Hussein may be tempted in an end game situation, which may be very near indeed, to use his weapons of mass destruction in a single, last defiant act.

This is the view of the director of the CIA, George Tenet. Honourable members on this side of the house grieve because we are on the verge of war. I put on the record the fact that a group of parliamentarians, including the honourable members for Melton, Coburg and myself and others — there are many on this side of the chamber — have launched Parliamentarians for Peace and have called upon members on all sides of politics to adhere to its statement, which says:

> Parliamentarians for Peace unequivocally condemn the terrorist outrages of the 2002 Bali bombing and the 11 September 2001 attack. They were violations of human rights and attacks on innocent people of many races.
>
> Parliamentarians for Peace do not support Saddam Hussein or his regime or their abuses of human rights, especially of the Kurdish peoples, but these abuses need to be resolved under the rule of international law.
>
> Parliamentarians for Peace call on the Australian government to pursue non-military solutions to disarm Iraq of weapons of mass destruction, including diplomatic and political means and the continued use of weapons inspectors.
>
> Parliamentarians for Peace believe that military action against Iraq will neither eradicate the threat of terrorism nor create a stable international framework in which the rule of law will be observed. On the contrary, an attack on Iraq will increase the danger of terrorist retaliation against Australians and the nationals of other countries involved in an attack on Iraq.
>
> Parliamentarians for Peace reaffirm a tolerant and multicultural Australia, and we oppose racist scapegoating of any community.
>
> Parliamentarians for Peace are totally opposed to any pre-emptive military attack on Iraq.

I oppose war because I have known war. Tragically I have lived in a country under a dictatorship where 1 in 50 of the population were incarcerated. I have spent sometime in El Salvador as a member of a peace-keeping group, and I have also spent sometime in Nicaragua. Having known war, I oppose it. I strongly believe that the United Nations should be the body through which the terms of reference and the framework of this conflict should be resolved. I believe we should give the arguments and the efforts of the United Nations a go. I believe this war is unwarranted, and it is one that will not strengthen the United Nations. As wrong and imperfect as it might be, I strongly believe we should continue to work with the United Nations.

I also strongly believe that we have to go back to the fundamental foreign relations pillars of both parties — a strong commitment to the United States alliance, a strong commitment to the United Nations and a strong commitment to our neighbours. I believe our policies should fundamentally aim at striking a balance between those three pillars of our commitments. One should not be done at the expense of the others. We should continue to work to pursue peace, and hopefully the issue will be resolved satisfactorily.

Minister for Police and Emergency Services: conduct

Mr WELLS (Scoresby) — Acting Speaker, congratulations on your appointment.

I grieve for the people of Victoria regarding law and order, and in particular the way the Minister for Police and Emergency Services has handled his portfolio. We need a minister who will lead the government to address the law-and-order needs of the Victorian community. Over the three years since the Labor Party has been in government violent crime or crimes against the person are up by 16.8 per cent — and in the last financial year they went up by 6.2 per cent. Regardless of the number of promises or the amount of money the government has put into law and order, it is failing in this area.

I want to grieve today about the Ombudsman's report into the statement by the Minister for Police and Emergency Services about the Liberal candidate for Yan Yean, Matthew Guy. It makes interesting reading, and it is important that we go through the report to get to the bottom of the case.

On 15 October the minister sought, through an adviser, information from the police about the Matthew Guy incident. The information was supplied the next day, 16 October. On 17 October the minister came into Parliament and in a disgraceful display, possibly the worst display we have ever seen from a minister of the Crown, unloaded on an ordinary citizen under parliamentary privilege. The first thing you would ask is whether, if he were really committed to what he believed in, he would have made that statement on the steps of Parliament. But no, he acted in a way that only a coward would act: he used parliamentary privilege instead.

In that speech he accused the Liberal candidate for Yan Yean of deceit, saying, and I quote:

> This individual is responsible for a deceit against the electorate. He has lied to the media, he has lied to the electorate …
>
> I think somebody who is a liar and a thief is unfit for public office.

The minister said that under parliamentary privilege. How embarrassing it was that on Tuesday, 29 October, 10 days later, the minister apologised in Parliament to Matthew Guy, saying:

> I accept Mr Guy's public assurances that he was not charged in relation to this incident and that the belief on which my remarks were based was false. I apologise to Mr Guy.

How embarrassing it is for a minister of the Crown to have to back down on what was a cowardly act.

I refer to some of the details of the Ombudsman's report. The police officer who handed over the information was Inspector Bill McKendry. My office has had many dealings with Inspector McKendry. He is a very dedicated, loyal and accurate police officer, who after the incident was promoted by the minister to a high position. We do not have a problem with that: if it was based on merit we strongly support it. In a briefing note of 18 October that Bill McKendry wrote to Christine Nixon about this incident he described how he received a telephone call from Deborah Owen, the minister's adviser, requesting information about the Matthew Guy incident. He then went into how the information was obtained. The crux of the problem in the Ombudsman's report appears as point 3, which states:

> I was assured that the information was necessary for the minister to discharge his ministerial duties and would be treated in confidence.

I repeat 'would be treated in confidence'. The police handed over specific documents about this incident to the Minister for Police and Emergency Services on the understanding that they would be treated in confidence. In effect there was an agreement between the minister and the police, and he broke that agreement. He broke it because he did not treat the information in confidence. The issue is that he brought this information into Parliament and under parliamentary privilege unloaded on an ordinary citizen. So the terms of the conditions under which he was given that information were broken at that point.

Every Labor backbencher would be asking who is next. Which piece of information will the minister obtain from the police to use in this place and unload on a group or an ordinary citizen he does not like. What safeguards are in place? If the minister does this again, how can we in the general community feel safe and secure about information the police obtain about citizens? The Premier did not sack the minister as a result of this awful breach whereby he lied to the police force. If the Premier does not have the conviction or the backbone to sack him for this, what safeguards are in place to ensure that this does not happen again?

When the minister was interviewed by the Ombudsman he made it clear that when information was passed to him — the minister — by police on a confidential basis he would respect that confidentiality. He has told the Ombudsman that if something is given to him in confidence he will respect the confidentiality, but when information was given to him he brought it into this

place and that confidentiality was broken. So we have a serious problem. In an interview with the minister's adviser, the adviser told the Ombudsman that confidentiality was a given. I quote from the report:

> However, she said, confidentiality was 'a given' when police provided information for the minister at her request. She explained that the 'given' with confidentiality of information passed by police to her was simply that the information passed to her at the request of the minister would not be disclosed by her to anyone other than directly to the minister.

So it is clear that the adviser and the minister both believed that the information should be treated in the strictest of confidence. But the minister did not do that. He broke that confidence.

I refer to the interview of Inspector Bill McKendry outlined in the report. His understanding was that the confidentiality attached to the information meant it would be provided to no-one other than the minister and that the minister would keep the information confidential. The police force is telling the minister that the information should have been treated confidentially. The minister does not understand that, or if he does understand it, I repeat, he has lied to the police.

There is also some confusion about the information that was given to the minister. The adviser, Debra Owen, said on the one hand that the minister was not told that his name was not included in the report and on the other hand that the minister misunderstood what information was given to him. When you look at it carefully it appears that Debra Owen and Bill McKendry gave the right information to the minister but the minister misunderstood it. Debra Owen said that the minister was confused about the information she gave to him! It is an interesting situation.

What makes it even worse is that the minister asked for an apology. On 3 March after the Ombudsman's report was released he said that the Leader of the Opposition must apologise to him. One paragraph in his press release is interesting. It states, 'Mr Perry has made no adverse finding in relation to me'. I am not sure whether he has actually read the report, because in his report the Ombudsman said:

> As I emphasised at the outset, how the minister eventually used the information and the manner and context in which the minister conveyed that information is not an issue for me. I have no jurisdiction over the actions of the minister. Any issue of this nature is an issue for Parliament.

So how can the minister make a claim in one of his press releases that there was no adverse finding in relation to him? Because the Ombudsman does not have the power to investigate the actions of the minister, of course there was no adverse finding. The claim he is making is ludicrous. It is clear from this report that the minister received the information. It sets out that Bill McKendry gave the information to Debra Owen, but it is what the minister did with that information that is the issue — that is, he broke a confidentiality agreement with the police by using that information in this place.

Given that the Ombudsman has said very clearly that he does not have the power to do anything, I ask why the Premier has not taken any action against the minister? He has lied to his own police force about the treatment of that information. He said, 'Give me the information and I will treat it in confidence', but the day after he gets the information he comes into the house and breaks that confidentiality in an embarrassing way because he gets it all completely wrong and then has to come in on 29 October 2002 and apologise to Matthew Guy.

There are a few issues that we on the opposition side would like to know about. Firstly, what disciplinary action will the Premier be taking against the Minister for Police and Emergency Services? Secondly, what action will the Premier and the police minister be taking to ensure that this does not happen again, because, as I said, if the minister does not like a particular individual or group there is nothing that would stop the minister from getting confidential police information and bringing it in here and using it to unload on ordinary citizens?

While all that is going on, we have the situation of the police force not working in a way that the general community would like it to work. That is a fair comment. That is why we are calling on the minister to step up and become a leader in law and order.

In their annual report the police set their own targets. I suppose the police consult with the Minister for Police and Emergency Services about what should be achieved. It was said that a target would be set down for 2.5 million hours, but they only came up with 2.46 million hours, so there is a shortage.

Mr Nardella — That is shocking!

Mr WELLS — For once I agree with the honourable member for Melton, it is shocking. He is dead right! The report goes on to say that the police, in consultation with the minister, set a target of 1.44 million hours of investigations of crimes against the person, but they only came up with 928 000 hours, which means they were 500 000 hours short. The reason is that they had a target of only 850 000 hours with regard to road traffic law enforcement, but they came out with a total of 1.1 million hours, which means

they were 250 000 hours over their own target. If you set a target you should aim to reach it. If there was ever a case of blatant revenue raising, the annual report confirms that the government is taking police out of crime-fighting activities and putting them into road traffic safety enforcement. Some $334 million has been raised in revenue this year. There has been a massive increase.

Honourable members interjecting.

Mr WELLS — Through interjection government members are asking, 'Where is your proof?' Let us look at the police report. It shows that the government has taken police out of law enforcement and fighting crime and put them on the road for revenue raising. The figures have been confirmed. If anyone on the Labor side of the house can dispute these figures, for goodness sake they should stand up against their Minister for Police and Emergency Services and tell him he is wrong. Tell him to stop the unfair pressure he is putting on the police force to raise revenue. That is what we need — members of the government backbench standing up to the minister and making sure we get our police force working for the community.

Keilor: market gardens

Mr SEITZ (Keilor) — I rise to grieve on several issues concerning my electorate and my constituents. The first is the problems the Keilor market gardens are facing, which I raised yesterday in my 90-second statement. The Keilor market gardens have been part of my life since my youth. As a youngster I used to swim at the Arundell swimming hole. All the young ones used to go there, and I note that the honourable member for Gisborne is indicating that she was part of the swimming group. However, we cannot do that now because of the blue-green algae, so it is dangerous to go swimming in the Maribyrnong River. It is important that members of the public know about the danger, because people use Brimbank Park and the surrounding area, particularly in the warm weather. They also use the river, and they must be warned against it. As I said, the swimming hole was our favourite spot in the area.

There was another swimming hole at the end of Stenson Road on the Maribyrnong River — on the other side of the Calder Freeway — again where there were market gardens. I had quite a lot of input on that, along with a former Liberal Minister for Local Government, Alan Hunt, and the Board of Works. We persuaded the minister to buy up the farms and market gardens that were no longer viable and turn them into parkland. I am sure many honourable members and members of the public are familiar with Brimbank Park, which has been replanted with native vegetation and has developed quite well over the past 30 years. The younger generation today would not recall that that was all market garden, because it has been returned to its original state and turned into a beautiful park for the people of Melbourne to use — and it is extensively used.

In the late 1970s Alan Hunt shifted portfolios, and the buying back of all those properties ceased. That was very important, because prior to that many people had no respect for the river flats, apart from the market gardeners who had licences for quarrying river loam, which degraded the environment. As the Hamer government became more conscious of the environment and policies changed, the issuing of licences was stopped for some areas along the river bed. However, market gardens on the other side of the Keilor bypass were bisected, and the farms were made smaller and less viable.

For the last 20 years the market gardeners have said, 'Please, buy us out. Give us an alternative lifestyle and let us do something with the land, because it is not viable for market gardens'. The drought is ruining those areas, and families are no longer able to survive. The younger generation is walking off the land and saying, 'We are not staying here to struggle to earn a living'. The land cannot sustain a family. There are nostalgic and historic factors associated with the region, and people say that it is beautiful to drive out to see the market gardens. However, they need to realise that economically they are not viable.

I urge the minister to meet with the market gardeners and have a look at the area to see what can be done, particularly in view of the Melbourne 2030 statement on planning, including the preservation of the green wedge area in my electorate. There are a number of landholders who were not aware of the options they had at the time the consultation took place. They were not aware that they were able to have input and a say in the parameters, and that includes landholders in the Shire of Melton who are now part of my electorate. They fail to see why some of those areas were not taken into consideration for proper main-road boundaries or extended for further community development.

The area is 20 minutes away from Melbourne and contains prime land for housing developments. There is a shortage of housing, and rather than restricting growth in that area, given that land prices have skyrocketed from $90 000 last year to $140 000 to $160 000 today, it is evident that we need to extend the boundary for housing redevelopment much further out towards Melton shire, perhaps up to Plumpton Road. There is

also industrial land in that area. The concern for me and my constituents is the planning issues that need to be addressed in view of the economic situation facing these families, who are locked into those nostalgic dreams of market gardens that are not viable and cannot survive. The market gardens do not have a permanent water supply. It is an ongoing battle every time there is drought, because there is no water that they can access from the Maribyrnong River. The use of reticulated water for the market gardens is prohibitive, cost wise.

Market gardens are not suitable in that region. When I had my office down there, which is now occupied by the Honourable Justin Madden, the Minister for Sport and Recreation in the other place, the market gardeners always had to watch which way the wind was blowing before they could spray for weeds, because the spray would blow over the fences onto people's washing and into their kitchens, and as a result women would come up and complain to me.

Honourable members would know that when fertilisers are sprayed they leave a smell and fumes in the air. Keilor Village is in the Maribyrnong valley, where the air stays still. Although the wind may be blowing at the top of the hill, down in the valley it can be quite stagnant and stay around for 4 to 6 hours. People have complained to me that they cannot open their windows or go outside.

The drought has brought the added problem of blue-green algae in the Maribyrnong River. Obviously the river has been overused by the market gardeners pumping water from it. That has reduced the water level and naturally the water temperature has increased, which has allowed the algae to grow to the extent where it is dangerous to our community. I am making sure the local media is aware of the problem and I hope signs will be put up along the river so that people do not use the river water for drinking or get it in their eyes or on their bodies, because a number of people go fishing there and are used to having access to that area.

Keilor–Melton Road, Melton: safety

Another issue I raise is the Keilor–Melton Highway connection, particularly at Calder Park Drive and Kings Road. Thanks to the Bracks government the Keilor–Melton Highway has been built. However, I believe the engineers who designed that section of the road did not allow for the expanding community, the building of new estates, particularly Banchory Grove and Hillside. Traffic lights should have been installed so that the people who live in those areas can get into and out of the estates safely. The duplication of the highway has increased the speed limit and therefore made the areas far more dangerous.

The bureaucracy always seems to get it wrong when it comes to the Keilor–Melton growth corridor. In the past I have advocated development and fast growth for the area; however, the need for kindergartens, schools, fire stations, ambulances, et cetera, has been underestimated. It is thanks to the Bracks government that we are catching up on those matters. We have built primary schools and a new Country Fire Authority station in Hillside, and we are starting to build another new school in the area, which is tremendous.

However, as I said, the oversight of not providing traffic lights on the construction road should not have occurred, particularly on the Calder Park section of the road, which needs to be looked at. We need safe access, an overpass, underpass or cloverleaf section, whether it be at Kings Road or Calder Park Drive, to connect with the Calder Highway. People coming from or going to Sunbury need a safe access onto and off the Calder Highway, particularly on weekends when the Calder Highway is one long traffic jam, with people trying to get across into the Keilor electorate off that highway. There is no safe on-off ramp in that area.

Cheson Printing and Publishing: how-to-vote cards

Last, but not least, I have been asked by my constituents to raise another concern about a local business, Cheson Printing and Publishing. That company was very ambitious in taking on the contract to do the printing for all the different candidates for the last council election. However, it did not fulfil its obligations. Come election day, candidates from all camps did not have their how-to-vote cards printed, even though they had paid a deposit and advance down payments about three weeks before.

Members of the community are very concerned because even though there were differences of opinion and views and different candidates, they were all supporting the local business. I have used that business for numerous years. Honourable members will know that my Christmas cards and calendars have always been printed by Cheson printing, and I have had other things done through this company. With my endorsement and recommendation everyone thought it must have been a good business, so they went ahead and supported the business. They were let down badly and all came and complained and raised the issue with me personally. I said that in the past I had a good working relationship with them. I know a number of

honourable members are using Cheson printing as well because of my recommendation.

This is a very unfortunate occurrence, and I hope Cheson printing has learnt its lesson and will act more professionally in the future. Its failure caused some very stressful moments for the candidates and a lot of other people, regardless of which camp they came from. I will not take the issue any further. I have raised the matter because people have asked me to take it up with the Minister for Consumer Affairs and the Minister for Small Business. They want to know if they will get their deposits back. I have put the matter on the public record so that my constituents will be aware that I have raised the issue, as they have asked me to bring up this matter in this chamber.

As honourable members know, the community often does not understand that usually honourable members can take part in debate only on bills in the Parliament and that it is only during the budget speech debate, inaugural speeches and the address-in-reply debate when there is a free debate. I will not have the opportunity to take part in the address-in-reply debate this time around because I am a returning member. My constituents will read about it in the paper and they urge me on by saying that I should be able to bring up their concerns in the Parliament.

I conclude by congratulating you, Acting Speaker, on being elected to this chamber after some time as a member of the upper house. As an Acting Speaker with me, I hope we will have a very successful time in making decisions and rulings during this term of the Bracks government.

Question agreed to.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Second reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The purpose of this bill is to provide for better and more certain compensation and civil liability immunity protection for volunteer Country Fire Authority firefighters, and to further improve community safety in times of high fire danger through a number of amendments to the Country Fire Authority Act 1958.

Volunteer protection

The Country Fire Authority Act 1958 has in the past provided limited civil liability immunity protection for volunteers who, through actions authorised under the act, happen to cause damage or injury to a third person. This protection has always been limited to those volunteers who have not acted negligently or in wilful default.

The government is concerned that this protection may not be adequate for protecting Country Fire Authority volunteers in certain limited situations, and hence discourage the outstanding involvement of community members in this fine organisation. In order to encourage continued community involvement in the Country Fire Authority and volunteerism in general the act will be amended to provide stronger civil liability protection for volunteer firefighters and other members of the Country Fire Authority.

The act's legal protection provisions will be changed to now only require the volunteer to carry out his or her duties in good faith for the civil liability protection to apply. This change will ensure a volunteer will no longer be disqualified from legal protection for a minor negligent act or omission, if this occurs in the conduct of their Country Fire Authority duties. The government believes this improved civil immunity protection is required in an environment that is perceived as being increasingly litigious. This change will greatly improve the current situation where a volunteer firefighter would, for example, only have to forget to close a gate while travelling to a fire for the current legal protection to fail. The current act could leave the volunteer firefighter personally liable to claims from others for any damage (i.e. the loss of livestock) that may result from leaving a gate open.

This amendment will protect volunteer firefighters from claims for civil damages so long as they have acted in good faith in the course of their duties, so even when a volunteer has failed to perform an act (i.e. closing a gate) from which foreseeable damage could emanate they will still be protected under the new provision.

The act will be amended to ensure that all volunteers will be afforded the same civil liability protection. This will include those who perform administrative functions, interstate firefighters assisting CFA members in Victoria, paid firefighters and anyone else acting under an authorisation given under the act (for example, forest officers, persons employed under the Parks Victoria Act 1998 and persons employed by the Department of Sustainability and Environment under

the Public Sector Management and Employment Act 1998).

The immunity provision does not prevent people who may have suffered damage or loss from obtaining compensation for damage suffered as a result of activities performed by volunteers on behalf of the Country Fire Authority. The provision merely transfers the liability for such damage to the authority, rather than allowing the individual volunteer to be held personally liable.

Compensation for volunteers

The provision of compensation for volunteers and their families has always been an essential element of volunteer firefighter protection. The government provides volunteers and other Country Fire Authority members with appropriate compensation in the event of death, personal injury and the loss of personal property. The Country Fire Authority Act 1958 will be amended to expand the eligibility of family members, dependents, spouses and domestic partners to receive compensation in the unfortunate event of an incident causing the death of a volunteer whilst on duty.

This change supports the government's commitment to reducing inequalities and building cohesive communities by providing compensation to those persons most affected by the death of a volunteer — not just dependents. The amended compensation provision will provide a regulation-making power which will enable an expansion of the existing Country Fire Authority compensation scheme to provide compensation for family members, domestic partners and spouses as well as dependents.

An important element of promoting and encouraging volunteerism is to ensure that any expenses or loss incurred by individual volunteers whilst undertaking volunteer duties or other activities associated with volunteer community service are met by the volunteer organisation. The benefits to the community in having a fully supported complement of volunteer firefighters working in country and urban Victoria far outweigh the small cost of providing appropriate compensation for expenses or loss incurred by volunteers in providing this community service.

The act will be amended to increase the maximum amount of compensation payable to volunteers for loss of wearing apparel, personal vehicles or equipment from $600 to an amount determined by the authority (the authority have indicated that the amount will be increased to $1000 in the first instance). The Country Fire Authority will also be able to provide a greater amount if there are extenuating circumstances. This will allow the authority to compensate volunteers who suffer damage or loss in excess of the determined amount where they have, for example, had their own personal protective equipment destroyed while engaged in the suppression of a fire or a road rescue authorised under the act.

Charitable organisations

Our community is fortunate to have charitable organisations that provide support to those members of the community who are experiencing difficulty or are for whatever reason unable to provide for themselves and their families. In order to provide this support charitable organisations often conduct fundraising activities that involve the preparation and sale of food to the public. Many charitable organisations are dependent on the funds raised through these activities to provide daily support to the community.

The act will be amended to ensure that community charity organisations are able to continue with their fundraising work involving the preparation and sale of food even if there is a total fire ban in place. The government has been alerted to an anomaly in the Country Fire Authority Act 1958 which does not allow such organisations to apply for exemption permits to allow cooking of food outdoors on total fire ban days. The act will be amended to ensure that charitable organisations are able to apply for exemption permits under the total fire ban provisions of the act.

It should be noted that the ability for charities to apply for an exemption does not mean that they will automatically be granted an exemption permit. Applications will be assessed by the authority to ensure that there are appropriate safeguards in place to reduce the risk of fire. The exemption permits, if granted, may also contain a number of conditions which the charitable organisation will have to comply with in order to conduct their food-selling activities on a total fire ban day. This amendment will give charitable organisations in our community the same status as private businesses that carry out similar activities on total fire ban days.

Special recognition award

The government has had many inquiries from individuals and community groups regarding recognition of outstanding community work carried out by individual Country Fire Authority brigades. This work has had a very positive impact on families, individuals and the community in general and has largely gone unrecognised. In order to acknowledge

and recognise the value of the contributions that Country Fire Authority brigades make to the community and individuals within it the act will be amended to provide the authority with the power to present a statutory special recognition award to deserving brigades.

The Country Fire Authority will have complete discretion to make a special recognition award. In making the award the authority will be able to seek nominations or receive nominations at any time from members of the public. Individuals will be provided with a statutory right to nominate brigades for the award at any time.

Prohibition of high fire risk activities

The Country Fire Authority Act 1958 already provides for the restricted use of some appliances in the country during a fire danger period. There are a number of other activities which may be classified as high fire risk activities because of their nature or the manner in which they are carried out. These activities may include:

the use of agricultural or industrial equipment;

the welding, cutting or grinding of metals;

the use of gas flame-off equipment;

hot-air ballooning; or

the use of fireworks.

The act will be amended to allow for the making of regulations to prescribe activities that will be considered high fire risk activities for the purposes of the act. The regulations may prohibit the carrying out of a prescribed high fire risk activity, place conditions on the carrying out of a high fire risk activity or require a person carrying out a high fire risk activity to obtain a permit. Regulations made under this provision would only apply in a declared fire danger period. This provision will ensure that the Country Fire Authority has the powers and tools necessary to more comprehensively protect the community for fire risks during fire danger periods.

Regulations prescribing high fire risk activities will be developed and subject to the public regulatory impact statement (RIS) process before they are made by the Governor in Council.

Miscellaneous

There are in addition a small number of minor amendments of a technical nature which will assist in the management of the Country Fire Authority and assist it to carry out its duties and obligations under the Act.

Further reforms

The degree to which the whole community depends on our firefighters has been highlighted again by the recent devastating bushfires that have raged across our state. Our firefighters have done a magnificent job in the most demanding fire season of recent times.

This government's policy is to give every possible support to the brave men and women in our community who participate as volunteers in the state's fire and emergency services. The legal immunity provisions and improved compensation provisions in this bill will give greater certainty to our volunteers so that they can perform their critical tasks effectively.

The improvements contained in this bill are part of a broader strategic reform of volunteer emergency services. The government will introduce additional reforms later this year to further improve the legal protections afforded to emergency service volunteers. New legislation will be prepared to protect emergency service volunteers from employment discrimination. This initiative reflects the government's November 2002 emergency services policy, and is in line with the outcomes of the September 2002 national meeting of emergency service ministers. The new legislation will be developed in consultation with key stakeholders.

This bill, the first phase of this strategic reform process, demonstrates this government's commitment to ensuring our fire fighters have the tools necessary to continue to perform their vital role in our community.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Wednesday, 2 April.

PARLIAMENTARY COMMITTEES (AMENDMENT) BILL

Second reading

Debate resumed from 27 February; motion of Mr BRACKS (Premier).

Government amendments circulated by Ms KOSKY (Minister for Education and Training) pursuant to sessional orders.

National Party amendments circulated by Mr RYAN (Leader of the National Party) pursuant to sessional orders.

Mr PERTON (Doncaster) — Over three decades the Victorian Parliament has had a fine practice of conducting all-party inquiries into substantial and sometimes extremely controversial issues. The new members of Parliament will find the opportunity to participate in the all-party committees a remarkably satisfying part of their parliamentary lives. It is one of the few places where parliamentarians can set aside their partisan differences and the combative nature of this chamber and get down to the work of actually finding common cause between Labor, Liberal, National and Independent in sometimes quite controversial circumstances.

The level of trust and the relationships that have been built in these committees I still find quite remarkable, such as the work I did with the Minister for the Arts and the Minister for Planning, the tough work we did with the Deputy Premier on new models of regulation making — in fact so controversial that it has not yet been implemented in legislation — and the work that looked at new models of law and government administration in which Labor and Liberal and National members were able to find common cause and work well together.

The strong working of the Victorian parliamentary committee system can be traced back to the 1970s and the changes the Hamer government brought in to reform the all-party committee system. Up to that time there had been a number of committees: some had performed very well; others, to use the phrase my friend the honourable member for Mildura used on television yesterday, were 'more like cushion warmers'. I remember a former Labor member of the other place, Mr Landeryou, once describing his work as being the most expensive editing job in the history of the state. But some of the committee work has been quite fantastic.

I recall the amendments to the Equal Opportunity Act in the early 1990s that introduced, for instance, equal opportunity rights for same-sex couples and the like. They were very important pieces of work that the three parties were able to achieve together.

It is not just me who attributes that change to the Hamer government. In a speech in the early 1990s a former Labor member, the Honourable Tom Roper, paid tribute to the Hamer Liberal government, saying:

> It was the initiative of the former Liberal government in setting up the Public Bodies Review Committee that produced perceived change in Parliament's attitude to committees. Parliament gave the committee an important task and provided it with the resources to carry it out. I recall from my time as Minister of Health that the committee was able to work effectively with Parliament when dealing with difficult issues.

The working model of committees in the Victorian Parliament that was established by the Hamer and Thompson governments was built on by the Cain government. One of the most important features of the committee structure during the 1970s and 1980s was the allocation of committee chairs to both sides of the house. Again I quote my friend the Honourable Tom Roper, who in a debate in this house in the early 1980s said in reference to the committees:

> Two of the five committees had chairpersons from parties other than the government party. That was something that had happened under the previous Liberal government. From time to time members of other parties chaired committees. I maintain that such a system works well. It provides ownership of the structure to the whole of the Parliament, not just to part of it.

Let me emphasise those words:

> … such a system works well. It provides ownership of the structure to the whole of the Parliament, not just to part of it.

This bill that we are debating today, the Parliamentary Committees (Amendment) Bill, extends the number of all-party committees to 11 by creating 3 new committees — the Rural and Regional Services and Development Committee, the Outer Suburban/Interface Services and Development Committee and the Education and Training Committee. I think my friend Tom Roper, my friend Ken Coghill and a whole range of Labor members from the 1980s and early 1990s would shake their heads with incredulity to see that of the 11 chairs of these parliamentary committees not one is being allocated to this side of the house. Not one is going to the Liberal Party, not one to the National Party and not one to the Independents.

Why should we not give the responsibility for committees to three Liberals, three Nationals and three Labor — and why should we not give that responsibility to the Independent member for Gippsland East?

Honourable members interjecting.

Mr PERTON — I am hearing shouting from the Minister for Education and Training, who is at the table, and from the honourable member for Melton at the rear of the chamber. They are using the word 'hypocrisy'. That is a very interesting question because the member for Melton was in the Parliament in 1992 when the Kennett government did this. Strong speeches were given in the Parliament by the Honourable Jim Kennan, by the Honourable Tom Roper, by the Honourable Ken Coghill, by the honourable member

for Preston, who remains in this house, and by that great member of Parliament Neil Cole, the former member for Melbourne, who was supplanted by the Minister for Health. Each of them rightly said at that time that the initiative was wrong; and if it was an initiative that was wrong in 1992, it is an initiative that remains wrong in 2003. If there is one label that can be attached to this government in these early weeks of Parliament it is one of hypocrisy.

In 1992 when the Kennett government was elected with a huge majority it too did this, and the committee system suffered. I remember having to work so hard to build — —

Mr Nardella — Hang on, I will get my violin out.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster, without assistance.

Mr PERTON — I cannot remember what committee the member for Melton was on during that time, but I recall very well working with the Labor members of the parliamentary committee which I chaired, the Scrutiny of Acts and Regulations Committee, which produced objective reports on government legislation. You will recall that on a number of occasions that committee produced reports that were extremely critical of government legislation.

Ms Kosky interjected.

Mr PERTON — Exactly! The Minister for Education says, 'You took all the chairs'. And what is she doing now? She is taking all the chairs.

Ms Kosky interjected.

Mr PERTON — This is classic! This is a mean-minded government that protested loudly about this when it was in opposition. We are now in 2003. We ought to be building a better parliamentary institution, Acting Speaker, but all this government bases its actions on is 'You did it to us, we will do it to you'.

Ms Kosky interjected.

Mr PERTON — The Minister for Education and Training was criticised by the Ombudsman just two days ago for her performance on freedom of information. Her adviser hung on to documents, having no lawful excuse to have them, for 80 days, and the Ombudsman — —

Ms Kosky — Get back to the bill.

Mr PERTON — That is exactly on point. It is hypocrisy, Acting Speaker. I have a minister constantly interjecting — —

Ms Kosky interjected

Mr PERTON — Okay, let us have a look at it. The government has a huge majority in the house, and it has taken all the chairs. It has created new committees to provide new work for its members and extra income for the committee chairs.

What else has it done in respect of the constitution? Labor has been elected with a large majority and wants to make some changes, which it is going to entrench so that no future government, Labor or Liberal, will be able to alter them without going to a referendum. No other government is going to be able to alter the number of members of Parliament or change the date of the election without going to a referendum. This is the height of arrogance.

In this bill the appointment of the committee chairs indicates the level of hypocrisy. If it was wrong in 1992 — —

Mr Nardella interjected.

Mr PERTON — I agree with the loudmouthed member for Melton that it was wrong in 1992. And it is wrong in 2003.

All the huffing, puffing and anger he demonstrates in this house is usually a sign that he is embarrassed. The louder the member for Melton gets the more an indication it is of how embarrassed he is, because he too actually believes in this institution. I think he would like this institution to work well.

I have never been on a committee with him, but my understanding is that in the course of his conduct on committees he has looked to find bipartisan positions; he has looked to find common ground between the parties. He has tried to make the committee system work well. I am sure were he the person to have made the decision there would have been an appropriate allocation of committee chairs to the Liberal Party, the National Party and probably to the member for Gippsland East. What could be more appropriate in respect of the rural affairs committee than for there to be equal numbers between the Labor and Liberal parties and that it be chaired by an Independent from the country? But we do not even have that opportunity.

In taking all of the chairs what this government is doing is differing from many other Westminster and commonwealth parliaments. Last week there was a

visiting Canadian delegation, which included the Leader of the House and a number of significant officials who work in the operations of the Canadian Parliament. When they asked who chaired the public accounts committee, and we said that it was a government member, they expressed great surprise. In the Canadian parliamentary system — federal and state — the notion of the public accounts committee is to open the books to the scrutiny of the Parliament and the public.

Again, if it was wrong under the Kennett government it remains wrong today. Bill Forwood, a member for Templestowe Province in the other house, did his best from the position of a government chair to make sure that the processes of the Public Accounts and Estimates Committee were open and frank, but nothing could be more open and frank than a public accounts committee chaired by a member of the opposition party.

The Leader of the House of the Canadian Parliament was not aware that the new Chair of the public accounts committee here would be the Honourable Christine Campbell, a failed minister of this government. She was not capable of administering her own department in terms of either its finances or its operations and was dumped from the ministry as a result of her scandalous mismanagement of the portfolio. She is going to be Chair of the all-party public accounts committee, but not elected by the committee, not appointed by the Parliament, and not appointed by the caucus. It is a selection process.

I go back to the speeches of 1992. Everything that members of the Labor Party complained about in 1992 they are doing in 2003. Either they think it was right in 1992 — it was cant and hypocrisy to say it then — or else it is wrong now.

The Liberal Party will look at the operations of the public accounts committee. Our members on the public accounts committee will do their best to work within those constraints, but I do not think it will be a public accounts committee of the quality that a Canadian federal Parliament, or indeed our own, would expect. So too with the Scrutiny of Acts and Regulations Committee. That is another committee which in some Parliaments is chaired by the government and in others is chaired by the opposition. Again that was one instance where the government had the opportunity to show some vision and bipartisanship.

In respect of these new committees, the second-reading speech by the Premier indicates that one of the purported reasons for the three new committees is that we will now have a committee parallelling each government department. If that is to be the case, and they are not just to be talk shops, then we ought to adopt some new initiatives.

I go back again to my friend, Ken Coghill, a former Speaker, who in the 1992 debate in this house said:

> Recently the New Zealand business committee of the House of Representatives conducted a thorough review of the committee system. All the parties there cooperated and New Zealand now has a more effective committee system in which bills are routinely referred to a relevant departmental committee so that the department can be informed in detail about the provisions and the ramifications of bills, study the implications and, more importantly, involve the public.
>
> In New Zealand submissions can be forwarded to Parliament and the committees can conduct public hearings so that people can have an input to Parliament before final decisions are made.

In other words, at the first-reading stage, before all of the government's credibility has been put on the ground in a second-reading speech and the publication of a bill, the proposals can go to an all-party committee. That all-party committee can examine the provisions, take evidence from experts, have the input from the public and have legal experts advising it to see if there are any anomalies or mistakes. Then you have a much more strengthened piece of legislation that in many cases better accommodates the views of the minorities in the community as well as that of the majority of the Parliament.

Having attended committee conferences and the like all I can say is that all of the anecdotal and practical evidence I have seen indicates that the New Zealand practice works well. I would like to ask the Premier, or I would like to ask the next speaker on behalf of the government whether they are prepared to accommodate that. Will there be references of bills at their first-reading stage to these all-party committees?

The government has the chairmanship — it has a majority of four to three on all of these so-called departmental committees. Why does the government not take a bit of a risk, send some of these bills to the committee at the first-reading stage and test out the system? Maybe it could be done with two or three this session and maybe two or three the next, and let us see if it works and works well. That can be a bipartisan accommodation of adopting the best practices from interstate and overseas.

So if there are to be departmental committees in the way that is understood at Westminster and in New Zealand and elsewhere, the minister and the bureaucrats could come before the committee to talk about the policies, the successes and the failures of the programs

within the department, so that there can be a genuine bipartisan contribution, a public contribution, to getting matters resolved. Many elements of policy, whether in education or the like, are global issues that need local solutions, often long-term local solutions.

The government has a huge majority at the moment, but the Liberal Party had a huge majority in 1992 and it took seven years for us to move to this side of the Parliament. Some time soon members of the government will be on this side, so let us have the structures and practices in place that actually make the Parliament move forward, whether it includes moving back to the position that existed from the 1970s to 1992, when committee chairs were split and there was a greater sense of bipartisanship.

The honourable member for Footscray, who has been working with me on the membership of the committees, has been here a long time, and Labor members such as you, Acting Speaker, can verify that the committee structures have involved bipartisanship and that splitting of the committee chairs made the committee system work better.

The government is demanding that it have a majority on every committee, but I urge another challenge on the government. I recall that the Deputy Premier and I served on the Law Reform Committee that produced a report on regulatory efficiency legislation. This was not headline stuff or riveting, but it was a controversial area of reform that essentially suggested that a regulated person, be it a company or an individual, who could find a better means of meeting the purpose of a regulation than the means set out in the regulation itself should be licensed to do so. It was a proposal that had failed in Canada.

Within the Kennett government there had been a proposal by the then Minister for Small Business, Vin Heffernan, who passed away recently, but there was scepticism within the government about whether this could be accommodated within a Westminster parliamentary system. We had a fantastic group of people on the Law Reform Committee. I indicated earlier that it included a former Minister for the Arts and the Deputy Premier. We worked through those issues and those problems to produce a model that is acknowledged today by the Organisation for Economic Cooperation and Development and others as equal to the world's best.

It was an irritant to the government of the day that we had indicated that it should go ahead with it; it was an irritant to some elements of the opposition, now the government, that we indicated that we should go ahead with it. Tom Roper, a great political scientist and member of Parliament, said this:

> One of the roles of parliamentary committees is to be a burr under the saddle of the government, and from time to time they can be a burr under the saddle of the opposition.

There have been occasions where the reports of parliamentary committees did not please the government. I can remember a former Premier being less than complimentary about the working report of a committee chaired by a member of the then government. On other occasions members of the opposition did not like hearing the view put by a committee. The best result is achieved when the committees are genuinely all-party committees.

That is the challenge to the chairmen of those committees: to produce some reports that are controversial; to produce some reports that will be a burr to the government and may be a burr to the opposition or to the leaders of both parties. That would be a great thing and a challenge. In my experience in 1992 — —

Dr Napthine — Did you ever produce controversial reports?

Mr PERTON — Of course. There was anger; and sometimes there is anger expressed by one's own side of politics when one reaches a bipartisan position that is controversial. I also remember that in 1992 those of us who were appointed as chairs of all-party committees in an environment where they were not shared or where the selection of the chairman had been clearly an executive process rather than a parliamentary process — as now — faced the great challenge of reaching that accommodation with our colleagues from the Labor Party. It was hard work, but I recall in particular the strength of the relationship between the Deputy Premier and myself in achieving common ground in some of these very controversial areas. That will be the challenge to the committee chairs, because they are being appointed in almost exactly the same circumstances as the committee chairs were in 1992.

As I indicated earlier, there were screams of 'hypocrisy' aimed at me by the honourable member for Melton, but what greater hypocrisy is there than a government that justifies its stance by saying, 'Two wrongs make a right'. I hope we are elected at the next election, and if we are as the leader of government business and certainly as a senior minister it would be my intention to reverse this process under which governments take all the chairs and to return to the greater time that was seen between the 1970s and the 1980s.

Lastly, I look at the great criterion for success of a parliamentary committee: the adoption of its recommendations by the government of the day or a future government. In the 1980s and the early 1990s recommendations from all-party committees were certainly accepted by the then government.

Dr Napthine interjected.

Mr PERTON — My colleagues recall the Cemeteries and Mortuary Industry Committee, a notorious committee.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member will face the Chair and will not turn his back on the Chair when he is on his feet.

Mr PERTON — I trust the Acting Speaker was not a member of the committee.

The ACTING SPEAKER (Mr Seitz) — Order! It is disorderly to involve the Chair in the debate.

Mr PERTON — The acceptance of recommendations by government is the key test for the success of these committees, and I am hopeful they will have challenging and big references and that the recommendations that are produced in a bipartisan way are accepted by government.

Many articles have been written on these topics by members of Parliament, and I am conscious that on many occasions I have attended commonwealth parliamentary conferences and interstate conferences looking at the best ways of operating parliamentary committees and scrutiny committees. Many of my Labor colleagues attended those conferences and signed up to very high-minded ideals. We started this Parliament without any of those high-minded ideals being implemented. We have started off with exactly the opposite of what they suggested ought to be the case. They know the hypocrisy of the position. The honourable member for Melton shouted loudly, as did the Minister for Education, and my suspicion is that they are embarrassed by this decision because there is no defence to this government doing exactly what it complained about in 1992.

In the last 30 minutes I have been handed some amendments by the National Party, and should this bill move into the committee stage we will deal with them more extensively there. The first proposal is to delete the Environment and Natural Resources Committee and insert in its stead the Bushfires Investigatory Committee. Obviously we are examining that proposal. The second is to delete the Outer Suburban/Interface Services and Development Committee and insert the Health Services Committee, and the third is to amend the terms of reference for the Scrutiny of Acts and Regulations Committee to include the capacity to examine the sessional orders and effectively to report to the Parliament. Having seen those amendments only a short time ago, I can say that they are important matters. The Bushfires Investigatory Committee and a committee examining health are important, but the other committees are very important as well. I hope we can have some discussions with the National Party and with the minister and the Premier prior to the committee stage to see if there is a way to accommodate this. Those who see committees selected by the government and not the Parliament would acknowledge that they are important, but the matters raised by the National Party are important as well.

I am hoping to have some discussions with the National Party before we go into the committee stage. I am also hoping for discussions with the Premier to see whether there is a way this can be accommodated, because those who see these new committees, selected by the government and not by the Parliament, would acknowledge that although they are important these matters raised by the National Party are important as well. I hope we will have time to discuss those matters before the committee stage. It may be that an adjournment is necessary so that the Labor, Liberal and National parties can discuss these important amendments before they need to be put through the committee stage.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on this important bill. That pleasure is tempered by the fact that we are now operating under sessional orders that constrain my contribution to a period of 20 minutes. It is unfortunate because having chaired one of the all-party parliamentary committees — namely, the Scrutiny of Acts and Regulations Committee (SARC) — I would have liked to have been able to explore some of the important aspects that gave rise to that committee's formation and some of the terrific work it did not only, if I may be so bold to say, under my own chairmanship but also under the chairmanship of the member for Werribee in the last Parliament and of my predecessors in that very responsible role.

Time is against me because of the constraints that have been introduced by this government, so regrettably I cannot dwell on those very important matters. The same situation applies with many other points that would otherwise be made; therefore, I am restricted to dealing with the very bare bones of what I regard as being a series of critical issues.

The first thing that has to be said is that under our current structure we have six joint house committees and two joint investigatory committees. Those eight committees have existed for a considerable time now, and they do terrific work. They have contributed much not only to the work of the Parliament but to Victorians at large. The intention is to add three additional joint house committees. By the terms of the legislation now under consideration they will be the Rural and Regional Services and Development Committee, the Outer Suburban/Interface Services and Development Committee and the Education and Training Committee.

Without going through it all, this is jobs for the boys essentially because the Premier has the problem of having a surplus of numbers in the Legislative Assembly and the Legislative Council — the numbers have burgeoned. To its great political credit the Labor Party won the last election and won it convincingly. Now the Premier has to deal with the issue of having to give all 87 members a job, otherwise it becomes terribly incestuous.

After that first blush of having been elected to Parliament, which usually lasts six months to a year maybe — how long did it take for it to wear out with you, Bruce? — people start to get a bit horribly restless and ask why they did it and where their place is. One of the great things you can do with them is park them in an all-party parliamentary committee. So I understand the tactic of the Premier. That of course comes at enormous expense to the taxpayer, but history tells us that that is a mere bagatelle to Labor governments. Nothing has changed, so we now have three new committees being established.

One of the other basic purposes of this bill is to provide a retrospective power to the SARC to examine legislation introduced prior to the establishment of that parliamentary committee, and that is a necessity. I will look forward to the SARC report on the constitution reform legislation. It will be very interesting to read it because for reasons I have explained that disgraceful piece of legislation will effect enormous changes to the Victorian constitution after 150 years of its being able to do what has been necessary on behalf of Victorians. We now have a government that is prepared to destroy the essential components of that constitution and the very tenuous fabric of it for its own miserable ends. There will be more about that later in other forums.

There are two sets of amendments before the house. One of them was circulated on behalf of the Premier. He can explain the content of them because I do not have the time, but the National Party agrees with the proposals contained in them. The other amendments are in the name of the National Party. Essentially they are threefold, and I will spend some time talking about them without necessarily referring to them in chronological order or in order of priority.

The first of them is in regard to an issue that was raised by the Premier in the course of the second-reading speech when he said that the fundamental intent of establishing these additional three committees is to try to align the committee process with the work of government departments. That is the essence of what he says at page 1, line 3 of the second-reading speech. It is a complete furphy; it is patently ridiculous nonsense.

I highlight that by the fact that 50 per cent of the health budget in Victoria is consumed by the health and allied community services and the work they do yet the word ‘health’ does not appear anywhere in the all-party parliamentary committees. It is not referred to in any way, shape or form. Work is done for community services but health per se is not the subject of any consideration by an all-party parliamentary committee. One would have thought that if the Premier were to effect the nonsense he has referred to in his own second-reading speech he would establish a health services committee or something allied to it.

What the National Party says is this: ‘Look, Premier, if you are going to give effect to what you say in your own second-reading speech you should devote one of the committees to the issue of health, and that committee should have wide-ranging terms of reference to look at health service delivery in Victoria’. For example, a recent Auditor-General’s report has referred to the fact that four country hospitals are in severe difficulty because of their financial state and another 12 will be experiencing significant difficulties given the trend of their finances. In a country Victorian sense I would have thought that if the government were serious about this that would be something worthy of consideration by an all-party parliamentary committee.

But, of course, the government is not serious about it. That is an issue that should be examined by such a committee. So we have the first issue that is the basis of the National Party’s amendment, which says that it wants to delete one of the committees — namely, the Outer Suburban/Interface Services and Development Committee and insert in its stead the health services committee. Some might say that it is harsh, that it is ignoring the interests of the suburbs. Indeed I heard an interjection to that effect before. The problem is that in the spirit of all of this, we in the National Party would have gladly added this as an additional all-party parliamentary committee. Why not have 14, 15 or 25,

for goodness sake! We can have heads on them like mice!

The problem is that to do that we need a Governor's message with regard to the funding of any new committee to be established, new in the sense of over and above the number for which provision has already been made by the government, within the proposals contained in this bill, so we cannot go past a net number of 11. It is simply not within our power to move an amendment which would add additional numbers, 12, 13 or 14. It is a hard choice; that is what politics is all about.

We determined after a lot of consideration that to enable this important health services committee to be established, which would be the fulfilment of what the Premier said in his second-reading speech, there had to be a casualty and the casualty we have nominated, reluctantly, is the Outer Suburban/Interface Services and Development Committee. So to have this important health services committee, which I am sure would also have the important task of examining the delivery of health services in the outer suburban regions, I am afraid that committee as nominated by the Premier in his proposals has to go. We would love to see the health services committee employed in its stead.

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

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Point Nepean: army land

Mr DOYLE (Leader of the Opposition) — I refer the Premier to his answers yesterday regarding the purchase of land at Point Nepean, and I also refer him to answers given by the Minister for Local Government in the other place yesterday to the same question, when the minister said that giving away state land would be inappropriate financial management. Given that this is government policy, is it not hypocritical not to buy the land at Point Nepean, particularly since it was originally sold by the state government to the federal government?

Mr BRACKS (Premier) — This is a very simple matter. It is a piece of land that is currently owned by the federal government. It is its choice as to what it does with it. What we in Victoria say is, 'Hand it over so that it can be in public hands'.

Economy: performance

Mr LOCKWOOD (Bayswater) — Will the Premier please inform the house of the overall strengths of the Victorian economy and how the whole state is benefiting from such economic success?

Mr BRACKS (Premier) — I thank the member for Bayswater for his question. There is a very important statistic which I think is telling on what has happened over the last three or four years in Victoria and what happened before. Some three and a half years ago we had a divided Victoria where some parts of Melbourne were progressing very well, other parts were progressing poorly, and of course in a large portion of country Victoria unemployment levels were reaching double digits — 10 per cent plus!

Of course, the other tale about our administration and what we inherited goes to the general level of unemployment around the country and the general level of unemployment in Victoria in relation to the national average. Over the period the previous Kennett government was in office unemployment was below the national average for 8 out of the 84 months. That represents that for some 9.5 per cent of the time unemployment was below the national average. If we look forward to our period of government, out of the 41 months that we have been in office we have had unemployment below the national average for 38 of those 41 months. That represents that for some 92.7 per cent of the time we have been in office unemployment has been below the national average. That is the comparison: 9.5 per cent of the time they had unemployment below the national average, compared to our 92.7 per cent.

That is why currently we have the lowest unemployment rate in the country of 5.2 per cent — the best performance for many years in Victoria. Regional unemployment figures are also in the 5 per cent range at 5.6 per cent, which is the best performance for country Victoria in decades.

We need only go to some of indicators to show why the unemployment rate is so strong and robust here in Victoria. Over the last 12 months we had something like a 15.6 per cent increase in building approvals to a record high of $14.3 billion up until January this year. In country Victoria the position is no different because we have achieved another record of $2.9 billion in new building approvals over the last year, and that represents an increase of some 25 per cent over the previous building approvals in country Victoria.

We have seen overall growth rates at 1 percentage point higher than the national average; the lowest unemployment in the country; unemployment in Victoria more than 90 per cent of the time being under the national average, compared with the Kennett government when it was under the national average 9.5 per cent of the time it was in office. Even with the current economic conditions — the drought, and a war that will depress the international markets — we believe we are in the soundest position possible to get through this period and to retain our position.

Mr Doyle interjected.

Mr BRACKS — The Leader of the Opposition is very good at picking economic spokespeople, isn't he? He has been a great hero at that; he knows how to pick them. He is very successful; he has a great record in this area.

We have had unemployment at the lowest level of any state in Australia at 5.2 per cent, growth is higher than the national average, and building approvals are up to the highest they have ever been on record. We go into this difficult period with the best possible economic conditions in Victoria.

Sunrice: tax incentives

Mr RYAN (Leader of the National Party) — My question is to the Premier. Given the Premier's answer to the previous question, and given that the government has offered payroll relief to Computershare to attract new jobs to Melbourne, can the Premier explain why the government did not give payroll tax relief to Sunrice in Echuca, which will close on 30 April with the loss of 90 existing jobs in country Victoria?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question, because it goes to the heart of the government's policy on investment attraction. Our investment attraction policy is about new jobs and demonstrated benchmarks on new jobs. That has been the case under this government, and it was the case under the previous government as well. We have had a consistent policy of ensuring that the investment attraction program which we inherited — and which we support, by the way — has been about generating new jobs and new economic activities. It is about identifying those areas of the economy that will grow in the future.

The program is not about a fund which will assist companies which for myriad economic reasons are not able to survive in the marketplace. It is not about that. It is not a lender of last resort, as the National Party would have it. It is not a fund to prop up businesses, as the National Party would have it. It is about new jobs being generated which did not exist before and which can be sustainable, and the money is only paid and supported when those new jobs are created.

Latrobe Valley: government initiatives

Mr MAXFIELD (Narracan) — I have a question for the Minister for State and Regional Development. Will the minister inform the house of the impact the Latrobe Valley task force is having and outline the most recent project for the region?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Narracan for his question. I am delighted to advise the house that the Bracks government is making a very real and positive impact in the Latrobe Valley. Members would recall that in June 2001, almost two years ago, the Premier launched Framework for the Future, a package worth $105.8 million for more than 50 new initiatives for the Latrobe Valley. I am pleased to advise the house that all major projects are now under way, with many of them actually completed.

As I answer this question today, 38 per cent of all the projects we announced have now been completed. I am delighted to advise that with the Latrobe Valley justice precinct, land has been acquired and a $828 000 contract has been let to R. and J. van Poppel of Traralgon for preparation works; the Traralgon hospital has been demolished and redevelopment options are being investigated; preparation works commenced in March on the Gippsland integrated learning centre and $10 million has been set aside for buildings commencing in May; and there has been an extraordinarily successful housing improvement program.

I am delighted to say too that research undertaken by the National Institute of Economic and Industry Research estimates that almost 1000 direct and indirect jobs will result from the 38 construction contracts already awarded, which are worth $79 million.

Our work has not stopped there. Last week I visited the Latrobe Valley and announced that the Bracks government will be providing $1.4 million to Latrobe Magnesium Ltd towards a $20 million bankable feasibility study into a magnesium metal smelter which would use the decades of available fly-ash resource which are in the valley. I stress that this is for a bankable feasibility study. This project may proceed or it may not; we have helped fund the feasibility study.

I advise the house of the dimensions of this study. It is towards a $948 million project which if undertaken would lead to 1100 new direct and indirect jobs. It would create employment for up to 4000 people during the construction phase; it would lead to exports of $200 million per annum; it would link magnificently with our motor vehicle industry in Victoria; and environmentally — something which has been very attractive to the Minister for Environment — the project will use carbon dioxide from power station flue gases, making it the world's only smelter which produces magnesium without generating any carbon dioxide. In fact it would be a net user of carbon dioxide, mixing it with the calcium in the fly-ash to produce calcium carbonate, which can then be used in the printing industry.

The government is excited by this project. We are excited by the development taking place in the Latrobe Valley. When we were elected to government the people of the Latrobe Valley had had it pretty tough for years. They told us to get on with it. What we did was get on with it. Today we are making it happen in the Latrobe Valley.

In addition the government has also provided a $1 million marketing grant for the Latrobe Valley so that it is able to market itself as a great place for investment.

I conclude with a quote from the mayor of Latrobe City Council, Cr Tony Hanning, who said after the announcement the other day:

> We are past the days of the downturn. We are on the upward curve. We have been for some time and this is an indication that we are going up rapidly.
>
> We now have to implement the marketing strategy to tell people about what a fantastic place this is and about the rapid development that is occurring here.

I record my appreciation to the members for Narracan and Morwell and the former mayor. Along with the council they have been great contributors to this. The government is delivering and making it happen, and we have seen an enormous transformation taking place in the Latrobe Valley because of the Bracks government.

Minister for Police and Emergency Services: conduct

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer the minister to the Ombudsman's report into the misuse of police information and in particular to the evidence of Victorian Police liaison officer Inspector Bill McKendry, who stated:

> I was assured that the information was necessary for the minister to discharge his ministerial duties and would be treated in confidence.

I ask: why did the minister deliberately lie to Victoria Police?

Mr Brumby — On a point of order, Speaker, in his question the honourable member made a direct accusation. He used the words 'why did the honourable member deliberately lie'. Under the standing orders, I believe he is not able to make that accusation, and I ask him to withdraw it.

Mr Perton — On the point of order, Speaker, the rulings of previous Speakers have clearly indicated that if you call someone a liar that that is inappropriate and can be withdrawn. But in the context of asking a question where it is clear that the minister has not told the truth, to use the verb 'lie' is not something that can be objected to. In any event, it would need to be the minister addressed rather than the minister who stood at the table who would need to ask for a withdrawal.

The SPEAKER — Order! In ruling, the member for Doncaster is correct: it is the minister who should ask for a withdrawal if he wants it. As it is a question, I assume the minister now has the opportunity to respond in the manner which is appropriate.

Mr HAERMEYER (Minister for Police and Emergency Services) — The member for Scoresby continues to make some wild assertions about this particular matter. I have no doubt that he had a role in a question asked last year by the member for Mornington that impugned the same Inspector McKendry he is now referring to when the member for Mornington suggested that somehow there was some impropriety in Inspector McKendry's appointment to a particular position.

I will quote from the Ombudsman's report, which states:

> On one hand, Inspector McKendry says he believed that information requested from him would be treated in confidence. There appears to be no specific basis for such a belief; there is no written protocol, Inspector McKendry was given no specific instruction on this issue when appointed to his position, and there was no specific discussion with Ms Owen on the matter. Inspector McKendry himself can give no clear basis for this belief, offering only that it was gained over time in performing his duties.

An honourable member interjected.

Mr HAERMEYER — No, this is the Ombudsman. The report then goes on:

> The minister has stated that if information is provided to him in confidence he respects the confidentiality. But it is clear to any observer that not all information is provided to the minister with such a restriction placed on it. The minister frequently makes statements on policing issues which statements are based on information which could have been provided by the police. There is nothing necessarily improper in this.

In terms of the propriety of this information being handed over, the Ombudsman goes on to say also:

> The evidence is quite clearly that the incident involving the damage to Mr Guy's car and his reporting it to police was in the public domain.

The Ombudsman refers in his report — —

Mr Wells — On a point of order, Speaker, the issue I raise is one of relevance. It is not in regard to how the information was received but how the minister used the information.

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

Mr HAERMEYER — I again quote from the Ombudsman's report:

> The evidence is quite clearly that the incident involving the damage to Mr Guy's car and his reporting it to police was in the public domain. Mr Haermeyer has said that his purpose in seeking information from police was to respond to questions asked of him as police minister. His evidence is supported in this respect by both Ms Owen and Inspector McKendry.
>
> In ordinary circumstances, this is relevant to the exercise of ministerial responsibilities. It is common practice for ministers to respond directly to media inquiries of them and they may do so, if they have no personal knowledge of the issue, by first obtaining information from their department.
>
> Again, it is common practice for ministers to seek and receive from their department information on issues which may have become public, including questions asked of ministers in Parliament. The police minister is no different and I am aware of many occasions where various ministers for police have sought and received information from police to enable them to respond to questions raised of them either by the media or in Parliament.

Let me finish my answer with one thing: this came about as a result of a Liberal Party candidate having his car vandalised. That was regrettable. But he came out and said that he suspected it was the work of his political opponents — he came out and made an accusation that he has not substantiated, and I was asked by the media to respond to this. Mind you, the information I was given by the police was information that was already in the public domain. After all, this candidate marched into the Mill Park police station, media in tow, to make his complaint.

Hallam bypass: time frame

Mr ANDREWS (Mulgrave) — My question is directed to the Minister for Transport. I ask: will the minister inform the house of the progress of the government in building and completing the Hallam bypass freeway project?

Mr BATCHELOR (Minister for Transport) — I thank the honourable member for Mulgrave for his question. He understands the importance of major roads and freeway upgrades in the outer suburbs of Melbourne. The Hallam bypass is a good example of this. It is a project of enormous regional and statewide significance. It is a $165 million project, and when it is finished it will be some 7.5 kilometres long, providing a freeway connection between the Monash Freeway at Doveton and the Princes Freeway at Berwick. This will deliver enormous benefits not only to the residents of the outer south-east, but to those all the way down through the Latrobe Valley into Gippsland.

I am pleased to report on how this project is going because it is surging ahead. The Hallam bypass project is really going gangbusters. A fantastic effort has been put in, and it is worth recalling when I started this project early on in the life of the government. It was originally scheduled to be completed by the end of 2004, but I can report to the house that it is expected to be finished almost a year ahead of schedule. In fact the completion date has been brought forward to December 2003, a full year ahead of schedule, and it may well be that it could be finished earlier if the current rate continues. We have the winter to deal with and big road projects are notorious for being delayed, but if the team out on this project continues what it is doing at the moment it could be open before December. We are working hard to achieve that.

In fact the work force and the contractor down there are a bit like the Bracks government — they are just simply getting on with it and making things happen. Down at the Hallam bypass we are making it happen a year ahead of schedule. It will bring enormous relief to the local roads such as Heatherton Road, Pound Road, Centre Road and Narre Warren–Cranbourne Road, which will all have traffic reduced once this project is completed. It will provide additional access and safety for all residents, particularly those of the City of Casey. It will be a boon for transport and local development and should provide enormous benefit to both businesses and residents.

About 50 000 vehicles are expected to use the bypass each day and in doing that they will avoid 10 sets of traffic lights, which will be a great relief. The project

includes 20 bridges, some 8 kilometres of median safety barriers, 15 kilometres of noise walls, 8 kilometres of shared-user paths. During the construction approximately 2 million cubic metres of earth will be moved, and about 90 000 tonnes of asphalt and 60 000 tonnes of crushed rock will be used.

In addition there will be a lasting legacy not only in terms of the transport access, but because of the decision to include about 1 million trees and shrubs as part of the landscaping of this project. The Hallam bypass is surging ahead. It is a great project, and the workers and contractors are doing a great job. We wish them well in delivering it even earlier, if they can do that.

Rail: radio warning systems

Mr MULDER (Polwarth) — I refer the Minister for Transport to the fact that five rail smashes involving suburban or country passenger trains have occurred since July 2000, some resulting in serious injuries, and I ask: why has the government failed to implement the November 2001 recommendation of the Australian Transport Safety Bureau that Victorian trains need more reliable radio warning systems?

Mr BATCHELOR (Minister for Transport) — It is a pity that this question has been asked by the new shadow Minister for Transport who made some pretty terrible allegations in the newspaper the other day in relation to a rail crash. The Premier is right: the shadow minister is green and inexperienced, and we will put it down to that the inappropriate nature of his earlier comments and his comments today. We hope he learns the lesson out of asking this type of question.

Rail safety is the most important aspect of our rail transport policy. After each incident on our rail network there is a thorough investigation. With serious accidents we have initiated the practice of having external and independent safety experts come in and make recommendations. We use the Australian Transport Safety Bureau. That is an expert team based in Canberra and funded by the commonwealth government, but its job is to independently investigate accidents, examining all the facts and information, in stark contrast to the shadow Minister for Transport who, from the luxury of his country residence at the other end of the state, declared that the accident at Chiltern was due to the failure of radio communications. Nothing could be further from the truth.

This government does not jump in and blame people all over the place before it knows the facts of the matter. We are interested in finding out what happens when there is a rail accident, getting the appropriate recommendations and following through with those recommendations. The accusation he makes that accidents are caused by the failure of radio communications is not true.

At Chiltern there was an accident where a freight train left the interstate standard gauge track, which is operated by the Australian Railtrack Corporation, not the government of Victoria. The train that was involved was operated by Pacific National, the recently privatised commonwealth freight train business. It lost its load, which then fell over onto the parallel broad gauge track, which is infrastructure that is controlled under a 45-year lease by Freight Australia, not the Victorian government.

In all the circumstances here the member for Polwarth has clearly no understanding of any of the institutional arrangements that currently exist in the rail industry in Victoria or indeed in Australia. Notwithstanding the fact that we do not provide the infrastructure and we do not operate the interstate rail freight business, we have already called in the Australian Transport Safety Bureau and have asked it to investigate this particular incident, as we have requested on other incidents, a very thorough and detailed investigation that can only bring forward recommendations after it has examined all the facts. The bureau will properly investigate the incident, not try to get a cheap line in the paper like the member for Polwarth. Rail safety is too important to play grubby party politics with.

Honourable members interjecting.

Mr BATCHELOR — The member for Polwarth ought to apologise, and if he cannot, he ought to finish this very sad journey he has started out on as opposition spokesman on transport. Clearly the member for Polwarth is continuing in the traditions of the former member for Mordialloc — —

Honourable members interjecting.

Mr BATCHELOR — You can see, Speaker, by the response of the members in this house, that he will end up looking like as big an idiot as the previous member for Mordialloc.

Rural and regional Victoria: certificate of applied learning

Ms OVERINGTON (Ballarat West) — My question without notice is to the Minister for Education, and I ask: will the minister outline to the house how the

Victorian certificate of applied learning (VCAL) is benefiting Victoria's rural and regional students?

Ms KOSKY (Minister for Education and Training) — I am very pleased to answer the question about the new Victorian certificate of applied learning (VCAL) and explain how it is improving outcomes in regional and rural Victoria.

As many in the house are aware, when we first came into office we had a review into post-compulsory education and training. Retention rates were far too low in this state and they were continuing to decline. We were sent a very clear message from that review, and that clear message was to implement major reforms in post-compulsory education provision. The message was to get on quickly with those reforms, and that is exactly what we did.

Retention rates in regional and rural Victoria have improved since we have come into office. Departmental data shows that year 7 to 12 retention rates have increased from 66.8 per cent when we took office to 71 per cent last year. That is a significant increase in response to the reforms we put in place. We are making a difference; we are making it happen.

But we are not stopping there, of course, because we still want to improve those retention rates. That is why the major reform of the Victorian certificate of applied learning has been put into place. It was trialled last year and is now being put into place in over 222 sites across Victoria. We invested almost $50 million extra in this to ensure that it was done properly.

There are four strands to the Victorian certificate of applied learning, which operates in years 11 and 12. It has a literacy and numeracy skills strand, an industry-specific skills strand, a work-related skills strand and a personal development skills strand.

Whilst it is offered at 222 sites across Victoria, in country Victoria it is offered at 107 sites. When you consider that there are fewer secondary schools outside metropolitan Melbourne than within metropolitan Melbourne, that translates into 60 per cent of government schools providing VCAL programs. As well, 20 Catholic schools, 9 TAFEs and 2 adult community education providers are offering the Victorian certificate of applied learning. There are currently 2300 students enrolled in VCAL in rural and regional Victoria.

It takes around 45 additional teachers in regional and rural Victoria to put in place the new VCAL programs. A few examples of these programs across regional and rural Victoria include Wedderburn Secondary College, which has a focus on the equine industry; Bendigo Senior Secondary College, information technology; Lowanna College in Moe, multimedia; Edenhope College, agriculture — stock and station skills; Maryborough Regional College, print-based industries; and Portland Secondary College, a community program in conjunction with the Winda Mara Aboriginal Co-operative. Among non-government examples we have Nagle College in Bairnsdale, land-based industries; and Notre Dame College in Shepparton, engineering and automotive. So there is a wide range of responses within the schools, but all within the framework of the Victorian certificate of applied learning.

As I said, the retention rates when we came into office were appalling; they were unacceptable to us. We have invested in ideas, in major reforms and in resources, and we are making it happen in our Victorian schools.

Minister for Police and Emergency Services: conduct

Mr WELLS (Scoresby) — I refer the Minister for Police and Emergency Services to his previous answer. Does the minister now realise that he has confirmed that he sought confidential police information with the avowed intention of using it for political purposes against a Liberal candidate for Yan Yean?

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member is both plainly unable to read and unable to listen. Page 23 of the Ombudsman's report, which I referred to earlier, very simply says that the evidence is quite clear that the incident involving the damage to Mr Guys's car and his reporting to police was in the public domain.

Workcover: occupational health and safety

Ms LINDELL (Carrum) — Will the Minister for Workcover inform the house of the latest efforts by the Victorian Workcover Authority to improve occupational health and safety standards in Victoria and of the benefits of Victoria's workers compensation scheme to the community?

Mr HULLS (Minister for Workcover) — I thank the honourable member for Carrum for her very important question. When we came to office, all those years ago now, we inherited a workers compensation basket case. In just three or so short years we have rebuilt the scheme, with the advantages being used to attract business to Victoria.

Those of us who are avid readers of the *Australian Financial Review* will I am sure have noticed an article published on 11 March in which the chief executive officer of the New South Wales Chamber of Commerce, when talking about workers compensation, stated:

> In Victoria the workers compensation scheme charges an average of 2.2 per cent of wages and is using the cost advantage to attract business.

And that is the fact. Indeed we are using our viable workers compensation scheme to attract business to this state.

Cowboys who do not care enough about workplace health and safety are certainly being forced to lift their game. We have increased the number of workplace inspectors by 20 per cent, and we are more vigorously enforcing the laws to uphold occupational health and standards in Victoria. I am pleased to release the latest figures on occupational health and safety prosecutions in Victoria. They show a significant increase, and they also show how serious the Bracks government is in protecting the health and safety of Victorian workers.

Between January and December 2002 a total of 240 prosecutions were completed. This compares with figures from 1999, when only 105 prosecutions were completed. That represents a 128 per cent increase when you compare these two years. Already 44 prosecutions have been completed so far this year. We believe these are very strong results.

Victoria is certainly leading the nation when it comes to occupational health and safety. We will continue to lead the nation when we embark upon our review of the state's occupational health and safety legislation, as promised during the election campaign. We in Victoria believe we have the right balance between protection for workers, a well-managed scheme and competitive premiums that are attracting business to this state.

I am concerned though about some recent comments made by Tony Abbott, the federal minister for industrial relations, in his recent announcement of a proposed nationalisation of occupational health and safety and Workcover laws in this country. If the Howard government and Tony Abbott's industrial relations laws are any indication, his plan is nothing more than an attempt to water down protection for workers and rob Victoria of the competitive advantage it actually has. We all know that Tony Abbott stirs up unrest when he does not need to, and when there is none we know he creates it.

The Bracks government will not allow the Howard government to risk the advantage to Victoria's economy of having a well-managed workers compensation scheme. While we certainly understand that many companies conduct operations around different states, any national approach cannot resort to Tony Abbott's lowest-common-denominator approach, which would water down protection for workers. We will not allow that to happen.

PARLIAMENTARY COMMITTEES (AMENDMENT) BILL

Second reading

Debate resumed.

Mr RYAN (Leader of the National Party) — Prior to the suspension of the sitting I observed that if the government was serious about what the Premier said about having a system of parliamentary committees that reflect the structure of the current departments then there would be a health services committee, and I reiterate that assertion. That is the first amendment that we will seek to move.

The second amendment relates to the provisions of the terms of reference of the Scrutiny of Acts and Regulations Committee. That amendment seeks to have the current sessional orders that this government has forced on the Parliament subjected to consideration by the Scrutiny of Acts and Regulations Committee. We want to do that because we believe the sessional orders under which the Parliament is now functioning are completely inappropriate. They will significantly curtail the capacity of members of Parliament, particularly those of us in the National Party, to have a reasonable say about matters of concern to country Victorians. They do, in fact, trespass upon our right to freedom of speech in this chamber. I have set out on a number of occasions why that is so. We want the Scrutiny of Acts and Regulations Committee to consider the terms of the sessional orders and report to Parliament with regard to the deliberations it may make in terms of those sessional orders.

When you look at the activities of the Scrutiny of Acts and Regulations Committee it is intended to report to the Parliament upon those areas where there have been infringements upon rights and freedoms, particularly the freedom of speech. In this instance there has in our view very inappropriately been a limit set upon the time particularly the lead speaker for the National Party has to contribute to debates. The same sort of general principle applies regarding the Liberal Party and the

two Independent members of the house, who are now unable to contribute to the extent that they did previously. For those reasons we believe it appropriate to expand the capacity of the Scrutiny of Acts and Regulations Committee to enable it to consider those sessional orders and report back to the Parliament when it has done so. That in effect is the content of our second amendment.

The third amendment concerns the critical issue of establishing a truly independent inquiry into the bushfires that have ravaged Victoria. It is interesting to reflect that only moments ago in question time there was discussion in response to a question asked of the Minister for Transport about rail crashes that have recently occurred in Victoria. It was interesting to observe that one of the first lines of defence of the minister in the sense of the investigation of those incidents was to refer to an independent inquiry being undertaken by the Australian Transport Safety Bureau.

If it is good enough for a truly independent inquiry to be undertaken in relation to rail accidents in the state of Victoria then it is surely good enough for an independent inquiry to be undertaken with regard to one of the most serious events to have occurred in this state's history — namely, the bushfires that have ravaged Victoria since 1 December last year. That should also incorporate, of course, not only north-eastern Victoria and East Gippsland but also the area around Sale, the Wallan region and north-western Victoria. What occurred in those and other areas ought be the subject of an independent inquiry.

I put that position particularly in response to the proposition advanced by the government, where Mr Bruce Esplin, the Emergency Services Commissioner, has now been given the task of conducting this inquiry. The problem with this as was observed by Tony Cutcliffe in an article in the *Weekly Times* this week, is that this inquiry is a sham. I say that because people who were subject to the fires are telling me that such is the case. What the people out there are saying to me is that what in effect has happened is that the government has put a fox in with the chooks.

It has happened inadvertently in the sense of poor Mr Esplin, because the very day upon which the announcement was made and he featured at a press conference where it was indicated that he would be undertaking this onerous task, he was accompanied by the Premier. There we have the Premier of the day baldly making two broad assertions. The first was 'Our preparation for the fighting of the fires this year was the best ever'; in the second the Premier absolutely discounted the significance of fuel-reduction burning as being a factor regarding these terrible fires we have seen across the state.

In respect of two issues the Premier has pre-empted the outcome of the inquiry that this government has said is to be conducted on an independent basis by Mr Esplin. It made then and there an absolute mockery what Mr Esplin is supposed to do. The situation is compounded by the terms of reference that were issued today out of Mr Esplin's office. They are headed 'Emergency Services Commissioner announces terms of reference for bushfire inquiry'. That is what his media release says. I do not have the time to go through the terms of reference in detail, because as I have said, I only have 20 minutes in total to speak about these critical issues, and I have 5 minutes to go.

When you look at the terms of reference they talk about three critical points: examining the preparedness for the fires; the effectiveness of the response; and future bushfire management strategies. Interestingly, in the body of the release it goes on to say:

> I have the broadest possible brief to examine the Victorian bushfires, the state's preparedness, the fire fighting effort and the recovery —

I highlight that word —

> of bushfire-affected communities.

On the face of the document that is the basis of the terms of reference issued out of the office of the Emergency Services Commissioner, he patently does not have the power to investigate the issue of recovery. That touches upon the next critical point that I make.

People out there who have suffered through the bushfires want an inquiry conducted on two essential areas. Yes, they want to talk about the way in which we were preparing and fighting the fires, and they quite properly want an opportunity to commend the extraordinarily magnificent efforts of all of those who were involved in the fighting of the fires, but they also want to talk on other issues about how the fires were fought, about the recovery effort, about the issues that have happened since, and more particularly about the issues that have not happened since.

They want to talk about the fact that the government has not provided appropriate support in relation to the all-important issue of fencing. They want to talk about the fact that the government has not done nearly enough about making alternative sites around Victoria that are ready to feed starving stock available for that purpose simply because there is apparently some philosophical block on the part of this government to enabling that to happen. They want to talk about water quality and the

problems that are now arising, as well as those that they had to contend with during the firefighting phase. They are the sorts of things they want to speak of.

On 29 January I announced from the National Party perspective that we wanted an all-party parliamentary committee to have a look at this important issue. I set out in the course of that release 17 terms of reference. I wrote to the Premier soon after to put to him that that was what should happen. I stand in this Parliament today and say that to this moment I have not had a response from the Premier. I have not even had the courtesy of a letter coming back from the Premier in relation to it. I drew the terms of reference that I thought were appropriate, and I drew them on the basis of the conversations that I had over the course of these fires and in the period immediately after.

The first term of reference refers to management practices of relevant government departments. The second relates to the degree of fuel-reduction burning, which this government says is a matter of no consequence with regard to the fires. The third is to examine the sufficiency of budgetary allocations to relevant departments. The fourth is to look at the budgetary position of the Country Fire Authority.

I referred to the impact of the reduction of saw log availability by the creation of reserves and the consequent retraction of the sawmilling industry from bush areas. That is put in the context of where we will be if this government succeeds in one of its basic aims — to destroy the hardwood timber industry of the state. Where will we get the bulldozers and the personnel seconded to action to operate them the next time these fires inevitably happen?

I saw in a newspaper article the other day that a proposal we have put up has apparently been adopted — that consideration be given, as I suggested in the press release, to looking at the prospect of having those members of the public service located in country Victoria encouraged to join the Country Fire Authority. These and other issues that I set out in the press release are crucial and essential to the determination of an appropriate outcome arising from the investigation of the fires.

What have we instead? We have poor Mr Esplin, who already has been hamstrung by the Premier; who is supposed to conduct the inquiry with two other people who are said to be experts but whose identity we do not yet know; who will take submissions on a written basis and who apparently will talk to those who have made submissions but not otherwise; and who it seems is unlikely to get out to see at first hand all those places that have been ravaged by these fires in order to make the appropriate inquiries, and importantly report on it on an independent basis.

Insofar as the latter is concerned, it is impossible for him to do it. That is why we have this third amendment, to make sure that we get an independent inquiry conducted by the Parliament of Victoria — because that is what should happen and that is what Victorians want to happen.

Mr MILDENHALL (Footscray) — Despite the content of the last 5 minutes of the address by the Leader of the National Party, this bill is actually about the structure of the parliamentary committee system. Members on the other side want an inquiry into the sessional orders. Last night I think we had about 25 speeches on the Constitution (Parliamentary Reform) Bill. Under the previous sessional orders, the lead speakers for the opposition and the National Party would just about have been winding up their remarks by about the time of the conclusion of government business yesterday! This is a highly participative model and has enabled members from all around the state and from all backgrounds to contribute to the discussion of the great issues that are before the house.

The Parliamentary Committees (Amendment) Bill is designed to ensure that there is at least one joint committee broadly responsible for each major government department and area of government responsibility. It has been a major oversight that a parliamentary committee has not had the capacity to focus on issues relating to education and training across the state.

Committees will also be established to cover areas, in the geographic sense, of some concern to government and community that have not had sufficient focus on them in the past — that is the reason for the proposal to establish the Rural and Regional Services and Development Committee. It is no news to this chamber that issues relating to rural and regional affairs have been dominant both in community concern and the political agenda across this state for many years now, prompted by severe cutbacks of services and infrastructure by the previous conservative government and aided and abetted by the commonwealth. That has led to an enormous amount of concern and a strong focus by the government and the community on the need for and adequacy of government involvement in those parts of the state.

There is also a need for a focus on outer suburban and interface services and development. In fact an interface group of municipal councils has formed to focus

attention on and examine common issues in this discrete subject area. The government has very frequently had public community submissions from those areas, where the need for services, infrastructure and issues unique to their geographic setting have been brought to the government's attention.

This is a work in progress. I certainly relish the work of the former Scrutiny of Acts and Regulations Committee, ably led by the member for Tarneit, which reported to Parliament on the parliamentary committee system. In due course further consideration may well be given to those recommendations.

The bill also deals with the number of members of the Public Accounts and Estimates Committee, and there is an amendment to rectify an allowance issue, which was explained by the Premier yesterday.

The honourable member for Doncaster gave us a little trip down memory lane to revisit the conventions and traditions of the place, and spoke of some of the more colourful history of some prominent commentators on the parliamentary committee system. I recall with some amusement that, in what members of the government call the dark days of the Kennett government, such was the burr under the saddle of the Kennett government represented by the honourable member for Doncaster that the then Premier referred to him as 'the real Leader of the Opposition in this place'. We all knew that that sounded the death knell for the honourable member for Doncaster's ministerial ambitions.

It is all very well for the honourable member for Doncaster and the Leader of the National Party to come here and talk about these fine traditions and the need for the chairs of these committees to be shared between the parties, but given the experience that those of us with a long enough experience or memory of this place had in those years, it ill behoves the opposition to give the government any lectures on this subject.

The fate of the honourable member for Murray Valley, who was nominated by members of the then opposition to become Chair of the committee and who was not only dumped under severe pressure and threats by the then government but also lost the railway line to his electorate, shows the vindictiveness and malevolence that characterised that administration. A member of that committee was the honourable member for Doncaster, closely followed by the Leader of the National Party. Some words may have been said in that party room, but certainly not a squeak was heard in public defending the member for Murray Valley.

These pleas for bipartisanship would be more credible if it were not for the malevolent and cynical use of the parliamentary committee system by the opposition as recently as 12 months ago, when it set up star chambers in the other place for the grubby Seal Rocks inquiry and the Frankston City Council inquiry.

Opposition members come in here and ask us to be bipartisan. They ask for a partnership, and they ask for some sharing of the approaches to parliamentary committees, but their record over time has been shameful. I am sure it will take some time for this government to forget their behaviour and for the opposition to re-establish the reputation it believes it may have had so we can have bipartisanship and a restoration of the traditions that once governed the parliamentary committee system in this Parliament.

Many government members in this place have enjoyed constructive relationships with members of the opposition on joint committees, and they have shared the responsibility for some constructive work. I have been a member of many committees, and I have been proud of the work that has come from them. The structure of these committees does not preclude such relationships being established, nor does it preclude the same quality of work being produced. But I argue that the quality of the work is not necessarily a product of those structures.

The National Party is attempting to hijack this legislation to get up their pet project, the bushfires investigatory committee, but it is not an appropriate way to do it. I am sure the community would rather have independent experts than MPs doing the post-mortem on the bushfire issue. I know members of this place who have an interest in outer suburban areas will not be impressed by the National Party's attempt to delete the Outer Suburban/Interface Services and Development Committee. It is not an appropriate amendment, and it will be noticed by outer suburban representatives and communities. This is good legislation, and it ought to enjoy the bipartisan support of the house.

Mr HONEYWOOD (Warrandyte) — I congratulate you, Acting Speaker, on your elevation to that very high and distinguished office! Having said that, I have only a limited time to talk on this legislation because of the new sessional orders.

We have no clearer indication of the different priorities of the government party and the opposition parties on the pivotal role of democratic institutions in the state of Victoria — namely, parliamentary committees — than the amendments that have been brought forward today.

Let us have a look at the amendments that the government has brought forward. What are they about? They are about money and about positions! They are about sharing the spoils of power and increasing the number of chairmanships, which are all superannuable. They are about fixing the money for the mates. That is what the amendments are about. They are not amendments that go to the core of enhancing the democratic institutions of this state. They are not amendments that will ensure the committees are able to be incisive and make genuine inquiries. We all know the types of references that will be bowled up to the mushroom faction opposite. They will be designed to get the outcomes the government wants.

As I said, the amendments are about fixing up the dough for the factional mates. That is the government's priority. At least our colleagues in the National Party have come up with well-considered amendments that go to the nature of these committees and what they should be about in the interests of the people of Victoria.

The National Party amendments are admittedly constrained by the situation which the opposition parties find themselves in — namely, they cannot move amendments that seek additional financial supply for the running of government. The government can do that, but an opposition party cannot. It is therefore unfortunate that one of the three amendments put forward by the National Party proposes doing away with the Environmental and Natural Resources Committee and replacing it with a bushfire investigatory committee. All honourable members would agree that the Environment and Natural Resources Committee has a proud record, particularly under the previous Liberal government, of reporting on very important references which go to the environmental character of Victoria and the way the environment is managed.

While it is tempting, given the natural disaster we have had in the shape of bushfires across the state, to substitute one committee for another, there is not a good enough reason to do so, particularly given that the inquiry the Minister for Police and Emergency Services announced today has limited terms of reference that will make sure that the government is not too embarrassed by the true situation, which is that the government did not countenance sufficient resources being put in to fuel reduction, stock feed and fence replacement. We can understand why the committee it proposes has very limited terms of reference.

But it is open to the government — and we hope it will do so — to take up the invitation of the opposition parties and give a reference to the Environment and Natural Resources Committee on bushfire investigations anyway. That way we could have a two-pronged approach in Victoria: we could have the government's trumped-up, limited-reference inquiry into bushfires, and we could have a separate reference for members of Parliament, who may be much more objective when inquiring into how these bushfires came about, how their mitigation should be resourced and what resources should be provided for rural communities and farmers who are in great need.

So while the sentiment is there in the first amendment put forward by the leader of the National Party, it proposes the substitution of a new committee for an existing committee. The opposition cannot support the amendment, only because the government has constrained the opposition by refusing the money to ensure that a new committee could eventuate.

The second amendment put forward by the National Party presents a similar conundrum — that is, it proposes to substitute a new Health Services Committee for the proposed all-party Outer Suburban/Interface Services and Development Committee. The National Party has the luxury of having to appeal only to its rural constituencies, whereas the Liberal Party tries to govern for and represent all of Victoria — unlike the Labor Party. On that basis, the Outer Suburban/Interface Services and Development Committee proposal is crucial, because over the past three years urban-fringe needs have been allowed to go unresourced by the current government. For example, many families are doing it very hard having to provide private transport for their children because the government will not fund buses to take children to schools on the urban fringe or from the urban fringe to small rural schools. We can only hope the government will provide the new Outer Suburban/Interface Services and Development Committee with genuine references such as the school bus problem to ensure that the committee is meaningful.

The opposition also understands that the proposal by the National Party for a Health Services Committee is genuine. The Leader of the National Party says there is no current committee that can handle health issues, but if the government were to give genuine references to the current Drugs and Crime Prevention Committee or the Family and Community Development Committee we could have meaningful dialogue and objective analysis of health resourcing in Victoria without a separate all-party Health Services Committee.

We know that the government does not want to have a stand-alone health committee, because it could dig up some of the factual information government members worry about, particularly after the Auditor-General revealed only two weeks ago that nine of our state hospitals are verging on bankruptcy due to a lack of resourcing by a government that claims to give health no. 2 priority after education.

The third proposal put forward by the National Party is to amend the terms of reference for the Scrutiny of Acts and Regulations Committee to include a capacity to examine the sessional orders now in effect and to report to the Parliament upon those sessional orders. This is a proposal that the opposition can agree to, and in the interests of democracy should agree to: we cannot abide a situation in which a gag is put on parliamentary debate by a government which only a few years ago in opposition claimed that we did not then have a true, open and accountable government. What has it done? It has gagged the freedom of information process. Only yesterday the Ombudsman highlighted the fact that an average of nine months has become the order of the day for a freedom of information application when a 45-day-maximum rule exists.

Despite the freedom of information and other matters the Premier and government members went on about when in opposition — about ensuring more openness and accountability — we find that the sessional orders that have been brought into the Parliament are an absolute disgrace, a sham and a constraint on true democratic processes. They impose a cap on debate which, in terms of the maximum time allowed, is the worst in any jurisdiction in Australia, as I pointed out in a previous debate. The opposition agrees with the National Party that the terms of reference for the Scrutiny of Acts and Regulations Committee should include a capacity to examine the current sessional orders and thereby highlight to the public of Victoria just how democracy has been stifled by a second-term Bracks government.

The opposition believes the amendments have in some cases been well considered by the National Party, but because the government controls the purse strings when it comes to the resources of these committees we have to acknowledge that the amendments cannot successfully allow for the substitution of one committee for another.

To sum up, unfortunately the fact that the conservative parties no longer have the majority in the upper house also means that we will not be able to have committees that look into government scandals. The attempt by the honourable member for Footscray to attack the committees of inquiry into Seal Rocks and the Premier's mate, Jim Reeves, does him no good when it comes to his reputation for being open and transparent and not wishing to gag the Parliament.

Mr ROBINSON (Mitcham) — It is a pleasure to speak on a Parliamentary Committees (Amendment) Bill. I would like to commence my contribution to the debate by acknowledging the very good work that is done at 35 Spring Street by a lot of people who have yet to be mentioned in the debate, and that is the committee staff. There are a large number of parliamentary committee employees. All members who have served on parliamentary committees must have found that the professionalism of the staff is second to none. The committee employees often have a difficult time dealing with a passing parade of members of Parliament who come to those committees with all manner of perspectives. It has been acknowledged here in the Parliament that the committees work very well, and that is in no small measure due to the professionalism of the staff at 35 Spring Street.

I could not let the comments of the previous speaker, the honourable member for Warrandyte, pass. I found one of his comments extraordinary. It was to do with the government's amendments. As much as I did not think we wanted to draw attention to that part of the amendments that deal with South Eastern Province, I feel the need to comment. If I understood the honourable member for Warrandyte correctly, he was suggesting that the amendments introduced by the government are simply about rewarding government members of Parliament.

Yet as I look through the amendment I see there is a bit at the bottom about looking after South Eastern Province and making sure it does not slip through the regulatory net. We would like to look after the honourable member for South Eastern Province in another place, even if the Deputy Leader of the Opposition has a different point of view. We will look after the honourable member, because he does a good job and he occasionally stands up to the opposition leadership — and that is well known. He is as deserving as anyone of coverage by those regulations.

I also found it entertaining that the honourable member for Doncaster wanted to remind us all about the contribution of a former honourable member for Templestowe Province in another place who, of course, held the dual roles of Parliamentary Secretary to the Premier and chair of the Public Accounts and Estimates Committee. We all have some sympathy for the honourable member for Doncaster because of his recent unfortunate meeting with a spider. He may still be

suffering the after-effects of that, because I am at a loss to understand why anyone would want to invoke the memory of that appointment.

From that point forward any politics teacher or lecturer in Victoria wanting to highlight both the necessity for and the perils of dealing with the separation of powers could simply cite what is now known as the Forwood case — that is, you have someone serving on the executive who is trying to also do a job for the Parliament. The two are meant to be separate. Why anyone would go around referring to that in a positive light and asking us to recall the progress that that represented is beyond me. Perhaps we have to make some genuine allowance for the honourable member for Doncaster at this time.

The bill represents an evolution of the Parliament's procedures in that it parallels the changes we have made to the sessional orders, and it tries to make the Parliament's committee structure more contemporary. I have been fortunate in previous parliaments to have been involved with both the Law Reform Committee and the Scrutiny of Acts and Regulations Committee.

Ms Beattie — Excellent committees.

Mr ROBINSON — Excellent committees, as the honourable member for Yuroke interjects. In her previous life as the honourable member for Tullamarine she served with me on the Scrutiny of Acts and Regulations Committee, and it was a particular pleasure to be involved with that committee in a review of parliamentary committees. I remember spending some time with the members of different parliamentary committees and different parliaments talking about the desirability of increasing the scope of the work of parliamentary committees. Indeed the bill proposes changes that will see a greater proportion of government activity scrutinised by committees, and that is a very good thing.

The establishment of the Education and Training Committee and the Rural and Regional Services and Development Committee is a good step. They represent progress and an opportunity for the Parliament to examine other activities of government that have not previously been subjected to direct scrutiny. It is very positive. It flows out of one of the inquiries undertaken by a parliamentary committee and in itself demonstrates quite clearly the value of those committees.

I also want to refer to clause 7, which proposes that the Scrutiny of Acts and Regulations Committee have a retrospective power to review acts of Parliament or bills which have been introduced prior to that committee's formal re-establishment. That is a very necessary step, and it is also a step that was undertaken in the last Parliament where, due to the closeness of the numbers and the ongoing discussions over proportional representation on committees, SARC did not establish itself until approximately February or March. So there was a backlog of work on legislation, just as there is, of course, an ongoing and perpetual workload with regulations. We sometimes lose sight of the fact that hundreds of regulations of different types are presented to and analysed by that committee each year.

This is good legislation. I do not believe the National Party is being ingenuous when it complains about the lack of time. I listened to the extraordinary contribution of the Leader of the National Party. He is a very capable fellow, and he had the opportunity to make a 20-minute contribution — but I timed him, and he spent 23 minutes complaining about the lack of time! There is an old saying in business that time is money, and if the opposition parties want to continue wasting their time talking about a shortage of time, so be it. However, if they applied that in business, they would be stone broke.

The bill provides for more members of Parliament to be involved in parliamentary committee work. That is a very positive step, because as someone who has served a few years in this place I have to say that parliamentary committees offer the only consistent form of professional development for members of Parliament. All members of this place try to do their jobs as professionals. We are paid as professionals and we are resourced as professionals, but there is not a huge opportunity to develop one's skills. Most members of this Parliament would have had to deal with circumstances which are not of themselves particularly Liberal, Labor or Independent circumstances. They are nevertheless intrinsically those that politicians and parliamentarians experience.

One of the great values of parliamentary committees is that in the course of the parliamentary term you get the opportunity to meet and exchange views with other members of Parliament from other jurisdictions. It is extraordinary that in this profession, unlike many others, there is a paucity of opportunities to talk to and meet with other people who do the same sort of work in other jurisdictions, yet there are hundreds of other parliamentarians in different jurisdictions across this country.

In the past three or four years in particular I have been very appreciative of the chance to be involved in committees and subcommittees that have gone out and met with other people in other jurisdictions and learn a

little bit about what they do and share with them some of the things we do and to come out of that process with a broader view about the sorts of — —

Mr Mildenhall interjected.

Mr ROBINSON — The honourable member for Footscray raises a very good point, which I think needs to be put on the record: the parliamentary committee report undertaken by the Scrutiny of Acts and Regulations Committee was done under great hardship, in that we did not travel overseas. I know that revelation is shocking to some people. We did go on a brief trip to New Zealand — but I am not sure what actually constitutes an overseas trip. If in his discussions with the Premier he wants to note that the previous members of the Scrutiny of Acts and Regulations Committee are owed one, I will be happy for him to put that one down. I thank him for the opportunity of putting that on the record.

This is a great bill which represents an evolution of the work undertaken by parliamentary committees. It probably does not go as far as some people would want, and that is a fair complaint, but it certainly goes a lot further than the system we had under previous parliaments. In that sense it is to be greatly welcomed, and I have no hesitation in supporting the Parliamentary Committees (Amendment) Bill.

Mr THOMPSON (Sandringham) — I congratulate the honourable member on his appointment to the high office of Acting Speaker.

I wish to cite a couple of quotes from the debate that took place in 1992 regarding parliamentary committees:

> Two of the five committees had chairpersons from parties other than the government party. That was something that happened under the previous Liberal government: from time to time members of other parties chaired committees. I maintain that such a system works well. It provides ownership of the structure to the whole of the Parliament, not just to part of it.
>
> This is a very important matter. Members of the opposition were horrified — and I was surprised — when we received a copy of a fax that had been sent to the staff of the committees. The fax listed the new committees and the names of the nine chairmen of the committees. No discussion had taken place with the opposition, and there had been no consideration by the Parliament before honourable members were presented with a list of the nine committees.

It turned out that those nine committees were appointed by the same party, the government. That quote by the Honourable Tom Roper, a former Labor minister, highlighted the then opposition's concerns about the importance of the parliamentary committee structure and the element of bipartisanship that should form part of the process. However, what is the Labor Party doing now that it is in a position to make a decision? Is it giving effect to its rhetoric of 1992, or is it embarking upon a particular course which it strongly opposed at that time?

Other opposition speakers in that debate expressed concern about the abuse of democratic process, about the loss of bipartisanship in the parliamentary committee structure and about internal party political purposes being served by the appointments of chairs of committees and the development of a career structure for members of the government of the day. It is fair to say that the interests of the Parliament are best served when there is a strong parliamentary committee process with a strong structure.

The previous speaker mentioned the benefit of overseas travel. I understand that during the current term that is to be a particular focus of the committee system. I suggest that the more government members there are who spend time overseas the better it will be for the good governance of Victoria, as they may have the chance to learn something about good governance overseas and they may not cause quite the same degree of damage as they might if they were based only in Melbourne, remembering the tenure of the previous Labor government between 1982 and 1992.

The National Party has proposed what I think is a good reform — that the sessional orders of this chamber be referred to the Scrutiny of Acts and Regulations Committee. I trust that if that is the case the committee will have the chance to draw a comparative benchmark with comparable sessional orders in other Australian states. I fear we will find that the structure the house is currently operating under may reflect one of the least democratic approaches that exists.

A point of particular concern that I have is the limitation on the rights of lead speakers, they being the shadow ministers who at times have spent weeks and months studying issues and liaising with community groups. They are being silenced by the time limitation and the lack of opportunity for an opposition to farm out the time for speeches according to levels of expertise on a discretionary basis.

I have had the opportunity to serve on different parliamentary committees, including the Scrutiny of Acts and Regulations Committee under the chairmanship of the honourable member for Doncaster. It served as an important parliamentary watchdog on issues such as the inappropriate delegation of legislative power and the trespass on rights and freedoms. The committee held public hearings on important pieces of

legislation and there was wide input from divergent community groups on imminent legislation. The comments from those groups were incorporated in the *Alert Digest*. That information provided a very important base on which parliamentarians in both chambers could then consider issues and make their judgments. I trust that in its future work the Scrutiny of Acts and Regulations Committee will take a very proactive role to glean from the wider community information that will form part of the *Alert Digest*.

I have also served on the Law Reform Committee. During the last Parliament a number of very important reforms were introduced as a consequence of its deliberations, in particular in the rural services review and on the application of technology to improve legal service delivery, resulting in some 125 recommendations, many of which were accepted by the government and some of which have already been implemented.

There was also the review of inspectors' powers and the timely recommendations on public transport inspectors. That provided a good framework for the better training of inspectors and for alleviating some of the circumstances that commuters found themselves in on railway station platforms.

Some excellent work was also undertaken by the committee in a bipartisan manner on the use of DNA in crime detection prevention, a report that I anticipate will find its way into this chamber for discussion during the 55th Parliament.

The importance of having an effective system of review of legislation under the Scrutiny of Acts and Regulations Committee was one reform during the period 1992 to 1996 which has been largely unheralded by government members. That was landmark legislation that mirrored a federal Scrutiny of Bills Committee established by the great parliamentarian, the late Senator Alan Missen who was a strong champion of human rights and individual freedoms. I know he was well known to the honourable member for Sunshine and was widely respected in Victoria and in national circles for his debating prowess and his unwavering belief in the democratic process and the freedom of expression of viewpoints.

The importance of there being a parliamentary committee that scrutinises legislation is that in the process and rush of legislation being delivered into the chamber it provides an opportunity for some of the legislation to be analysed to ensure that there are not adverse, undue or unfair impacts on particular sectors of the community or the removal of their rights or freedoms.

I have already alluded to the position of the chairs of committee. I note that the Labor Party is largely hypocritical on this particular question in the sense that the rhetoric of 1992 is not being implemented when it has the chance to implement it in the year 2003. Let it be judged for posterity by its hypocrisy in this particular regard.

I note that additional committees are to be appointed in relation to outer urban Melbourne and regional Victoria. Important questions can be considered by committees subject to there being good terms of reference so that Victoria can position itself for the future. I trust that these committees will not replace the work of members of Parliament under the proposed terms of redivision with country members representing 11 lower house electorates, and that their work will not have to be substituted by an all-party parliamentary committee embarking on and undertaking research.

Another parliamentary committee on which I had the opportunity to work was the subordinate legislation subcommittee, which dealt with regulations. Some excellent work was undertaken by it. One particular example was a review of the abalone fishing regulations. Abalone is an important industry to Victoria. It generates some $70 million a year in income, a large proportion of which is export income. It is an area which is highly regulated owing to the level of illegal activity that takes place. The Scrutiny of Acts and Regulations Committee's subordinate legislation subcommittee had the responsibility of reviewing regulations that provided very high standards and benchmarks from the monitoring of abalone from the time it was brought on board boats through its delivery to factories and into other markets.

Honourable members interjecting.

Mr THOMPSON — It is not quite time for government members to speak in the dark or work in the dark, but there are some serious concerns in relation to this matter.

The ACTING SPEAKER (Mr Kotsiras) — Order! The chair will be temporarily vacated.

Sitting suspended 3.35 p.m. until 7.02 p.m.

Debate interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before we commence this evening I would like to welcome students from Korowa Anglican Girls School in Glen Iris, who are here tonight with some German exchange students from the Veit-Hoesek School in Borgen, Bavaria, Germany. Welcome to those students.

Debate resumed.

Mr THOMPSON (Sandringham) — Today has been a dark day for democracy! In fact it became a lot darker during the course of my speech than I had first anticipated when I commenced. I note that governments that legislate in haste repent at leisure in the course of time.

The bill before the house relates to parliamentary committees, and just before the lights went out I was making a wide-ranging commentary on the good work of parliamentary committees. I referred in particular to the review of the subordinate legislation committee in relation to the abalone industry and its importance to Victoria. The importance of the work of that committee is evident in a report entitled *Taking Stock*, which deals with the illicit taking of abalone and its selling interstate, as well as reviewing the efficacy of the mechanisms designed to protect the valuable resource of abalone in Victoria.

In summary I will round up my principal concerns in relation to the legislation. The proposal by the National Party to review the sessional orders by way of reference to the Scrutiny of Acts and Regulations Committee is a very good idea so that the standards for parliamentary debate can be benchmarked not when one party dominates both houses of Parliament but objectively so that there is adequate opportunity for parliaments in the future to have fair ground rules to enable points to be articulated, policies to be presented and sound legislative reforms to be made.

I draw attention to remarks by people such as Tom Roper, a former member for Coburg, and Dr Coghill, a former member for Werribee, who alluded to the importance of parliamentary practice and worthwhile traditions being made and maintained in the course of time so that there could be strong ground rules.

I have spoken of the merit of the new committees that may be established and hope that the regional committee will not end up substituting for the role of rural members of Parliament representing smaller electorates.

At this point I would like to digress and speak about rushing legislation through the chamber. One of the most important parliamentary reforms that has been made in this state in the last 150 years has been debated in this chamber without the benefit of scrutiny by the all-party Scrutiny of Acts and Regulations Committee, the fundamental objective and first charter of which was to review legislation against the backdrop of rights as to whether legislation would unduly trespass upon individual rights and freedoms.

Yesterday we considered legislation without the benefit of the fine reports of the Scrutiny of Acts and Regulations Committee, and the only time the Parliament will consider that report will be after the legislation has already passed through the Parliament. That is an unfortunate situation to be in and represents a dark day for democracy.

Mr MAXFIELD (Narracan) — It gives me pleasure to contribute to this debate. I thought I was about 1½ minutes away from contributing at about 4.00 p.m.; as a result I have been able to spend many hours further preparing for my contribution.

I am proud to be standing up here as a member of the second Bracks government. Certainly I am very proud of the fact that we are establishing some new committees. As the member for Narracan and a country MP, I can say that our continual focus on regional and rural Victoria makes me very proud. The fact that we are going to put together a committee for rural and regional services development is something else I am proud to be a part of, because one of the things we have to remember in this state is that we have to govern for and grow the entire state. We cannot go back to the old days when all development occurred in the centre of Melbourne, and we hoped things would trickle down.

In my own area the work we have put in over the last three years in developing regional Victoria and on the Latrobe Valley ministerial task force makes me proud to be a member of a government that has delivered that so well. We heard from the Treasurer this afternoon on this issue. An all-party parliamentary committee to continue to highlight and focus on regional Victoria is something we are very proud to be a part of, because rural Victoria was not something we concentrated on for three years and then went on to worry about other things; our commitment to growing the whole state is very strong.

That takes me on to the issue of outer suburban/interface services. That committee is designed to have a similar sort of focus because there are special growing pains and difficulties in those outer suburban

areas. Certainly in my own electorate, which is partially in the Latrobe Valley and partially in West Gippsland, we have seen the pressures with and the difficulties of getting through Hallam, for example, as a result of that expanding outer suburban area. We are obviously very pleased that we have been able to bring forward by 12 months the completion of the Hallam bypass. It will certainly improve access from my electorate to Melbourne.

However, with those expanding areas there are significant growing pains, and having a committee that looks at that area as well will ensure that not only are we looking after rural Victoria but that outer suburban and partially rural areas will also get attention. One thing we must make very clear is that we will not neglect any part of the state. As a country MP I remain totally and utterly committed to supporting that proposition.

Looking more closely at the operation of our committees, I really look forward with excitement to the committee structure we are going to have. Honourable members of this house, and certainly those in the upper house, will be aware that previously there was some misuse of the all-party committee structure. A classic example of that was the so-called inquiry into the Seal Rocks project. That inquiry was politically motivated and at no stage was there any attempt to look at or investigate the facts. You saw a situation in the Seal Rocks inquiry where the terms of reference were so narrow that the committee would not even look at the awarding of the original contract that had created the problem in the first place. It wanted only to look at the final part of the contract where the dispute had arisen and had no intention of looking at why the dispute occurred — why was a contract entered into and what was its background?

When the upper house committee set the terms of its inquiry it made them very narrow because it wanted to get into the bit that it thought could be politically advantageous to it but knew that if the real story came out it would be very ashamed and embarrassed. The last thing the Liberal and National parties wanted in the upper house was for the truth to come out, for the history of the Seal Rocks centre to be known, because what would we have seen with that history?

Honourable members interjecting.

Mr MAXFIELD — What would we have known? Of course they structured the rules so the truth could not come out. Why would they do that? It was only because they did not want the facts to come out in the community. If you were really open and wanted to be accountable you would simply say, 'Let's inquire into the lot'. But no, the last thing they wanted to do was to have people find out what happened with Seal Rocks. Imagine if the community found out the truth. What a horrible thought that would be! So of course what they had to do was narrow that inquiry down, use their numbers in the upper house, their domination, to ensure that they hid the facts and exposed the little bits that they could distort and twist.

Honourable members interjecting.

Mr MAXFIELD — Acting Speaker, I will certainly ignore those interjections from members of the National Party. I am speaking in regard to the operation of committees. When it comes to all-party committees it is very important that all-party committees should be getting together and working through the issues to improve public policy in this state. That is the reason why we have all-party committees.

We should also be working very closely, ensuring that we try, when we can, to work as a team. There will be times when we will be political and have a go at each other, but one of the important secrets of the all-parliamentary committee is members do not try to engage in games or play political football because the voters of this state, the people whom we represent, really want us to go out there and do the hard yards on policy. They want us to deliver to the community. They want us to investigate the issues and come up with thoroughly thought out recommendations that can be brought to this house.

Honourable members interjecting.

Mr MAXFIELD — I notice that a member of the National Party, the honourable member for Murray Valley, says I am in fairyland. He thinks that trying to have good policies is being in fairyland.

During the seven years of the Kennett government, having good policy might have been fairyland stuff; but we have moved on now. Proper debate, proper discussion and proper policy are what we stand for.

Another example of how things are being used politically is the bushfire inquiry, and the National Party wants to throw its bushfire inquiry in. As a member of the Country Fire Authority I fought in the fires out at Swifts Creek, so I saw first hand what occurred out there. What we want is a balanced, independent inquiry. The last thing we want is politicians trying to gain political mileage out of devastating fires. That is what the National Party is doing in this house by engaging in a political game to

find blame on the other side so it can gain some political advantage.

Why not find out the truth? Why not have an independent inquiry that thoroughly investigates the matter and comes up with proper recommendations? Certainly that is what will happen with the Essential Services Commissioner. We have an independent commissioner who sets and monitors standards for the prevention and management of emergencies. He is required to advise and make recommendation reports on any issues relating to the management of emergencies such as bushfires, including preparation, planning, responses and recovery.

The inquiry we are bringing forward is all about an independent, proper assessment so that we can come up with the facts and issues we need rather than political grandstanding and attempts to play political games. The tragic loss of resources in the bushfires is something we need to investigate thoroughly; it is not something we should be using for political gain.

The National Party stands utterly condemned for wanting to play political games with the bushfires that ravaged our state. It is a shameful day — but of course we are not going to buckle. We are going to have an independent inquiry to make sure that the facts come out and we get sensible, proper recommendations.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Parliamentary Committees (Amendment) Bill, and from the outset let me say that all-party parliamentary committees play a very important role in the Parliament, in our democracy and in the development of good policy and good government in Victoria.

There has been a history of all-party parliamentary committees examining challenging and difficult issues. Indeed the recommendations made by a range of parliamentary committees have made a real difference in providing policy direction for Victoria. Irrespective of the government of the day or the range of issues, parliamentary committees have made a real difference.

A leading example is the Road Safety Committee, which has received world recognition over many decades for its work in improving road safety, whether it be seatbelt recommendations and drink-driving recommendations or, more recently, the drug-driving inquiry under the chairmanship of the former member for Forest Hill, John Richardson.

I was fortunate enough to serve on the Social Development Committee from 1988 to 1992 under the chairmanship of the then Labor member for Box Hill, Margaret Ray. It was a very interesting committee that addressed a range of different social issues, including vehicle occupant protection. Because there was no road safety committee at the time, the Social Development Committee subsumed the role. I remember our making recommendations about installing compulsory airbags in vehicles to protect the occupants. At the time the motor vehicle industry said it was impossible to deliver; but we now see that airbags are standard equipment in cars and are saving lives.

If I recollect correctly, I did a minority report on the need for improved education and driver training, particularly for learner-drivers from the time they got their learners permits to the time they went for their drivers tests. I believe all learner-drivers should undertake a defensive driving training course for 8 to 10 hours and present the certificates they gain when they go to get their drivers licences. That is the next step in significantly improving driver education and training. We looked at motorcycle safety, and we also looked at companion animals in setting the context for the Companion Animals Act, which replaced the Dog Act, provided for the registration of cats and significantly improved the management of companion animals in our society.

There was a significant inquiry into mental disturbance and community safety. That issue was very challenging and addressed major issues in the community, in particular the Garry David issue. While I should not refer to the clerks by name, the executive officer of the committee, Geoff Westcott, was a significant player in helping us on that committee. It was a very interesting and challenging committee reference, and the recommendations that were made on an all-party basis helped model some of the changes in our society.

The Social Development Committee had previously looked at references such as dying with dignity, which again was seen as a worldwide reference that addressed the issue of euthanasia, and drink driving.

All-party parliamentary committees have the benefit of input from expert professionals and input from the community. They are able to take written and oral evidence and can examine issues in great detail in a bipartisan way. So in general I strongly support the parliamentary committee system.

It is interesting to note the increase in the bill before us in the number of parliamentary committees. I will not comment on the titles of those additional committees, but I question the motive of this government in expanding the committee structure. In 1988 the Parliament had five committees which served it well.

Now we have 11 committees to serve the Parliament, and as I said, I question the government's motives for doing so.

When I analyse that I find that we need to see who benefits from these parliamentary committees. I have just had a look at the structure of the Bracks Labor government. Since 1999 we have seen an increase in the size of cabinet from 18 to 20 and a massive increase in the number of parliamentary secretaries to 15, and we now have 11 committee chairs. Under the Bracks government a total of 54 Labor MPs are on some sort of higher duties. If you look at cabinet ministers, the Cabinet Secretary, parliamentary secretaries, chairs of committees, presiding officers, whips or party secretaries, 54 out of 87 have higher duties! For those who can do the mathematics, that means 62 per cent of the people on that side of the house have their snouts in the trough.

This bill is about allowing the Labor government to put more of its members' snouts in the taxpayers' trough. We have had an increase in the number of cabinet ministers and parliamentary secretaries by about 50 per cent, and we have had an increase in the number of committee chairs. We now have 62 per cent of all government members in both houses on some sort of higher duties, and just the additional places that have been created since the re-election of the Bracks government is costing taxpayers well over half a million dollars a year.

I ask the Labor backbenchers and all the members of this Parliament how much that would benefit their local schools, local disability organisations, local road funding — and that is only part of it, because it has implications for our superannuation fund. These people have not only got their snouts in the trough for the extra pay of being a chair of a committee or a parliamentary secretary but in the long run they also have benefits in superannuation.

I put it to you, Acting Speaker, that while parliamentary committees are in themselves good for the Parliament this government is about creating jobs for the boys and girls of the backbench of the Labor Party so they can feather their own nests or line their own pockets at taxpayers' expense. That is what this is about. It is not about genuinely trying to provide a forum for Parliament to operate better; it is about creating work for the bloated backbenches and putting extra money into the pockets of backbenchers.

It would be interesting to note how many of these chairs of committees, which are important positions, are going to be taken up by newly elected MPs who do not even know how the parliamentary system works. I wonder how many of those are going to have their snouts in the trough when they do not even know how the system works — let alone know how to make a committee work.

I question the way this government is operating. This government, which has been re-elected for only a short time, has already amended the sessional orders to deny effective debate in the Parliament — it has already stifled democracy. It wants to change the constitution to deny effective regional and rural representation in the Parliament. Now it wants to use a parliamentary committee system to fundamentally provide jobs and extra money for some of its idle, lazy backbenchers.

That is what this is about, and we will be watching. We will be watching to see how many of these committees will find it necessary to go on trips interstate and overseas. We have the hypocrisy of the Labor Party, which attacks overseas travel but devises mechanisms to feather its members' nests through these restructures. We will be watching to see what it actually does in this work.

In the final minute let me refer briefly to the National Party proposed amendment about the bushfire investigatory committee. I agree with the thrust of this because there is a real need for a proper, full and independent investigation of the fires. The government inquiry is a tightly controlled internal whitewash and a sham. It is totally inappropriate for a full-time government employee to be conducting this inquiry. It is not independent, and it does not provide for people to be able to give evidence before that inquiry in an open, honest way under oath. It does not give the officers of government — officers of the DSE, the Department of Scorched Earth — the chance to give evidence under oath about what they know about the lack of fuel-reduction burning, the lack of maintenance of fire tracks and the operations on the fire front itself. We need to have a full and proper independent inquiry.

I support the thrust of the National Party amendment, and I condemn the government for trying to run away from a proper inquiry.

Debate adjourned on motion of Mr BATCHELOR (Minister for Transport).

Debate adjourned until later this day.

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Second reading

Debate resumed from 18 March; motion of Mr BRACKS (Premier).

Government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

Mr BATCHELOR (Minister for Transport) — I move:

That the debate be now adjourned.

Mr PERTON (Doncaster) — The Parliament and the public should note that this is a major piece of constitutional reform. It entrenches a whole range of provisions in the constitution which can be changed only by referendum. At 7.30 on Wednesday night the government business program is dictating that this bill will pass through this house at 4 o'clock tomorrow afternoon, yet these amendments are being received by the Liberal Party, the National Party and the Independents without explanatory documentation or any explanation of their contents.

I have asked the Leader of the House and the Government Whip — it is not their fault — and they have offered to facilitate the briefings. This is ridiculous. A piece of major constitutional reform will go through this house by 4 o'clock tomorrow, and we are getting 35 amendments at 7.30 the night before this bill will pass. That is inappropriate. I think the public, were it aware of it, would think it inappropriate. I do not blame the Leader of the House or the Government Whip, but the government should hang its head in shame for bringing forward amendments to such a major piece of legislation so late in the piece.

Mr LANGDON (Ivanhoe) — I assure the member for Doncaster that a briefing will be given later this day — straightaway.

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

TERRORISM (COMMUNITY PROTECTION) BILL

Second reading

Debate resumed from 27 February; motion of Mr BRACKS (Premier).

Mr McINTOSH (Kew) — I agree with the Premier when he said in his second-reading speech that the attacks on our fellow countrymen in Bali and the events of September 11 have no doubt driven home to all of us the appalling and dramatic problem that terrorism is causing, not only for this country but for other nations around the world.

Thomas Jefferson once said, 'The price of freedom is eternal vigilance'. This bill goes a long way to dealing with the vigilance necessary for our people in Victoria to deal with this matter. I have no doubt that the people of Victoria require and demand of the legislature that it introduce laws that will enable the fight against terrorism to be carried on to the best of our possible ability with the greatest amount of resources available in the state of Victoria.

As I said, the bill goes a long way to dealing with these matters. It arose out of a national agreement in April last year between the heads of all Australian governments — commonwealth, states and territories — to introduce legislation that would enable the fight against terrorism to be dealt with in a more appropriate coordinated national way. A bill currently before the upper house deals with a constitutional reference by the state of Victoria to the commonwealth to put beyond doubt the ability of the commonwealth to legislate on a number of new terrorist offences. That legislation was introduced in the commonwealth Parliament in July last year. Essentially the legislation in the upper house indicates that constitutional power is lent to the commonwealth to enable it to have the power beyond any constitutional challenge.

The genesis of this bill also arose out of the national agreement in April last year. That agreement required each state and territory to undertake a review of its own domestic laws and its ability to deal with the scourge of terrorism. I repeat: this bill goes a long way to dealing with those matters.

Of course there have been a number of concerns in a global sense about some of the items raised in this bill and I will go into them in more detail in a moment. A number of matters have raised community concern. Covert search warrants have been the subject of concerns raised by Liberty Victoria and the Fitzroy Legal Service. I understand the Privacy Commissioner has also expressed some concerns, but regrettably I found out about those concerns at only around 6 o'clock this evening and was unable to make any contact with the Privacy Commissioner.

However, I commence with those concerns raised by Liberty Victoria and the Fitzroy Legal Service, and I

propose to deal with them in some detail. It is safe to say that the opposition supports the legislation. We understand the motives of the government in wishing to deal with this scourge of terrorism in a national way with a national approach, and of course we support the government in that approach.

There may be concerns and glitches but one of the fundamental principles of the bill is a sunset term which lapses at the end of 2006. The Attorney-General is obliged to conduct a review of the operation of the legislation. It must be tabled in the Parliament at the end of 30 June 2006 to enable all of us to consider what aspects of the bill could be improved. That review will, no doubt, deal with issues of individual liberty and also the effectiveness of the measures dealing with terrorism. Indeed, in a briefing by the department we learnt that one of the things that may be considered by the Attorney-General is whether we still require these dramatic and draconian powers as part of the law of Victoria. I do not want to be a harbinger of any form of doom or concern but I imagine that is likely to not be the situation because terrorism is one of those things that will be present with us for most of our lives. However, having said that — —

Mr Ryan — Let me say this!

Mr McINTOSH — I thank the Leader of the National Party for his prompting. I will briefly outline the principal aspects of the bill. It contains a provision to deal with the issue of the covert search warrants, which is a novel system. As it will be covert the very person who is the subject of the search warrant will not know anything about it and will have no ability, through the process of law, to deal with or oppose it or know anything about the detail of the search warrant. It is a dramatic step. As I said, the person who is the subject of such a warrant would not know about the detail of such warrants.

The next aspect is what I call the detention of individuals, but it is really dealing with the ability of emergency services — usually the police, who are normally the first people on the scene — to detain or direct people where they should go and what activities they may undertake, including decontamination, for a period of up to 8 hours with the possibility of that being extended for a further 8 hours. The whole purpose of the provision relates to the notion that there has to be an immediate response and a buying of time and if there is a chemical, biological or radiological contamination it may not be immediately obvious as to what overall response the emergency services would have to implement. There would have to be some determination as to whether it was chemical, biological or radiological. Indeed it could be a combination of all of those.

It is a mechanism whereby emergency services — the police, particularly, who would be the first on the scene — would be enabled to make decisions to at least contain the problem, identify what that problem was, and then the normal disaster management plans would come into operation after that. As I said, it is a dramatic step to detain people for no greater reason than that they have been subject to these sort of attacks, but it is probably necessary in those circumstances, particularly if there were a chance of infection or exposure of others if they were free to move around an area, city or otherwise.

I move onto the next issue, which is the mandatory reporting of the theft of chemicals. One of the things that we have all become aware of, me particularly after the Bali bombings, is the use in terrorism of ordinary, everyday chemicals that we find in ordinary, everyday things around the farm — for example, fertilisers contain some of the necessary constituent parts of terribly devastating explosives. I am certainly not able to analyse what this is from a chemical point of view, but I am aware that it has received a great deal of publicity. Indeed there is a strong suggestion, if not a certainty of belief, that one of the constituent parts of the bomb in Bali was a fertiliser regularly available in Indonesia.

The most important thing about this is that the bill provides that the occupier of premises, if they become aware of the theft or loss of a prescribed chemical — and that could be an ordinary household or farm chemical — has to immediately notify the police so that if there are large quantities the police can take the appropriate action to undertake an initial investigation which might lead to the detection of terrorism or terrorists in the state of Victoria. Most importantly it imposes another onus on small business, but again I think it is an onus that we would all support in the detection of and fight against terrorism.

There are also provisions in the bill that exclude or limit the ability of a court of law to examine witnesses who are involved in counter-terrorism or have access to counter-terrorism information and require them to give evidence. Indeed there can be a complete prohibition if the court determines that it is a matter of national security and that those matters should not be disclosed by witnesses or documents produced. It is always subject to the court's scrutiny — the documents, if they exist, or the subject of the litigation can be examined by the court. If the court makes that finding then that essentially limits the ability for any further examination

in relation to those matters which go to the notion of national security.

It is a pretty dramatic step to prevent a court from examining any sort of issue, or limiting that right, but again I think in the interests of national security and the fight against terrorism it is an appropriate step. It is a balancing between two different evils but in this circumstance it is an appropriate step.

The next matter I want to touch on is the issue of the risk management plan, which the bill also provides a mechanism for. The operators of public utilities such as transport, gas, electricity, sewerage, water or any other prescribed service industry can be prescribed to be an essential service, which would require the preparation of a risk management plan — a plan that would enable that company and emergency services, particularly the police and counter-terrorist services, to deal with any terrorist threat against that utility. Again it imposes an obligation on a third party but also goes to the issue of protection of the community from terrorist attack.

What is a little bit unclear — and this is something that the government might seek to clarify — is whether an individual industry has to be declared an essential service, like electrical generation, transmission or retail, and therefore anybody who is providing that service within that global industry has to not only prepare but also maintain and constantly audit their risk management plan and provide it to the minister responsible when required to do so. Or would individual service providers be certified? So it could be certification of a global industry or an individual operator. It is a little bit ambiguous, but hopefully the government will be able to clarify that.

If the government does go down the route of just certifying a particular industry as being an essential service — which I suspect is the intention of this legislation — it would seem appropriate to notify operators within that industry, so far as the government is aware of them, who would then be able to know their obligations in relation to the risk management plan. Having said that, I do not think there is any need to amend the legislation; the government can just indicate what its position would be in relation to those matters.

The final provisions I want to briefly touch upon before I go into detail on two matters relate to the issue of freedom of information (FOI). The bill provides that documents relating to the national security of the commonwealth, any state or any territory will be an exempt document within the meaning of the Freedom of Information Act.

We were briefed on the bill and I have checked the provisions of the commonwealth Freedom of Information Act. It would appear that the government has taken the provisions relating to national security and largely replicated them with amendments to allow for plain English and to reflect the Victorian perspective.

What the provisions relating to FOI do is a matter of some concern because it is a novel step in relation to freedom of information in Victoria. It is not a novel step in the commonwealth jurisdiction where other similar provisions relating to national security use the same mechanism, but it is a novel mechanism in Victoria and as such requires some analysis and perhaps a suggestion as to how it could operate more effectively, although no-one wants to hold up the passage of this bill, because it is important that we address the larger concerns relating to terrorism.

Under the FOI provisions, when a document is considered to be a matter relating to national security or the security of a state or territory the secretary of the department or the Chief Commissioner of Police, whichever is applicable, has the ability to issue a certificate stating that the document is exempt under the Freedom of Information Act. There is nothing new in that approach. As I have experienced on many occasions at the Victorian Civil and Administrative Tribunal (VCAT), the government often claims a cabinet document exemption. Once the secretary of the department issues a certificate in relation to a cabinet document it is prima facie an exempt document under the Freedom of Information Act and there can be no review of that particular document and no claim of public interest can override it. A cabinet document is an exempt document, and the certificate itself is prima facie evidence of that exemption.

However, this bill provides that VCAT can test whether or not there are reasonable grounds for the certificate to be issued. Those reasonable grounds can be tested and in the normal course can be subject to an appeal further along the process. However, the novel aspect of this bill in relation to FOI under Victorian law is the provision that states that upon VCAT making a determination that a document may jeopardise the national security of the commonwealth or any state or territory the minister can override that decision and issue another certificate stating that it is an exempt document.

We must all pause to think about this, because it is a fairly dramatic step in the way judicial review of administrative action takes place in this state. For the first time in the operation of FOI — it is not novel in relation to the commonwealth jurisdiction, I understand

that, but it is certainly novel in Victoria — a minister can override a finding of a tribunal in relation to an administrative action. That is a fairly dramatic step. I understand the nature and basis of that dramatic step — it is based on the federal model — and I understand the reasons for it.

The next step in the process is that when the responsible minister issues the new certificate without withdrawing the original certificate issued by the head of the department or the Chief Commissioner of Police the minister must within five sitting days of the issuing of that certificate provide details of the reasons and the decision to both houses of Parliament. That is reflected in the commonwealth legislation whereby the federal Attorney-General as the responsible minister has to table the new certificate and the reasons for the decision in the commonwealth Parliament.

However, the federal legislation provides one further step — that is, that the federal Attorney-General must read the decision and the reasons for it to the house. When such a decision is made, given that it is such a dramatic step, it should be brought to the attention of the house and not just tabled in the usual way so you have to search through some 20 000 other documents that may be tabled on any particular day. There needs to be an expectation of what is to come. Notice only has to be given within five sitting days given that it is a matter of national security. If members of Parliament are not made aware that a document exists they may not be able to trigger a debate on the issue so Parliament can review the matter. For some reason, the extra step of reading it out in Parliament has not been included in the state act.

This is an important bill that needs to go through the house as quickly as possible, and we do not want to hold up the process by proposing unnecessary amendments, but it may be necessary for the government to ensure in the spirit of the legislation two things: firstly, that the mechanism will only be used as a dramatic step when documents clearly relate to national security, because we do not want documents being excluded from opposition or community scrutiny by the process being exercised willy-nilly; and secondly, that the provisions of the commonwealth legislation will be followed exactly to provide that the tabled document must be read out by the minister to alert people to the fact that the government has exercised this dramatic step, because it is contrary to our notions of the way justice should be dispensed with in this state.

We understand the reasons for it but there seems to be a slight difference between the commonwealth provisions and the state provisions without any formal explanation being given as to why. I ask the government to take that on board and give a guarantee to this house that the spirit of the federal legislation will be adopted in the way the government exercises this power so that it is used with caution.

I go back to the matter of the covert search warrants, which requires some analysis. As I understand it, a covert search warrant would enable a police officer or officers to search the premises of a terrorist suspect. It has to be a terrorist suspect, not a murder suspect or someone who has committed a sexual crime or a drug-related offence, and there has to be a reasonable suspicion that a terrorist act is about to be committed, so it has to relate to terror. The issuing of a warrant would then provide an opportunity for police to enter a premises without the knowledge of the occupier to search for articles related to terrorism, such as chemicals or other things. They would have the power to take samples of substances to determine whether they may be commonly used in a bomb or may lead to a bomb being constructed or whether they may be some other form of chemical. They can also take all of the material. They can do another interesting thing, which is that they can replace an explosive such as potassium nitrate with, for example, bicarbonate of soda, which is quite benign and unlikely to go off in anybody's face. All of that can be done without the knowledge of the occupier.

As I said it is a dramatic and draconian step, because there is no mechanism for the occupier to test the veracity of the process. A policeman can apply to the Supreme Court — and it is appropriate that such an application should go to a Supreme Court judge — and the warrant has to be substantiated in a number of important matters. In issuing the warrant the judge has to be assured of the grounds, and the application has to be supported by affidavit material. But there is a further check, and I think it is important. The Chief Commissioner of Police or a deputy or an assistant commissioner of police has to authorise the application to the Supreme Court. There is a check at the highest level of the police force, so someone cannot just go off willy-nilly and do it in a capricious way. The next step is that a Supreme Court judge has to be satisfied about a number of matters set out in the bill.

The warrant can be issued for up to 30 days, but within 7 days of the execution of the warrant — that is, 7 days after the search, substitution or removal of materials from the premises was carried out — a report on the outcome has to be made to the Supreme Court. Details have to be provided, and the court has the ability to

make any other order, including the retention of items seized within the ambit of the warrant.

Perhaps the most cogent criticism has come from Liberty Victoria. I spoke to Greg Connellan this morning — he is an old friend and colleague of mine at the bar — and he raised with me the issue that with other search warrants, particularly in drug-related offences, it is regular practice for their execution to at least be videotaped, if not audiotaped as well. Perhaps there should be some mechanism which allows this sort of protection. Liberty Victoria is concerned that a person who does not know what is going on could have explosives planted on them. Suggesting this may be a bit bizarre, but if it is of concern we need to try to improve the integrity of the bill; and if it is the subject of criticism by organisations such as Liberty Victoria and the Fitzroy Legal Service, perhaps it is something that the government should take on board.

I do not know whether the legislation should precisely prescribe how the police would execute such a warrant. It may be something the police want to include in their own regulations, where it could be more appropriate to say how a warrant should be discharged in fairness to an accused person or an accused terrorist.

In conclusion, the opposition supports the Terrorism (Community Protection) Bill. We certainly would like to see this bill and the Terrorism (Commonwealth Powers) Bill go through this Parliament as quickly and as expeditiously as possible, as that was the subject of a national agreement in April last year. The commonwealth has moved expeditiously on its terrorism laws, and New South Wales has done the same. Everybody understands that Victoria is slightly lagging behind the pace because we have spent the past six months dealing with an election. The speedy passage of this is something we should all support.

I have raised a number of matters, and normally you would expect some of them to be the subject of amendments. Considering the purpose of the bill it is more important to get it implemented and into operation so that the people of Victoria can be assured, as I said at the outset, that we as legislators are aware of the problem of terrorism and share their concerns about it.

This place became a symbol of public grief with the flowers draped on the Parliament House steps following the October bombing in Bali in the lead-up to the state election. The garden to the side of the Legislative Council and the record of written documents which has been compiled for review by future generations are measures of our total disgust at that attack. The bill represents a strong statement of our resolve to deal with the issue of terrorism through a national approach that has bipartisan political support, as quickly and as expediently as possible.

Mr RYAN (Leader of the National Party) — It is a pleasure to join the debate on the Terrorism (Community Protection) Bill. While I would like to spend some time reviewing many of the issues pertinent to it and its background, I am of course constrained from doing so because the sessional orders imposed by the Labor government allow me only 20 minutes to speak, and therefore what I want to say will be necessarily a grab bag of matters that I would otherwise like to have expanded upon. This issue would demand being expanded upon were all things equal, but the government maintains the sessional orders as they are and so I am confined to what is now a little more than 19 minutes.

This is legislation of our times. It is inconceivable, I believe, that prior to the appalling events of 11 September 2001, when we saw the tragedy occur in New York, this legislation would have come before this Parliament. I suppose this legislation is reflective of the points of view that have now been imposed upon us as parliamentarians not only for our own age but for the ages to come. For those who come to this Parliament to see it in operation, including the young people who come here occasionally to hear what happens in this Parliament, the legislation reflects the fact that today laws are having to be passed which once upon a time would not have been the case were it not that we had the issues of 11 September unfold and more recently the tragedy on Bali on 12 October last year.

So it is that we now have this legislation, ironically — and I do not say that in an accusatory sense — introduced by a Labor government, which is reflective of an agreement struck between all jurisdictions, comprising the commonwealth and the Labor governments across the other states and territories, in April 2002. As I said, it is legislation for our time.

The purposes of the legislation are fundamentally to provide new powers and obligations regarding the prevention of and response to terrorist acts, and there are definitions of terrorist acts. It is intended to provide for the granting of covert warrants; to provide for mandatory reporting with regard to the theft or loss of certain chemicals and other substances; to provide for the operators of certain essential services to prepare risk management plans regarding the risk of terrorist acts; and to protect counter-terrorism methods from being disclosed in legal proceedings. The purposes provisions of the legislation are deficient in my view in that they

do not incorporate an important provision regarding freedom of information legislation and the manner in which its usual terms are not given effect to and indeed are actively constrained by the terms of the legislation. I think legitimately the purposes should include a reference to that issue.

The National Party supports the legislation. We do not want to delay it in any way, shape or form, because we understand the great significance of it. It is ironic that this debate is occurring as events are unfolding, I fear even as I speak. The legislation comprises basically eight individual component sections, and I will refer to and have specific regard to some of them. Part 1 is the generalist aspect of the legislation which gives definitions and the like and which is of no particular relevance in this debate, again bearing in mind the short time I have to contribute to the debate.

Part 2 relates to covert search warrants. This is a very important component of the legislation. I say that because the legislation is extraordinarily intrusive. Again I do not say that in any accusatory fashion but rather in the sense of a judgment about the nature of what the bill contains and its terms. It is in fact by our standards as a community extraordinarily intrusive. That is not to say it is not necessary in all these circumstances but is simply a statement of fact. Therefore it is reflective of the critical issue of balance — of on the one hand needing to do what has to be done to preserve our community's interests and on the other hand trying to give appropriate regard to the rights of the individuals who are subject to this sort of extreme process; so there are checks and balances set out within it.

Clause 5 deals with jurisdiction and refers to the fact that the warrant can only be issued by the Supreme Court. Initially I looked at whether that means that a warrant can only be issued by a judge of the Supreme Court as opposed to a master of the Supreme Court, because in this day and age masters of the court do have a very wide capacity to carry out various activities within the court. A reading of references within clause 7(3) and later in clause 10(6)(a) to a judge of the Supreme Court in the context of this part suggests that the warrant has to be issued by a judge, but nevertheless there is not that specific reference in the opening lines that refer to jurisdiction. Without wanting to be picky about this I think it would be a good point for the government to clarify — that this warrant can only be issued by a judge of the Supreme Court.

Clause 6 is the first provision that deals with the mechanisms whereby the warrant can be issued. It recites the fact that a member of the police force can make an application but has to have the approval of the Chief Commissioner of Police or a deputy commissioner, and can only do so in certain given circumstances which are set out within the provision. The application must be heard in a closed court.

Clause 7 sets out the mechanics of dealing with an application for a warrant. It sets out that it has to be in writing, that it must be supported by an affidavit, that the warrant cannot be issued unless certain provisions apply, which are set out in the legislation. Clause 7 recites the provision that a judge of the Supreme Court may administer an oath or affirmation or take an affidavit for the purposes of an application for a warrant. It seems a little contradictory that there is specific reference to a judge and the capacity of that judge to take the oath, which is the certification of the affidavit, yet there is not the specific reference in the opening provision of clause 5 relating to jurisdiction that it is only a judge who can issue the warrant.

Clause 8 provides the mechanisms for determining the application and the bases upon which the court may, if it so chooses, issue the warrant. It must be satisfied that there are reasonable grounds and for the purpose of being so satisfied it has to have regard to the issues that are set out in the clause. It also states that the warrant must specify a number of matters, and they are set out in the legislation. The warrant can only be for a period not exceeding 30 days, and I must say I cannot help but wonder whether every application for a warrant will be for 30 days. Why as a matter of logic would the applicant want to forestall the prospect of being able to give effect to the warrant if something came up on the eighth day when the applicant had sought the warrant for a period of only seven days? However, be that as it may, the warrant has an outer time limit of 30 days.

Clause 9 sets out the matters which are authorised by the warrant, and I note in subclause (1)(a) that the applicant is authorised to enter by force or by impersonation. One can only wonder what that might entail. I suppose it is intended to cover a situation where an applicant might want to dress up as someone from a utility company of some sort or other for the purpose of being able to gain access without having to force his or her way in. Be that as it may, the option is offered.

Clause 10 provides for a warrant to be granted by telephone and sets out the basis upon which that may happen. I am pleased to see it recites that if the application is made by telephone the court must have before it within 24 hours after the warrant is granted an affidavit which is duly sworn to satisfy the issues that were put to the court at the time the warrant was issued

in the first place. So there is that provision, which keeps that relatively tight.

Clause 11 is the reporting provision, where a report must be made to the court no later than seven days after the warrant expires. Interestingly, in clause 11(2)(f) there is a requirement to give details, as it is termed, of a number of aspects, which are set out. I take up a point raised by the Fitzroy Legal Service in an email it sent to all members of Parliament. It suggests that there ought be a mechanism whereby the whole process should be videotaped so there is a capacity to check that in these extreme circumstances what is said to have happened has in fact happened.

Another suggestion that seems to me to be reasonable is that the material which has been removed from the relevant premises could also be produced to the court so that it has a capacity to oversee this carefully.

Clause 12 deals with constraints on reporting. It is a reflection of how tough this legislation is, because as a matter of course the courts do not like to shut out the reporting of events that occur in court. It is one of the great aspects of our democracy that our courts are open and that anybody who is subject to the process is faced with its being a public occurrence.

There is in clause 13 an important provision which deals with annual reports. I must say another suggestion from Fitzroy Legal Service is deserving of some merit, in that under the heading 'Annual reports' the clause talks only of a series of requirements to be included within the report, such as the number of applications made, the number of telephone applications made during that year and the number of applications by members of the force. The report will be sparse on detail, and we will need to see, as this unfolds and applications are made, whether in due course the clause needs to be reconsidered. Of course the report must be laid before the Parliament, as is the requirement with many other annual reports.

Part 3 deals with police powers to detain and decontaminate. They are very broad, and I do not intend to go through them. Suffice it to say that the powers given to the police are extremely extensive. Interestingly in clause 18(2) there is a deeming provision that in effect says that if the police give a direction to a group of people, everybody within the group is deemed to have heard what the direction is. I suppose it is another example of how intrusive the legislation is, but in the circumstances we have no objection to it.

Part 4 deals with the mandatory reporting of the theft or loss of prescribed chemicals or other substances. I make two comments about that. There is nothing within the legislation which actually talks about what the substances are. We are told in the second-reading speech that these prescribed substances will be the subject of regulation in due course. In a sense I understand that, but there will be a degree of uncertainty until that is done.

It refers only to the occupier of the premises. I invite the government to consider whether it should also extend to the owner of the premises. For example, one could have a situation where a warehouse has been leased to a tenant for a period of time, that time has expired and the tenant has gone. It would be unfortunate if this legislation were to founder on some argument as to whether the owner of the premises is regarded as being the occupier in circumstances where the previous occupier has left. It is something that might bear consideration.

Part 5 deals with protection of counter-terrorism information. As I have observed, the times dictate that we have to have that sort of material before us. Part 6 deals with essential services infrastructure risk management plans, and I wish to raise a number of issues about it. Again I see the general need for it, and not for one moment do I challenge it. But as an overall observation it seems to me that this will potentially be extraordinarily significant to business. There are wide-ranging and again pretty intrusive requirements that will necessitate the providers of essential services, as defined in the provisions, preparing these risk management plans.

I will be interested to see if the government assists business in any way, shape or form, because time will need to be devoted to the preparation of these plans. We will need the facility to create those plans, and we will need expert advice. I appreciate that the clauses say that the police and other emergency services will be there to cooperate, but there will be many others who do not come along unless they come at a cost. The government should confirm that the services of the police will be provided free of charge. I raise that in the context that in one sense the police attend an event at a sporting venue such as the Melbourne Cricket Ground for the public good; but by the same token, whoever puts on the event has to pay for their attendance. That is an issue that needs to be clarified.

These risk management plans will have to be audited. Businesses will be faced with the fact that once a year there will be a need to put the plan into effect. So they will have to shut down, and there will be costs

associated with all that. There are many issues here to do with impositions on business, so this question of cost is something that in the public interest the government should address. I will be interested in the comments from the government on those issues.

I refer to clause 37, which talks about an application being made to the Supreme Court by the relevant minister, as designated by the Premier, to require these plans to be done. As I read the clause there is nothing in it which says what will happen if the industry does not comply with the order. So there is nothing that says a fine will be imposed or that officers of the enterprise will be brought before the court to explain. Clause 37 simply states that an application can be made and then an order can be made — but so what? What if an enterprise is silly enough to thumb its nose at the court and the order? It can be charged with contempt and all sorts of things, but the provision should contain something which on its merits enables enforcement to occur.

In clause 27, which talks about the relevant minister for the purposes of the section, there is no mechanism whereby that minister is designated by the Premier. Is that to happen by way of gazette as part of clause 28? Is the Governor in Council to do that? How is that to happen? At the moment no process is set out.

The general provisions are set out in part 7. Importantly, part 8 sets out the provisions relating to the amendment to the Freedom of Information Act. These are very important provisions, because they deal with the issuing of a certificate which provides exemption from FOI scrutiny. In all seriousness, if I had the time I would like to look at an analysis of it, because I believe it does bear analysis. It may be that the federal legislation is the answer. Be it on my head, as I have not had a briefing on this, but when I read it I see that either the department head or the Chief Commissioner of Police can sign the certificate.

For a start that seems to be a potential problem. Why should a member of the executive government on the one hand and the Chief Commissioner of Police on the other be equated for the purpose of being able to sign these certificates? Surely if the certificates carry the weight they do, then they ought properly be signed by the Chief Commissioner of Police only, because if there is any subsequent scrutiny the provision says that the head of department cannot be cross-examined by the Ombudsman regarding the decision to sign that certificate. So the head of department could have been told by the relevant minister to sign it for all sorts of spurious reasons, yet there is no mechanism whereby the head of department can be asked about it.

That is but one example of a series of others I would like to have gone through, including the fact that the minister need not take any notice of what happens on review, anyway. The minister can thumb his or her nose if he or she choses at the process set out in clause 43. So there are elements of this which need careful examination. If the answer is that they mirror precisely — and I use that term advisedly — the federal legislation, then so be it. For all that, we support the tenor of the legislation. We have some concerns about some aspects of its content, but otherwise we wish it a speedy passage.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until later this day.

FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL

Second reading

Debate resumed from 27 February; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Independent amendments circulated by Mr SAVAGE (Mildura) pursuant to sessional orders.

Mr WELLS (Scoresby) — As shadow Minister for Police and Emergency Services it gives me pleasure to join the debate on the Firearms (Trafficking and Handgun Control) Bill. The opposition will support the bill in recognition of community concerns that arose after the Monash University shootings in October last year and the perception that there has been an increase in the use of handguns and concealable weapons.

I was looking at my presentation before and I thought, 'Gee there is nothing in here that the members for Melton or Footscray could possibly interject on', but I will give it a try and see how we go.

Mr Nardella interjected.

Mr WELLS — I make it very clear that the opposition supports the bill. Firearm use in assaults was up 46 per cent in the last financial year, and the opposition believes that illegal guns were used in the commission of most of those offences.

I thank the Minister for Police and Emergency Services for providing the opposition with the opportunity to be briefed on the bill. I thank Department of Justice officers who have been involved — that is, Brendan Facey, Neil Robertson — and ably coordinated by Rob

McDonald, the minister's chief of staff. Opposition members are very grateful for their generous time in allowing for the consistent follow-ups.

The opposition supports the bill because it implements the national agreements between all states and the commonwealth government aimed at the further control of handgun possession and usage and at curbing the illegal trade of firearms. These measures are consistent with Liberal Party policy at both state and federal levels. The Liberal Party supports the strict control of firearms ownership, possession and use. However, it maintains support for the rights of legitimate licensed sporting shooters.

Handgun availability and use needs to be strictly controlled to ensure community safety. We do not ever want Victoria to turn into a place like the United States of America which has a handgun mentality. The opposition is generally supportive of the bill, which, as I said, gives effect to the recent handgun control agreement and the firearms trafficking policy agreement between the commonwealth and all states. However, the opposition has a number of concerns regarding the administration and implementation of the bill relating to the handgun control agreement in Victoria. I will come to that point later in my contribution. These concerns have been raised by a number of the stakeholders that the opposition consulted over the last few weeks.

The background to the bill is quite clear. On 28 April 1996 at Port Arthur we saw the loss of 35 lives with 18 others injured at the hands of a crazed gunman. The whole Australian community called for tougher controls to ensure that something like that never happened again. The Port Arthur shootings came only one month after the senseless mass killings of 16 young children and a teacher in Dunblane, Scotland. No Victorian could ever forget the 1987 Hoddle Street and Queen Street mass shootings.

The largely consistent firearm law introduced by all states in 1996 following the national firearms agreement between the commonwealth and states was designed to control the use of long arms. Handguns have already been restricted for many years, while for many years an individual who was a member of an accredited pistol club, a firearm collector or a security guard could legally own a handgun.

But on 21 October last year another shooting tragedy happened, this time at Monash University. Two students were killed and five others were injured when a fellow student, a Chinese national with Australian residency, opened fire on a tutorial class. It was subsequently revealed that the gunman was a member of two Victorian shooting clubs and all seven of his guns were legally licensed. The police confiscated the seven registered guns from the offender at a later time. Again the Victorian community called for tougher action.

The states and the commonwealth acted quickly to at least get another agreement put in place. But the Monash shootings revealed serious problems with the current system of licence registration and usage of handguns. Many people in the community asked how a person could be a member of two sporting shooting clubs and build up a stockpile of seven registered handguns in a little over six months. It simply did not make any sense. So, taking the Monash incident in context, the public quite rightly demanded quick and decisive action. Of course the opposition understands that there are not many cases, if any at all — apart from the Monash tragedy — where legally registered handguns are used in the commission of crimes.

The increasing problem of handgun use in criminal activity in Australia is directly related, we believe, to the number of illegal handguns in the community. That is why the current dual approach of implementing tighter controls over legal handguns in conjunction with addressing the trafficking of illegal handguns is strongly supported. Most Australians support appropriate and tough gun controls, particularly when they see the serious effects of the prevailing gun culture in the United States of America. The American obsession with the constitutional right to bear arms is something completely alien to most Australians — which, I think, we can be thankful for.

Although I have not personally viewed the documentary film *Bowling for Columbine*, a number of friends of mine have seen it. They say it is particularly damning of the American gun culture and extremely thought provoking for Australians. One must really question the values of a society which allows banks to offer firearms to new customers as an inducement for depositing money with them, yet this is apparently the case in Michigan, as detailed in the movie.

The increasing pervasiveness of American cultural values, particularly among our youth, means that we cannot be assured that the USA's obsession with guns could never be repeated here in Australia. Certain Australian youth subcultures have adopted the very worst aspects of the US-inspired gangster rap lifestyle and the things that go with it. It seems that one symbol of that is to hold illegal handguns. The increasing use of illegal handguns, particularly in gang-related criminal activities, mostly centred on Sydney, is of major

concern to law enforcement agencies right across the country. When you look at some of the disturbing statistics on the number of gun-related deaths in the USA compared with other Organisation for Economic Cooperation and Development countries, you soon realise how relatively lucky we are here in Australia.

It is estimated that there are about 90 gun deaths each day in the USA. In 1999 over 28 000 Americans died from gunfire, and in 1997 there were 8503 murders in the USA involving handguns. The US has 4.08 gun-related murders per 100 000 people, Canada has 0.54, England and Wales have 0.12, Scotland has 0.12 and Japan has 0.04, and for Australia the estimate is 0.25. So if the number of illegal handguns were allowed to proliferate, we could face similar problems, with handgun deaths becoming almost daily occurrences — and nobody ever wants to see that. In June last year the New South Wales Chief Commissioner of Police, Ken Moroney, said that the proliferation of handguns in the community was the biggest menace facing the New South Wales Police Service.

The Firearms (Trafficking and Handgun Control) Bill is a complex bill with some 75 clauses. I do not intend to debate each one of them, but I will go through the main points. Victoria is the first state to introduce the legislation following the national agreement on handguns, and this bill will be a model for the other states to follow. By amending the Firearms Act 1996 the bill gives effect to two agreements between the commonwealth and all states. The first is the handgun control agreement of November 2002, which is designed to restrict the availability, possession and use of all handguns; and the second is the firearms trafficking policy agreement of July 2002. The objective is to introduce a national approach to better detect and deter the possession of illegal firearms in the community, and that is certainly welcomed.

In essence the bill further strengthens the regulation and licensing of firearms implemented by the national firearms agreement, which was introduced after the Port Arthur shootings in 1996. It obviously encompasses the Firearms (Trafficking) Bill, which was introduced in Parliament on 31 October 2002, the last sitting day before we went to the election, and adds the handgun provisions. Its aim is to restrict the sale and use of concealable handguns. The state government believes it will remove 9500 handguns from the community. I am not sure how it has determined that figure, but we will wait and see. The commonwealth government estimates that 500 types of handguns will be banned.

All handguns will now need to be registered, including collectors' and historical firearms, particularly those manufactured prior to 1900, which currently do not require registration. At the moment, if you have an antique firearm that was made prior to 1900 and there is no ammunition available on a commercial basis, then you do not need to register that gun. However, if you have an 1890 gun the ammunition for which is commercially available, under the current rules you need to register it. This new legislation will mean that even if you have a gun made in 1850 or 1860 you will need to register it. That will be a point of debate and something that we will be calling on the minister to look at after strong consultation with collectors. Where do you draw the line? What actually is an antique, and what actually is a firearm? The bill means that all handguns will need to be registered regardless of their year of manufacture or whether they are antiques.

Sporting shooters will be restricted in the type and number of handguns they can own and use, whilst the handgun target shooting matches that are recognised as legitimate competitions will be prescribed in regulation. The types and specifications of handguns to be banned and the shooting events to be recognised as competitions are still being finalised. We accept that, but the Council of Australian Governments agreement means that handgun sports events will be restricted to 27 matches across seven different disciplines. The handgun specification will be prescribed in regulation rather than being a list of guns, makes and models. The reason for that, and the Liberal opposition accepts it, is that the gun manufacturers could simply change the names or designs of particular guns to get around the rule, so it is better that we specify the actual size and dimensions of the guns.

The general specification of the handguns that will remain legal are a maximum magazine capacity of 10 rounds of ammunition; a barrel length of a minimum 100 millimetres for revolvers and single-shot handguns and 120 millimetres for semiautomatic handguns; and a maximum calibre of .38 inches other than for prescribed handguns up to .45 inches. Obviously a minimum barrel length of 100 millimetres means that these guns will not be easy to conceal.

Specialised target pistols will be allowed. Because of their size they are deemed not to be concealable. I note that the draft regulations are still not available, but I understand that the regulations will be subject to review and consultation as part of the regulatory impact statement process.

However, these regulations need to be in place by 1 July 2003 as agreed under the Council of Australian

Governments agreement, so time is running out. I call on the minister to ensure that the opposition is consulted — and I am sure that will be the case when we start to finalise these regulations — because we also need to consult with many stakeholders across the state.

Target shooters will be required to show a genuine dedication to the sport by participating in a minimum number of competitive target shooting matches each year. This will mean that licensed target shooters will need to compete in a minimum of four approved target shooting matches per annum for each individual handgun they possess and a minimum of 10 approved events. So if you only have one handgun you must compete in 10 events whereas if you have three handguns you will need to compete in a minimum of 4 for each, so you will actually be competing in 12 events overall. You do not need to compete in 10 for each handgun; it is a minimum of 4.

Six of the competitive approved handgun target-shooting matches will need to be under the auspices of a recognised shooting body whilst the remaining four will be less restrictive. Our understanding of that is that a club can hold an official practice for competition at another club in coming weeks but it has to be predated — it cannot just be a number of shooters turning up one Sunday afternoon having a couple of shots and calling that one of the matches, because that would be an abuse.

All 10 events can be organised club matches and competitions. There is also to be introduced a graduated scheme of access to handgun licences. The feeling I get from the sporting shooters themselves is that this is fair and reasonable. This was the situation back in 1996 before the previous coalition government changed the regulations, so if you were a member of a club the club had the right to veto. That was taken away for some reason but this legislation puts that back, something that the sporting shooters have been calling for.

Approved clubs will have to endorse any application for a handgun licence, thereby allowing a club the ability to veto particular applications as mentioned. During the first six months of holding a general category handgun licence an individual will only be permitted to possess a maximum of two handguns. This is to prevent the stockpiling of weapons over a short period of time, a problem that was obviously in evidence with the Chinese national who caused the shootings at Monash University. Further permits to acquire additional handguns will require the endorsement of approved clubs. I am of the opinion that they will manage this very strictly.

An issue that has come from a lot of the sporting shooters clubs — and I am not sure if the minister is going to introduce a house amendment on this; we heard from the bureaucrats that this may be the case — is that the minister wanted to bring in temporary permits which would be introduced for persons who wished to try out a handgun at an approved range. The current regime is that if I wanted to go to a shooting range I would go with an approved member who would supervise my shooting. I think that is the case in most of the other states, especially New South Wales. What this bill does is provide that you need to apply to the police for a temporary permit. The sporting shooters are saying that that will decrease their ability to attract new people in because of the bureaucratic red tape of trying to get this temporary permit.

The idea is that you are only allowed to have three temporary permits, after which you have to become a member. I do not have a problem with that particular side of it, but I do have a problem in that if we are completely out of step with the other states, we are at a disadvantage in Victoria.

There will be no restriction on the number of handgun clubs an individual can be a member of. We do not have a problem with that because if the handgun owner has multiple handguns and not all disciplines are offered at a single club then he may have to participate at another club where the disciplines are offered in order to qualify for the required participation rates in each discipline. We do not have a problem with that; we understand that not all ranges are able to offer the seven disciplines.

Something that the Police Association is very strongly supporting is that the Chief Commissioner of Police will be provided with the power to refuse or revoke firearm licences on the basis of criminal intelligence. This power cannot be delegated. I think that makes a lot of sense.

There does not appear to be a mechanism in the bill for introduction of new international events that are going to come into the target shooting competitions, and I am wondering whether the minister has some ideas about how that will be addressed. For example, if many of the other countries want to bring in an eighth discipline that is going to be in the Olympics or the Commonwealth Games it appears on my reading of it that the legislation does not allow an increase from seven to eight disciplines. Maybe the minister will have to bring back new amending legislation if that is the case.

The firearms trafficking provisions make good sense. It makes sense to bring in handgun controls and at the

same time bring in firearms trafficking provisions. Many sporting shooters believe they are the constant victims. Law-abiding sporting shooters are the constant victims every time there is a shooting, so they are the ones that are penalised. Aiming at the trafficking side as well gives some balance to the argument.

All firearms will need to be stamped with serial numbers or other identifying marks. The bill significantly increases penalties for offenders found guilty of firearms trafficking and those who possess, use or sell unregistered firearms.

There is a new category E handgun created in the bill. General handgun licence-holders will be restricted from possessing category E handguns. My understanding of a category E handgun is that you would almost have to be bordering on being a terrorist to have one of these handguns. I am not sure whether they actually exist, but they are there in case one does pop up at some time. Types of handguns banned are automatic rapid fire machine pistols such as an Uzi. That brings the legislation into line with category E long arms as defined in the act.

In most cases new penalties are almost double what the penalties are at the moment. The new penalties are a maximum of 7 years imprisonment for possession of unregistered general handguns, a maximum of 17 years for a subsequent offence for an unregistered category E handgun and a maximum of 4 years imprisonment for possession of firearms with a defaced or altered serial number. That is, if you are going to alter the serial number, then you are obviously acting illegally.

Another issue is that when applying for a firearm dealers licence the licensed firearm dealers will be forced to disclose their close associates. I do not think there are many dealers in Victoria who will be affected by that because the dealing companies in Victoria are mostly husband and wife or family operations.

As I said, the opposition has consulted widely across the board, and I thank all of the participants for their contributions to the way that we have handled this bill. We have concerns about a couple of points. I mentioned briefly that every time there is a shooting the sporting shooters or the legitimate sporting clubs seem to be targeted first. We accuse them of all the illegal criminal activities, which I have mentioned on a couple of occasions, but it is usually illegal guns in our community that are involved in the commission of crimes, not the guns held correctly by law-abiding citizens. Claims have been made that the delay in finalising the banned handgun list and the compensation to be offered is severely damaging firearm traders and gun range owners, with gun sales effectively frozen currently.

Under this legislation, as of 1 July the commonwealth government will implement a banned handgun buyback system like the one we had some years ago. At the moment, with this delay no-one will know the value of a particular gun, of course, and that is causing some angst out in the general community. We do not know the exact nature of compensation to be offered to handgun or firearm dealers as part of the gun buyback — we are awaiting that information — and the compensation issue will be very important.

The opposition is concerned about the number of small businesses that will be affected by the provisions of the bill. I have been advised through consultation with the Firearm Traders Association that, due to this new handgun provision, five firearm dealers in Victoria will become unviable, as they specialise largely in handgun sales. The dealers are seriously concerned that they will not be properly compensated for the loss of their businesses.

We must not forget that these dealers run legitimate businesses and it is through no fault of theirs that they are going to see their business evaporate. Some stand to lose their houses and other personal assets as a result of this loss of income.

While I am not in a position to state what would be fair and reasonable compensation, it is estimated that the compensation necessary to assist these five dealers is likely to be around $2.6 million. It will also have an adverse effect on the number of commercial gun ranges as they are likely to be affected by this.

I call on the minister and his department to look closely at the compensation that needs to be offered. It is necessary to look at not just the buying back of the guns but also the other small businesses that will be affected, including the gun ranges.

The sporting shooters believe that Australia will have to stop hosting some world championship events. The one that has been described to me is the International Practical Shooting Confederation discipline of the .38 with 20 rounds. Just recently we sent an IPSC team to South Africa. With 20 rounds, these guns will no longer be legal here in Victoria because the legislation allows a maximum of 10 rounds. That is one event that will be cut straightaway.

This brings me to another point on the amount of pressure that is placed on the Victoria Police regulatory services branch, formerly the firearms registry. It will be their job to update the system and ensure that the

new system is relevant. I have not heard that any new or extra resources will be put into the regulatory services branch. The additional workload with the new provisions will only add to the long and serious resourcing problem that it has at the moment.

I have a letter from a fellow who wrote to me just recently. He received his renewal documents for a firearm licence on 5 December 2002. He sent the forms away on 16 December. On 17 January this year he rang the licensing services branch to ascertain the whereabouts of his Datacard because his licence was about to expire. He was informed that there was a six-week processing delay but told not to worry as he had been placed on a non-prosecution list. At 67 years of age a fellow who has never committed any sort of offence has been told by the police that he has been put on a non-prosecution list because of the huge delays in registering firearms! He has been unlicensed since 2 February although he has done everything right, but he is unsure of the commitment by the police that he will not be prosecuted. The government has effectively de-licensed him even though he is legally entitled to hold that firearm.

This is the same department in the police force that has massive delays in registering firearms. We are getting regular phone calls to offices right across the state, particularly from farmers who have a gun for shooting rabbits and other vermin. Their gun licence has expired, they are unsure whether they can use the gun — I suspect that they are still using it — but I hope that this problem can be solved.

Although we have that particular problem, the other side of it is that the government is now saying, 'We want you to administer these new regulations — that is, we want you to check and keep up to date the registration list of all sporting shooters. We want you to check and double-check that they are using appropriate handguns only for the seven disciplines. In addition to that, we want you to check and double-check that they are going to attend 10 competitions per year, or a minimum of four competitions per gun per year'. This is going to be an administrative nightmare for a department already grossly under-resourced. We ask the minister, in his closing comments, to explain to us how he is actually going to address that problem.

We also hope that in addressing the problem of the regulatory services branch the minister does not expect that the necessary funds will be taken out of the existing police budget. We would expect that the police budget would be topped up. There is also some confusion, as I mentioned, about the temporary permits and the inconsistencies with other states. There is also an inconsistency regarding match practice — for instance, the Northern Territory has 12 and South Australia has 6, but Victoria has 10.

The last point I make relates to gun collectors. All these people are decent, law-abiding citizens who love collecting antiques, some of which are worth thousands and thousands of dollars. The collectors are properly licensed and checked and they store their guns correctly. We ask the minister to consider that guns made prior to 1870 be classed as antiques, because cartridges were not invented at that stage, which means gunpowder and all sorts of other things are required to be put into the guns. In the minds of many, they cannot legitimately be regarded as usable firearms.

I ask the minister to take that into consideration. The opposition will not move amendments because it said it would support the legislation, but we ask the minister to consider that proposal. We wish the bill a speedy passage, and look forward to it being implemented.

We will obviously be monitoring it over the next few years, but I make this final plea to the minister: you need to fully resource that department of Victoria Police that is licensing guns. At the moment it is a shambles, because the police are so many weeks behind and they will have to administer these new regulations. We need to make sure that the information for gun owners is relevant and kept up to date. When we say they have to compete in 10 competitions, the information needs to be there so that they know they have to do that.

Dr SYKES (Benalla) — I join the debate on the Firearms (Trafficking and Handgun Control) Bill on behalf of the National Party. It is a pleasure to follow the member for Scoresby, who presented a clear summary of the legislation and raised a number of concerns.

The National Party supports the intention of the Council of Australian Governments (COAG) to improve the safety of the public and our community. However, we have some concerns regarding the approach currently being adopted and in particular what appears to be undue haste and the consequences of the undue haste. It appears to us that the measures that are being introduced in the legislation go beyond the original intention of the COAG agreement and in some cases are excessively restrictive for legal gun owners without clearly improving the safety of the public.

We have doubts about the adequacy of consultation with affected groups, particularly the legal gun owners and collectors. We have questions about the

consistency of the legislation in comparison with other jurisdictions. We have questions about the potential of unintended consequences of the legislation as it stands at the moment. We have questions about compensation and the practicalities of the legislation as it stands at the moment, and given that we are yet to see the regulations what they will contain is very unclear.

We recognise that responsibility for the legislation is a mixture of state and federal governments. We urge the government to hasten slowly and thoroughly consider the intentions and the implications of the legislation.

I had intended to table proposed amendments to the legislation, but following presentation of those amendments to the government I have, at its request, deferred tabling them pending further consultation with the government in the hope that they will be recognised as valuable. It is our intention to table the amendments in the upper house.

In relation to consultation by the government, I am advised that the representatives of the Sporting Shooters Association of Australia (Victoria) and collectors had very little opportunity to consult. They say they had as little as 2 hours of viewing the legislation and were not able to take the legislation from the viewing room. For our part, we have consulted widely; in particular we have consulted the Sporting Shooters Association of Australia, the Combined Firearms Council of Victoria, the International Practical Shooting Confederation and a range of other organisations. I am particularly fortunate that my electorate officer has considerable expertise in this area and has spent most of the past week consulting with affected groups and working with them to develop the amendments we will table in the other place.

We have also had the opportunity to be briefed by officers from the police and emergency services department, coordinated by Rob McDonald, and it was evident that those people had been working diligently because of a tight timetable and that they were experiencing some difficulties in pulling it all together in the tight time frame and in particular in running parallel with other states and jurisdictions.

On the subject of consultation, I seek guidance from the government on the reasons for the apparent failure of the legislation recently. Was it a failure of the legislation or a failure of implementation? It is important to clarify that.

In relation to consistency with other jurisdictions, I seek guidance from the government on progress in other jurisdictions. In particular, what is going on in South Australia, where I am advised the government is choosing not to proceed as far as the Victorian legislation. If we do not consult consistently with the other jurisdictions we run the risk of yet another piece of legislation which has substantial variations between jurisdictions, with all the inherent problems that creates.

In relation to unintended consequences, impacts are already being felt from the implementation of the principles. We are advised that the customs authorities, through their own initiative, have tightened up on the importation of firearms of between .38 and .45 calibre and are not allowing them into the country. That has prevented or discouraged international competitors from coming to our country and is therefore denying our competitors the experience of competing against other people of great talent. Our international competitors in pistol shooting, a legal occupation, are already under threat. There is further uncertainty among international competitors both from overseas and from Australia about what the future holds, so there is discouragement, which again will have consequences.

It is anticipated locally that as a result of the implementation of the legislation in its current form the number of shooters and clubs will fall dramatically. That is an issue in rural Victoria where clubs are already struggling to maintain numbers and enthusiasm with small memberships. It is a particular consequence of the proposed high participation rates and the additional administrative requirements currently included in the legislation.

We also see problems with the impact of additional security requirements and general red tape. Collectors will be impacted upon severely by the legislation as it stands at the moment, particularly through the much tougher security requirements being imposed on people having as few as 5 collector guns where currently that number is up to 15. It is believed by the collectors that this general concern among them will have a substantial impact on the value of the guns. Dealers expect to lose considerable revenue as a result of a major drop-off in their custom. They are concerned about compensation. What are the arrangements regarding compensation, and are they just? We are advised that compensation of about $2.5 million is required to cover the guns that are expected to be taken up, and the cost to legal businesses is also expected to be about $2.5 million, so the total cost will be about $5 million. It is unfair to expect legally operating competitors and collectors to bear that burden.

In relation to the practicality of the legislation as it stands at the moment, the ability to administer the legislation is questioned, given the bad experience we

have with the current gun licensing system. I had the personal experience of being advised in early November last year that I must submit a reapplication for a gun licence not later than 22 November. I duly did that. After three months of waiting, needing to buy ammunition to carry out my own little campaign against rabbits on my farm, I contacted the authority. It advised me that there was a major delay, but it was okay for me to buy ammunition and that I would not be prosecuted. I subsequently approached the local supplier of ammunition, and he and I collectively seemed to break the law by him supplying me with ammunition. So there is an issue of resourcing and forward planning of that aspect of this legislation.

The excessive requirements for participation rates are an issue because, again, in country Victoria it may be difficult for people to attend a sufficient number of meetings, particularly if clubs do not hold the full range of matches for the range of guns a person holds. The National Party believes this can be addressed in part by recognising that activities other than actual shooting should count as continuing relevant experience, and they are activities over and above those nominated in the legislation of being a judge or range officer. There are also some impracticalities in relation to security and storage of keys. The legislation as written at the moment appears nonsensical, and some simple rewording can address the intent of the legislation and make it much clearer.

In relation to collectors, the National Party seeks guidance on what evidence there is that firearms manufactured before 1900 are used in acts of aggression and violence. We have some information that in Queensland it is not the intention of the government to restrict those firearms. So again in the interests of interjurisdictional uniformity we ask the question: why are we proceeding along those lines in Victoria?

There are also concerns about the practicalities of the security requirements for collectors in that the number of firearms requiring quite expensive monitoring and security has decreased from 15 to only 5. Collectors also express concern about the testing of firearms believed to have been fired recently, in that testing may damage these collector items, these antique firearms, and also about the reliability of this testing in determining when the firearm was fired. There are also concerns about the practicality of the requirement to surrender ammunition used in the firearms being surrendered, because much of the ammunition may be perfectly legal for use with other pistols or long arms. It is illogical to require the surrender of this ammunition if it is legal for use in other firearms.

As indicated earlier, the regulations are yet to be detailed, so in effect people, particularly sporting shooters and collectors, are being asked to support an act of Parliament based on trust, without knowing what the real detail is. Often the devil is in the detail. The particular concerns relate to firearms with a calibre greater than .38 and a magazine capacity of more than 10. There are strong arguments that reasonable restrictions can be implemented to allow for those firearms to be used in competition without putting at risk the public safety which, keep in mind, is the intent of this legislation.

The proposed amendments that we intend further discussing with the government focus on the participation and practice requirements, in particular recognising participation by sporting shooters in clubs other than their own home clubs, which caters to the need to compete in more than one club. As I indicated earlier, a wider range of activities should be recognised at meetings, not just those of range officers and judges.

There is also the opportunity to remain within the intent of the legislation regarding the probationary period, which, as currently written, appears to require six months plus an additional one month for the initial licensing period, when we believe the intention is six months. That is an exercise in tightening up the wording. As I indicated earlier, we believe there is a need to amend the requirement to surrender ammunition, because a lot of the ammunition can be legally used in other firearms.

Just recapping, the National Party, while supporting the intention of the legislation, urges the government to hasten slowly and to consult more widely with shooters and collectors to ensure achievement of a practical approach to protect public safety without unintended impacts, with consistency with other jurisdictions and with adequate compensation.

In preparing for this legislation my researchers went back to *Hansard* of 19 November 1996. At that stage the debate was on the Firearms Bill. The speaker was the then honourable member for Yan Yean, now the Minister for Police and Emergency Services, who opened his address by, firstly, indicating support for the bill but making the point:

> However, in supporting the bill I express strong reservations about the indecent haste with which the government is seeking to push it through the chamber.

Secondly:

> If we are going to deal with legislation that has such an impact upon the community it is important that we are able to consult widely.

The National Party is suggesting that the haste and the consultation are not proceeding according to plan.

Thirdly:

> It is also vital that no unintended consequences flow from the bill …

We suggest that the bill in its current form would have a number of unintended consequences.

I reiterate: hasten slowly, consult widely and ensure that the collectors and the shooters are involved in the consultation. They are prepared to make constructive comments and contributions to this debate, and they are behaving rationally. They seek to exercise their democratic right to be heard, and we look forward, with their input and with the goodwill of government, to developing legislation which achieves the original intent without unintended consequences, which is consistent with jurisdictions in other parts of Australia and which provides adequate compensation.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until later this day.

RETAIL LEASES BILL

Second reading

Debate resumed from 27 February; motion of Mr BRUMBY (Treasurer).

Ms ASHER (Brighton) — The opposition does not oppose the Retail Leases Bill, which is a very complex piece of legislation. It is a reintroduction of a bill that was prepared by the government last year but with some changes. Although they are not necessarily policy changes, there have been some 30 changes since the bill was debated in the last Parliament.

Retail tenancies in the state of Victoria and right across Australia are in a continual state of change. There has been a desire from both political parties to protect the small business tenant against what may be seen to be some unfair market practices of the larger landlords, although it must be borne in mind that many of the landlords, particularly in the retail strip shopping centres, are in fact small businesses themselves.

I want to make reference to my period as the small business minister, when there were very significant changes to the retail tenancies legislation. I set up a working party to establish several steps forward in retail tenancies. It was headed by a former member for Silvan Province in the other place, Wendy Smith, and the now Leader of the National Party was also on that working party, as were representatives from small business and the Property Council of Australia. The end result of it was the 1998 retail tenancy reform legislation, which introduced sweeping changes to disclosure statements in relation to the dissemination of information, particularly to small business tenants, about the increase in tenancy rights and accessibility to a cheaper justice system via the Victorian Civil and Administrative Tribunal.

I might add that the working party was given a very broad brief by me and was free to examine whatever issues it wished. The former government basically legislated, not in toto but principally, on the basis of those recommendations of the working party. The working party was set up because there were significant concerns, particularly among small business tenants in shopping centres, about what they believed were unfair practices by landlords — and there were some fairly poor examples of management in some shopping centres, particularly in relation to the relocation of tenancies, tenure arrangements and the like.

I note in particular that the Property Council of Australia, which sat on that working party, agreed with the recommendations and broadly supported — consent does not necessarily mean embracing change — the key changes in the 1998 retail tenancies reform legislation.

I note also that the current Labor government still thinks that that particular bill was a step forward, because the current web site of the relevant department states:

> Both tenants and landlords are benefiting from the new laws in relation to retail leases that came into effect on 1 July 1998.

I thank the current government and the current minister for acknowledging that reform as a step forward!

However, retail tenancies are in a constant state of change. I acknowledge that the ALP had as part of its 1999 election platform a review of existing laws. There was some considerable disquiet, particularly in relation to the 1000-square-metre issue, which I might add was not raised by my working party simply because it chose not to raise it.

The ALP set up an inquiry. It consulted for the best part of more than two years; it had an issues paper, a discussion paper and so on. I will refer to the *Retail Tenancies Legislation — Discussion Paper Executive Summary*, which was released by the minister. The terms of reference asked everyone to comment on:

creating a more effective standard tenancy agreement;

providing wider coverage of the act to include franchisees and public corporations;

removing the 1000-square-metre floor space limit on coverage;

strengthening appeal rights and cutting red tape and waiting times for appeals;

providing reasonable security of tenure to retail and commercial tenants; and

ensuring more effective disclosure statements for landlords.

What we saw at the end of the last sitting of Parliament was a bill that broadly reflected those terms of reference and the consultation that had occurred with big business and small business alike. The ALP went to the last election with a very clear policy, which I have to say is implemented by the bill that is currently before the house.

In its plan for growing small business under its small business policy entitled *Getting on with the Job*, Labor clearly promised that it would reintroduce the Retail Leases Bill in the first sitting week of the Parliament. It also specifically promised that it would include unconscionable conduct provisions in its bill and that landlords would be prohibited from passing on their land tax liability to the tenant through outgoings.

I am referring to the policy. The Labor Party committed to replacing the 1000-square-metre rule with a rent threshold and to enhancing protection for tenants whose landlords are forcing them to relocate within a shopping centre. It also promised to create the Small Business Commissioner. Like it or not, the ALP has encapsulated those promises in the bill before the house and clearly has a mandate to do so.

There are a number of key changes in the bill, the first of which relates to the role of the Small Business Commissioner. That person will have a key role in the mediation of disputes prior to Victorian Civil and Administrative Tribunal hearings and in the registration of leases. Another change is the abolition of the 1000-square-metre rule, which I have already touched on.

There are changes to the disclosure statement arrangements. They will no longer be part of the schedule to the act but will be part of the regulations, the rationale being that it is easier to change the regulations than to change the schedule to an act.

There will be minimum five-year terms for all tenants, which compares to the previous situation of five-year leases for first-up tenants. Franchisees will be included to a greater extent. Commercial tenants will have an ambivalent status, and I will touch on that later.

Management fees will be more heavily regulated. The regulatory impact statement which has been issued by the government provides for no more than consumer price index increases and allows for refunds by landlords to tenants if, for example, marketing money is not expended. The bill also provides for the draw-down of unconscionable conduct provisions and for mediation prior to dispute resolution. Currently land tax is allowed to be passed on to a tenant on a single-holding basis only, but under the bill there will be no passing on of land tax. The bill also gives tenants increased compensation rights, particularly, for example, with relocations in shopping centres.

However, there are a number of issues I wish to raise in relation to the bill. Let me say again that the Liberal Party is very conscious of the fact that small retailers support the trend to increase the rights of smaller tenants as a result of progressive layers of retail tenancy reform. However, a number of comments have been made by landlords, in particular the Shopping Centre Council of Australia, the Property Council of Australia and the Real Estate Institute of Victoria, which are worthy of consideration by government. I ask the minister to give some consideration to reasonable requests from these groups.

I would like to itemise a number of concerns in order to put them on the public record. The first is the proclamation date of the legislation. The government gave itself two years to review the legislation — that is its style, which the opposition accepts and which I think the landlords accept. We have a proclamation date of 1 May, which I understand was set last year. However, we have before the Parliament something like 30 changes to last year's bill. I accept that they are not substantial policy changes, but they are changes in detail which require consideration. The desired proclamation date of 1 May allows very little time between the consideration by Parliament of the legislation and its proclamation.

The Shopping Centre Council of Australia has indicated that it thinks 1 July 2003 is a more reasonable proclamation date. Likewise the property council has written to the minister making that reasonable request. I quote from a briefing note provided to me by the property council in which it articulates what to me is a reasonable request. It points out how close the date is and goes on to say:

Significant education of landlords and tenants is required prior to the legislation coming into force, and the very short

> time frame could result in parties being in breach of the law as a result of not having sufficient time to prepare and comply.

This is a particularly significant issue for government, which has argued in its issues paper, its discussion paper and its second-reading speech that education is a vital component of the government's rationale. The property council document goes on to state:

> The property council had planned to run a series of forums for members on the changes to the legislation, which is significantly different to its predecessor and will require a great degree of education. However, with this extremely tight time frame … this will be difficult.

The council goes on to point out what needs to be done:

a. the final form of the legislation/regulations to be analysed;

b. precedents and protocols to be set up, which will involve:

(i) revisiting all standard documents;

(ii) rewriting all standard documents;

(iii) setting up new procedures and protocols;

(iv) rewriting centre outgoings arrangements;

(v) educating staff;

(vi) educating tenants.

The property council concludes:

> The date of 1 May is unworkable: 1 July would be an absolute minimum date to ensure that everything is properly in place.

I suggest to the Minister for Planning and the Minister for Small Business, who has carriage of the bill, that this is a reasonable request. All this work has to be done. There is no need to have a 1 May proclamation date, and in the interests of the education that she herself has spoken so much about, I ask her to consider a proclamation date of 1 July 2003.

I turn now to the issue of the abolition of the 1000-square-metre rule. I mentioned that it was not addressed by the earlier review under the previous government simply because the working party chose not to do so. But I understand the 1000-square-metre rule is problematic. There is the question of whether space represents a small business — for example, a caravan park is still a small business, but it has a much larger area to cover. There are a heap of internal disputes relating to whether verandas and things like that are part of the 1000-square-metre rule. It is always problematic to define a small business versus a large business, and the government's election promise was to abolish this rule and put in its place a rental threshold. The government has chosen to address this rental threshold — that is, its choice of definition of who will be protected and who will not be protected under the legislation. It has chosen to address this definition in the regulatory impact statement which was released recently.

The government's choice of threshold is $1 million per annum, and again I refer to the property council's view of this issue in its newsletter *State of Play* for this month. The property council has argued that there should be a rental threshold of $300 000. It states:

> The government's figure is of major concern and, if accepted, will have a detrimental effect on future investment in Victoria.

While the Liberal Party has a real concern for protecting small business tenants, and while the Liberal Party recognises how difficult it is to come up with a distinguishing feature for what constitutes those tenants who need the protection of the state and those tenants who are big enough to look after themselves, it is important for the minister to listen to the concerns of the property council in terms of the rental threshold, which at $1 million seems particularly high. It is not necessarily me that is making that observation; it is the government's own RIS of March 2003, which almost contradicts the conclusion that $1 million should be the threshold. Page 13 of the RIS refers to a study that was put together by an analysis undertaken for the Department of Innovation, Industry and Regional Development by FPD Savills, which is an international property consultant, and the study put together by that group indicates that 83.5 per cent of the outlets studied had a rent range of up to $100 000. Another 10 per cent had a rent range between $100 000 and $200 000, and thereafter going up to the million dollar level in a broadly diminishing rate. Indeed the RIS makes the following comment:

> Therefore setting the occupancy costs threshold at $300 000 per annum would substantially meet the objective of ensuring the coverage of small and medium-sized retail businesses.

The studies then go on to say that there is a desire to protect people in high rental areas such as Melbourne Airport, Southbank, the Bourke Street Mall and the like, and I understand that point. However, I do not think the conclusion of $1 million per annum automatically follows from the research that is presented in the RIS at page 13, where clearly the figure of $300 000 is deemed to be adequate.

I note the government's view that rather than coming back and amending legislation in this Parliament it wishes to have a buffer, and again I quote the RIS, at page 14:

> … for natural growth in occupancy costs over the usual 10-year term of a regulation.

Again I find it quite a jump, as of course does the Property Council of Australia, from $300 000 to $1 million. I am advised that this is a different measure from that used in New South Wales, Queensland, Western Australia, Tasmania and the Australian Capital Territory. So I have some sympathy with the view that the $1 million posited in the RIS may not be in the best interests of investment in Victoria.

While the government will argue that the property council and others can put their views to the RIS, nevertheless the government has clearly indicated what is its preferred option. However, I note at page 3 of the second-reading speech that a prescribed threshold is a fairer means of determining coverage, and again I quote the second-reading speech:

> The figure will be determined following final consultations with the industry.

I hope the government does consult with those who feel the $1 million level is too high and that the buffer put there by the government to provide for future rent increases is too much of a buffer.

I turn to the issue of land tax. There is a view that landlords will simply pass on land tax to tenants in the form of rental increases, and that is not an unreasonable view. I note that the Real Estate Institute of Victoria in its April 2003 edition of *Estate Agent* also expresses a view along that line. It makes the point that if the government wishes to place burdens on those providing retail accommodation, it may well wish to look at its own burdens — for example, land tax burdens. It says that in recent years land tax in some instances has gone from $5000 in one year to $10 000 the next and $30 000 the following year. How could the landlord forecast such rises and carry such costs without impacting on the overall profitability of the tenancy? REIV is very clear in its view that these costs will simply be passed on to tenants in the form of increased rental.

I say do not rely on REIV because one would expect it to say that. I think we need to look at the views of the current Premier, and the views he put to this Parliament on 13 May 1998 when debating the Land Tax (Amendment) Bill. He said in a debate on land tax:

> Even though the bill says the tax cannot be passed on, the reality is that it will be passed on in some guise or other.

So the Minister for Small Business can have her policy. It is very clear that the Premier, when he spoke on the land tax bill, knew full well that, particularly given the level of land tax this government is charging, you can write in legislation whatever you want, but land tax, like anything else, will be passed on to tenants. I know the tenant groups think it is terrific and they are particularly pleased, and I understand that, but we must remember what the Premier said, and again I quote him:

> … the reality is that it will be passed on in some guise or other.

The bill also provides for a streamlined dispute resolution process, and I note in the 2001–02 annual report of the Victorian Civil and Administrative Tribunal, which was tabled in this house in the last sitting week, that for the retail tenancies list there were 215 applications received, 221 cases resolved and 70 cases pending. The government's discussion paper indicates that that is a high level of dispute and at page 13 states that Victoria has about twice as many formal disputes as New South Wales — at the time of issue of the discussion paper about 600 since 1998, compared with 264 in New South Wales since 1995. The government wishes to have the Small Business Commissioner involved in a streamlined dispute resolution process — that is, mediation, and indeed some capacity of the Small Business Commissioner to intervene at VCAT. We will watch those figures with interest. I believe anything that eases the burden on small business in its access to justice is a step forward, but the proof will obviously be to see whether in the next annual report of VCAT those figures have come down or not.

I turn to the issue of unconscionable conduct. The shopping centre council has indicated that it supports the draw-down of section 51AC of the Trade Practices Act, but it is concerned about additional factors relating to the definition of unconscionable conduct in the bill. I refer honourable members to clause 77, which covers unconscionable conduct of the landlord, and I note that in the bill there is also a provision covering unconscionable conduct by tenants. However, the landlords are concerned — and I ask the minister to take these concerns on board — that additional factors have expanded the definition of unconscionable conduct. They have provided to the minister a legal opinion indicating that this is so. I am not a lawyer and I cannot give an informed view of whether the bill has expanded the definition of unconscionable conduct or not. However, I ask that the minister seek some advice.

Mr Robinson interjected.

Ms ASHER — I note also that neither the honourable member for Mitcham nor the Minister for Small Business is a lawyer. I ask the minister to seek

some legal advice on the opinion that has been provided to her, because the issue of unconscionable conduct impacts on all small business ministers. I recall sitting around the table when the commonwealth indicated it would fund test cases. Obviously I cannot anticipate debate on the next bill we will be looking at, but the Small Business Commissioner will be dabbling in test cases and the like.

However, if in fact the Victorian definition of unconscionable conduct is going to be, via statute, quite different from the commonwealth definition of unconscionable conduct, and the government's desire to clarify has involved added ground, then that will need to be looked at, and I ask the minister to do so.

I next turn to the issue of commercial tenants. I note that it is the government's intention, according to its regulatory impact statement, to have commercial tenants exempted by ministerial determination. I do not understand why this is not in the legislation; perhaps it is an afterthought. I ask the minister to indicate why that is so.

Indeed the Property Council of Australia has also indicated its preference that if the government wishes to exclude commercial tenants — and I guess there are good reasons for doing so — they be excluded by legislation. However, I note that while the government has consulted with a broad range of people involved in the retail sector it has not to my knowledge — and I am happy to be corrected if I am wrong — consulted with a broad range of people in the commercial sector and may need to do so, particularly in some instances where rights will be removed.

The property council has also drawn to my attention its concerns that industrial property may well be covered in Victoria, which I would not have thought would have been the intention of the government. It is not covered in any other Australian jurisdiction. I ask the Minister for Planning, who is at the table, and also the Minister for Small Business in the other place to provide an answer to the property council on that point. The general concern about this is that if you are going to argue, and I do, that small businesses need the protection of government against larger landlords and larger businesses, it is most unlikely that the industrials should be covered in terms of that policy direction.

The Shopping Centre Council of Australia advises me that there is a retrospective element in the legislation in relation to compensation. Again, as my time is running out, I ask that the minister respond to the letter that has been sent to her by the shopping centre council in relation to the retrospective element which covers changes in shopping centres that are in the works. The letter to the minister dated 13 March this year claims that:

> It is not fair that the rules are changed after such redevelopments have been planned, approved and budgeted. We suggest that an operative date of, say, 1 January 2005 would overcome this problem while still achieving the objective of consistency.

Again I ask the minister to give some specific response to that letter that has been sent to her.

Another issue in the letter sent to her by the Shopping Centre Council of Australia is the issue of the Small Business Commissioner and possible bureaucratic delays. The point is made that there is a time limit of 21 days for the Small Business Commissioner to issue certificates. The shopping centre council is concerned that certificates issued later than that are not invalid — in other words, there is no discipline if the Small Business Commissioner fails to adhere to the 21-day limit. I guess they have a fairly valid point. Everyone else is bound by the law to adhere to these limits and rules and regulations, and that is fair enough.

The shopping centre council's solution is in the letter to the minister. It suggests that the tenant's solicitor in fact could provide a certificate. The shopping centre council makes the point that one-off tenants who are not familiar with all these rules and procedures and bureaucracies will have Buckley's chance of managing this type of legislation. So I think that is a reasonable request, and again I ask the minister to specifically respond to that request.

I note that the Small Business Commissioner's position has already been advertised in the Melbourne *Age* — yes, I do read it — and the regulatory impact statement has already been issued. I remember as a member of the previous Liberal government being taken to task time and again about governments with large majorities pre-empting Parliament. I place that on record, given so many comments were made by the Labor Party about pre-empting Parliament. Of course the bill will pass Parliament and it is part of the government's election promise, but the Labor Party in opposition made a lot of comments about pre-empting Parliament. I have to say I am more concerned about the proclamation date than the issue of pre-empting Parliament.

I note the policy objectives put forward by the Minister for Small Business in her original discussion paper. Those five policy principles were very similar to those adhered to by the previous Liberal government.

Again, as I have indicated, the opposition does not oppose this legislation; the government has a clear

mandate to bring it in. However, considering the way the government is seeking to bring it in — I think that consultation up to a certain point is one thing, but there are some very key concerns from those who invest in our community about the proclamation date and a number of other technical issues — I ask the minister to adhere to her word and allow these concerns to have a fair hearing.

Mr JASPER (Murray Valley) — I join the debate on the Retail Leases Bill to indicate that the National Party will not oppose the legislation. I listened with a great deal of interest to the comments made by the honourable member for Brighton, and I join with many of the concerns she expressed about the bill and indeed the issues. The government should take them on board when considering the bill before the house and on its passage from this house to another house. Perhaps the government will be able to consider many of the issues that have been brought to its attention by the member for Brighton and indeed by the organisations which she mentioned in her contribution.

I say from the outset that the bicameral system of government is one of the strengths of our Victorian Parliament. Over the years we have seen the strength in being able to pass bills in the Legislative Assembly and have them given further consideration in the weeks that pass between the debate in the Legislative Assembly and the debate in the Legislative Council. Many people who have been in Parliament over a long period will recognise that we have often had better legislation because of the debate which has taken place in another place and by amendments which have been brought forward and agreed to by all parties and then brought back to this house for agreement.

I read with interest the second-reading speech which was delivered to Parliament. It is worth while commenting on one of the initial paragraphs, in which the minister states:

> The purpose of the bill is to establish a new regulatory framework for retail tenancies that promotes greater certainty, fairness and clarity in the commercial relationship between landlords and tenants of retail premises.

Generally the National Party would agree with that statement, but as I proceed with my contribution I will also indicate areas of concern that we have which the government should perhaps take into account in debating the legislation before this house and the Legislative Council.

We also need to recognise that retailing is an important part of the Victorian economy, which is also pointed out by the minister. There are about 30 000 retailers in the small business area in Victoria and they employ over 330 000 Victorians, which confirms that retailing is a major area of employment in this state and one which needs to have appropriate protection and appropriate legislation so it can operate effectively.

It is interesting that in seeking comments on the legislation the National Party sought responses from a range of organisations, including the Victorian Automobile Chamber of Commerce, the Victorian Employers Chamber of Commerce and Industry and the Shopping Centres Council of Australia, among others. We also had a briefing by representatives from the minister's office, and I thank the minister for making available the two officers I had discussions with. They were able to bring me up to date with the legislation and the implications of the bill before the house.

Basically the bill is similar to that which was debated last year. When I made my contribution on that bill on 30 October 2002 I made the comment that I believed it was a major step forward in seeking to clarify and provide a better position for people involved in leasing, particularly where it relates to the larger shopping complexes. The contributions and information we have received from the organisations we have consulted with have been important. I will also comment on some of the information that was provided by the minister's office.

It has been indicated that the bill is basically identical to that which was before the house in October last year prior to the prorogation of the Parliament in November last year. It is a major piece of legislation, a large bill, which needs appropriate dissection to see that it does in fact deliver what is proposed by the government. The minister's office indicated that the new bill is better drafted and is an improvement, but I understand from one of the organisations that provided information to us that there have been some major changes to the drafting which have not been accounted for in the information provided from the minister's office.

When I spoke to the Victorian Employers Chamber of Commerce and Industry it expressed no great objection to the legislation but expressed concern about some perhaps unintended consequences. It indicated to me that what we should be seeking to do with the legislation is to achieve balance between the rights of the landlords and the rights of the lessees. That is important, particularly with people involved in small businesses, who often need the protection of governments and appropriate legislation.

As a person who has grown up in small business, I understand the thrust of the legislation and the need to protect small business, and I believe there needs to be support from the government as far as small business is concerned.

As an aside, I see that the changes that have been implemented by governments over recent years have made it even more difficult for small businesses to operate. I think the Small Business Commissioner Bill, which is before the Parliament, should be able to greatly assist small businesses with the problems many of them face and the greater compliance being demanded of small business with regulation by governments at both the state and federal levels. Perhaps in the broader context of things we need to look at those issues to try to ensure that we provide the best circumstances for small businesses to operate in within Victoria so they can be profitable.

It is interesting that I used the word 'profitable', because in debates in this place in earlier times I have been taken to task for using the word 'profitable'. I suggest to the government that businesses need to be profitable. If businesses are not profitable they will not employ people, and there will be no businesses developing in this state. As far as the government is concerned — —

Mr Stensholt interjected.

Mr JASPER — A comment was made by the honourable member for Burwood by way of interjection. He should listen to the final part of my small contribution about that issue, which is that the person taking me to task was a Labor member when that party was in government during the 1980s. I made the comment that whilst the Labor government was expanding employment, it certainly could not employ everyone. We need to have people involved with government departments, but we need to make sure there is a minimalist approach and minimal interference so that businesses can get on with the job of providing services within the state of Victoria and be able to be profitable.

I have covered some of the important issues in the legislation, and the honourable member for Brighton in her contribution referred to other important issues. She referred to the changes to the 1000-square-metre rule, which is being abolished by this legislation. When I spoke on this bill in November last year I spoke of a hotelier in Yarrawonga in my electorate of Murray Valley, who believed the area of the hotel in question was less than 1000 square metres. However, the owner of the hotel claimed that it was over 1000 square metres, and he included in that the outside areas, which were the beer garden and other areas. He claimed it would be outside the 1000 square kilometres, but it was in fact the area under the 1000 square kilometres that was really applicable.

An honourable member interjected.

Mr JASPER — It is square metres, I am sorry. Let me get it right for *Hansard*, because there is a huge difference! The figure is 1000 square metres. I will make sure that I have it correct, because the hotelier believed that he had under 1000 square metres, and in fact the proprietor was suggesting that it was over 1000 square metres. It was an issue so far as that person was concerned.

I now turn to the suggested occupancy cost threshold of $1 million and note the regulatory impact statement. There may be some review of it, and it needs further comment. If a franchisee is the tenant, regardless of whether he is also the landlord, he is covered by the legislation. Short-term leases are an important area. A short-term lease of one year or less is covered regardless of whether there is a longer option. In the new legislation a lease of less than one year is not covered but will be covered once it operates continuously for longer than one year, and that is very reasonable.

Land tax is another issue that has been a great burden for many small businesses. Franchisees are able to pass on the land tax under this legislation. There is a lead time in providing the land tax information to the franchisee, making it easier as far as the payment is concerned. There is no regulation of the management fees charged by shopping centres. Those fees will now be controlled and will only be able to be raised by not more than consumer price index during the term of the lease.

Minimum terms are covered by the new legislation, with a change to a minimum five-year term for all tenants, although the parties can enter into a shorter term lease if they receive a certificate from the Small Business Commissioner. Unconscionable conduct has also been mentioned. I note there has been some criticism, and I hope I will be able to cover that with the responses I received from the National Party's representations.

It is pleasing to see that the bill makes changes to the dispute resolution process with the introduction of a Small Business Commissioner. I am informed that 80 per cent of claims are now successful in New South Wales, which has a Small Business Commissioner.

It is interesting to note the responses the National Party received from organisations. In its response the Victorian Automobile Chamber of Commerce was strong in its support of the legislation, referring to rent thresholds, franchises, short-term leases, the Retail Industry Commissioner, unconscionable conduct, disclosure statements and the five-year term, which I mentioned previously. The VACC said these were a step forward far in providing a balance between proprietors and franchisees in shopping centres.

The most interesting response received was from the Shopping Centre Council of Australia. The member for Brighton mentioned it, and it is worth while repeating some of its concerns. For instance, the legislation coming into operation on 1 May leaves little time to get the bill through the Parliament and take account of any further representations that are made or amendments that are to be included. The SCCA also indicated that over 30 clauses are different to the bill which was presented to the house last year. That is a little different from the information provided to me by the minister's office, which said that it was almost identical to the legislation before the house in the last Parliament. That needs to be taken into account, and again I mention the operative date.

When legislation comes before the Parliament it is difficult to know what the result of the regulations under it will be. They need to be subject to a regulatory impact statement, including responses and an assessment of that process. The regulations are still to be detailed, yet the bill has an operative date of 1 May.

I refer to an issue that is worth mentioning. I spoke about the 1000-square-metre provision as it relates to occupancy. We should also take note of the comments made by the council when it talked about the 1000-square-metre rule, which puts Victoria at odds with New South Wales, Queensland, Western Australia, Tasmania and the Australian Capital Territory, and about the problems that causes for establishments along, for example, the New South Wales–Victoria border.

Border anomalies have been a huge issue for me as a member of Parliament who lives near that border. We still have an enormous range of border anomalies, despite the fact that the Border Anomalies Committee was established in 1979. There have been great advances in eliminating border anomalies, but the more you talk to people about the issues the more the anomalies become apparent.

Here we will pass legislation through Parliament that will continue to give rise to border anomalies between Victoria, New South Wales and the other states. I suggest to the minister that in considering changes including the removal of the 1000-square-metre rule she should be looking for uniformity between the states and take account of the difficulties created by border anomalies.

Leases are being talked about critically. The council suggested that the options should be extended to 1 July 2003. Unconscionable conduct was mentioned as a criticism of the council. It indicated that there are three added factors that were not taken account of in the original legislation before the house last year. Those comments of concern were made about the legislation, but in the latter part of the letter addressed to me concerns relating to the regulations are detailed. What we need to understand is that concerns are being expressed by organisations about this legislation.

The council has written to the minister and brought to her attention a range of concerns. I would like to think the minister will respond to the concerns expressed, and as I indicated earlier in my contribution it is important to get a balance. Balance is required between what is going to be acceptable to the landlords and what is needed to protect the franchisees so that their businesses can be profitable, so making an important contribution to the economy of Victoria.

I do not think there is any doubt that there have been problems in the industry in the past. There have been situations where in particular small lessees and franchisees have been under pressure from landlords. Some protection needs to be afforded to them, and the legislation is a major step forward in seeking to protect those people. I accept the comments made by representatives of the minister's office who have spoken to me. I also accept the comments brought to my attention by the organisations we have contacted, which generally support the legislation now before the house.

However, we need to take account of the concerns expressed, particularly about the regulations and the date when the legislation would become operative — that is, 1 May 2003. The regulations are out in the public arena even before the bill has passed through Parliament. It is the height of hypocrisy and arrogance for the government to bring forward the legislation and make it operative from a date that is too early. It has created a situation where the regulations may not be in place but will have a dramatic effect.

Finally, I strongly support the changes that have been made, particularly the removal of the 1000-square-metre rule, which will be of great importance to many of the

small businesses that have brought this to my attention as a major issue.

Debate adjourned on motion of Mr STENSHOLT (Burwood).

Debate adjourned until later this day.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The time for the adjournment of the house has arrived.

Planning: Brighton

Ms ASHER (Brighton) — The issue I have is for the Minister for Planning, and the action I am asking her to take is to intercede to reduce the number of planning cases in Brighton that end up before the Victorian Civil and Administrative Tribunal. I refer the minister to the annual report of VCAT for 2001–02 wherein Brighton unfortunately has the second-highest number of applications before VCAT of any suburb. Richmond has the highest number with 69; Brighton comes in at no. 2 with 58. I also note that Elwood in my electorate has had 39 planning applications before VCAT. The municipality of Bayside as a whole comes in at no. 8, with 122 applications before VCAT. This is an alarmingly high number of planning issues coming before VCAT. What is happening in Brighton is that VCAT is deciding what occurs in my electorate and in the major city within my electorate.

One of the reasons why there are so many referrals to VCAT is that Bayside City Council has been denied the opportunity to have its own planning scheme. Indeed, the Minister for Planning and the previous Minister for Planning have a C2 amendment on their desks, and I have raised this issue previously in the Parliament. The C2 amendment has been put forward by a Bayside City Council that was made up of an enormously diverse group of people. All political parties were represented on that council, yet the council came to a view that the C2 amendment was the best possible solution for the Bayside area. It is certainly not perfect. There was a lot of consultation and a lot of work and broad agreement. It deals with some of the issues that are so critical in Brighton in relation to density, access to sunshine in one's backyard and so on. This has not been signed off.

I understand that the minister is arguing that she wants to wait until her 2030 policy, which incidentally moves in the opposite direction, is announced. Nobody wins by having this number of planning applications before VCAT. The residents opposing development lose through VCAT fees and through stress and pressure, and so on. The sellers of land lose as they wait for VCAT to decide what happens in Brighton. The council loses because it is not in control of what is occurring in Brighton. Almost all planning applications are going to VCAT, and that is not a desirable outcome for anybody. Even the developers lose through the delays and costs and the uncertainty promoted by the fact that C2 has not been signed. I urge the minister to rectify the situation.

Bicycles: Upfield shared pathway

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Transport. I ask the minister to work with the Coburg Bicycle Users Group and the Brunswick Bicycle Users Group, as well as all those others in our local community who participate in ensuring that the Upfield shared pathway is completed by the end of the 2003–04 financial year.

After more than a decade, CBUG and BBUG have managed to enjoy an increased Upfield shared pathway. They have worked diligently and they have enticed many people, some of us who may have been reluctant cyclists over a period of years, to really enjoy cycling again. Last Thursday and Friday I had the opportunity to have an on-site briefing from Laurie Burchell, who over the last 14 years has led CBUG's campaign to have that bike path completed.

I raise for the attention of the minister the fact that both the Moreland City Council and the state government have embraced recreational cycling, seeing it as important for the fitness of the local community and in reducing harmful greenhouse emissions. In terms of distance and undulation Coburg is ideally suited for cyclists commuting to the city, allowing them to enjoy one of the state's most visited sites, the Fawkner cemetery, and to go right up to the Western Ring Road. It is particularly safe to ride where the bike path and the shared pathway have been completed, but I have had the opportunity to ride along the path between Munro Street and O'Hea Street and have found it a particularly hair-raising experience. I would not encourage anyone other than very competent cyclists to embark on it.

The Minister for Transport needs to be aware that the Moreland City Council's bike path plan of June 2000 has been worked on progressively. I congratulate the council on completing most of the work in the high-priority areas. The council is now working diligently to ensure that those areas designated as medium priority are dealt with. However, there is one stumbling block, and that is the Bell Street pedestrian crossing near the Upfield rail line. I urge Vicroads,

together with the Minister for Transport, to implement a pedestrian crossing there.

I also pay tribute to Brian Negus and his excellent team, which has worked very well with the local community. Together we can make this happen.

Bridges: Sale

Mr RYAN (Leader of the National Party) — I raise an issue for the Minister for Transport that concerns the historic swing bridge on the South Gippsland Highway, a short distance south of beautiful, downtown, sunny Sale. This bridge was built in 1863 and until recently was a fundamental component in moving traffic going south from Sale along the South Gippsland Highway. It provided an important mechanism whereby traffic travelled back and forth to Longford.

The former government in its great wisdom determined that major works should be undertaken at the site of the swing bridge. Two replacement bridges were to be built to supplant the function the swing bridge had performed since 1863, that facility having been built at the confluence of the Thomson and Latrobe rivers. Needless to say by the time this work was undertaken — which was only in the past 12 months — the beautiful swing bridge had outlived its usefulness. The new structures have now been built and they are providing an invaluable service. It is to the credit of this government that it continued that important project and indeed enhanced it somewhat by adding some money to build a bridge over the Long Waterhole, as it is known.

Nasty rumours are circulating that part of the project as originally announced by this government may not be fulfilled. The original announcement included a commitment to re-establish the swing bridge in all its former glory. Much was made of the intention to ensure that the original facility as built in 1863 would be restored to an operable state. That will entail a lot of work being done to the bridge, because there are abutments at either end of the bridge which need substantial work, as does the bridge itself. The intention has always been to return it to a functioning form, and there was a lot of discussion with committees about how the re-established bridge would operate to enable boating traffic to move up and down from the Gippsland Lakes, along the river system and ultimately to the port of Sale.

All of this will come to nothing unless the government lives up to its commitment to provide funding for the refurbishment of the swing bridge. I seek confirmation from the Minister for Transport that this vital component of the work, which the government undertook to complete, will be given effect to. I accept that it will be expensive, but the local folk want to know if it is going to be done. The government promised it, and we want to see that promise fulfilled.

Freeza program: Frankston

Mr HARKNESS (Frankston) — I raise a matter with the Minister for Employment and Youth Affairs concerning the ongoing funding for the very successful Freeza program in my electorate of Frankston. The action I am seeking from the minister is that she continue funding of the Freeza program in Frankston so that the young people of Frankston can continue to enjoy safe and secure music entertainment and cultural events in a drug and alcohol-free environment.

The Freeza program is highly regarded in Victoria, and my electorate is no exception. It demonstrates the Bracks government's willingness to actively celebrate young people's many talents through supporting young people to run music entertainment and cultural events. The Freeza program allows the young people of Frankston to continue to enjoy safe and secure music entertainment and cultural events in a drug and alcohol-free environment. It is particularly important that there is a program such as Freeza to provide a safe option for under-age young people in suburbs such as Frankston as well as in regional and rural areas of Victoria.

In my electorate this year we have seen two very successful Freeza events conducted by the Frankston City Council through the use of the Bracks government's Freeza funding. The two events, the Mornington Peninsula Skateboard Championships and the Down Out Pool Party, attracted over 900 young people to enjoy live bands and DJs. Another five events will be conducted before July this year for the young people of Frankston, including an acoustic music festival and a youth expo during National Youth Week, and the Battle of the Bands in Frankston and Langwarrin. These events will allow parents to be safe in the knowledge that their children will be attending a secure, drug and alcohol-free local event.

The Freeza funding for the City of Frankston runs out of the end of June 2003. I call on the minister to ensure that this Freeza provider and all others are given sufficient time to re-tender for Freeza funding for the next financial year. As I outlined earlier, it is a very highly regarded program in Victoria. Frankston is no exception.

An honourable member interjected.

Mr HARKNESS — Yes, Frankston is exceptional. It demonstrates the Bracks government's willingness to actively celebrate young people's many talents and support people who run music entertainment and cultural events. Freeza is a very successful program, and I again ask the minister to ensure that this Freeza provider and all others are given sufficient time to re-tender for Freeza funding for the next financial year.

Kew Residential Services: surplus land

Mr McINTOSH (Kew) — I raise a matter for the attention of the Premier. I ask the Premier to intervene to stop the subdivision and sale of publicly owned land in my electorate. Given that the Premier has recently announced the government's new policy on the sale of publicly owned land as being totally and utterly irresponsible, I ask the Premier to now intervene to prevent the sale and subdivision of some 22 hectares of publicly owned land that could be potentially public open space and used in the beautiful Yarra Bend Park, which is a natural adjunct to this particular piece of land.

The land I am talking about is the surplus land in relation to Kew Residential Services. Importantly both sides of politics understand completely that the outdated facilities at the Kew Residential Services have to be upgraded to meet the individual requirements of the residents there. I certainly applaud this government's policy of adopting what was started by the previous government: the individual assessment of each resident to determine the best accommodation outcome for them. It is yet to be completely implemented — or even partially completed, should I say — but it is certainly something this government has taken on.

But as part of that redevelopment of Kew Residential Services some 22 hectares of land has become surplus to the government's needs. Of course I agree with the Premier that it would be utterly and totally irresponsible to sell that land at a commercial rate. Yet I ask the Premier what the government is doing — perhaps it is one of the Premier's ministers; I do not know who is responsible, but that minister is ultimately responsible to the Premier — to stop that minister from selling those 22 hectares. It is proposed that some 22 hectares of land be subdivided and sold in individual house blocks that could see as many as 300 new houses or even apartments up to six storeys in height being plonked right in the middle of this land, which is adjacent to Yarra Bend Park.

I am sure the Premier would agree that the best outcome for the people of Victoria and, indeed, for this city would be to have that land added to the Yarra Bend Park. The member for Richmond, who was in the house earlier, would be aware of what a beautiful park this is. I warrant that most people in this chamber would have been at Yarra Bend Park at some stage. I agree with the Premier's proposition that it would be irresponsible to sell this land, and I ask him to intervene to immediately stop this sale.

Racing: bookmaker advertising

Mr ROBINSON (Mitcham) — It is a great pleasure to have the opportunity this evening of raising a very important issue for the attention of the Minister for Racing. I want to bring to the minister's attention the vital issue of cross-border restrictions on bookmaker advertising, which I know all members will have a great concern about, and in particular the obstinacy of the New South Wales racing industry in refusing to liberalise these arrangements. That has created a situation in which at the moment New South Wales does not permit bookmakers from interstate to advertise in New South Wales. I seek the minister's agreement to raise this important issue at the forthcoming conference of racing ministers.

This is obviously an important issue because we have a very big event coming up in New South Wales on Saturday called the Election Stakes. I know that all opposition members would love to be able to get on the telephone and see if they can back the New South Wales Liberal Party to get up. They might be getting very good odds!

This is a very significant issue. The Victorian racing industry has taken great strides in recent years in turnover and in improving the product, and bookmakers in particular have done very well as a consequence of the policies of this government. We have seen a reversal of the previous decline in their numbers, and they are now doing far better than they have done for many, many years. I can assure the house that together with a few other members I am doing my bit to help the bookmakers out, although it seems to be a one-way flow most of the time.

An honourable member interjected.

Mr ROBINSON — I am making a lot of investments that are yet to realise a return, but I am sure that situation will change!

This is an important issue. The racing industry prides itself on building a better product and on its more international outlook, but we are still confronted with a

situation in which some racing jurisdictions do not allow full competition.

The Bracks government has done a great deal to liberalise the arrangements that govern the industry, and it is only appropriate that we get to a position where Victorian bookmakers can advertise in New South Wales, which is the way it ought to be. I look forward to the minister's making the most of the opportunities at the forthcoming racing ministers conference, which I think is scheduled for April, by putting this important issue on the agenda.

Wimmera Mallee Water: Patchewollock farmer

Mr SAVAGE (Mildura) — I wish to raise an issue for the attention of the Minister for Environment. A constituent of mine — Patchewollock farmer Lionel Torney — has been persecuted by Wimmera Mallee Water for some time and is in dispute over water rates.

Some years ago Mr Torney developed some self-managed catchments on his properties at Patchewollock and Quambatook. When the northern Mallee pipeline was put through he indicated that he did not need any water, and no tappings or pipes were laid across his property. As the minister would be aware, there is a rating regime by Wimmera Mallee Water whereby customers pay a hectare charge as well as paying for dam fills. The hectare charge is quite expensive: it is about $2.05 per hectare, depending on the rated property. This is an unfair impost when the customer does not receive water.

The argument put by Wimmera Mallee Water is that no-one can opt out of the regime. That is incorrect. A number of farmers have opted out, and the reason that Lionel Torney is being targeted is because he made public his opposition to the current rating regime.

I have to say that this is one of the worst years we have faced in the catchments of Wimmera Mallee Water, and it may be unable to deliver water of any meaningful quantity in this coming year. It is talking about farm dam fills and perhaps carting in water, so any farmer who promotes self-managed catchments and can do it successfully in the Mallee should be congratulated and not persecuted for non-payment of water rates.

Section 270 of the 1958 Water Act quite clearly referred to the fact that a customer cannot be billed and charged for water he has not received. When the new act came in in 1989 those rights were referred to in section 270 but they were not specifically mentioned. I believe we should be looking at a new rating regime. If you are not taking water there should be a minimal service charge.

I ask the minister to intervene in this case. It is one that has been going on for a very long time, and I think Mr Torney has been subjected to some very unfair pressure. I ask the minister to ensure that a fairer regime is in place and that Mr Torney does not face court in April of this year.

Children: early childhood services

Ms GREEN (Yan Yean) — I seek action from the Minister for Community Services. The electorate I represent is in a growth corridor of Melbourne. The electorate has a high number of young families and lots of young children. Many of these children have special needs, behavioural problems, autism and the like. I am concerned about the need to keep up with the growth in demand for early childhood services. I have noticed a need for parents and families to be made aware of what services are available for families with young children. Accordingly, I call on the minister to take action to ensure that families in Melbourne's growth areas, particularly in the electorate of Yan Yean, have access to a range of early childhood services.

Particularly in my area I am concerned for first-time mums who have been in the work force or may be new to the area and do not have those support mechanisms. Often they are isolated and not familiar with the community and existing services. Their isolation is often exacerbated if they do not have the support of parents and grandparents or extended families.

Further, during my time doorknocking in the lead-up to the election I met new mothers who told me of the pain they had experienced in suffering from postnatal depression, and how they had great difficulty in finding out how they could receive help. Other mothers told me of the great support and advice they had received from maternal and child health services and neighbourhood houses. They also told me of the struggle they have to access quality and affordable child care due to the failure of the federal government to adequately fund child-care places in the suburban and rural interface.

Like their federal counterparts, the Liberal and National parties in this place have just today shown that they have no interest in the need for services in the interface areas. They oppose the state government's excellent initiative in having a parliamentary suburban/rural interface committee. It is a fantastic initiative.

Mr Perton interjected.

Ms GREEN — No, I am not misleading the Parliament.

Mr Perton — It's your first adjournment. Don't tell lies.

Ms GREEN — No, it's not my first adjournment; it's the second one.

The Liberal and National parties say there is no need for the committee. They have shown their true colours. They have not learnt a thing from the election result, where almost every rural and suburban interface seat voted overwhelmingly for Labor Party candidates.

Obviously people in the suburbs know that the conservatives do not care about the outer suburbs. Children and families deserve community services which meet their diverse needs. I know from my own experience as a young mother in the 1980s what is needed, and I want to see families in the suburbs having better services for their children than what I had then. I am sure the Minister for Community Services, a parent herself, shares my commitment to these quality services, and I look forward to hearing of her action in this important area for families.

Manningham Youth and Family Services: funding

Mr PERTON (Doncaster) — The matter I raise is for the Minister for Employment and Youth Affairs, who is at the table. The action I seek is for the minister to immediately reinstate funding to Manningham Youth and Family Services for its youth services program. The Manningham City Council, Manningham Youth and Family Services and I have written to the minister seeking an appointment to discuss the issue but to date have received no response.

This case is best put in the words of Manningham Youth and Family Services in a letter it wrote, saying:

> For the past 10 years we have received funding through the youth services grant from the Office for Youth. Manningham council applies for the grant and forwards it to us through our service agreement. The current grant expires on 31 December 2002. We planned to use this funding to provide 96 days of youth counselling and 386 hours of programs in 2002–03. We provide the only youth-specific counselling in Manningham and only for two days a week, which is inadequate for the 22 000 young people in our client age group.
>
> We had applied for an increase in funding to employ a youth worker of Chinese origin to extend our program to the large Chinese community in Manningham.

Their application was rejected, and they wrote to me again on 3 February, saying:

> Since December we have obtained more information. The response from the Department of Education and Training … was that our submission failed because it did not meet the grant criteria and because it was not competitive. We were told that other agencies had been funded to provide the same services to Manningham.
>
> With regard to the first, as far as we can see our submission does meet the published criteria. An almost identical service is being funded in Yarra Ranges.
>
> More significantly, with respect to the second we have looked at all the other agencies who received funding and who would be in a position to provide services in Manningham, but none has been funded to provide the services that we have lost. Hence there has been a net loss of services to Manningham.

That is also verified in the letter from John Bennie, chief executive of the Manningham City Council, who also wrote to the Minister for Education Services and Minister for Employment and Youth Affairs seeking an appointment. The minister has been unresponsive.

Manningham is an area with a large youth population. This agency is not well funded, but it does a very good job under the patronage of Kevin Sheedy, a well-known Victorian who strongly supports it. The agency has sought to extend its programs to the Chinese community. We all understand the needs of the Chinese living in Doncaster, particularly those who are recent migrants from Hong Kong, Taiwan and China.

We would like the minister to reinstate the funding, but at the very least she could have the decency to respond in writing to the council, to me and to Manningham Youth and Family Services. Better still, I ask her to receive a delegation from us to either say to us face to face that she has rejected this application or that she will reinstate it.

National Celtic Folk Festival

Mr TREZISE (Geelong) — The issue I have for the Minister for Tourism relates to the National Celtic Folk Festival, which has been held in Geelong on an annual basis for a number of years.

As you are well aware, Deputy Speaker, Geelong has a number of magnificent community festivals. The one that usually comes to mind is the Pako Festa, which was held in February this year and opened by the Premier. This year's National Celtic Folk Festival is to be held not in the city itself but down on the beautiful Bellarine Peninsula in the township of Portarlington. I am sure members of this house are well aware of the beauty of Portarlington, especially in the summertime. As I said, the National Celtic Folk Festival has been held annually in Geelong and attracts thousands of visitors to our region.

Organisers of this year's event estimate that 3000 to 4000 visitors will come to the festival, 40 per cent of whom will come from within the region, 30 per cent from Melbourne, 20 per cent from wider Victoria and, importantly, 10 per cent from interstate. Given that the 2003 festival has moved from Geelong to Portarlington, marketing is vital to its success.

The action I seek from the minister is assistance in marketing the festival. This year the festival will be held over the weekend of 6 to 9 June and will focus on a celebration of Celtic culture, dance, literature and tradition. Having attended the National Celtic Folk Festival over the last couple of years I can assure you that it is programmed to appeal to a broad cross-section of our community and our state, not just people with a Celtic background. The festival has been a success in the past due to the strong support of a number of community organisations in Geelong, including the Friends of the Festival, the Geelong Folk Club and the City of Greater Geelong.

I commend the festival to the house, because it is great for the region. I will definitely be there, and all honourable members are more than welcome to visit Portarlington in June to enjoy it. The folk festival is a great festival that attracts thousands of people to the region. We will have cold and warm beer, and I am sure Portarlington will be a great venue. I look forward to the minister's support, which I am sure will be forthcoming.

Responses

Ms ALLAN (Minister for Employment and Youth Affairs) — The honourable member for Frankston raised the issue of the ongoing funding for Freeza programs in his electorate of Frankston. As a young member of Parliament, the honourable member for Frankston has a strong understanding of youth issues and I am certainly very pleased to pass on the mantle of being the youngest person in this chamber to the honourable member for Frankston.

The Freeza program that the honourable member for Frankston mentioned is targeted at young people between 14 and 18 years of age. It funds young people through local government and other not-for-profit organisations to run music events and other cultural events within local communities. These events can include things like band nights, dance parties or even cultural events like skateboarding — which I believe was held in the honourable member's electorate recently.

Freeza events are successful because young people are involved at every stage. They are involved in the planning of the event and the organisation of the event, and they get involved through the youth steering committees. Importantly, the Freeza events are entirely drug and alcohol free, which is a very important component of the program.

After coming to office the Bracks government doubled funding to the Freeza program, recognising how important it is to young people in local communities and recognising the importance of these events to young people's culture in those communities — for example, last financial year over 2000 young people were involved in more than 60 Freeza organising committees, and over 93 000 young Victorians attended Freeza events across Victoria.

I am pleased to inform the honourable member for Frankston that last year the Bracks government made an unprecedented commitment of $8 million over four years to the Freeza program. Not only is this double the annual funding available under the previous coalition government, but it is also the first time that Freeza has had guaranteed ongoing funding. I inform the honourable member for Frankston that the next round of Freeza funding will be through a tender process commencing in April of this year.

An honourable member interjected.

Ms ALLAN — That's another question.

This process will include young people being involved on assessment panels because, as the honourable member for Frankston can clearly appreciate, having young people involved at every stage of this process really does give them a great set of skills that they can take with them for the rest of their lives. Certainly all Freeza providers, including those in the City of Frankston, will be given plenty of time to tender for the Freeza funds in the next financial year.

The honourable member for Doncaster — in the marginal seat of Doncaster, as the honourable member for Brighton has pointed out — raised the issue of funding through the youth services program for the Manningham City Council. In 2002–03 the Bracks government committed $6.2 million worth of funding to the youth services program for services provided over the 18 months from 1 January 2003 to 30 June 2004. Through this $6.2 million of funding, 111 programs have been approved to provide youth services right across Victoria. Importantly, this represents an increase of 14 per cent in the number of programs funded. Young people in all local

government areas across Victoria will be able to access youth services through the provision of grants to non-government organisations and local government authorities.

The Manningham City Council applied to be re-funded by the youth services program in the 2003–04 period and the Office for Youth, in its administration of this program, conducted a rigorous and transparent evaluation to assess grants submissions.

Mr Perton — No you didn't! You gave it to a Labor marginal seat and did not give it to Manningham. It's the whiteboard, isn't it?

Ms ALLAN — The honourable member for Doncaster may be interested to note that Manningham City Council was unsuccessful because other agencies in its catchment area scored higher in the evaluation process. And whilst Manningham City Council was unsuccessful, young people in that local government area will be able to access youth services from other organisations such as KYM Employment Services, Uniting Care — Harrison Community Services, and the Reach Out for Kids Foundation.

I would like to finish by noting that the Bracks government is taking youth affairs very seriously, unlike the opposition, which has no dedicated shadow minister for youth affairs, which in government had no agency that dealt directly with youth affairs and which did not even take a youth affairs policy to the electorate at the last election.

I repeat that the Office for Youth undertook a rigorous and transparent evaluation process of all youth services programs and youth services grants.

Mr PANDAZOPOULOS (Minister for Gaming) — I use this opportunity to congratulate you, Sir, on your appointment as Deputy Speaker. In moving your Deputy Speakership appointment I did not have the opportunity to speak, but there is certainly no doubt that the Parliament agrees that you make a great Deputy Speaker. You have gained a great reputation for impartiality since you were elected in 1992.

I thank the member for Mitcham for raising the issue of cross-border betting. One of the things about Victoria is that it is home to the greatest racing product in Australia. Certainly we are the envy of other states. As a result people in other jurisdictions want to be able to bet on our product, but the lack of an effective national marketplace means that our own bookies are limited in what they can do in interstate markets, given that much of the product being bet on in those states is Victorian races.

The honourable member for Mitcham is concerned, and I share his concern, that because there is movement towards a national marketplace in racing we need to ensure that everyone who participates in that marketplace pays their share to support the industry. There is a basic principle which says that the owners of the racing product should derive a benefit from any bets placed on that product as though those bets were placed in Victoria, whether they were placed through the TAB or through bookies.

Of course there has been a growing trend of corporate bookmakers in the Northern Territory, the Australian Capital Territory and outside Australia taking advantage of our great racing product yet not returning 1 cent to the Victorian racing industry. This has become an issue of considerable discussion amongst racing ministers around Australia, and I am pleased to let the member know that there will be a meeting of racing ministers in April where this issue will be brought to a head.

The issue of a product fee has been raised in a discussion paper produced by the cross-border betting task force, which was appointed by racing ministers across Australia. This proposal has also been raised with the different national representative bodies of the three racing codes in order to have it put on the agenda.

The terms of reference have been expanded to include betting exchanges located within Australia and overseas, which are a related issue. I can assure the member that I will pursue all those issues at the ministerial meeting, including the issue he specifically raised in relation to the ability of Victorian bookies to promote their great business given the great things we have been able to do, making them more competitive and reducing their tax rate so they can promote themselves interstate using our product, as others do as well. I thank the member very much for his great support of the racing industry.

The member for Geelong is a great supporter of tourism festivals and events in the greater Geelong region. He raised the issue of support for the National Celtic Folk Festival, which I understand, Deputy Speaker, you have been involved with. I recall meeting representatives of that festival on a visit to Geelong late last year. The festival organisers highlighted the relocation of the festival to Portarlington and said they would like some support from Tourism Victoria to assist in their marketing campaign.

As the member for Geelong said, the festival's organisers expect to see 3000 to 4000 visitors in the Portarlington region, which is a very large crowd. Many dollars will be spent in the local community on

accommodation. If you market the event you maximise the opportunity for people to stay overnight in the area, converting them from daytrippers so they spend a bit more money while celebrating and better understanding our wonderfully diverse Celtic heritage. The member referred to a number of events in the festival literature such as dance as evidence of that diversity.

I am very pleased to inform him that as part of the extra $2 million the Bracks government made available for regional events funding, which the Country Victoria Tourism Council assists us with through the country Victoria events program, a grant of $5000 has been recommended to me to assist them with the event in June at Portarlington. I thank the honourable member very much and wish the National Celtic Folk Festival a great event in June.

Ms GARBUTT (Minister for Community Services) — The honourable member for Yan Yean raised with me an issue that she picked up while she was doorknocking in her area and talking to a lot of people, and I congratulate the new member for her efforts.

The issue concerns families with special needs. The member pointed out that her electorate is indeed a very fast-growing area and that families need information about and access to early childhood services. She mentioned that many of the new mums would be quite isolated from family support. In particular, she mentioned postnatal depression as an issue, and again affordable child care. She is right in pointing out that affordable child care is of course a federal government issue and that that government's failure in this area is obvious to us all with the high costs, the large waiting lists and the great need for child care that is not being met.

I can say to the member that in regard to state-funded early childhood services and family services this government has a very proud record and has increased funding in all these areas by around 35 per cent across this particular area. We have had to fix a mess that was left by the previous government after its cuts and neglect. Many of us remember the savage attack on preschools, where the Kennett government took $11 million out of that system and sent participation rates plummeting, especially among low-income families and families with special needs.

By contrast this government's Children First policy makes a strong commitment to giving our children the very best possible start in life. We certainly want to provide the support that allows all children to grow to their potential and to try to close that gap for children from different backgrounds. Recently I launched a Best Start project in the honourable member's electorate at the Boori Children's Centre in Epping — a $600,000 demonstration project especially selected because it is in a growth area. It tries to bring together a whole range of early year services with local parents and the local council to form partnerships to find ways to better use services that are there to support all families, especially those who have not been using services in the past and where there is a demonstrated need. We are hopeful that those demonstration projects — there are 10 others around the state under way or about to get under way — will make a big difference for parents such as those in the Yan Yean electorate.

I point out to the honourable member that our election platform commits us to supporting new children's centres integrating a range of services, and we have allocated $8 million over four years to assist in the development of up to 30 across the state. We will further boost maternal and child health services. We understand that is absolutely crucial for all parents, whether they are new parents or already have children, and we have allocated over $20 million to improve those services across the state over the next four years.

Preschools are a fundamental universal service, and the government has allocated funds for new start-up preschools in growth areas such as in the Whittlesea shire, as well as $5 million for information technology support for preschools so they can be online and use online services. Currently we are starting a whole range of inclusion programs for children who have special needs and where the parents are isolated or have some difficulty in accessing services. A particular program will assist those families so that those children will use preschools.

We have also committed another $6 million to further early intervention services, so we certainly recognise the importance of the early years in giving children a good start. We are committed to giving all children the very best possible start in life, and I hope to be able to work with the member for Yan Yean in providing more of these services.

Ms ALLAN (Minister for Education Services) — The member for Brighton raised a matter for the Minister for Planning, the member for Pascoe Vale and the Leader of the National Party both raised matters for the Minister for Transport, the member for Kew raised a matter for the Premier and the member for Mildura raised a matter with the Minister for Environment. I will refer all matters to those ministers.

The DEPUTY SPEAKER — Order! The house stands adjourned until next day.

House adjourned 10.45 p.m.

Thursday, 20 March 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.35 a.m. and read the prayer.

PETITIONS

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

Frankston: radiotherapy unit

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:

The number of cancer patients from the areas of the southern peninsula, Western Port, Frankston and South Gippsland, who are receiving radiotherapy treatment has dramatically increased over the past three years, resulting in a waiting list of many weeks at the nearest radiotherapy unit, i.e. Monash Medical Centre, Moorabbin. This factor, plus the distance some patients have to travel daily — over the period of treatment of 35 days — adds considerable stress to already ill people.

Your petitioners therefore pray that the government grant approval to the establishment of a privately funded radiotherapy unit at Frankston which though privately owned, will be available to the whole of the community, albeit private or public patients.

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

By Mr DIXON (Nepean) (9757 signatures)

Housing: loan schemes

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

The humble petition of the following residents to the state of Victoria sheweth the state government sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings: CAPIL, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS), are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low-income bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised — 'affordable home loans specially structured to suit your purse';

2. the home ownership be achieved within 25 to 30 years from date of approval;

3. the payments to be set at an affordable level (i.e. 20–25 per cent of income for the duration of the term for all the loan types);

4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;

5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;

6. the interest rate will be at an affordable rate (i.e. flat rate of 3 per cent per annum or less for the length of the term of the loan) geared to income;

7. capital indexed loans be made illegal in this state to protect prospective loan recipients;

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty (1 Tim. 2:2).

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

By Mr LEIGHTON (Preston) (10 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Parliamentary Committees Act 1968 — Response of the Premier on action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's inquiry into the *Subordinate Legislation Act 1994*.

Parliamentary Contributory Superannuation Fund — Actuarial Investigation — report for the year 2001–02.

PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr BRUMBY (Treasurer).

MEMBERS STATEMENTS

Northcote International Women's Day Prize

Ms DELAHUNTY (Minister for Planning) — As sadly Australia prepares for war, today I wish to salute the work of Ms Lina Hassan, an Iraqi woman who recently won the Northcote International Women's Day Prize. This award in its inaugural year was asked to assess women against the theme of women and peace.

I thank the panel of three community leaders — Stephanie Lagos from the Migrant Resource Centre, Dalal Smiley from the Victorian Arabic Social Services, and Reverend Daryl Colless from the Northcote Uniting Church — for their work. They assessed the nominees against the criteria of advocate for peace, contribution to women in their community and raising awareness of the plight of people fleeing from war.

Lina Hassan is a worthy winner. She has been working with Iraqi refugee women since 1991, for the Darebin Community Health Centre and for Victoria Arabic Social Services. Her work in the last two years in particular has been supporting women on temporary protection visas — a support group for these women. Since 1991 Lina has also coordinated the Iraqi women's refugee group. She is a quiet achiever. She has put in innumerable hours for refugee women. I thank the panel for recognising her contribution, and I am delighted to honour her today.

Buses: Ringwood station terminal

Mr HONEYWOOD (Warrandyte) — There was a great deal of hoopla recently at Ringwood railway station. After promising over $12 million three years ago to upgrade this key commuter rail station the Minister for Transport finally delivered, albeit only $1 million of the $12 million promised for a new bus terminal at the station.

However, clearly the minister's petty cash tin must have run dry, because after the ministerial advisers, the genuflecting bureaucrats and the local media departed the photo opportunity the local community of Ringwood discovered that there are no seats in many of the bus shelters at the railway station terminal. Indeed a number of elderly constituents in my electorate, including Mr Bill O'Dwyer, have complained that for buses 364 and 365, for which there is up to an hour's wait between buses, the situation is particularly bad because they cannot stand for that long.

Clearly the minister was after his photo opportunity, and he got it, but of the $12 million that was promised to my constituents for the upgrade of this key commuter railway station in Ringwood it did not deliver even the $1 million for the bus terminal to pay for seats in the bus shelters. So now many of my elderly constituents are required to walk a long distance down to Eastland shopping centre in order to try to get a seat while they wait for a bus to arrive.

I understand the honourable member for Kilsyth may well have been at that media opportunity and may like to take up the plight of the many commuters in that local area in her electorate who use Ringwood railway station

Southern Ethnic Advisory and Advocacy Council

Ms BARKER (Oakleigh) — Last Thursday, 13 March, I was pleased to attend the annual general meeting of the Southern Ethnic Advisory and Advocacy Council and be present with other MPs from the southern region of Melbourne to help the council celebrate its 10th anniversary as an organisation.

SEAAC was established in 1991 to introduce to the southern region of Melbourne the fact that people of culturally and linguistically diverse backgrounds and origins exist and have specific requirements and needs as residents of a multicultural community. It was a difficult beginning. There was no recognition that the diverse community of the southern region had a significant migrant population and experienced many barriers in accessing mainstream services. The communities themselves also lacked an awareness of existing services. From that beginning SEAAC has continued to grow and strengthen, and today as it celebrates its 10th anniversary some 67 organisations are involved and represented within SEAAC.

I applaud George Lekakis, Hakan Akyoll and Ilias Tsinanis for their commitment to ensuring that the multicultural community in the southern region had a voice and for their expert lobbying and persistence in ensuring that funding was made available to set it up.

In later years Ross Buscemi assisted enormously in ensuring the organisation could continue its valuable work. I thank the many community representatives who have given voluntarily of their time and effort to work on the committee of management led this year and in recent years by Susie Bunn.

It is a great organisation, and I know it will continue to grow and provide a very valuable service and voice for the multicultural community of the southern region of Melbourne.

Lake Mokoan: decommissioning

Dr SYKES (Benalla) — I welcome the release of the interim report on options for the future management of Lake Mokoan. The report is well presented and reflects a high level of professional input and many hours of hard work.

I am yet to fully digest the report; however, one major issue of concern is the ability to ensure the security of

supply of water to irrigators by the options evaluated. Only option 4, the one proposed by the Save Lake Mokoan Committee, appears to meet this need at this stage. It also appears that no one option stands out alone as meeting all assessment criteria. Therefore I again request that the process be carried out in good faith and that due recognition be given to the input of the local reference committee and due consideration given to the impact on the local community of any changes to the lake management as well as the technical, financial and environmental considerations.

Iraq: conflict

Mr HOWARD (Ballarat East) — I wish this morning to present not only my own views but also the views of a large number of people from my electorate in expressing our deep concern regarding the position of President George Bush in declaring war on Iraq and to express our disapproval of the position of the Howard government in wholeheartedly supporting this action.

Recently I joined with many people from Ballarat in a protest rally to say that we believed a war with Iraq was not justified. A similar event took place in Daylesford. Many people from my electorate have attended the rallies in Melbourne and many have also spoken to me of their deep concerns in regard to this issue.

We are opposed to the present position of the government of the United States of America in declaring war on Iraq without the support of the United Nations. It is immoral to declare war at a time when the United Nations weapons inspectors have reported that they have been achieving positive results with the recent disarmament through the destruction of al-Samoud and other missiles.

Rather than the Howard government declaring its full support for President George Bush, I believe the Australian government, as a friend of the United States, should be cautioning the United States administration. Rather than agreeing with Australia committing troops, we see that war is a last resort where the people of Iraq and others will lose their lives. Lives will be devastated as a result of this, and such devastation is clearly unjustified at this time.

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

Mount Martha: fire response

Mr COOPER (Mornington) — I want to send my congratulations to Captain Brian Smith and the volunteer firefighters of the Mount Martha fire brigade for their magnificent work in handling a very large and dangerous fire in Mount Martha Park, which broke out last Tuesday night and was finally contained in the early hours of Wednesday morning.

The Mount Martha fire brigade was ably assisted by a large number of other fire brigades, and it was their joint efforts which saw many residential properties in and around Bradford Road, Mount Martha being saved from damage or total loss.

This fire sends a further message to the state government and also to local government about the need to deal with the build-up of ground fuel. Mount Martha Park was a disaster waiting to happen because ground fuel had been allowed to build up. This neglect by those who have the responsibility to properly manage public land puts the lives and properties of the community at risk.

This year we have witnessed vast tracts of public land being ravaged by fire throughout Victoria, yet we still have not heard any admission by the Victorian government that its lack of proper management caused those disasters to be worse than they could have been.

The Mount Martha Park fire on Tuesday night was another message to this government, and along with most other Victorians the Mount Martha community will now wait to see whether that message has sunk home.

Cuc Lam

Mr MILDENHALL (Footscray) — I pay tribute to Cuc Thi Lam, a former councillor of the City of Maribyrnong who was defeated at the election last Saturday. She was the hardest working councillor I have seen at Maribyrnong in my 20 years there. She was an indefatigable community worker with her Western English Language Centre, where she was school council president, with Women's Health West and with the Inner Western Migrant Resource Centre. She was awarded the Public Service Medal last year. She was an inspiration to the multicultural community, which does not now have someone from an ethnic background on the council.

Cuc Thi Lam overcame great hardship to get to Australia and has represented her community well. She lost her council seat following a concerted attack by her opponents on her residential enrolment status despite her eligibility to stand and vote in the election never being under question by the Victorian Electoral Commission. She does not have a dishonest or nasty bone in her body. She was obliged by her culture to

care for an aged and infirm mother-in-law and consistently stayed over at that address which is now under question. It was totally inappropriate for the member for Caulfield, who purports some sympathy for persons of this background, to participate so enthusiastically with her upper house colleagues in this character assassination.

Cuc Lam will look back on her contribution to this community with some pride. Those who attacked her so viciously ought to be ashamed of themselves.

Frankston: radiotherapy unit

Mr DIXON (Nepean) — I refer to the petition tabled in my name today bearing 9500 signatures regarding a proposed day care centre in Frankston. The petition was coordinated through my office by Sister Carmel of the Southern Peninsula cancer support group, a wonderful organisation. The day centre has the support of local doctors, specialists, the community and a major radiotherapy provider.

The group has the land available for the day centre, the initial drawings are done, support from the Frankston City Council and has organised the funding. What do they want? They want someone from the minister's office to help them with the coordination of their efforts in a consistent way because they need to obtain from the government approval in principle for a day care centre. Unfortunately over the last months their efforts have been thwarted by moving goalposts, an inconsistency of advice and a range of people giving conflicting advice. The responsible people in the department seem to have changed titles.

I am asking the minister to make someone available to this group so this wonderful facility, which is badly needed on the Mornington Peninsula but which will be funded privately, can be made available for the public. I think that will provide the best of both worlds for everyone on the peninsula.

Mordigras festival

Ms MUNT (Mordialloc) — On Sunday, 2 March, I was pleased to attend the Mordigras festival in Mordialloc in the heart of my electorate. What a wonderful event it was. On the main stage we were entertained by the Mordialloc Brass Band; Code One, the Victoria Police band; Mordialloc community centre activities; the Wetland Bootscooters; the Beaumaris theatre group; the Southern Dog Obedience School; and Mentone and Mordialloc primary schools.

A large number of community groups were involved in various ways, and I want to take this opportunity to mention them as well. The groups included Kingston district scouts and Yet Kieu venturer unit; the Mentone district guides; Southern FM community radio; and students from our local schools including Parkdale secondary; Parkdale, Parktone and St John Vianney's primary; MLOC theatre group; and several preschools — Elonera Preschool, Acacia Avenue Preschool and Warren Road playgroup. Also involved were Chelsea callisthenics, the Kingston arts network, the depression awareness research project and Special Olympics.

As I moved around our local festival I was reminded of the great importance of all of these community groups and the rich and vibrant society that they are part of. There was children's storytelling, face painting, foods of many nations, and rides and community displays. I would especially like to thank the organisers from the Mordialloc community centre.

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

Cr Ann Cox

Mr SAVAGE (Mildura) — I wish to place on the record the significant contribution Ann Cox made to my community. Ann was the mayor of Mildura who tragically died on Christmas Day. Ann made a terrific impact in our area. She was three times mayor of Mildura, and she was also the shire president when I was a Shire of Mildura councillor.

Unfortunately she died on Christmas Day, with her family present. Most honourable members who were part of the previous Parliament remember the wonderful address she gave at the population summit in this place. She stood out as a person who entertained but also had a significant message to give. She served her community diligently and was a wonderful family person. Her absence has had a great impact on my position. She encouraged me to take on this role, and without that encouragement I probably would not be standing in this place.

My sympathy goes to her family and her husband, Brian. I am sure all honourable members of this house would be sorry to hear of her untimely passing on Christmas Day.

Frankston: councillors

Mr HARKNESS (Frankston) — I take the opportunity to congratulate the successful candidates in the Frankston City Council elections on Saturday — Barry Priestly, Mark Conroy, Suzette Taylor, Rochelle McArthur, Glenn Aitkin and Vicky McClelland, as well

as the mayor, Cathy Wilson, who was re-elected unopposed. I also acknowledge the campaigns of the unsuccessful candidates.

Now is the opportunity for council to work cooperatively and collaboratively with the state government, whether it is on micro-issues such as fixing uneven footpaths and trimming overhanging branches, or on larger projects such as pursuing an aquatic centre for Frankston or developing a AAA housing policy. Council has a key role to play in delivering for all our residents.

I am standing up for Frankston, and I look forward to working with all councillors, new and returned. I am hopeful of three years of a close working relationship with the Frankston City Council. There is much to be done in Frankston to ensure equitable access to resources and assistance, and I am determined to pursue sustainability in this municipality, adopting a triple bottom line approach.

Freedom of information: government performance

Ms ASHER (Brighton) — I draw to the house's attention the government's appalling performance on freedom of information (FOI). I am not making this claim; it is the opinion of the Ombudsman of the state of Victoria. Just one FOI request to the Minister for Education and Training took 264 days to process, and it was held up by the honourable member for Eltham, her then chief of staff, for 80 days. I wrote to the Ombudsman, who found my complaint substantiated. However, the Ombudsman has uncharacteristically gone much further and has said that the government cannot go on:

> … forever ignoring its statutory requirements.

The Ombudsman went further to say:

> While the Premier might say their record on FOI has been good, I'd have to say that it has been pretty terrible in terms of responding on time.

That is a damning criticism by an independent officer of this Parliament. In this state we have seen unprecedented delays in processing time, political interference with FOI at the highest level, political reasons for excessive delays and political cover-ups, all of which are in fact denying the opposition access to information it by rights should have under FOI legislation.

This damning criticism of the Bracks Labor government by the Ombudsman will continue. Clearly there are more complaints in the pipeline, and it is the first occasion on which he has gone public.

Cultural Diversity Week

Mr LANGUILLER (Derrimut) — It gives me great pleasure to put on the record that this week, 17 to 23 March, encompasses the United Nations International Day for the Elimination of Racism. Victoria is recognised as one of the world's most successful culturally diverse societies. Cultural Diversity Week gives us the opportunity to celebrate the success and look at ways to further build on our achievements into the future.

On that note, it gives me pleasure to continue my contribution in Spanish.

Saludo el multiculturalismo y la diversidad.

Estoy orgulloso de mi comunidad latino-americana y su diversidad cultural.

Con placer hago esta intervención en la lengua de Pablo Neruda y de Antonio Machado.

Saludo particularmente a la comunidad Espaňola y Arabe que celebran el multiculturalismo juntos y en hermandad, a razón de 'Semana de la Diversidad'.

Reitero, en nombre de toda la comunidad hispano-americana, nuestro compromiso con la democracia y el multiculturalismo.

Felicito al Premier Bracks y el Ministro Pandazopoulos por los programas desarrollados durante la semana de la diversidad!

Gracias!

[*I celebrate multiculturalism and diversity.*

I am proud of my Latin-American community and its cultural diversity.

I am pleased to make this contribution in the language of Pablo Neruda and Antonio Machado.

I particularly wish to commend the Spanish and Arabic communities, who are celebrating multiculturalism together in the context of Cultural Diversity Week.

I commend Premier Bracks and Minister Pandazopoulos for the programs implemented during the course of Cultural Diversity Week.

Thank you.]

Wilmot Road Primary School: harmony program

Mrs POWELL (Shepparton) — I would like to pay tribute to the principal, Barbara O'Brien, and the teachers and staff of Wilmot Road Primary School in Shepparton for their leadership in celebrating their school's cultural diversity and for their commitment to their Living in Harmony program.

On Monday this week I had the privilege of opening Harmony Week at Wilmot Road Primary School. The families, teachers and staff attended the opening, where we enjoyed hearing stories from families who came from other countries and watched children perform the traditional dances of their countries. We saw a wonderful presentation from our Aboriginal community, with traditional dancing accompanied by the didgeridoo.

The school has students from 26 countries and was successful in receiving a commonwealth government grant to enable it to promote cultural diversity and provide programs in the classroom to develop an understanding of other people's cultures, which is particularly important at this time as Australia prepares for war. It is also important for people from other cultures and countries to understand Australia's cultures and its laws.

I also enjoyed helping the children wrap the school's front fence in the harmony bunting. I acknowledge the work of the former principal, Cathy Pianta, who was also at the opening, for her work with the school over the many years. I wish Wilmot Road Primary School all the best with their harmony program.

Ballarat: Nativity choir

Ms OVERINGTON (Ballarat West) — I had the opportunity to attend — —

An Honourable Member — What about the begonia festival?

Ms OVERINGTON — The begonia festival was extremely successful once again this year.

Last Sunday I had the opportunity to attend the 10th anniversary of the Nativity choir in Ballarat. As well as providing great entertainment around the many churches and nursing homes in Ballarat, over many years the choir has also raised in excess of $17 000 which it generously donates to many organisations. One of those is Cops for Kids, which is a police support group for kids with leukaemia and terminal illness. All 30 members of the Nativity choir participate in the camps for those children and to hear them speak about them last Sunday was quite emotional. Most of the people involved in the choir spoke about their grandchildren, because the choir members are moving into more mature age. It was touching that they now believe that in the future all the money raised will be donated to Cops for Kids.

Lake Mokoan: decommissioning

Mr PLOWMAN (Benambra) — The interim report on the future management of Lake Mokoan is a smokescreen for what this government is really trying to achieve. The Minister for Water is reported in the *Border Mail* of 18 March as saying that there will be a 42 000 megalitre saving per year if the lake is decommissioned. In fact there will not be that saving; at maximum the savings will average 20 000 to 25 000 megalitres. The minister went on to say that the report has acknowledged that the man-made structure at Benalla has many problems including high maintenance costs. These costs have never before been reported, and I would suggest again that that is purely an excuse for the decommissioning of Lake Mokoan.

The government currently has to find sufficient savings to compensate for the 38 000 megalitres being diverted to the Snowy River each year. This flow will build up as a water debt in much the same way as the Labor government builds up its financial debt and the government should at least be honest in respect to its intentions.

Until the government is prepared to fund the water savings in the Murray and Goulburn irrigation areas, which are vital to the environmental issues there, it will never meet the requirements for the 29 per cent increase to the Snowy River, let alone the requirements for the additional environment flows for the Murray River.

Banyule: council elections

Mr LANGDON (Ivanhoe) — I wish to take this opportunity to comment on the City of Banyule election and in particular the Beale ward election, where the outgoing mayor withstood a challenge from his main rival, Kathy Licciardi.

Kathy Licciardi stood as an Independent candidate not belonging to any political group, yet her leaflets were produced and sanctioned by Dale Peters, an Australian Labor Party member and councillor. Cr Peters has also been branch stacking with this person, and her name is registered for pending membership of the ALP. But it gets a bit more complicated, because her last leaflet,

which was produced by Cr Peters, was sent out and posted by a former member for Eltham, Wayne Phillips, who was also handing out leaflets for Kathy Licciardi last Saturday.

So at the election I am not sure who was outmanoeuvring whom, whether Dale Peters was outmanoeuvring Wayne Phillips or Wayne Phillips was outmanoeuvring Dale Peters — but certainly Kathy Licciardi seems to have been operating with and taking opportunities from both sides.

The electorate saw through this and did not elect her. I believe she lost by about 600 votes. But the point of the exercise is that Dale Peters had been using this person to branch stack and Wayne Phillips had been using her to get a Liberal on council. Both failed, I am glad to say, and Greg Ryan has been re-elected to council.

Moorabbin Reserve: ground improvement

Mr HUDSON (Bentleigh) — I would like to acknowledge the work of the Linton Street urban forest group in the Moorabbin Reserve, the home of the St Kilda Football Club.

Over the last 10 years the Linton Street urban forest group has been progressively revegetating the car parks that were provided for fans during the halcyon days of the Saints at the Linton Street ground. The group has landscaped the area and planted over 2000 native trees in the reserve, with only minimal help from the Kingston City Council. It has transformed the barren, muddy car parks into a very pleasant area which is highly valued by residents in a municipality that is below average for public open space. A recent survey showed that over 300 people now use the reserve every day for passive recreation.

Last year the Kingston City Council put forward a proposal to sell off 46 housing blocks in the reserve to fund a new pokie venue and private training facility for St Kilda. The Linton Street group led the opposition to this proposal and over 500 residents lodged formal objections with the council. This has resulted in the Kingston City Council agreeing, with financial assistance from the Department of Victorian Communities, to the development of a master plan for the reserve that must include extensive consultation with local residents and community groups. All of this would not have been achieved without the dedicated work of this group, and in particular the leadership provided by Greg Alabaster, Tony Aravidis, Lex and Marlene Richardson, Tony Pook and Gillian Lelah. I congratulate them on their work.

I will continue working with the group, the Kingston City Council and St Kilda Football Club to produce positive plans — —

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

Brimbank: election advertising

Mr SEITZ (Keilor) — The matter I would like to place on the public record is my concern and that of the ratepayers of the City of Brimbank over the continuing policy that seems to be pursued in the city of advertising only in certain newspapers. This was basically a culture developed by the former Premier, Jeff Kennett, who would not advertise in newspapers that published anything derogatory about him.

The problem is that the local Leader newspaper published no communication or discussion about the elections on the front page or anywhere else in its publication, yet it received all the advertising regarding polling booths and election dates. The *Star* newspaper, which circulates in the district and is involved with local government, and which everyone in my electorate and the City of Brimbank reads, did not receive the same treatment in that it did not have the advertising.

My office has been inundated with people concerned that they had not been aware that the council election was on. They are wondering whether they will be fined as a result of the City of Brimbank choosing to use the Fairfax and Leader newspapers over the *Star* in placing advertising informing the electorate that the elections were on on 15 March. That is of great concern to me, and I hope the City of Brimbank will take note of this and not pursue these people to fine them because they did not vote last Saturday in the council election.

Geelong: government priorities

Mr TREZISE (Geelong) — In these early stages of the second term of the Bracks government I take this brief opportunity to reinforce my commitment to the electorate of Geelong in continuing to work for and with our community to deliver on the government's priorities for the betterment of our city. I see that over the next four years we as a government will continue to build on the work that we have undertaken since 1999, especially in priority areas of health and education.

In its priority area of health the Bracks government has committed to an upgrade of the accident and emergency unit at the Geelong Hospital and also the Andrew Love Cancer Centre at the hospital. We have committed to and commenced the $75 million upgrade of the Grace McKellar Centre in North Geelong.

In education, work has already begun on the multimillion dollar upgrade of numerous schools in my electorate, such as East Geelong, Tate Street, South Geelong, Herne Hill and Chilwell — the list goes on. And, Deputy Speaker, your old school and mine, Geelong High, is on the verge of a major refurbishment.

In the transport sector the Bracks government has delivered on its promise of upgrading the Geelong Road. In delivering this work the government has committed to a western bypass around Geelong. This is a $380 million project, of which amount we have committed 50 per cent and it is now up to the federal government to fulfil its obligation. As the member for Geelong I look forward to the next four years of delivering for our community.

The DEPUTY SPEAKER — Order! The member for Burwood has 35 seconds.

Burwood: election campaign

Mr STENSHOLT (Burwood) — I would like to take the opportunity to thank the hundreds of people who supported me last year during the election campaign. We get into Parliament only with their support.

There is a message in this for the member for Malvern, the Leader of the Opposition, who holds the seat next to mine and who, according to a poll, was unrecognised by 60 per cent of his electors. I remember last year he told the Parliament he could not even bother to remember the name of the member for Burwood because, as he said, 'He won't be here next time'. I assure him that the people of my electorate had no trouble remembering — they found Bob on the ballot paper! They were also happy to deny Liberal fellow traveller Tom Morrissey his deposit. I am indeed honoured to be their representative here in Parliament again.

SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The bill establishes the Southern and Eastern Integrated Transport Authority and provides that authority with functions and powers to enable it to oversee and facilitate, on behalf of the state, the delivery of the southern and eastern integrated transport project. This implements the government decision to establish a special purpose statutory authority to oversee and facilitate the delivery of the project.

The project joins together the Scoresby Freeway project and the Eastern Freeway project into one project under the government's Partnerships Victoria policy. The project involves the development of an integrated transport corridor, and will include a continuous freeway link of about 40 kilometres between the Eastern Freeway and the Frankston Freeway, connecting Melbourne's eastern and south-eastern suburbs.

The project will vastly improve the connections between major industrial areas, the ports, the airport, major freight routes and other industrial precincts.

The bill provides the framework for government delivery of the project. The establishment of a separate authority will enhance the project, strengthening focus on the complex legal, commercial and technical/engineering issues inherent in delivering a project of this size and complexity under a Partnerships Victoria framework.

By using the Partnerships Victoria framework, the government is seeking the best deal for taxpayers by optimising the risk to the private sector and encouraging innovative design and operational solutions so as to deliver the best value for money outcome.

Coordination of the delivery of such a vast and complex project is best undertaken by one organisation. For example, this will ensure that the tunnel sections and the rest of the project are delivered in coordinated time frames, thus avoiding severe traffic congestion in the Ringwood area. The authority will comprise a board of between three to five members, appointed by the Governor in Council. It will have a chief executive officer and be able to engage staff.

The bill confers on the authority powers and functions to enable it to facilitate the delivery of the project. These include facilitation and coordination of the project; engagement with the private sector from the bid phase onwards; negotiation and management of contracts; and facilitation and coordination of consultation with statutory bodies, agencies and other persons affected by the delivery or operation of the project.

Further project-specific legislation to underpin the delivery of the project as a public-private partnership will be introduced in due course.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Thursday, 3 April.

SMALL BUSINESS COMMISSIONER BILL

Second reading

Debate resumed from 27 February; motion of Mr BRUMBY (Treasurer).

Ms ASHER (Brighton) — I am delighted to make a contribution to the Small Business Commissioner Bill 2003. At the outset I indicate that the Liberal Party supports this bill, although there are a number of cautionary issues that I wish to raise in the course of debate.

The bill is to all intents and purposes fairly simple: it establishes the statutory office of the Small Business Commissioner. I note the government's purpose in establishing this particular office, and I quote from the bill itself:

> The main purpose of this act is to establish the office of the Small Business Commissioner to enhance a competitive and fair operating environment for small business in Victoria.

What the government will need to demonstrate over a period of some years is whether the establishment of a Small Business Commissioner — which to all intents and purposes looks like a great step forward and a great advancement for the cause of small business — will lead to a competitive and fair operating environment for small business in Victoria. That is the government's test.

There is no doubt that small business is disadvantaged in many of its dealings in the Victorian marketplace. There is also no doubt, particularly given the experience of other states, that to have a statutory officer in charge of the concerns of small business, to whom small business can go, looks like a step forward. The issue for the government is whether the position is just about rhetoric or will just be taken up with what I call busy-work or whether the actual results which have been articulated in the purpose of the bill will be achieved. That is, will the establishment of a Small Business Commissioner in this state lead to a more competitive and fairer operating environment for small business in Victoria?

I certainly hope it will, but the two are not inextricably linked. The person chosen for this job will have to be a particular style of person — that is, someone who understands both the private and the public sector. I think the minister will need to give this person a fair amount of latitude and a significant amount of good will for them to operate effectively. Bear in mind this person will be situated within the bureaucracy, which may not allow them the profile and freedom to do their job.

The government envisages that the style of office will be very similar to the office of the Liquor Licensing Commissioner, who has a close relationship with the minister but has complete freedom to operate and comply with the act. The person will also be part of a department, with responsibility to report to the secretary. Again it will be incumbent on the secretary, given what Labor wants to achieve from this position, not to drag the commissioner down into the bureaucratic mire, with constant meetings, briefings and referrals before anything is done. It will be a real test for the secretary of that department in relation to the operation and powers of the Small Business Commissioner. The appointment will be for five years, with an option of a five-year renewal, which again has certain similarities to the Director of Liquor Licensing.

I want to take a moment to look at the functions and powers of the commissioner because this is a new appointment for Victoria and it is these functions and powers and the capacity of the person to deliver in terms of these functions that will be the judge of the success of this position.

The commissioner has a very broad-ranging brief set by government. Of course this was flagged by the ALP in its election policy. I want to go through clause by clause what the commissioner will be asked to do. The commissioner will be asked to facilitate and encourage the fair treatment of small business in commercial dealings with other businesses in the marketplace. This has been one of the most vexed issues for governments of both political persuasions. The end result of the debate has been the unconscionable conduct provisions in the Trade Practices Act. We debated last night the draw-down of those provisions plus possibly some extra criteria that this Labor government has chosen to put in the Retail Leases Bill.

Again I make the comment that this public servant will have to have unique skills. This person will have to work within a bureaucracy but the brief will be to encourage fair treatment of small businesses in dealings in the marketplace. If members of this Parliament can think back to the circumstances in some larger shopping centres only a few years ago — and this does not apply universally to all operators I might add —

there have been significant cases of abuse of market power. I do not know whether one public servant can stop the abuse of market power, but let us see how the person progresses. Alan Fels will probably be a role model.

The second function of the Small Business Commissioner is to promote informed decision making by small businesses in order to minimise disputes with other businesses. This function is a huge ask of a public servant. Informed decision making is one thing, but one of the critical factors in relation to small business is the reluctance still of small businesses to undergo business planning exercises. If the Small Business Commissioner can get that amount of information out to small business then that person would have taken a step forward. But a brief to promote informed decision making to minimise disputes with other businesses is a very broad brief. I note that there are more specific requirements in relation to retail leases.

The third function of the commissioner will be to receive and investigate complaints by small businesses regarding unfair market practices and to mediate between the parties involved in the complaint. Again this is a particularly large task. One thing I would ask the Minister for Health, who is at the table, or the Minister for Small Business in the other place to clarify is whether this will apply to government. In the briefings the Liberal Party was told verbally that the Small Business Commissioner will have a brief covering government, but I would have thought one of the classic complaints of small business against governments is that governments are often not small business friendly. One example of that is the tardiness of government traditionally to pay bills.

I hope the Small Business Commissioner will have a brief to check that the government pays its bills on time should small business ever be lucky enough to win contracts from governments. I would appreciate clarification from the minister on that point.

The fourth function of the commissioner, as set out in clause 5(2)(d), is:

> to make representations to an appropriate person or body on behalf of a small business that has made a complaint referred to in paragraph (c) —

which is the issue I have just touched on.

In the next function the Small Business Commissioner is charged with the responsibility of monitoring and reporting to the minister on any emerging trends in market practices that have an adverse effect on small business. This shows that the Small Business Commissioner will have a very broad discretion in his or her handling of this. This is an area which is particularly important because it may indicate to government the need to either educate, regulate or legislate, I hope with an emphasis on education in the first instance.

The next function of the Small Business Commissioner is to encourage the development and implementation of small business service charters within government to ensure small businesses receive high-quality service. One of the ongoing complaints of small business is that it is very difficult to deal with government. Small business people are often simply just occupied with running their businesses. Whilst a number of steps forward have been taken in recent times in getting access to government work, if the Small Business Commissioner can achieve progress in that area it will be a credit to them. The commissioner will also have a monitoring role in relation to these small business charters.

The next function of the Small Business Commissioner is to monitor and report to the minister on the impact that legislation, government procedures and administration have on small business. This is where the commissioner will require the greatest courage — if I could use a Sir Humphrey Appleby piece of terminology — because it is difficult to be a public servant and yet advise ministers that their practices in handling small business may be deficient. I would hope that the minister would give the Small Business Commissioner a very broad brief and that he would take up the crusade to act in this regard.

I have often regarded the Minister for Small Business as the ombudsman for small business — that is, the person who at the cabinet table has a brief to put it to other ministers that their legislation, their regulations, their practices and their procedures may not be conducive to small business getting a slice of government action, which, after all, small business is keen to get. It is important that the minister give the commissioner a fairly broad brief in relation to this function.

The next function of the Small Business Commissioner is a particularly interesting one that I am pleased to see in the bill. The commissioner will be required to assist other branches and agencies of government to develop alternative ways in which small business can comply with the requirements of government legislation, procedures and administration. I want to take a moment to talk about this, because although it is relatively obscure and relatively dry, it is particularly important to

small business. I hope the minister achieves some progress in this.

This power is about the burden of regulation on small business. I will give the house an example of an excessive regulation that was presented to me when I occupied the office of Minister for Small Business. As minister I visited a goat cheese yoghurt and milk factory — a very small, family-run, diversified business — in the western part of Victoria. During that visit the owner of the premises indicated to me that a regulation imposed by government was crippling the business, because it imposed a requirement on the factory to buy a certain type of equipment involved in the pasteurisation process. The woman who ran the business said, 'I can't make yoghurt unless I heat the milk anyway. Surely the requirement by regulation should be to heat it rather than specifying what precise piece of equipment I need to buy?'.

At that stage the government was specifying an expensive piece of equipment, so the woman was arguing a very broad case. She was simply saying, 'Shouldn't small business be required to get the outcome? Why is government specifying a particular process by which you have to get an outcome?'. The government's responsibility in this instance was health — that is, pasteurisation and killing off bacteria — but the government came over the top and said, 'You have to buy this very expensive piece of equipment in order to do this'. However, the woman could not make yoghurt unless she heated the milk. I think she made a particularly good point — and I understand that regulation has now been changed.

After that instance I gave a term of reference to the Law Reform Committee on regulatory efficiency legislation. I would ask the minister and the Small Business Commissioner, when appointed, to have a look at the report because it may provide them with some ideas in relation to this function. I note that the committee had an all-party membership, given that we have before the house the Parliamentary Committees (Amendment) Bill. The report was particularly good: with the agreement of all parties it came out in favour of what is called regulatory efficiency legislation. This legislation could meet the requirements of what I was talking about — that is, it could allow businesses different means of compliance. If one method of compliance were to impose a cost, provided business met the outcome it could be allowed a different means of compliance.

I take the point put by the Law Reform Committee that a lot of small businesses will not have time to be involved in devising alternative compliance mechanisms. However, the peak associations for small business are particularly strong in this area, and there would be a role for them to play. Again I note that this is a function of the Small Business Commissioner. So there is that particularly good report of October 1997, which has the endorsement of the major parties.

In the chamber this week we have been talking about the good work done by parliamentary committees. I hope the good work of this parliamentary committee is not just set aside but is used as the basis for this new statutory officer to look at this particular function.

The Law Reform Committee, which was chaired by the member for Doncaster, included yourself, Deputy Speaker, the now Deputy Premier, and the now President of the upper house, Ms Monica Gould. No doubt the minister would be impressed by the credentials of the membership of that committee. As I said, when we talk about the good work of parliamentary committees, I do not think there is much point in compiling reports and then having nothing happen. This is an ideal opportunity to do something, given that one of the specific and legislated functions of the Small Business Commissioner is to look precisely at alternative ways in which small business can comply. The bill before the house provides for this work to be taken up.

The next function of the Small Business Commissioner is to investigate compliance with industry codes, which I guess is obvious. The next functions are to advise the minister about matters for which the commissioner is responsible and to advise the minister on the operation of this act.

It is an amazingly broad brief for one statutory officer. It is an Ombudsman-type role, a commissioner role and a policy role. It is very broad: I do not know whether other statutory officers have been given such a broad role. I am not for one minute disputing individual roles within the legislation; I am simply making the point that it is probably one of the broadest roles that I have seen in bills that have come before this house.

I want to make mention of the fact that the commissioner will also be charged with responsibility for overseeing the minister's liquor code of conduct in relation to packaged liquor and will also have a very key role in the Retail Leases Act. Again, it is an amazing, almost ministerial workload, and it will be interesting to see the results.

I again remind the house that the purpose of the establishment of the office of the Small Business Commissioner, as specified by the government, is to

enhance a competitive and fair operating environment for small business in Victoria. I wish the government well and I wish this person well in trying to move on those objectives.

There are a couple of other issues that I wish to comment on. The first is the 1 May commencement date. In relation to this statutory officer, the Liberal Party has no problem with that. However, the 1 May commencement date has been chosen by government to align with the commencement date for the Retail Leases Act. Last night in the debate in this house I drew attention to the concerns of the Property Council of Australia and the Shopping Centre Council of Australia about the proclamation of that bill. Again I would like to take the opportunity, given the circumstances I am in, to make the point that while 1 May was originally chosen by the government in the last sitting of Parliament, 1 May, particularly given that it is the government's intention to have — —

Mr Hulls interjected.

Ms ASHER — I do remember that election, and I thank the people of Brighton for their support and confidence in me. Indeed 1 May is too soon for all the education processes, including all the rewriting of the disclosure statements, that the Property Council of Australia wishes to undertake for its members.

The point has been made very clearly to the Liberal Party, and indeed to the minister by way of correspondence, that that date is too tight. The Property Council of Australia has requested that the proclamation date be at minimum 1 July. I think that is a reasonable request. Indeed the proclamation date for this particular bill has been chosen as 1 May only because of the government's understandable desire to have its legislation up and running. But it is incumbent on the government, particularly as it has said it will consult with stakeholder groups on this, to make sure that the proclamation dates are achievable for everybody.

Clearly 1 May is not achievable. I do not think it will matter to government. The Small Business Commissioner will be in place on 1 May if the government wishes, but in terms of the proclamation date, I think July would be a reasonable concession by government.

The minister will have the power to give directions to the Small Business Commissioner. Again, I have no problem with that perfectly reasonable provision. However, the issue for the Liberal Party will be the transparency of those directions — whether indeed the directions will be given to the commissioner in secret, or simply to divert a problem, or whether the minister has some desire to indicate what these directions are.

Mr Hulls interjected.

Ms ASHER — I am not meant to. The Attorney-General is encouraging me to be disorderly, and I will not be.

The DEPUTY SPEAKER — Order! I am sure the Attorney-General would never encourage anyone to be disorderly!

Ms ASHER — I must have been dealing with a different Attorney-General all these years!

I ask the Minister for Small Business to give some clarification on whether the directions she will give to the Small Business Commissioner will be in any way transparent. Particularly given the broad brief that this person has, and given the broad support for the establishment of this role, I think it is reasonable, if the minister gives a series of directions which will occupy this person that these directions be made public.

I also want to make comment on the employment of consultants, which is referred to in clause 10 of this bill:

> The commissioner may —
>
> …
>
> (b) engage consultants to assist him or her in the performance of his or her functions and the exercise of his or her powers.

Consultants always generate excitement from oppositions more than from governments. Given this government's track record in employment of consultants on large contracts, and that many of these consultants have very strong links with the Labor Party, I ask also that the minister indicate whether she is going to simply use the annual reporting mechanism that is required for consultants, whether there will be a more transparent disclosure of the employment of consultants, or whether the employment of consultants can be used by the department to boost the budget of the Small Business Commissioner.

I also wish to make a comment on the powers of delegation in clause 11. The commissioner has been given the power to:

> … delegate to any person employed under part 3 of the Public Sector Management and Employment Act any power under this act.

This is a particularly wide power of delegation, and I am particularly concerned about this in relation to the

commissioner's power to intervene in Victorian Civil and Administrative Tribunal cases. Again, it is interesting because we do not have a Scrutiny of Acts and Regulations Committee operating at the moment. I would have expected the committee to comment on that broad delegation power, particularly given the very extensive power of the commissioner's role in VCAT. Again, I ask the minister if she would consider whether that power of delegation for all elements of this act is too broad, or whether for certain functions there should be no delegation at all. It is a matter for government, of course, but I would ask that that be considered.

But the real issue for this Parliament, both for the Labor Party and for the Liberal Party, is — —

Mr Jasper interjected.

Ms ASHER — I would never speak for the National Party, but given I have been given authority to also include the National Party in that, I shall.

The key question for this Parliament is: can a bureaucrat deliver a better business environment? I note, and I wish to place this before the Parliament, that the Liberal Party went to the last election with a policy on small business, as you would expect, and promised to establish:

> … a small business ombudsman to assist small businesses who have difficulties dealing with government departments or agencies. The small business ombudsman will be an advocate on behalf of individual small businesses to ensure they are treated fairly.

So the Liberal Party went to the last election with a policy not as broad as the one underpinning the appointment of the Small Business Commissioner but with the concept of an ombudsman to whom small business could relay complaints.

Mr Hulls interjected.

Ms ASHER — It did. It is a good policy. It was based on the South Australian model, which has in fact worked well. The Liberal policy had that particular ombudsman as our model, so you can see that we had obviously gone some way down the track to supporting this style of statutory appointment. However, the ALP's policy, which developed the Retail Industry Commissioner role to the Small Business Commissioner role, the results of which we are seeing in the house today, is a much broader role. I note that the ALP's policy for growing small business, entitled *Getting on with the Job*, specifies the budget for the Small Business Commissioner.

I particularly want to mention this given the very broad brief that I have outlined. The budget for the Small Business Commissioner as outlined in the ALP's policy is $1 million per annum over four years. I am not arguing for an increased budgetary capacity for the commissioner, but I would be grateful if the Attorney-General or the Minister for Small Business would indicate how all of this work can be done for $1 million. Will the cost of the consultants that may need to be employed come from a top-up of the budget, or will it be confined to the budget outlined by the ALP in its election document?

I note that there is a genuine concern that bureaucracy can constrain activity. I also note the press release of the Minister for Small Business dated 25 February, in which she announced a reform package, as she termed it, for small business. The press release states:

> The legislation will enable the Small Business Commissioner to assist government departments develop small business charters and monitor the flexibility of regulation for small business.

That to me sounds particularly bureaucratic. If we are to see this person achieve the government's purposes and objectives, they will have to have an upfront, hands-on role in relation to small business. Small business is notoriously suspicious of government. I do not think small businesses will be jumping up and down about the establishment of a Small Business Commissioner.

The challenge for the minister and the commissioner will be to get small business on side by demonstrating that this person will act for small business. The person will have to demonstrate that complaints can be solved, that the government will pay its bills on time and that regulation will not continue to be burdensome. The person has a real challenge before them to implement the government's objectives.

I also briefly want to raise the commissioner's capacity to run test cases. There are test cases before the Australian Competition and Consumer Commission, and I seek from the minister an explanation of how they will be run and funded.

I will conclude by making a point which was made to the Liberal Party when it was in government with the National Party during the Kennett era. At that time I heard many comments by members of the Labor Party about the will of Parliament being pre-empted. I note that the position of Small Business Commissioner is described as a challenging new role and a unique opportunity to assist small business — and indeed it is. The position of commissioner was advertised in the Melbourne *Age* on Saturday, 1 March.

I recall being berated ad nauseam by the previous shadow Minister for Small Business about committing the sin of pre-empting the will of the Parliament. I was not advertising, I was simply putting out press releases announcing what the government would do. But I was told it was a very bad thing, that it was a sign of the arrogance of a government with a large majority in both houses. I was told it was a shocking thing to do. I note for the record that this government is behaving in the same arrogant way!

Mr JASPER (Murray Valley) — As a person who has grown up in small business through a deep and long involvement with a family business in the motor vehicle industry, I am certainly pleased to speak on this legislation, particularly on behalf of small business.

I am as clear as crystal as far as small business is concerned. I want to put on the record the fact that the strength of the Victorian economy is based on small business being able to be profitable and operate efficiently. Small business needs to get strong support from governments. We need to ensure that as an effective Parliament we support small business so it can continue to develop, as it should, within the state of Victoria and so it, in turn, can provide support to the economy. Small businesses must be unencumbered by government so they can develop and progress.

I have had longstanding concerns about government interference in business, particularly small business, over a long period of time, which prevents it from being free to operate effectively.

You have to have been in business to understand business. What we see too often in the Parliament is members who have never been in business telling other people how to run their businesses. Unless you have been in business you do not really have an understanding of the difficulties faced by business people. They invest their money and a huge amount of their time to develop their businesses and make them profitable so they can provide employment, which is critical to the state of Victoria.

As I mentioned in the debate on the Retail Leases Bill last evening, unless businesses are allowed to be profitable they will not continue to employ people, and if they cannot continue to employ people we will see the employment rate that the government boasts is so low not remaining that way but increasing. That will happen unless business, particularly small business, continues to be supported and unencumbered so it is able to develop.

On behalf of the National Party I will raise some concerns that people involved in small business have presented to me given my knowledge of small business generally. I note the comments made during the second-reading speech, and it is worthwhile reiterating the figures that were mentioned in it. There are over 270 000 small businesses in Victoria, which account for over 95 per cent of all businesses. Small businesses employ a total of approximately 811 000 people, which represents 43 per cent of the private sector work force.

I will quote a paragraph from the second-reading speech notes, because it is important to put it on the record:

> We understand the frustrations of small businesses when dealing with a bureaucracy that does not appear to be responsive to their needs. Small businesses should be able to expect a similarly high level of service from government agencies as businesses provide to their customers.

I hope the government seeks to put that into practice. It is critical to put that into practice, hopefully with the support of the Small Business Commissioner. As I do with all legislation I sought the views of a range of organisations and individual businesses on the provisions of the legislation and the appointment of the Small Business Commissioner. There is very strong support from business organisations and the business community generally but particularly small businesses for this legislation. It will place a significant responsibility on the Small Business Commissioner and the role he or she will play.

The person appointed to this task should not be a person who has grown up in the bureaucracy. The person appointed should be a person who has grown up in business, who has an understanding of business and has been involved in business, and indeed involved in representations to government over a period of time. The bottom line is that the person must have a deep and abiding interest in business, particularly small business, and a background in small business.

I repeat again that it is not much good telling people in business how they should be running their businesses if you do not have experience in business yourself. That is the bottom line. To speak to those people and have a true and abiding interest in what they are doing and to make the appropriate representations to government requires someone with a background in small business.

I believe the implementation of the legislation is a step forward — there is no doubt about that. If the legislation is put into place correctly it will advantage small business throughout the state of Victoria.

I also indicate my concern, as did the honourable member for Brighton, that the legislation will be put into place on 1 May 2003. There are concerns with the proclamation date because I believe that the government does not yet know who it will appoint as the commissioner. I believe time should be given to ensure the most appropriate person is appointed and that the person does have the necessary support within the small business ministry to put this into practice.

Mr Stensholt interjected.

Mr JASPER — I recognise the interjection from the member for Burwood. Perhaps I should take it on board and consider the offer if it is made.

The legislation concerns three particular areas. The honourable member for Brighton took some time speaking about clause 5, which deals with the functions and powers of the Small Business Commissioner. I will not go through all the provisions dealt with by the honourable member, except to say they encompass three areas. Paragraphs (a) to (e) of clause 5(2) relate to fair market practices, a major responsibility of the commissioner. Paragraphs (f) to (i) relate to fair government practices, which again is an important area and one which the commissioner will need to deal with firmly. It is important to remove the government pressure placed on small businesses at the state and federal level. Paragraphs (j) to (l) relate to the compliance with industry codes. It is important that business operates within specific codes.

I also note a that major function of the commissioner relates to the Retail Leases Bill. As I have said, the proclamation date of 1 May, as with the Retail Leases Bill, is not a reasonable objective.

The secretary of the department will be required to provide adequate resources to the commissioner to enable him or her to carry out the functions and exercise the appropriate powers. It is critical that when the commissioner is appointed he or she is given the powers to operate effectively. I also note that the commissioner will hold office for a term not exceeding five years.

I will relay some of the comments made to me by individuals and organisations involved in small business. The Victorian Chamber of Commerce and Industry (VECCI) indicated it did not oppose the legislation but saw it as a double-edged sword and believed it may have some unidentified consequences. It brought to my attention that we should consider the type of watchdog we should have, recognising that today we have a range of watchdogs that presumably are to protect business, particularly small business in this case. That concern was expressed to me by VECCI. I was not entirely in agreement with the comments it made, but I put them on the record. The other organisations I spoke to strongly supported the legislation, the appointment of a Small Business Commissioner and the importance it should have to Victoria.

I indicate again the National Party strongly supports the appointment of a Small Business Commissioner, the objectives in the bill and what can be gained from it.

In the general sense I have some concerns with some of the watchdogs we have operating in Australia today. The Australian Competition and Consumer Commission (ACCC) often puts up Professor Fels as its spokesman. I have some problems with Professor Fels, and I refer to what he did in relation to the Wattyl paint company, which was seeking to purchase Taubmans of England. Professor Fels said it would reduce the number of companies involved in the paint industry, recognising that Dulux, or Orica Australia, was the largest operator in the field, and the ACCC rejected Wattyl's application to buy Taubmans.

The process went on for 12 months with Wattyl objecting to the rejection of its application, but some months later Taubmans was sold to a South African company. An Australian company, Wattyl, was prepared to buy the company but was thwarted by the actions of the ACCC. I mention that because some people are concerned about the operations of watchdogs, but I do not say for one minute that we do not need organisations such as the ACCC; I express those concerns.

It is important that I indicate to the house some of the concerns I have which the Small Business Commissioner should address immediately to assist small businesses with the problems they face in being able to operate effectively and profitably. It is a skill. I quote my father in this case, who had a long involvement in our family business, Jasper Brothers, in Rutherglen. He worked for more than 70 years for Jasper Brothers. He was a self-made businessman, something that is not easy to do today. When I entered the family business he said to me that the easiest thing in business is to go broke — you need no special expertise to go broke in business. The trick and the skill is to make money and be profitable.

'Profit' is a dirty word to some people, but as I said earlier in my contribution, if you are not profitable you go out of business and you do not employ people. The trick is to be profitable, give service to people and

provide goods and services, but the bottom line is to be profitable. I make no bones about where I come from, and I trust that most of the government members would support that view.

I express some of the concerns that should be put on the record. I refer to business compliance costs. The burdensome obligations associated with increasing compliance costs and the complexities of industry and business legislation, the GST, the business activity statements, Workcover, superannuation and apprenticeship schemes are all taking their toll of small businesses. You need only talk to small businesses to understand the pressure being placed on small businesses. Insurance is a huge issue for small businesses and all businesses. Victoria has the highest rate of tax on commercial insurance in the world. Insurance premiums in Victoria include a fire service levy, GST and stamp duty. Stamp duty is charged on top of GST, which is a charged on top of the fire service levy.

I do not need to go into all the detail of that, but you would know, Deputy Speaker, as others in the house who have had representations made to them on this issue would know, that people pay insurance plus a fire service levy which is higher in country Victoria than in metropolitan Melbourne — more than 50 per cent on many occasions. They then get charged the 10 per cent GST on top of that. Then they pay 10 per cent stamp duty on top of that to the state government! That is hypocritical. I believe the state government needs to do something about that immediately to take the burden off business and reduce the difficulties.

Franchising is a big issue. The Small Business Commissioner should look at situations where many longstanding franchise dealers have had their franchise agreements terminated unfairly without proper compensation and without adequate safeguards. The Small Business Commissioner needs to tackle these sorts of issues, which as I indicated are critical to the continuing operation of small businesses.

When I talk to people in small business they tell me that they are extremely concerned about continuing attacks from governments at the state and federal levels and a lack of protection provided by governments. The Small Business Commissioner will have a huge challenge in trying to meet the difficulties that are faced by small business today.

The skills shortage is also an area which is of great concern when one looks at the technical side of the issue. In a practical sense people need to grow up within businesses and be supported with apprenticeships to enable them to become skilled tradespeople. A lack of skilled tradespeople will be a major issue for Victoria in the future. I quote further from the document:

> The lack of suitable apprentices and skilled labour is a serious threat to the long-term survival of sections of … industry. Government incentive schemes are complex and while apprentices are the lifeblood of the industry, assistance for training an apprentice is inadequate.

That is an area the Small Business Commissioner would need to look at immediately to assist in ensuring that industry and business, and particularly those in small business, are encouraged to take on apprentices and encouraged to train people so that they can extend their businesses and increase the number of trained staff in the state of Victoria. In the motor industry, for example, people often undertake apprenticeships, but when they finish their apprenticeships they go into other areas and those skills are often lost. It is a critically important area.

As a country member of Parliament I must mention regional issues. The Small Business Commissioner will have a huge role in protecting and seeking to assist small businesses that operate in country Victoria. Regional Victoria has an increasing burden and difficulties, and of particular concern is the issue of increased fuel prices, freight and telephone costs. Some telephone costs have been reduced for business generally, and telcos are working on that issue. Telstra has sought to assist country business and small business, but I believe a lot more can be done.

The situation is that when a country business, wherever it may be — and indeed in your area in western Victoria, Acting Speaker — rings anywhere it is usually a long-distance call. We often ring Melbourne and a voice tells us that our call will be attended to and that it is in a queue, or we are told, ‘If you want this service, press 1; if you want this service, press 2’, and so you go through the instructions. The Small Business Commissioner should take on this critical issue. You cannot just blame Telstra. It is a critical issue that we need to look at for country businesses and industries in seeking to reduce the cost burdens that they bear.

As I indicated earlier, I believe that you need to have been in business to understand business. Secondly, you need to live in country Victoria to understand country Victoria. I am sure the Acting Speaker agrees with me that you need to live in country Victoria to understand the great difficulties we face.

I have mentioned the prohibitive telephone costs, but there is also the issue of freight and the difficulties that

go with that for us in country areas when operating small businesses, and the greater difficulty we have in meeting demands and being profitable.

The National Party strongly supports the legislation and the appointment of a Small Business Commissioner. The position will be of critical importance, and I reiterate my belief that the person who is appointed to this role must be a person who has a deep and abiding interest in and knowledge of small business — not a bureaucrat, not someone who comes out of a department, but someone who can look at these things objectively and say to business and industry operating in the small business area, 'We will support you. Come forward with issues of concern'.

The challenge is not only for the Small Business Commissioner but for the government. I will watch with a great deal of interest to see how the government operates in this area. If it is successful I will give it due credit — and those of you who have known me during my time in the Victorian Parliament will know that I have always given credit where it is due to whichever party is in government if it has provided support to the people I represent in the Murray Valley region and the whole of Victoria. The challenge is to the government, and I will be watching the issue with a great deal of interest, as will all National Party members. We will give credit where it is due, but we will be critical if the Small Business Commissioner does not deliver as has been indicated in the second-reading speech and in the information provided by the government.

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

Debate adjourned on motion of Mr STENSHOLT (Burwood).

Debate adjourned until later this day.

TERRORISM (COMMUNITY PROTECTION) BILL

Second reading

Debate resumed from 19 March; motion of Mr BRACKS (Premier).

Mr MILDENHALL (Footscray) — There is almost a sense of the macabre about the timing of the debate in the house today because within an hour we expect a military assault to be launched on Iraq, in which Australian troops will participate. On most people's reading, and I note on an assessment agreed to by senior government ministers in Canberra, the outbreak of those hostilities will increase the likelihood that Australia will be subjected to a greater incidence of terrorist activities. So it is appropriate that the Parliament and the community consider the issue of terrorism, the likelihood that Australia will be subjected to more terrorist attacks and the ways in which the government and the community can work together to reduce the likelihood and severity of attacks by terrorists.

The government acknowledges the support for the Terrorism (Community Protection) Bill by the leaders of the Liberal and National parties, and some of the queries that were raised in their contributions, which I will address. However, this is a time when the community is thinking about these issues, and even in the Premier's gallery we have the lasting tribute to the victims of the Bali bombing. This morning when I was listening to an early morning news broadcast I noted that there was a terrorism scare yesterday in Sydney, where the owners and operators of some infrastructure — the water supply facility in Sydney, I believe — were concerned about unidentified intruders in that area.

One of the provisions of the Terrorism (Community Protection) Bill is to require the owners and operators of infrastructure to prepare appropriate plans and to work with the government in the enhanced monitoring of and planning for potential terrorist activities.

One of the key parts of the legislation is the nature and strength of the safeguards, particularly in relation to covert search powers and the ability to detain and decontaminate people who may be affected by chemical, biological or radiological contamination. These are particularly sensitive issues. The principal safeguard adopted for this legislation is to give it a definite time limit of three years, requiring it to sunset at the end of 2006. It signifies the community's hope that the phase of terrorism that we are going through is a temporary phenomenon and that the need for enhanced powers for intrusions into people's private lives and civil liberties is something that may not, and hopefully will not, be required beyond three years.

A number of queries were raised by opposition members. I was a bit surprised to hear the National Party advocate the suggestions made by the Fitzroy Legal Service, particularly the suggestion that as a safeguard against the planting of evidence by police the bill should require police to videotape covert searches. The government carefully considered that proposal of including a legislative requirement to videotape covert searches but concluded that it would be a flawed safeguard.

There are many ways in which a videotape could be unreliable or misleading, whether intentionally or not. Unlike a police interview, where it is relatively easy to clearly videotape all of the participants for the whole of the interview, the circumstances of covert entry are likely to make it more difficult for police to comprehensively videotape the entry and search. For example, entry and search may take place in near darkness or in confined spaces and as police move through a premises it is likely that not all the police will be in the scan of the video at all times.

If police want to rely on evidence they claim to have found during a covert search, the onus is on them to prove that the evidence was not planted. If the prosecution cannot exclude the possibility that the evidence was planted, then the defendant is entitled to be acquitted. Those comments clearly outline the case that obviously police may wish to videotape their operations but to require it in all instances would not be appropriate.

A query was raised regarding clause 5 where it refers to the Supreme Court. Other clauses also refer to a judge of the Supreme Court. The government does not consider that there is any doubt that the warrants may be issued only by judges of the Supreme Court and that is consistent with the Surveillance Devices Act 1999.

The member for Gippsland South expressed concern that the annual reporting requirements in relation to covert search warrants refer only to statistical information. Clause 13(1)(h) enables the relevant minister to require the chief commissioner to provide any other information about covert search warrants that the minister considers appropriate, so there is a provision to enable qualitative information to be provided as well. There was a query about the impact on business. The government has worked closely with industry representatives to discuss mutual obligations. It has not encountered any issues of concern in those discussions.

This legislation is part of a national approach. We are advised that the safeguards for Victoria are stronger than those that have been passed by any other state. That is particularly appropriate given the traditions of concern and support for individual rights and civil liberties in this state compared to others. It is with that in mind that the government has put forward this set of safeguards. Members of the government with their range of backgrounds, particularly the Attorney-General, the Parliamentary Secretary for Justice, the Cabinet Secretary and many others, come from a tradition of supporting people's rights, so it is appropriate that this set of safeguards be contained in the bill, which I urge all members to support.

Mr PERTON (Doncaster) — This is a very important debate in terms of not only the international events that are taking place in and around Iraq but also the feelings that many Melburnians and Victorians will have — a feeling of anxiety and concern that the events that are taking place many thousands of kilometres away can have an impact within our own society through the advent of terrorist acts.

For me, crucially, the central provision of this bill is the definition of a terrorist act contained in clause 4. In essence the terrorist act means an action is done or a threat is made with the intention of advancing a religious or political or ideological cause and the action is done or the threat is made with the intention of coercing or influencing by intimidation the government of the commonwealth or a state, territory or foreign country, or a part of a state, territory or foreign country, or intimidating the public or a section of the public, and each of those matters is important.

I would like to quote two people whom I both know and respect. The first person I quote in the context of this debate is Mr Joseph Nye, Jnr, who is the dean of the Harvard Kennedy School of Government. In an article in the *Financial Times* of 28 December 2002 entitled 'A whole new ball game' he refers to the new national security strategy of the United States of America and speaking for the United States says:

> … we are menaced less by fleets and armies than by catastrophic technologies falling into the hands of the embittered few. Instead of strategic rivalry, 'today the world's great powers find ourselves on the same side united by common dangers of terrorist violence and chaos'…

I think that remains true whether there is agreement or not on intervention in Iraq. He goes on to say this:

> Most worrying are the effects of these deep trends on terrorism. Many Europeans properly point out that terrorism is nothing new, and they have successfully coped with it for decades without significant disruption of their democracies. But technology has been increasing the lethality and agility of terrorists over the past decades, and the trend is likely to continue. In the 20th century, a malevolent individual like Hitler or Stalin needed the power of a government to be able to kill millions of people. If 21st century terrorists get hold of weapons of mass destruction, that power of destruction will for the first time be available to deviant groups and individuals.
>
> This 'privatisation of war' is not only a major change in world politics, but the potential impact on our cities could drastically alter the nature of our civilisation. The new terrorism is not like the IRA or ETA.

I think there is agreement across both sides of the house that this is the new threat that we face and that we have to take special measures to combat that threat. I think both the Labor and Liberal parties over the decades would have used great caution with the idea of introducing covert search warrants, yet in this debate the two parties are united on this — and united across the states and across the sphere.

I note that in moving this legislation the Attorney-General has moved forward with caution, and our acceptance of the bill has been subject to questions and the need for explanations such as those provided by the honourable member for Footscray in his contribution just now. That caution needs to be very strong. Petro Georgiou, the federal member for Kooyong, put the issue very well in his contribution to federal Parliament on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002. I would like to quote it, if I may. He said:

> … the measures we employ to combat the new terrorism must not undermine our core values: the rule of law, due process, civil liberties and freedom of speech.
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> …
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> … I want to affirm the protections that exist in our legal system. I think it is important to appreciate that these protections did not spring full blown from the mind of some chardonnay-sipping civil libertarian in an ivory tower. They evolved out of the experience of people who lived through turbulent and violent times: through rebellion, revolution, civil war and religious insurrection. The protections of individual rights were a rejection of the arbitrary use of executive power which had been justified by government as essential to the security of the kingdom and its citizens. This power was curbed because it was realised that its exercise was corrosive to the very order that it purported to serve.
>
> The strength of democratic societies has been our evolution beyond the arbitrary exercise of repressive powers. As legislators, we must not shirk our responsibility to do all that is possible to combat threats to the safety and security of our country. Equally, we must not shirk our responsibility to protect the very core values of our society that the terrorist threat we face seeks to destroy.

That is the difficult balance that we face with this legislation. I note that there are protections in that all the issues under this bill are subject to Supreme Court scrutiny and reports to the minister, and ultimately there is a sunset clause with the requirement that there be a report to this house. That is very important. It will be a responsibility for each and every one of us to do this.

Terrorism is not academic. In the light of the Bali incident every Australian now understands that an Australian whether at home or travelling overseas is subject to this risk. Many Australians have been subject to these risks.

My own family left Europe as refugees having lived both under the Soviet Union and Nazi Germany and lived with the terror of state terror — the state terror of secret police, of rights being violated without any recourse to the courts and the like. The Jewish community that my colleague the honourable member for Caulfield represents very much feels this in terms of both its historic suffering as a result of state terror and its suffering nowadays as a result of the terror, as Mr Nye says, of the embittered few.

So too there are a range of Australians who have come here as refugees from other countries, many of whom have suffered torture and the like — and some, for instance, are in treatment under the excellent care of Paris Aristotle and the Victorian Foundation for the Survivors of Torture.

We Australians have certainly absorbed many people into our community who have suffered as a result of both state-sponsored terrorism and the terrorism of the embittered few, the terrorism of the vindictive minority or the terrorism of the anarchist. Those people today live in greater fear than they did in the past, and we as a state and as a community have to be strong and resolute in providing physical resources to protect our community and repair the damage done to the members of our community who have suffered as a result of terrorism.

We have to give our security forces and our police the necessary new powers to deal with a threat that we have not really had to deal with in the past and at the same time work across the table together as Liberal and Labor. We have to make sure that this protection of our community does not come at a cost to hard-won civil liberties that make our society very different from the idealised societies that those who are terrorists would seek to impose on us or those who impose state terrorism, such as the Taliban and the like, would also impose on us.

This is an important piece of legislation, and I appreciate the opportunity to be able to contribute to this debate. I support this legislation on behalf of my community, which is unique in Victoria in having both a synagogue and a mosque and in having as its members people who have come from a range of countries, both as refugees and as economic migrants, many of whom have suffered as a result of living in places where these terrors were very real and who now today feel a great sense of fear and anxiety as the threat of terror reaches into our various suburbs.

Mr LANGUILLER (Derrimut) — I rise today in support of this important piece of legislation, the Terrorism (Community Protection) Bill. I do so with a mixture of sadness and the strong determination as an individual and a member of the government and this democratic institution, together with members of other political persuasions, to strengthen the measures that are required to improve community safety. We should make no mistake about the threat of terrorism or violence associated in one form or another with certain political or religious beliefs. As a government, as a political institution and as a community committed to democracy and civil liberties we must unequivocally and unashamedly condemn all forms of terrorism. We should not walk away from our responsibility for tackling this issue, which unfortunately is spreading and growing around the world like mushrooms.

The main purpose of the bill is to provide new powers and obligations in relation to the prevention of and the response to terrorist acts. It provides for a covert search warrant regime and for the mandatory reporting of the theft or loss of certain chemicals and substances. It imposes risk management obligations on the operators of certain essential services and protects counter-terrorism methods from disclosure in legal proceedings.

As I was saying earlier, we must condemn unequivocally all forms of terrorism. The ends do not justify the means. Today we have obligations at the state and national levels as well as at the international level as members of the international community, so we must assist ourselves and our neighbours and other countries in dealing with this issue. Consequently there is to be mandatory cooperation between the states and the federal government. Incidentally, arising out of that commitment the states have come into line, including measures in legislation that have been adopted by the federal government.

However, having clearly put on the record our commitment to combat terrorism, there are some other important matters of concern that I believe at this relatively early point in this debate on terrorism and terrorists we also have to put on the record.

For example, I wish to quote from a submission to the Senate Legal and Constitutional Affairs Legislation Committee by Liberty Victoria–Victorian Council for Civil Liberties. I do so to point out that:

> … the terms 'terrorist' and 'terrorism' are not value-neutral. Due [to] the linking of refugees with notions of 'illegality', 'criminality' and 'possible terrorists' by the Howard government during the last federal election, and the failure of the opposition to counteract that linkage, the term 'terrorist' is now inextricably linked with people from Arabic or Middle-Eastern background or with people of the Muslim faith. Political expediency has ensured that the term has heavy undertones of racial and religious stereotypes, with prejudice rather than commonsense often underlying political and public discourse on terrorism.
>
> … Liberty wishes to highlight how prejudice and ill-conceived laws contribute to injustice. We note that the definition of 'terrorism' in the bill is almost word for word of that in the Terrorism Act 2000 (UK), a bill whose precursor was the Prevention of Terrorism Act 1974 (UK).

Part of the reason for my concern relates to an interesting example quoted by the civil liberties council. Under the act put in place in the United Kingdom a man by the name of McGuire was convicted — and subsequently acquitted, by the way — because of his Irishness: due to his being Irish, he was presumed to be a member of the Irish Republican Army (IRA).

Tragically we have to refer to experiences in other parts of the world. In Spain for example — a situation which I have followed over many years in the Spanish press — for a long period of time in the early days when the Spanish government had to deal with terrorism by Euzkadi Ta Askatasuna to be Basque was essentially to be associated with ETA. Incidentally I am also Basque of French heritage, and I remember in the early days when Spain was dealing with terrorism there were these ongoing jokes about how being a Basque meant in some way or other being connected to ETA. It meant nothing of the kind. The truth of the matter is that the majority of the Basque people in Spain condemn ETA and condemn terrorism.

I raise this respectfully in the sense of a warning, in that whilst we must strongly condemn terrorism and introduce legislation to protect our community to the best of our skills and ability, at the same time we must make sure that being a terrorist does not equate to being a person of a particular background or religion, because unless we are careful what we will do is help terrorists.

I remember numerous examples where many young people in the Basque region of Spain, having been the subject of harassment by the authorities and police forces again and again throughout their childhood and every day in their lives, were effectively pushed into supporting ETA because they had nothing left. Simply because they were Basque they were harassed by the authorities, and consequently they were in some way or other culturally and politically pushed into the only organisation which appeared on the surface — I emphasise 'appeared' — to protect their so-called national and cultural interests.

We need at the same time to strongly condemn racism and racial and religious prejudice. We need to

continually indicate that it is not accepted in our community to be part of racist practices or to demonstrate prejudice against a particular religion, and we must separate and isolate those individuals — the very few individuals — who may be connected with terrorist activities from the rest of the community and bring on board those from the great majority of communities that condemn terrorism.

This government is very seriously and strongly committed to community safety. The provisions in the legislation are there to ensure that the whole community takes part in the fight against terrorism, and in a positive sense fundamentally to improve community safety.

The bill also contains provisions affecting the private sector. It is not the responsibility only of the state government to play a role and in that sense the legislation correctly introduces a provision for the mandatory reporting of the theft or loss of certain chemicals and substances. It also requires some companies to develop a risk management obligation as operators of certain essential services.

I think it is crucial that everyone in this community, in their respective positions, assume responsibility in relation to dealing with terrorism. I am confident, however, that this community will continue to persist in its strong commitment to the rule of law, which requires that all people be protected from arbitrary power, that we continue to presume that a person is innocent until proven guilty, that all persons are equal before the law and are entitled without discrimination to equal protection under the law — —

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

Mrs SHARDEY (Caulfield) — I rise to make a contribution to the debate on the Terrorism (Community Protection) Bill 2003. I think it is very important to note that there is bipartisan support for this very important piece of legislation. I suppose that in a sense it is somewhat momentous that we are debating the bill today, a day on which we understand hostilities may well start in Iraq.

I recently spoke to a forum of the National Council of Jewish Women of Australia on the topic of citizen's protection against terrorism. My comment to those assembled was that there was probably not a single woman in that room who had not been touched by the dead hand of terrorism at some time during her life, whether as a survivor of the Holocaust, a child of the Holocaust, a friend or relation of an Israeli family targeted by a suicide bomber during this intifada that has been going on now for some two years or the relative of a victim of the Bali bombing. On that particular day the mother of a victim of the Bali bombing was amongst us, and she spoke to us about what she and her family had gone through as a result of that terrifying and very tragic incident. I also commented that I thought that whether we were daughters, wives, mothers or grandmothers the fear amongst Australian women in relation to terrorism had become quite palpable.

At the end of 2002, in an article about the year that had been, the *Bulletin* said:

> Australians will look back on 2002 as the year in which the country's luck began to turn. Holiday-makers battled bushfires, Australian troops joined the global war against terrorism and, as a showdown loomed with Iraq, drought ravaged rural Australia. But, above all, it was the Bali outrage — and the realisation our country had become a terrorist target — that changed the way we saw our place in the world.

In this special feature the *Bulletin* showed what had happened, and of course there were photos particularly of the Bali bombing and its aftermath.

I also note that in an article in the *Age* of 9 December written by Greg Hunt, the federal member for Flinders, and Brad Haynes it was acknowledged that since 11 September and the Bali bombing the world as we know it has changed. Our homes and all that we regard as sanctuaries are now targets for destruction by an aggressor which is unseen and secret. The article talks about the twin threats of terrorism and weapons of mass destruction, which stand a chance of becoming linked in the hands of a terrorist network and which would be used to produce maximum human casualties as we saw on 11 September and in Bali, only perhaps on a greater scale.

It is almost impossible to rationalise the reasons why or the vision of those who perpetrate such horrors. In the *Age* article it was suggested that al-Qaeda and the Taliban, which is an extremist sliver and incidentally Islamic, would create a world with:

> Radios banned, women not only denied education but turned into chattels of the lowest kind. No free press, summary execution. No democracy, no free speech of any kind.

Of course this world would be the creation of domestic terror and instability in targeted Islamic countries, with the infliction of sufficient terror on Western countries causing them to disengage. Here in Australia we strive to maintain multicultural harmony. Our position in support of the fight against terrorism is unequivocal,

and the determination of governments to protect our citizens has bipartisan support.

In my electorate of Caulfield there has been for a long time concern about the level of safety of a large number of citizens, particularly within the Jewish community. At every function I have attended since becoming the member for Caulfield, which goes back to 1996, there have always been security guards. On 11 September, as I was driving to my office, I put in a call to Michael Danby, the federal Labor member for Melbourne Ports. I asked Michael what he was doing on that particular day. He said, 'Helen, I have the door to my office closed, and there is a sign on the door that says, 'If you would like an interview or an appointment, please call this number'. On that day, and that day alone, I closed my door. I guess I wondered a little why I felt the need to do that, but I suppose it was a sense of just not really knowing what might ensue. That is a very sad thing.

The Terrorism (Community Protection) Bill was developed as part of the national agreement between the commonwealth, state and territory governments. In the aftermath of 11 September the federal government acted on a number of fronts, and I would like to mention them briefly. A thorough review of counter-terrorism security arrangements was carried out. This review reorganised security functions within government and provided additional resources to security agencies. A meeting of commonwealth and state leaders was convened to discuss, evaluate and improve national security plans. A business and government task force was established to work out how our critical national infrastructure could best be protected from attack. On the legislative front a range of measures were put in place to strengthen our counter-terrorism capabilities.

The agreements reached at the leaders summit are highly significant in the management of terrorism. The agreements led to state and territory leaders recognising that certain types of terrorist incidents need to be strategically managed at a national level. Of course we have seen separate legislation go to the upper house in relation to that. The agreement reflects the need for a quick and coordinated national response to attacks on the commonwealth. The states agreed to examine their own legislation to ensure there are no gaps in areas over which they continue to have responsibility. The bill before the house is designed to accomplish this requirement.

We have heard about the details of this bill. For instance, covert search warrants can be issued; there are powers to detain and decontaminate people who are affected by chemical, biological and radiological contamination; and there is a provision for the mandatory reporting of the theft of chemicals and the like.

The one area which is of concern, although I note that the same provision is in the federal bill, relates to amending the Freedom of Information Act to provide exemption from the disclosure of documents affecting national security, defence or international relations. But the bill also provides the minister with the power to overturn a determination by the Victorian Civil and Administrative Tribunal that a document should not be exempted under these grounds. Some concern was expressed about this. At a federal level the minister is required to come into the house and verbally give notice. Under the legislation before us today the state minister is not required to do that but merely has to lay it on the table. We would like to see the minister having to give notice verbally to the house so that all members would be aware. This is important legislation. We strongly support it and wish it a speedy passage.

In closing I mention that the editorial in today's *Herald Sun* sums things up fairly well from what I believe the community's point of view should be — that is, if hostilities start today, we should work together; division in the community should end; and we should get behind our troops and give them the strongest support possible. None of us wants to see a war. None of us wants to see the continuation of terror on any front. We support this bill, but we ask the community to come together and support our troops in their endeavours.

Mr HARDMAN (Seymour) — When I first stood for election in 1996 I did not imagine I would have to speak on such a bill in state Parliament. Never before have measures such as this been more necessary. This bill provides new powers and obligations to assist in preventing or responding to potential terrorist acts. Honourable members are probably all aware of the news that in a few minutes George Bush's ultimatum to Saddam Hussein actually finishes, so now more than ever this bill is necessary as Australia, Melbourne and Victoria come under the threat of attack from terrorism.

The bill is part of the agreement on terrorism and multijurisdictional crime reached between the states, the federal government and the territories. For that purpose it is good to see that everyone is working together across Australia. The thought of terrorism is close to home for me, with Puckapunyal being close by. Since 11 September if I have to go out there, even as the local member, to access an important part of my electorate I have to provide identification and wear tags each time I go in and come out. I imagine even that has changed significantly with the recent ultimatums.

It is important that the bill safeguard the rights of individuals so that in three years people will be able to comment on whether or not the powers in the legislation have been abused by the police or whoever enacts them. I hope it will assist those people who put human rights and the rights of individuals first to see that the government cares about those issues as well. That is good to see.

I welcome the bipartisanship from the opposition on this bill. I think they realise as well as members on this side that the bill seeks to protect all Victorians, no matter what their ethnic or cultural background. I note the member for Derrimut talked about his experiences with racism; we have been reading about ethnic violence occurring even in country Victoria at the moment. We, as a community and a society, need to respect everybody's cultural or ethnic background and make sure that they feel safe living in this community as well. I hope this continues.

The bill provides new powers and obligations in relation to the prevention of and response to terrorist acts. It provides for a covert search warrant regime, which changes powers significantly.

The bill also provides for mandatory reporting of the theft or loss of certain chemicals and substances. In this day and age people are probably a bit blasé about certain things. In the past if such chemicals went missing we probably put it down to theft and let it go. Now people are going to be held responsible, and that is very important.

Another purpose of the bill is to impose risk management obligations on operators of certain essential services — namely, our water, electricity and gas. I live along the Goulburn River, which has Lake Eildon at the top of it. Hopefully it will fill up soon and when that happens obviously the dam wall will be a potential terrorist target. The authorities need to make sure that there is a certain amount of management of risk of terrorist attacks to prevent that.

The bill protects counter-terrorism methods from disclosure in legal proceedings. For instance, the freedom of information provisions that we have in this state for open, accountable and transparent government — in this case for national security — are treated differently.

I commend this very important bill to the house and wish it a speedy passage.

Mrs POWELL (Shepparton) — I am pleased to speak on the Terrorist (Community Protection) Bill and do so with the sad knowledge that Australia may soon be sending its troops into combat. Our thoughts are with our troops and also with their families and loved ones who are back home. We hope that they return safe and well very soon.

We now understand that there are no borders for terrorists. Australians have been maimed or killed on non-Australian soil. The world watched on 11 September 2001 as terrorists attacked New York, and again in October 2002 when the bombings occurred in Bali. We realise how vulnerable our people are, no matter where they are in the world — on Australian or overseas soil.

Many innocent people were killed and maimed. Many were young people on holiday, having a good time just going out for the night, or they were on business going about their affairs. They were not part of any terrorist campaign or people who would cause trouble. They were all expecting to come home to their loved ones. The people who died are remembered, but the lives of those who were maimed or hurt have been changed forever. As a consequence of those attacks all states and territories have agreed to review their legislation and counter-terrorism arrangements to ensure that if a threat did arise they would be prepared with the appropriate security measures in place.

The bill is designed to complement existing commonwealth counter-terrorism legislation. A separate bill to refer legislative powers to the commonwealth will be introduced to provide constitutional support for commonwealth terrorist offences to apply uniformly throughout the rest of Australia. We understand that we have to be more vigilant and we have to protect our people wherever they are.

The National Party supports the bill, but does so in the hope that the significant powers that the bill provides will be used wisely and will not be abused. To that end I am pleased to see that part 7 requires the government to review this legislation in three years. There is a sunset clause with a termination date of 1 December 2006. If the terrorist threat does recede Parliament can then repeal that sunset clause. It will also be an opportunity to have a look at the legislation and see whether it can be amended in some way to be made better by either lessening or, if needed, increasing some of its provisions.

As I said, the bill gives extra powers particularly to the police. They can apply for a covert search warrant, which has to be issued by a Supreme Court judge, but it does need the approval of the Chief Commissioner of Police or a deputy or assistant commissioner and they

have to meet certain conditions. One of those conditions is that they have to prove that there is a suspicion of terrorist activity before they can search a home or a car. They can do this without warning to or permission from the owner of the home or car, but there is some protection in that. There is a time limit to the search warrant and then, I guess, the police can apply again.

The bill provides for mandatory reporting of theft or loss of prescribed chemicals and other substances. As soon as owners, whether they be farmers who have chemicals on their farms, or businesses that provide rural chemicals to farmers, are aware that there has been a theft or a loss they have to notify police. This part of the bill is important because we need to minimise the risk of loss and theft of chemicals in our community.

Part 3 of the bill gives police new powers to detain and authorise the decontamination of people who may have been exposed to contamination from chemical, biological or radiological agents. Police may direct people away from or into a specific area to submit to decontamination procedures in an effort to limit the spread of contamination risk.

After the events of 11 September there were anthrax threats around the world, including plenty in Victoria and a number in the community that I serve. Our electorate offices received a warning from Parliament that we had to minimise the risks to the community. To protect our staff we authorised them to wear masks and gloves when they were opening the mail. For about four months staff in our office had to wear masks and open any mail with gloves just to protect them. To also minimise risk from the public we had to open all the mail away from public areas. We used to go into a back room to open our mail so that we minimised the risk of contamination to members of the public as well as we could.

This bill also requires essential service operators to put in place risk management measures and risk management plans in case of a terrorist attack. This is going to be a huge and onerous task for many members of our community as they put in place these plans and measures, including the training that will have to be done as well.

The government has said it will work with independent essential service operators. This is a good thing, because there will be an increased cost to businesses. Business people will be taken away from running their businesses, because much time will be spent preparing their plans and training their staff to make sure they are ready and able to manage any terrorist attack. It is important because, as other members have said, there will be terrorist targets in Victoria, and we need to make sure that our utilities are ready.

We saw the concern in 2000, when all of our computer services were at threat, or we thought they were at threat and would fail because of the supposed millennium bug. The coalition government worked with the community, businesses and other organisations to make sure their computer systems did not fail and there would not be a huge loss of information throughout Victoria.

To give an example of one of the essential services that had to comply with these conditions, the CFA had to audit every fire station in the region and make sure that its computer equipment was up to standard and complied with all of the requirements. It also had to have a reporting-back system, with a number of guidelines.

In the second-reading speech there is talk about increased violence against the Muslim community since 11 September and the Bali bombing. As I have said in this house before, Shepparton has a very large multicultural community. Forty per cent of its population has first and second-generation family members who were born overseas. It is estimated that there are up to 4000 Arabic-speaking people in the Goulburn Valley. That number fluctuates from time to time: if they cannot get work, they move on.

On 12 March there was a demonstration in Shepparton, when 300 Iraqi people walked to Sharman Stone's office to demonstrate. They had a concern about police monitoring, because there was some discussion in the *Shepparton News* that police were monitoring the Iraqi people. They were quite concerned about being under such tight scrutiny when they had done nothing wrong. The women were receiving verbal abuse because they wear the traditional dress, so they were told to stay home. In other areas of the community the children were told to stay home from school.

But our police are working with them on a weekly basis, making sure that the issue does not escalate and that there is no violence in our community on either side, because some of the Iraqi people are saying that they will need to protect themselves. So there is an ongoing discussion with the police, who are working with the Iraqi community, making sure that everything stays calm at this time. We need to be more tolerant and calm at this time. We need to protect our whole community and to dispel any fear among its members, particularly in Victoria.

While I wish this bill a speedy passage, I also say with sincere hope that we never have to use it.

Debate adjourned on motion of Ms GILLETT (Tarneit).

Debate adjourned until later this day.

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Second reading

Debate resumed from 19 March; motion of Mr BRACKS (Premier)

Further government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

Mr BATCHELOR (Minister for Transport) — I move:

That the debate be now adjourned.

Mr PERTON (Doncaster) — This is an unspeakable outrage. This is a bill that will fundamentally reform the constitution of this state by entrenching provisions within it that can be reformed only by amendment. To adjourn this debate to later this day is absolutely absurd. I am sure that the opposition and my friends from the National Party would be quite happy to accommodate a change in the government business program to permit this debate to continue next week, because there is no rush for this debate to be concluded today. But as things stand, this debate will conclude at 4.00 p.m. today, when all of the government amendments will be put. However, the amendments of the opposition, your own amendment, Acting Speaker, and the amendments proposed by the member for Gippsland East will not be put, unless there is a proper committee stage.

Last night at 7.30 we had 35 amendments circulated in this house as a result of mistakes having been found in the drafting of the original bill by public servants and amendments being needed to fix those errors. Now we have another new clause introduced by the government at 12 o'clock with no previous briefing, no offer of a briefing and no time to examine it. Now this government wants to bring the debate on again this afternoon after question time — and it wants to put it to the trigger at 4 o'clock. I put it to you, Acting Speaker, that this is a very sad and sorry day, as the honourable member for Werribee who has now left the chamber said. But it is a sad and sorry day for democracy in Victoria.

As the Leader of the Opposition said in his speech on the second reading, in a democracy there are rights for minorities and there are rights for Independent members of Parliament; but those rights are not being protected by a government that circulates 35 amendments last night and a new clause at 12 o'clock today, with the debate not to resume until 3.00 p.m. but to be concluded by 4.00 p.m. under the sessional orders and under the minister's business program. It is disgusting, Acting Speaker, and I for one cannot vote for this to be adjourned until later this day.

Mr MILDENHALL (Footscray) — Before the opposition works itself into too much of a lather, it should realise that the amendments that have been circulated are the amendments that have been circulated before, with some minor amendments about the dates of implementation that are not particularly significant. We are talking about some minor issues here and not principles or great issues of state, as claimed by members of the opposition.

Mr Perton interjected.

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

Mr MILDENHALL — In addition to that, the government intends to have this bill go into committee this afternoon, when there will be ample opportunity for the details of these provisions to be explained and examined.

Mr Perton interjected.

The ACTING SPEAKER (Mr Savage) — Order! I will not ask the honourable member for Doncaster again to cease interjecting across the table. He will remain silent. He has had his opportunity.

Mr Perton interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Doncaster will not make reflections on the Chair. If I want to take the matter further, I will ask the Speaker to come in here. If he does not remain silent, I will do that. Does he accept that ruling?

Mr Perton — I have no choice but to accept that ruling.

Mr MILDENHALL — In all sincerity the nature and contents of what has just been distributed do not warrant the reactions of the opposition. We are talking about very minor provisions, and the only substantive

issue in them was in amendments circulated in the debate previously. There has been some significant time for debate on the issue of the title 'honourable', and I am sure it has been discussed in many circles — —

Mr Stensholt interjected.

Mr MILDENHALL — As my honourable friend the member for Burwood has suggested, not only in community and media circles but also around this Parliament, particularly in the last 24 hours.

These amendments do not relate to the major issues at stake, as has been protested by the opposition with some heat. We are talking about very minor issues indeed, and we should get on with it and allow maximum time for the committee stage this afternoon.

Mr MAUGHAN (Rodney) — I rise in support of the comments made by the member for Doncaster and to refute — —

An honourable member interjected.

Mr MAUGHAN — No, not the time.

I reject some of the arguments put forward by the honourable member for Footscray. The member for Footscray argues that they are relatively minor amendments and as such we should not be concerned that we have only a matter of hours to have a look at them and less than 1 hour to debate them.

The government in its second-reading speech said that this legislation was the most important legislation that has come before this house in the last 150 years. That is not my statement, that is the government's statement. How much time have we had to debate this legislation? Not enough for such a far-reaching piece of legislation that will change the constitution forever. I say that advisedly, because this government is saying it knows what is best for Victoria and that it is going to make it extremely difficult to change any of those things after this legislation is passed.

It is absolutely appalling that 35 amendments were proposed yesterday, within 24 hours of the debate concluding, and that today there are further amendments, minor though they may be.

An Honourable Member — Why the rush?

Mr MAUGHAN — Yes, why the rush to get this bill passed?

If this is important legislation — as the government says it is — which changes our constitution forever why do we need to get it passed with such undue haste? Why can it not be deferred until next week? Why can we not consider it carefully? The government has the numbers, and it can and will do what it wants. For a government that claims to be honest, open and accountable this is the last thing one would expect to happen — that it would be bulldozed through the house and caught by the guillotine at 4.00 p.m. this afternoon without adequate consideration.

I do not oppose the amendments — I agree with the member for Footscray that they are relatively minor — but I am incensed that they have been introduced with such little consideration — with no prior announcement, with no briefing to the opposition parties and without adequate time for us to properly consider them, minor though they appear to be.

An honourable member interjected.

Mr MAUGHAN — Let alone community debate. What about this honest, open and accountable government telling the community what it is doing!

Was this particular item found by the Constitution Commission of Victoria in its widespread consultation? For heaven's sake, there were 18, 19 or 20 people wherever they went! I do not recall ever having heard from the constitution commission that this item was one of the things that people were concerned about. In fact as a local member who has been in office for 14 years now I have not had a single letter or phone call concerning changes to the constitution. That is how important it is to the people in my electorate, yet we now see these far-reaching reforms. I accept it is something the government is passionate about — it has been put forward by the Independents and the government — but I do not think it matters a hoot to the people out there in Victoria.

It is appalling that we are trying to rush these amendments through the house, and the National Party will be opposing them.

Mr BATCHELOR (Minister for Transport) — I will explain to the house what the government is doing and why the mock outrage that has been demonstrated by the member for Doncaster is completely — —

An honourable member interjected.

Mr BATCHELOR — No, it was not genuine. You know he was not genuine at all because you know what he was trying to make happen.

What we did with these amendments was identify the amendments the member for Mildura had moved and clarify their implementation or starting date. That is

simply it. I will give the opposition, the National Party, the Independents and members of the Labor Party all the briefing they may need to be able to understand the import and intent of them. They represent the government taking on board the amendments that were circulated at the commencement of this debate.

We have just seen a demonstration of mock outrage. The member for Doncaster did not believe it; he was trying to bring about some other outcome. What was that? The member for Doncaster was really trying to make sure that the amendments moved by the member for Mildura were never voted on. That was the intent, and we have caught him out. They are nodding in agreement over there.

Worse than that, the Leader of the Opposition was going to move his own amendments to claim the moral high ground knowing that they would not be put and that the opposition would debate out the time allocated for these amendments later this afternoon. On the one hand they say they want to get rid of 'honourable' as a title for everyone but on the other hand they knew they could keep it in their back pocket all the time. We are awake to that. It is fair enough for them to have this contradictory position, but it is not fair enough for the member for Doncaster to come in here claiming to be doing something different.

The amendment enables the member for Mildura to have his amendments considered by the chamber, and that will happen later on today. It does nothing more and nothing less. The opposition has received a briefing from me today. They have had the opportunity to see the amendments since last Tuesday, at the beginning of the debate. We spent the whole of Tuesday debating the bill. It is an important debate, and the amendments have been on the table and in the public domain. They have been talked about in the media for the last 24 hours so people are well aware of them, so much so that the Leader of the Opposition proposes to move amendments of his own in relation to this issue. He intended to do it only one hour before the deadline. That is the height of hypocrisy coming from the opposition, and it sets the tone for what we expect of the debate later on.

We will bring the bill back and allow people to have their say, and we can expect — —

Honourable members interjecting.

Mr BATCHELOR — For another hour, that is right. The whole day is being spent on it. The member for Rodney says on the one hand that no one has rung him about the bill but on the other hand that he wants to spend hours and hours debating something that he says is not important. The government has already provided time but will provide more. People understand what it is about, and we are simply allowing the Parliament to decide on it.

Mr INGRAM (Gippsland East) — The commitment most members of the chamber are after is for all parties to allow the Constitution (Parliamentary Reform) Bill to be committed so that the amendments proposed by members can be debated and voted upon and not have just those proposed by the government hit the guillotine.

Members interjected during the Minister for Transport's contribution regarding the government giving a commitment that the bill go to committee. That is the real issue. Members want their amendments discussed and voted upon during the committee stage of the bill. All parties should give that commitment. Many people have had an opportunity to speak on the bill so there is no reason that debate should drag on. There should be a commitment from government members that the bill will be committed and that amendments proposed will be discussed and voted on.

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL

Second reading

Debate resumed from 19 March; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr MILDENHALL (Footscray) — Hoddle Street, Queen Street, Port Arthur, Dunblane, Columbine High School, and Monash University on 21 October 2002. I think we have probably become too accustomed to having community life interrupted by a bloody massacre by somebody who goes berserk with a gun, usually in the middle of a peaceful setting, totally unexpected and, until recent times, unprecedented.

We know the shock people feel, the incredulity in the community, about how those who took those actions got hold of their guns. It is almost a community ritual by now — the spontaneous construction of memorials, the floods of flowers, the anguish and misery of the relatives, and the sympathy and outpourings of compassion in the community. The difference with the Monash University incident on 21 October last year

was not only that thankfully there was a smaller number of victims than we have been used to but that the person who was alleged to have perpetuated the crime was a member of two gun clubs and had, I understand, something like seven approved weapons under the appropriate regulations at the time.

Following the outcry in the community about how somebody could go through the appropriate regulatory system at the time, end up with the type of weapons they had and then commit this sort of crime while being part of what one would normally have thought to be a responsible organisation, the Australian Police Ministers Council and the Council of Australian Governments discussed a greater level of handgun control, and that was formalised in the Handgun Control Agreement on 6 December 2002.

The legislation gives effect to the two agreements to which Victoria has become a recent signatory — the Handgun Control Agreement and the Firearms Trafficking Policy Agreement. We are dealing with an increased range of regulations to increase the level of control over handguns and imposing a greater level of control over the trafficking of firearms.

The main provisions are that the range of handgun target shooting matches that sporting shooters can compete in will be restricted and reduced, and that the handguns that can be used for legitimate shooting matches will be limited to those handguns with a maximum calibre of .38 other than for specially accredited handgun matches that will be prescribed in regulations to allow handguns of a maximum calibre of .45, a maximum magazine capacity of 10 shots and a minimum barrel length of 120 millimetres in the case of semiautomatic handguns and 100 millimetres in the case of a revolver or single-shot handgun, other than for specially designed and approved target-shooting pistols.

The bill also provides for a system of graduated access to handguns for target shooting based on training, experience and match participation. A person must be a member of an approved handgun target shooting club for a minimum of six months before he or she may obtain a licence. They may possess only one .177 calibre air pistol and one of either a .22-inch calibre handgun or one centre-fire handgun during the first six months of owning a licence, and must compete in at least 10 approved handgun matches per annum to retain their licence for the reason of target shooting.

The bill also gives shooting clubs greater access to information by requiring a prospective member to produce a police clearance. It allows the Chief Commissioner of Police to revoke the firearms licence if the loss or theft of a firearm is due to fraud or negligence of the licensee. The bill allows the Chief Commissioner of Police to refuse or revoke firearms licences and applications on the basis of criminal intelligence, and increases penalties and introduces new offences relating to the illegal disposal and acquisition of firearms.

The bill introduces a new penalty for a subsequent finding of guilt for possession of an unregistered firearm, and introduces new interstate trafficking provisions. It introduces a new requirement for dealer licence applicants to disclose their close associates to the chief commissioner. That provision includes a requirement that a full set of fingerprints be provided to the chief commissioner and allows some handguns, which may not be possessed for any use other than for very strictly controlled purposes, to be prescribed in regulations to be category E handguns. They are strong measures by any standard. They are certainly strong in terms of an historical perspective for our state and they are very strong by international standards. They are warranted.

I do not have much contact with or knowledge of handguns but like most people I know I am horrified by the incidents that all too frequently take place in our community. Many in the community cannot understand how these guns came into the possession of the perpetrators, or what sort of regulations would allow the ownership of these types of weapons. Obviously most weapons used in the sorts of crimes that outrage the community are those held illegally by the perpetrators of the crimes, but in recent times the community has been aghast that guns held legally can be used for such purposes.

The government is determined, as are other state governments and the federal government, to implement this far more rigorous, stronger, more robust regime of regulation and control over the possession of and trafficking in handguns and is therefore imposing strong conditions under which they can be used for legitimate purposes. We all hope that the legislation will be successful in preventing any possibility of a repeat of the incident at Monash University. It was unique in one sense but common in another in that it forms part of all too frequently recurring gun massacres. We must do our bit to try to prevent this type of incident from ever occurring again.

Mr COOPER (Mornington) — There is a lot I could say but in the very short time that has been allocated by agreement to me, which is approximately 5 minutes, I want to cover a couple of points.

Principally I want to talk about the inference that was contained very clearly in the speech by the honourable member for Footscray that people who own firearms have a tendency towards committing violent crimes. Statistics and all other evidence show that this is not so, but that in fact the vast majority of crimes committed in our society, both here in Victoria and elsewhere, with firearms, whether they be long arms or handguns, are committed with unregistered firearms by people who are not registered shooters.

So while the bill aims to strengthen previous legislation to restrict the sale and use of concealable handguns, and the government has stated that through legislation it is expecting to remove approximately 9500 handguns from the community, the points that I want to make are as follows. Firstly, if the legislation does remove 9500 guns from the community, that will come as a great surprise to me because, as in the case of previous firearms laws where further or greater restrictions were placed on firearm owners, many of them will simply send their firearms underground — literally! They buried them in plastic pipes because they were not prepared to give up firearms that had been handed down from generation to generation and in many cases had great historic and commercial value. So if this legislation removes 9500 handguns of similar note from the community, I will be very surprised.

The second point I want to make, and it is probably the most important, is that virtually every person who is a registered firearm owner and user is carrying out a legitimate activity and is a law-abiding citizen. They should not, either by inference or direct allegation, be painted as people who either are or are potential homicidal maniacs. They are not. The fact that they possess a registered firearm and are members of legitimate firearms clubs and that they carry out their sporting activities in a law-abiding way should be proof positive of what I have had to say.

The incident at Monash University that has led to this legislation being introduced was a very rare occasion. A person who legitimately owned seven handguns used them illegitimately to commit a crime that was horrendous in its outcomes. As the honourable member for Footscray said, that is a most unusual event. We should all bear in mind the fact that people who are pursuing legitimate activities involving firearms are law-abiding citizens, and their rights and their ability to continue what they have been doing — in many cases for many generations in the same family — should be protected and enhanced by this Parliament.

Those rights should not be diminished with further restrictions applied to the stage where those activities may go out of the system and people are not allowed to carry out their recreational activities. Such recreational activities are part of both the Commonwealth and Olympic Games and other world events. We should be aware that members of sporting groups believe that these changes could stop Australia hosting world champion shooting events and could stop the international competitiveness of Australian sports shooters. That would be a shame — it would be a disaster. We should do everything we can to prevent that situation arising.

Mr Mildenhall interjected.

Mr COOPER — We are supporting the bill, but I am also supporting legitimate sporting shooters. I had hoped the honourable member for Footscray would take the same view, but clearly by his interjection and the words he used during his speech he does not take the same view. That is very sad, particularly for the many sporting shooters who are constituents of the honourable member for Footscray. I am sure they will be disappointed to hear that he does not represent them and has been prepared to brand them as potential homicidal maniacs. I think that is pretty sad.

The words of the member for Footscray stand on their own and will be judged by his constituents, particularly those who own firearms. But I stand up for the rights of those law-abiding recreational shooters, and I hope that every member of this Parliament will do the same.

Mr HARDMAN (Seymour) — The Firearms (Trafficking and Handgun Control) Bill 2003 is necessary. It arises from events that occurred at Monash University in 2002. A few years ago the Australasian Police Ministers Council brought about the national firearms agreement as a response to events at Port Arthur. Obviously the aim of the bill is to enhance community safety while preserving the rights of firearm owners.

Many people in the Seymour electorate are involved in shooting, whether it be target shooting with handguns or shotguns or field and game activities. It is a legitimate pursuit, although it is not one that I involve myself in. Certainly I was interested in guns for a little while when I was a young fellow and went out rabbit shooting a couple of times; but it is not something that I want to do with my time, although there are many people who do.

The bill tries to protect the rights and safety of the whole community while giving firearm owners privileges and rights to partake in their sport. Some of the provisions in the bill that I strongly agree with

include the one that says a person must have a six-month membership of a club before they can get a licence to own a handgun. That is good, because it means that a person must demonstrate not only that they are keen to participate in the sport but that they have a good knowledge of firearms and the firearm laws before they go and buy a gun so they can safely participate in target shooting matches when they may not be supervised as well as they were before they became a licence-holder.

The bill contains many requirements, including one that says a person must participate in an approved handgun training safety course and a course for the safe storage of guns. As far as the storage of guns is concerned, I have met people who had police turn up at their house to check if their guns had been put away in a safe as they are supposed to be. So it actually happens, and those people were very surprised. There was no warning: it happened in the evening when they were relaxing. It is good to see that the laws are being followed through.

Once the six-month period has expired, the person has the right to obtain a licence. That person can then only purchase up to two weapons, which can be a .177 calibre air pistol, a .22 calibre pistol or a centre-fire pistol. That is a good thing, because it prevents people from amassing a great number of guns in a short time. It also ensures that people are fair dinkum about being part of a sport rather than just accumulating guns. The application for a permit to acquire a handgun after six months must be endorsed by an approved club.

A number of concerns have been raised by people in my electorate about the concealment of weapons. They have asked, 'Why is this weapon chosen and not another one?'. Is it because one is easier to conceal than another, among a number of other things?

People have also raised with me the fact that Country Fire Authority members who go to fight bushfires might not be able to attend the required number of matches. I have spoken to the police minister about the matter, and he has said that there will be exemptions for people in those kinds of cases. That is a good thing. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Firearms (Trafficking and Handgun Control) Bill. Even though I only have 3 minutes, I will allow the honourable member for Mildura to say a few words as well.

The bill has received much interest from people in my electorate, who have telephoned, written and come to see me about it. I have received a cross-section of opinion and a wide range of views, but the one thing that all of them agreed upon is the need to provide for the safety of all Victorians. All agreed that people in Victoria should be able to go about their daily duties without the fear of being attacked or killed. Firearm assaults increased by 46 per cent last year, although I emphasise they were done with illegal firearms.

The concern of many people is that law-abiding citizens and club shooters could be made to feel like scapegoats and blamed when things go wrong. These are people who in going about their duties abide by the law and do the right thing, but when things go wrong they are blamed. They believe that this bill will ensure that the number of registered shooters will decrease dramatically. There are already clubs that are struggling, and this legislation will make some of them unviable, because there will be more red tape and club numbers will decrease.

In his second-reading speech the Minister for Police and Emergency Services said:

> The Firearms (Trafficking and Handgun Control) Bill will allow responsible shooters who are law-abiding owners of handguns to continue to pursue their sport while enhancing community safety …

The Shooting Sports Council of Victoria disagrees. In a letter it sent to me it says there are two streams of usage operating in parallel — one legal and one illegal — and we seem to be making laws which apply an increasingly higher compliance burden on the legal user yet which leave the illegal user largely unaffected. It is like a dog that is bitten on its tail by a flea and chases its tail round and round trying to get at the flea but never can reach it. The dog uses up a lot of the energy and gets nowhere, and so it seems to be with firearms laws.

I was also advised by a number of residents that the government has not really gone out and explained the bill to the major stakeholders. It is not surprising therefore to read in the *Herald Sun* that:

> Victorian Amateur Pistol Association president Sharon Reynolds criticised this change, warning that it would discourage people from taking up the sport. It may prevent a potential Olympic or Commonwealth Games shooter even taking up the sport because it is an impediment to someone trying to see how they feel', Ms Reynolds said
>
> She said existing laws allowed a person to try the sport under strict supervision, but the requirement to obtain a permit was an impediment.

Again, in the *Age* on 3 March:

> 'There is an enormous amount of confusion', the chairman of the Combined Firearms Council of Victoria … said. 'In

> Victoria there would be between 6000 and 7000 gun owners who have been left in the dark for too long.
>
> 'They don't know if their particular gun or shooting discipline is in or out. The … Premier said he would fix it, but he hasn't and we are very concerned'.

The bill is a response to the Port Arthur massacre in 1996 and also to the Monash shootings in 2002, where a gunman who was registered with two clubs went about shooting and killing a number of people. As a result of this the commonwealth and the states got together and came up with this bill to ensure the safety of residents.

The bill aims to restrict the sale of concealable handguns and curb the illegal trade of arms. But there are a number of concerns, and I will mention two of them. A person must be a member of a club for a minimum of six months. What happens if the person leaves after four months and goes to another club? He serves four months in one club then has to start again from the beginning to serve the six months. I have no problem with it, but the concern raised with me was that the qualifying time would have to start again. I understand the bill's motives, because if someone was to leave after four months it could have been because the club was going to veto his application, so I agree with the bill.

The second issue I will raise is the temporary permit. If you wish to go and try out a sport, you can go to your local police station and get a permit that will last for seven days, and you can apply for three such permits. According to some, all this red tape will decrease their ability to attract new people to the sport. Secondly, I think Victoria will be disadvantaged, because this is not done in any other state. So while I support the bill it is very important that we do not ostracise and use as scapegoats club shooters who are honest and law abiding. I commend the bill to the house and wish it a speedy passage.

Mr SMITH (Bass) — I support the Firearms (Trafficking and Handguns Control) Bill for all the right reasons — primarily that handguns should be taken out of our society. However, I also understand that this brings up some concerns for the people from the Antique and Historical Arms Collection Guild of Victoria and others in Australia who have collected handguns for a long period of time. Guns that could be a couple of hundred years old will now have to be registered and not just accounted for. These are guns into which you still have to put a small ball with gunpowder, and it all has to be pushed down. As I understand it there is no history of these guns being used for any criminal act in Australia. I have some letters here from different premiers around Australia who believe that this seems to be going a bit overboard.

I do not have a problem with requiring the registration of modern handguns or guns for which you can get commercially available ammunition, but some of these old-style guns of great historic value, including those in antique collections, do not have any sort of registration on them. It means that those guns, some of them worth $50 000 to $100 000 because they are pieces of great historic value, will have to be stamped, and probably in a pretty crude way, which will not only devalue the guns but take them out of contention as antique firearms.

I have concerns that John Howard's 13-point plan regarding handguns does not include the historic arms and antique handguns that will now be banned or will have to be registered. Most gun collectors would already be in a position to insure their guns and would certainly keep them away in a safe; but these people are going to have to be fingerprinted, and their guns will have to have a registration number stamped on them. It just seems to be going overboard.

The minister is in the house, and I would like him to give some consideration to these antique handguns to see whether there is a better way of registering them. These people are law-abiding citizens and registered as collectors with a legitimate reason for having those guns in their possession. I think the minister should review some of the provisions in this legislation to ensure these guns are not ruined. We have been talking about Ned Kelly and a film that is being made about him. Any guns that might have been of historic value from Kelly's time will be ruined by having big numbers stamped on them just so that they can be readily identified. There must be a better way. I am sure that if the minister puts his thinking cap on he could get the people in his department to come up with a better way.

I support the legislation, but I point to the issues I have mentioned regarding the antique and historical handguns that are available here in Australia.

The ACTING SPEAKER (Mr Nardella) — Order! As this bill is required to be passed by an absolute majority and there is not an absolute majority of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clauses 1 to 28 agreed to.

Clause 29

Mr SAVAGE (Mildura) — I move:

1. Clause 29, line 11, omit "***and 58B***".

2. Clause 29, page 36, line 27, omit "(ii)." and insert "(ii)."'.

3. Clause 29, page 36, line 28 to 35, page 37, lines 1 to 32, page 38 lines 1 to 8, omit all words and expressions on these lines.

The purpose of these amendments is to give some clarity to the opportunity for people to attend pistol ranges for practice purposes and not have to go to a police station and take out a seven-day permit and have a character check. This is a very reasonable change from the legislation and I congratulate the minister for allowing these amendments, which facilitate a reasonable approach. A person will now fill out a declaration and indicate they are not a prohibited person or have been there twice before.

I would like to have spoken on the bill but I understand that the time constraints are such that that was not possible. I give credit to the government for allowing these amendments.

Mr HAERMEYER (Minister for Police and Emergency Services) — The amendments proposed by the member are within the spirit and the letter of the Council of Australian Governments agreement and achieve the outcomes that were sought by the government while minimising the level of imposition on pistol clubs. For that reason the government is happy to support the amendments proposed by the member for Mildura.

Amendments agreed to; amended clause agreed to; clauses 30 to 72 agreed to.

Clause 73

Mr SAVAGE (Mildura) — I move:

4. Clause 73, lines 12 to 19, page 82, lines 1 to 4, omit all words and expressions on these lines and insert —

   '"A person who is of or over the age of 18 years, and who is receiving instruction in the use of a general category handgun —

   (a) by or under the immediate supervision of the holder of a general category handgun licence; and

   (b) for the purposes of obtaining a general category handgun licence for the reason set out in section 15(1)(a) or (c) —

   and who has not received any such instruction on more than two previous occasions.";'.

5. Clause 73, page 82, lines 7 to 15, omit all words and expressions on these lines and insert —

   "(d) for Column 1 of item 5A **substitute** —

   '"A person who is of or over the age of 12 years and under the age of 18 years —

   (a) who is receiving instruction in the use of a general category handgun by or under the immediate supervision of a person —

   (i) who is the holder of a general category handgun licence; and

   (ii) who has written consent to give the instruction from a parent or guardian of the person who is receiving the instruction; and

   (b) who has not received any such instruction on more than two previous occasions; and

   (c) who has the written consent of his or her parent or guardian to receive the instruction.".

6. Clause 73, page 82, line 16, omit "(f)" and insert "(e)".

7. Clause 73, page 82, line 18, omit "(g)" and insert "(f)".

Mr HAERMEYER (Minister for Police and Emergency Services) — The government is happy to support the amendments.

Amendments agreed to; amended clause agreed to; clauses 74 and 75 agreed to.

New clause

Mr SAVAGE (Mildura) — I move:

8. Insert the following new clause to follow clause 27 —

"AA. ***Requirement for certain exempt persons to notify the Chief Commissioner***

At the end of section 54 of the **Firearms Act 1996 insert** —

"(2) A person who receives instruction in the use of a general category handgun in accordance with the exemption set out in item 4 or 5A of Schedule 3 must, on each occasion on which that person receives that instruction, so notify the Chief Commissioner on the form approved by the Chief Commissioner.

(3) A notification under sub-section (2) must —

(a) contain any information as to the identity of the person that the Chief Commissioner requires; and

(b) be signed by the person giving the notice; and

(c) must be given to the Chief Commissioner within 7 days of the day on which the person receives the instruction.

(4) As part of a notification under sub-section (2), the Chief Commissioner may require the person giving the notification to make a declaration —

(a) as to whether or not the person is a prohibited person; and

(b) as to the number of occasions on which the person has received instruction in the use of general category handgun.

(5) A person must not give false information in a notification under sub-section (2).

Penalty: 120 penalty units or 2 years imprisonment.".

Mr HAERMEYER (Minister for Police and Emergency Services) — For the reasons outlined earlier the government is supportive of the amendments moved in the name of the member for Mildura.

New clause agreed to.

Reported to house with amendments.

Report adopted.

Third reading

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 third reading of this bill is required to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

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

QUESTIONS WITHOUT NOTICE

Freedom of information: government performance

Mr McINTOSH (Kew) — My question is to the Premier. What is the Premier's response to comments by the Ombudsman this week that the Bracks government's performance in freedom of information has been terrible and that it is forever ignoring statutory requirements?

Mr BRACKS (Premier) — I thank the honourable member for his question. As I have indicated in the past, and I will reiterate today to the house, there is more information being released under our government on more matters under freedom of information.

The amount of requests has doubled under this opposition from the previous opposition. We have instituted new protocols, which are now in place with the support of the Attorney-General. We are very confident those protocols will work in producing even more timely information in the future.

Terrorism: alert status

Ms BARKER (Oakleigh) — My question is to the Premier. Will the Premier inform the house of the latest advice received by the government concerning Victoria's security alert status?

Mr BRACKS (Premier) — I thank the member for Oakleigh for her question. The house would obviously be aware that the United States of America's deadline for Saddam Hussein to leave Iraq has passed and that war is now proceeding.

This morning I was briefed, along with the police minister, by the Acting Chief Commissioner of Police, Bill Kelly, on the current status of the security alert in Victoria. The acting chief commissioner reaffirmed that Victoria remains on medium alert, the highest rating within that medium alert rating and the same status that the state was upgraded to in the aftermath of the 11 September 2001 attacks.

The house would be aware that the security alert levels are determined by the federal government in accord with the protocols and the intergovernmental arrangements that have been agreed between the commonwealth and the states, and confirmed by the commonwealth more recently. I will advise the house should there be any change to that alert status in the future.

Victoria's emergency management and counter-terrorism plans are well developed and are continually tested and modelled to ensure they will react appropriately and properly to any incident that may occur. The Victoria Police counter-terrorism coordination unit is responsible for the overall security advice to the police and other government agencies. The unit is on call 24 hours a day, 7 days a week, and is obviously making sure that that advice is given in a timely way.

In the wake of 11 September the commonwealth consular and state government entities have been regularly briefed and steps have been taken to upgrade protective security arrangements where necessary, particularly on those facilities and sites which have an interest in or some connection with the United States of America and the United Kingdom.

Police and government agencies are also continuing to work with owners and operators of critical infrastructure here in Victoria to ensure that those security arrangements which are part of the Council of Australian Governments agreements are in place for those facilities, whether they are facilities controlled by the state government of Victoria or by a private operator and regulated by the state.

As this house confirmed two days ago, I would also like to once again call on all Victorians to continue to respect the enduring traditions we have in this state of tolerance, of multiculturalism, of respect for each other. This is a difficult and challenging period we are entering into today and over the coming days. It is a challenging period for all parts of the Victorian community, and I urge Victorians to do what they have done: what they did during the Gulf War in 1991, what they did in the aftermath of 11 September, what they did in the aftermath of Bali — that is, ensure that tolerance and respect for others is a feature of what happens in our state.

Our thoughts continue to be with all those who are involved in the conflict in Iraq. We hope for a safe exercise. We hope that the Australian defence forces return safely to our shores.

Rail: gauge standardisation

Mr RYAN (Leader of the National Party) — My question is directed to the Minister for Transport. I refer to statements by Freight Australia chief executive Marinus van Onselen at the Victorian Farmers Federation grains group conference on Tuesday that the Victorian government has 'no more excuses not to act' to upgrade our freight lines. I ask: given that it is now two years since the government announced its standardisation program, will the minister give a definitive date for the commencement of works?

Mr Cameron — That is not what he said.

The SPEAKER — Order! The Minister for Agriculture! The question was not addressed to the minister.

Mr BATCHELOR (Minister for Transport) — Thank you for that information; that is very helpful. We work as a team on the government side, unlike over there.

Mr Doyle interjected.

Mr BATCHELOR — Of course we did.

The SPEAKER — Order! The minister to answer the question.

Mr BATCHELOR — We actually had someone at this conference, the Minister for Agriculture, and he reported back to me what had gone on. In fact he did not say what the Leader of the National Party has suggested. However, I can advise all members that for our standardisation program to proceed we have to finalise arrangements with the operator, the controller of the infrastructure, Freight Australia.

Mr Bracks — Who privatised that, by the way?

Mr BATCHELOR — The Premier asked who privatised it. I can advise the Premier that it was these privatisers over here.

Mr Hulls — Privateers!

The SPEAKER — Order! The Minister for Transport, without assistance from the government benches!

Mr Doyle interjected.

Mr BATCHELOR — Yes, we do. We are very proud of working as a team. You ought to try it some day. It is hard for a while, but one day you will get there.

Mr Doyle — I feel so much better.

Mr BATCHELOR — You ought to try it. You ought to ask Peter Clark and Helen Kroger to try it; that would be even better!

The SPEAKER — Order! The Minister for Transport to respond to the question without interjection from the Leader of the Opposition.

Mr BATCHELOR — The key issue in progressing standardisation is the fact that the rail network was leased to Freight Australia by the previous Liberal government, and this gives it control over the network and considerable control over the timing of upgrades to the track. It has proved difficult for the government to reach an agreement with Freight Australia on establishing the way forward. This has led to a delay in the project and the timetabling for implementation is being reviewed. However, I can advise the house that the government and Freight Australia are continuing to have constructive discussions about this issue.

Mr Ryan — He did not mention that on Tuesday.

Mr BATCHELOR — You weren't there!

Mr Ryan — I was.

Mr BATCHELOR — You were not listening then, were you?

Mr Ryan — You weren't there.

Mr BATCHELOR — I was not there, no.

A detailed program can only be put in place once the government has reached an alliance agreement with Freight Australia, and that has not happened at this stage. The north-west freight lines were scheduled as the government's first priority for standardisation, and the north-east is the next priority. There is an additional complication with the north-east lines because of the need on the north-east lines for Victoria to also reach an agreement with the Australian Rail Track Corporation, the provider of national access, and the New South Wales government.

It can be seen that there are a range of complex contractual issues that are the direct result of the privatisation process put in place by the previous government. The state government of Victoria does not own or control these assets and therefore to upgrade or to proceed with the standardisation program at this stage is purely a function of achieving that alliance agreement. We will continue to work towards that objective.

Severe acute respiratory syndrome: government action

Mr MERLINO (Monbulk) — My question is to the Minister for Health. I refer to the recent international health alert about the outbreak of severe acute respiratory syndrome, and I ask the minister to advise the house of what preparations have been taken in Victoria.

Ms PIKE (Minister for Health) — I thank the member for Monbulk for his question. During the past week the World Health Organisation has received reports of 219 suspected cases of a new illness known as severe acute respiratory syndrome (SARS). Four people have now died. This is an atypical type of pneumonia for which a cause has not been determined. The outbreak appears to have originated in the Guangdong Province of southern China and in Hong Kong, with further spread occurring in Vietnam, Singapore, Taiwan and Canada. The exact nature of the outbreak is now under investigation.

In Victoria as of 3.00 p. m. yesterday, four travellers from risk areas have been under investigation. However, I am now advised that none of these people are suspected of suffering from this syndrome. All are recovering and all are expected to be discharged from hospital either today or tomorrow. Advice I have received is that none are severely ill, but all the precautions that needed to be taken have been taken.

As at 1.00 p. m. today two further people are under investigation for this condition as a precautionary measure. In the outbreaks overseas the patients have become severely ill with pneumonia or adult respiratory distress syndrome, an illness characterised by severe shortness of breath and respiratory failure.

Tests have been conducted overseas for many viruses and bacteria, including influenza, viral haemorrhagic fevers and other exotic viruses, and all of those tests have been negative to date. This means this outbreak may be due to a novel, previously unidentified virus or bacteria. As such there is no test that can currently exclude or confirm SARS.

Active surveillance of suspected cases began in Victoria on 14 March, when reports of this unusual outbreak began to appear in international health surveillance bulletins. On Saturday, 15 March, the World Health Organisation (WHO) formally issued an international health alert. Access by our public health group to informal advice via electronic networks ensured that we were able to prepare a response early, and we acted ahead of the formal alert.

Victoria is part of a national response for these kinds of events, which is coordinated by the Communicable Diseases Network of Australia. Last Sunday there was

an emergency phone hook-up with our health system, and Victorian hospitals were alerted on the same day.

Specific actions we have taken in Victoria include surveillance for potential or suspected cases through alerts to hospital emergency departments, infectious diseases specialists and general practitioners. Testing has been coordinated through the Victorian Infectious Diseases Reference Laboratory. Guidelines have also been issued to all GPs, and they are also constantly being updated and redrafted by the national body. The Department of Human Services is working with that national body, which is meeting daily and continuously liaising with the WHO.

Returned travellers from high-risk areas who have fever and respiratory symptoms are advised to avoid unnecessary social contact, see a medical practitioner as soon as possible and advise the doctor that they have been in a high-risk area. Most such cases are likely to be just normal respiratory infections that can be managed in the usual way. More severe cases will be sent to hospital for assessment and testing.

Contingency planning is under way in the event of a large number of cases. Much of this work has already been done before and undertaken in planning for worldwide pandemic influenza. That work was published in 1999 and is constantly updated as information comes to hand.

Minister for Police and Emergency Services: conduct

Mr WELLS (Scoresby) — I refer the Minister for Police and Emergency Services to page 19 of the Ombudsman's report on the misuse of police information. Will the minister explain to the house why he gave evidence to the Ombudsman which contradicts the information provided by Inspector Bill McKendry and his own ministerial adviser, Deborah Owen?

Mr HAERMEYER (Minister for Police and Emergency Services) — As I indicated to the honourable member for Scoresby yesterday, the Ombudsman has made absolutely no adverse findings in relation to this matter. The Ombudsman also indicated that the information provided to me was already public knowledge.

Honourable members interjecting.

Mr HAERMEYER — The honourable member seems to have some difficulty reading the Ombudsman's report. The Ombudsman said quite plainly that the information was in the public domain. The honourable member is an indictment of the educational standards of the Bolte government!

Bristol-Myers Squibb: research and development hub

Ms MUNT (Mordialloc) — Will the Minister for Innovation advise the house of the latest investment announcement that further strengthens Victoria's reputation as Australia's most innovative economy?

Mr BRUMBY (Minister for Innovation) — This morning the Premier and I met with Dr Elliott Sigal, senior vice-president, global clinical and pharmaceutical development, Bristol-Myers Squibb. The purpose of our meeting was for Bristol-Myers Squibb to formally advise the Victorian government that this leading international pharmaceutical company has chosen Victoria as the site for its first global research and development (R and D) hub outside the United States of America. This is a great win for Victoria, and it certainly reflects the Bracks government's commitment to strengthening our world class research and business capabilities.

The new global R and D hub will enable Victoria to attract more clinical trials and R and D programs, many of which would have otherwise taken place in the United States or Europe. The hub is located at Bristol-Myers Squibb's operation in Noble Park. It is worth noting that the company has invested something like $17 million there over the last two years to develop this hub. At Noble Park the company employs in total almost 600 people.

The hub is a core part of the company's global drug development program. It links in to its pharmaceutical research program worldwide, where it spends something like US$4 billion per annum. It certainly is our view that the R and D centre has the potential to attract more clinical trials and more R and D programs to Australia — and ultimately, of course, that can lead to more advances in medical treatment.

This announcement today is fully consistent with the government's strategy for biotechnology and pharmaceutical industry development and puts us well on track to meeting our objective of being one of the world's top five biotechnology locations by 2010.

In conclusion I say to the house that Bristol-Myers Squibb is not the only company to recognise that Victoria is the leading state in which to invest, if you think back over the last week. This morning with the cabinet secretary, the honourable member for Richmond, I opened the new Ikea super store in

Richmond — $100 million of investment, the first in Australia, employing something like 300 people.

Last week Computershare, announced by the Premier: a huge investment, the biggest single new jobs investment in our state for many, many years — 1200 new jobs — positioning us now as the global capital for this great company.

Earlier this week the Premier, at the old brewery site, with Tribeca: a $240 million redevelopment there. And of course last week in Wodonga we also saw the opening of the new Visy box plant: $60 million of new investment, on time and on cost. If you put all of that together, it is a great package for Victoria.

You have to ask why it is that all these companies are investing in Victoria. They are investing because of the quality of the economic environment here in Victoria, the lowest unemployment rate in Australia — 5.2 per cent, and below the national average for 34 consecutive months. They are investing here because we have the best performance nationally in terms of research and development. Our economy has grown faster than the national average now for five consecutive years. They are investing, too, because people, talent, capital and ability are moving to this great state of Victoria.

I want to congratulate Bristol-Myers Squibb. We are delighted with their investment in our state and we are sure that the establishment of this global R and D centre will mean more opportunities for more Victorians in the years to come.

Snowy River: joint government enterprise

Mr INGRAM (Gippsland East) — My question without notice is to the Minister for Environment. Considering the Snowy joint government enterprise was required to be established by December last year and is still not established and the minister's response to a question on 27 February when he said that the commonwealth has indicated that it may tax the joint government enterprise (JGE) which will use the $375 million of state and federal money to invest in irrigation, infrastructure and water savings, I ask: will the minister explain to the house what will be the financial and environmental implications of the commonwealth taxing the $375 million contributions to the Snowy JGE?

Mr THWAITES (Minister for Environment) — It is an important question; I thank the honourable member for Gippsland East for his question.

In Victoria we are committed to getting on with the job of restoring flows to the Snowy, and we have committed already some $25 million for a package of water savings to generate some 25 gigalitres of water savings to commence environmental flows to the Snowy: the Normanville pipeline project, for example, which is under construction now will be completed at the end of this year, and the domestic and stock metering project will be completed by the end of next year.

Many members will remember that in August last year the Premier and the Premier of New South Wales, Bob Carr, together stood at the Snowy and released from the Mowamba aqueduct the first new flows back into the Snowy to prevent further deterioration.

The New South Wales, Victorian and commonwealth governments had agreed to set up a joint government entity which would be an independent legal entity with a clear mandate to achieve those water savings. It was agreed by all parties that that entity would receive funding each year to act in an independent way and deliver that mandate.

That establishment of the joint government enterprise was due to be completed by 28 December last year. However, that establishment has been delayed because the commonwealth is refusing to rule out taxing the state contributions to the joint government entity; in other words, state government funds that are to go for the environmental flows could be taxed by the federal Treasury and put into federal consolidated revenue. It was never suggested that those contributions would be subject to income tax, and in effect what it means is the commonwealth is putting a tax on this nationally significant environmental project.

Victoria and New South Wales have put forward a sensible suggestion to the commonwealth so that the joint government enterprise could be set up: if the Australian Taxation Office demands that the funds be taxed, then they would be taxed, but the federal Treasurer would rebate that money to the joint government enterprise. That is the proposal that the states have put up. However, the commonwealth has rejected this approach and the commonwealth has now suggested that the joint government enterprise not hold funds in its own right but rather that each of the governments hold funds for individual projects or have one government hold funds on behalf of the other governments.

The effect of this would be to undermine the basic purpose of the creation of an independent entity to be responsible for returning those flows. It would mean, for example, that there is no guarantee that in three or

four years one government would not withdraw funding or frustrate particular projects.

An honourable member interjected.

Mr THWAITES — It could well be. So the security of the return to those flows would be threatened. Victoria and New South Wales will continue to do whatever they can to encourage the commonwealth to honour its commitment and will be having further discussions over the next few weeks, after the New South Wales election, to try to get the commonwealth back to the table and not to tax flows to the Snowy.

Major events: economic impact

Mr HOWARD (Ballarat East) — I ask the Minister for Tourism to outline to the house the economic impact of our major events strategy and how this has benefited regional Victoria.

Mr PANDAZOPOULOS (Minister for Tourism) — This house is very much aware of the great international reputation that Victoria has in being one of the significant leaders in the hosting of major events anywhere around the world. We are very much aware that this government has not only invested more resources than the previous government in major events and has taken a more aggressive approach in major events but it has also included regional Victoria for the first time.

The previous government talked a lot about major events; it contributed about $20 million a year. This government increased it to $35 million a year. I am pleased to inform the house that from the next financial year that contribution is increasing to $40 million a year as one of our election commitments.

Mr Bracks — Subject to the budget.

Mr PANDAZOPOULOS — Subject to the budget, of course.

Of course we commit to major events because the investment that we provide has a much greater economic benefit. I am pleased to be able to advise the house, Speaker, that our contribution of $35 million last financial year created an economic benefit of $800 million to Victoria. That is the equivalent of an Olympics for Victoria last year, and that is our objective with our combined major events — to have the equivalent impact of an Olympics every year from a $35 million investment.

What are some of the additional major events that we have supported? Our key strategy has been to support our key core major events — the Australian Open and the Formula One Grand Prix — but at the same time as building on these events securing either one-off events or events that run for two, three or even four years. We have been highly successful in that. Of course there is the Heineken Golf Classic to be run out — yes, contracts signed by this government to be run out to the year 2005; the International Triathlon Union world cup — a three-year contract in Geelong; the FINA swimming world cup — three years in Melbourne; and of course there are many one-off events. But we do so because of the economic contribution that they provide.

Our key priority is to support existing events, to aggressively pursue new events, to protect the events that we cherish and to keep an eye on and hold costs. If they are too expensive, if they harm existing events, we do not pursue them. But we have got, from a $35 million impact, $800 million of economic benefit: 26 new events have been signed up by this government in three years, one-third of those in regional Victoria. We never saw that from the previous government. We are seeing it from this government, and we will see more of it in the future.

Schools: maintenance

Mr PERTON (Doncaster) — My question is to the Minister for Education Services. Will the minister explain why the Bracks government has withheld $150 million from Victorian schools for maintenance and repairs?

Ms ALLAN (Minister for Education Services) — I thank the honourable member for Doncaster for his question. It is interesting to note the member for Doncaster asking a question on maintenance in government schools, particularly given that he was part of a government that closed 300 schools. When it came to funding capital works in Victorian schools, the Kennett government spent $300 million in its last three budgets. The Bracks government delivered more than $600 million worth of capital expenditure in its first three budgets. We are turning things around in the education system.

Mr Perton — On a point of order, Speaker, on the question of relevance, I understand the minister is a new minister and may not be aware of the difference between capital expenditure and maintenance, but the question was specifically on maintenance. I ask you, Speaker, to ask her to address that question rather than capital works.

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

Ms ALLAN — Certainly the Bracks government is getting on with the job of delivering in the area of maintenance too. In the last three years the government has delivered $81 million — that is, $27 million per year — to schools through the schools global budgets for their maintenance, minor and urgent works. Schools at the local level determine how this funding is spent. It is really important to note that principals are charged with the responsibility of determining how this maintenance funding is allocated.

The last audit in schools was in 2000. Since that time all eligible priority zero maintenance items have been funded, and schools can begin funding priority 1 items from the funding that has been provided through the schools global budgets.

In addition to this funding through the schools global budgets, an extra $68.9 million of supplementary funding has gone into schools in the past three years for the most urgent items. All emergency and unplanned maintenance items — for example, broken windows and works caused through vandalism or essential services such as fire service inspections — are funded. If schools are seeking supplementary funds for items they have identified as having significantly deteriorated since the audit, they are encouraged to contact the regional office to access supplementary funding for those items.

In its first term the Bracks government invested $413 million in school modernisation programs to bring all school facilities up to standard and to ensure that students in Victorian schools are taught in modern, up-to-date classrooms.

It is important to note that the Department of Education and Training estimates that for every $1 million spent on capital works upgrades in school modernisation programs around $150 000 of future maintenance needs are addressed. So the department estimates that the $413 million allocated in our first term has reduced the need for future maintenance costs by an estimated $62 million.

In the last three years we have invested $81 million in maintenance as well as the additional $68 million, so we have put $149 million into maintenance funding in schools. As I have said, all eligible priority zero items have been funded, and schools can begin to address their priority 1 items through the schools global budgets. Some schools have already done that.

As we know, the member for Doncaster has an interesting legacy in the area of education. In this place in 1994 he said that one of the good features of the then government was the changes it made to the education system — good changes that sacked 9000 teachers and closed 300 schools!

Public transport: National Express services

Mr CARLI (Brunswick) — My question is to the Minister for Transport. Will the minister inform the house of how the government has ensured that Melbourne's public transport system continues to operate smoothly following the withdrawal of the National Express company from Australia?

Mr BATCHELOR (Minister for Transport) — As members would be aware, National Express, the operator of M Train, M Tram and V/Line Passenger Services, withdrew from its rail and tram businesses on 23 December last year. This was due to the failed privatisation process of the previous government. At that time National Express handed back the keys to their three businesses, forecasting losses of hundreds of millions of dollars.

An enormous amount of work was required on the part of the government and National Express employees and managers to ensure that train and tram services continued as normal as the company went into formal receivership. As part of the new arrangements the government transferred the jobs of the employees and protected all their accrued entitlements. We did that because this government cares about working people. We did that to ensure certainty for employees and the stability of the public transport system and the day-to-day running of services.

It was a great period of anxiety. I place on the record our appreciation of the good work the work force and management team carried out to make sure services continued. Separate from the work of the government-appointed receiver, who has been responsible for the day-to-day running of the services during this transitional period, administrators have also been appointed to work with the creditors of National Express to ascertain the level of debt left behind by the company. Today I am informed that all creditors will receive a progress report from the administrator, which will be discussed at a formal meeting of creditors that will take place shortly.

As well as protecting the entitlements of National Express employees, the government is prepared to make a contribution of $20 million towards the cost of covering outstanding debts left behind by National

Express. Obviously that amount will not guarantee creditors will receive 100 cents in the dollar, but it will ensure that companies and individuals who supplied goods and services to the franchised businesses in their latter days have the opportunity to recover some funds.

The Bracks government will continue to devote its energies to cleaning up the privatisation mess in rail left behind by the previous government. This will include creating two sustainable franchised contracts based on a single metropolitan tram company and a single metropolitan train company.

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Second reading

Debate resumed from earlier this day; motion of Mr BRACKS (Premier).

Mr BATCHELOR (Minister for Transport) — I wish to make a number of comments about the momentous decision this chamber and subsequently the upper house will be making in support of the Constitution (Parliamentary Reform) Bill.

Mr Ryan interjected.

Mr BATCHELOR — I am absolutely supporting it: it is a momentous occasion. These are huge reforms that will be long lasting and beneficial. They are designed to bring about a more democratic chamber and a fairer parliamentary process that will be much more responsive to the needs of the Victorian community as a whole and the needs of individuals.

I am particularly chuffed to be speaking, albeit briefly, in this second-reading debate, because the genesis of this goes back a long time. It has gone through a number of permutations, and there has been a lot of debate and discussion on it over the years. A constitutional commission took submissions, and the views of various people were sought.

Speaker, I take you back to 1984 when the then policy of the Australian Labor Party was to abolish the upper house. A decision was taken then to change that policy and instead bring fundamental and beneficial reforms to that place. I have some particular detail about the journey that started in 1984, because as the then state secretary of the Labor Party I was involved in changing the policy to one of reforming the upper house based on proportional representation and multimember electorates, so the policy foundations stem from then. It is with great pleasure and pride that I am able to see the foreclosing of this circle as this bill goes through. I commend the bill to the house and wish it a speedy passage through the committee stage.

The SPEAKER — Order! As this bill is required to be passed by an absolute majority of the members of the house and there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in Chamber:

The SPEAKER — Order! The question is that this bill be now read a second time. As there are some voices for the noes, I ask honourable members supporting the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clause 1

Mr RYAN (Leader of the National Party) — I move:

1. Clause 1, page 2, line 26, omit "." and insert ";".

2. Clause 1, page 2, after line 26 insert —

"(j) providing for voting at an election to be by postal voting only.".

These amendments are part of our desire to introduce postal voting at state elections. We do so on the basis that we believe people have reached the point of being sick and tired of being subjected to all sorts of paper warfare at the time they vote.

We think the experience through local government elections dictates that people now are much more accommodating of the system of postal voting, and so it is that we move these amendments.

Mr BRACKS (Premier) — The government does not support the National Party amendment because the system that is in place now, where people are required to attend a ballot box to register their vote, is a system that has worked well. It is part of our democratic traditions and a part we do not see a need to change. There is a provision for postal votes for those who cannot attend because of incapacity or for other

reasons, and rather than enhancing democracy we believe the amendment would have a negative affect on the democratic process. While it is a matter of choice in some local government areas, and it does work effectively in some local government areas, it would be a very radical proposal for a whole state, and the government is not prepared to support it.

Mr DOYLE (Leader of the Opposition) — While I recognise the merit in the case that the Leader of the National Party puts for postal voting, the Liberal Party in this case agrees with the government. We believe that there is a certain gravity and weight in the very act of casting a ballot. I believe because of the level of debate, because of the attention that is given to a state or federal election and the sheer moment of a state or federal election, it is not appropriate to go to postal voting, although of course there are provisions for those who are unable to attend a polling place on the day, which is entirely appropriate. There is a difference between local government elections and state and federal elections, and therefore we would not be inclined to support it. While recognising the quite persuasive arguments of the National Party, we would not be prepared to entertain the amendment.

With reference to the rest of the clause, the Liberal Party views with some concern the way the debate on this bill has been conducted through this place. As I said at the outset in opening the Liberal Party's opposition to it, this is a very serious piece of legislation. It may well be that the numbers of the Labor Party will pass the bill resoundingly through both houses of the Parliament, and that is the nature of an election win, but the very nature of democracy suggests that we should listen to the voice of the minority. That view should be respected and should be fully heard, and that is why, as I said at the time, we are very serious about our opposition to this bill.

One of the things that gave us great concern was that if this bill is so important, if this bill is the cornerstone of what the government wants to do and if it really is very carefully thought through, why was it that last night at 7.30 p.m. some 35 amendments which will make quite momentous changes to the bill were brought into this place? There are real problems with that, Chair, and we will get to that when we get to the clauses — and I certainly hope we have time to get there. I hope that we do not have the guillotine come down at 4 o'clock before discussion has been fully had, because these are critical matters and to come back to them just 1 hour before the guillotine is shameful, to say the least. To bring these issues in at 7.30 last night and then to bring in at midday today — —

Honourable members interjecting.

The CHAIR — Order! The Leader of the Opposition is entitled to be heard.

Mr DOYLE — The important point is that had these amendments not been made this bill, which is an alteration to our fundamental law, to the constitution of the state, would have been seriously flawed. For the government to know only at the last moment that it has to make those changes gives me great concern about what is in the bill that we do not know about with regard to its operation and effect. If you are going to play around with fundamental law, make sure you get it right.

I will flag now, and I hope we do have time to get to it, that there is still a fundamental flaw in what has been proposed. I am sure this is inadvertent, but it is major. It is a major stuff-up, yet the government is messing around with the Victorian constitution and arrogantly thinking that it has got it right. The bringing in of amendments last night and at midday today shows the government has not got it right, yet some parts of the bill, in particular the entrenchment provisions, will make it quite different from any other bill that we have dealt with.

Mr Bracks interjected.

Mr DOYLE — The Premier says, 'How dare we bring in something we were elected to do'. That is not my objection. All I am saying is: get it right! And the government has not.

Mr Wynne interjected.

Mr DOYLE — No, you did not, and you still have not. That is the problem. There is still a fundamental flaw in the bill that the government has not picked up. I will raise it during the course of the debate, but the very fact that the government had to bring in 35 amendments last night at 7.30 p.m. and then again at midday today suggests that it did not get it right. It is doing this on the fly, on the run — and this is to the constitution of Victoria. This is not some other act that we can come in and amend because you have made a mistake — —

Mr Ingram — On a point of order, Chair, on a point of clarification, as I have also moved an amendment to clause 1, are we debating the amendment proposed by the National Party or are we debating clause 1, on which I should have had the opportunity to move my amendment?

The CHAIR — Order! No, we are debating the amendments of the National Party. The amendment in

the name of the honourable member for Gippsland East will be moved subsequently.

Mr DOYLE — Thank you, Chair. I think I have made the point.

Mr COOPER (Mornington) — The Leader of the Opposition has advised the house that the Liberal Party will not be supporting this amendment proposed by the National Party. While I notice that the Leader of the National Party has put forward the view that the experience of postal voting at local government elections should encourage us to extend that out to state government elections, I do not take that view.

I turn to the recent history of postal voting in municipal elections to advise the house of the experience on the Mornington Peninsula. I paid some considerable attention to the postal voting situation there. Of the nine wards, seven were contested, and it was quite interesting to note that in those seven the average voting turnout was in the order of between 74 and 75 per cent, which was considerably lower than personal voting on state election day.

I was interested to talk to some people last weekend about postal voting — just ordinary constituents whom I met around the shopping centre at Mornington on Sunday and again on Monday. I spoke to them about the issue and a number of them had some interesting stories to tell about postal voting. For example, they received the information from the Victorian Electoral Commission and thought that it was just voter information being sent in regard to the elections to be held a few weeks later. They put the information to one side thinking that they might read it at some later stage because it was not in their urgent basket as far as correspondence was concerned.

One person said that they just thought it was junk mail and threw it in the bin. Certainly the ones who had put it to one side did not vote and did not realise until some time on Saturday that they should have, when they made an inquiry about where they should go to vote and were told that they should have voted by postal ballot and should have had it in to the Victorian Electoral Commission by Friday at close of business. That certainly accounted for what I considered to be a low voter turnout in the order of a percentage in the mid-70s. If that experience were repeated at a state election we would see some very different results indeed.

Certainly if you were going to attempt to bring in postal voting across the state you would have to have a massive voter education program going over a number of years to have an even remote chance of getting voter numbers up to the level that we all now acknowledge to be reasonable at a state or federal election. I assume that is the reason for the government's announcing that it will not support this amendment. It is certainly the reason I will not support the amendment — and neither will other members of the Liberal Party.

We want to encourage greater turnout at elections. We want to do everything we can to get people to the ballot box and my view is that postal voting does not do that. Given the experience on the Mornington Peninsula on council election day — and from what I have seen from a cursory scan of results in other municipalities it was mirrored in other municipalities across the state — it is important that the government, in particular the Minister for Local Government, give some serious thought to whether the continuation of postal voting for municipal elections is desirable in the state.

I encourage the government to have a good look at this. Whether it takes the view that it is worthy of continuing but gets cracking on a massive voter education program, or alternatively returns to personal voting at a polling booth, whichever it is — —

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

Mr BAILLIEU (Hawthorn) — I share the views just expressed about the amendments on postal voting. There is ample evidence over a long period to suggest that we should value attendance voting and regard it as something very special to this country. As the Premier said earlier, there are provisions for postal voting for those who cannot attend a polling booth but the system we have of attendance voting has served this state and this country well. It is certainly the tradition and heritage of our constitution.

I want to talk about heritage in relation to clause 1. Recently we have seen the government trash the heritage of this chamber and it has trashed the heritage of the sessional orders that this place has been run by for years. It has done both those things to suit itself. We have seen in debate on the Parliamentary Committees (Amendment) Bill the trashing of the heritage of our parliamentary committees — which again was done to suit government members. That has set a precedent for the actions of the government: here we have a government that is prepared to trash constitutional procedure and play with the Victorian constitution for its own benefit, to entrench its own position in a naked power grab.

The bill contains clauses which the people of Victoria know next to nothing about, and as constitutional reform that is a tragedy. Before the lunch break today the Leader of the House said that, when it comes to amendments, 24 hours and a bit of discussion in the media is sufficient. I challenge anybody in this house to find an institution anywhere in this nation that provides for changes to its constitution on the basis of a 24-hour discussion in the media.

The CHAIR — Order! I have been somewhat lenient here, but I remind the member that we are actually debating the amendments to clause 1, which are about postal voting.

Mr BAILLIEU — Indeed, Chair, we are debating clause 1 — —

The CHAIR — Order! No, we are debating the amendments to clause 1.

Mr BAILLIEU — We are debating the amendments to clause 1 and therefore we are debating clause 1.

The CHAIR — Order! No. I advise the member again, we are debating the National Party amendments to clause 1.

Mr BAILLIEU — I accept your ruling, Chair, but as I said, the postal voting provision is not one that this side of the house supports, and I support the traditions and the heritage that have been developed in regard to attendance voting.

Mr MULDER (Polwarth) — I support other opposition members in opposing the amendments relating to postal voting. It has always been a great tradition in country Victoria for people to turn out on polling day. Whether it be via a pre-poll or throughout the process of election day, there has always been ample opportunity for country Victorians to get to a polling booth.

We have already seen what this legislation is attempting to do to country Victorians in terms of representation and the withdrawal of possibly one of the greatest services that country people have — that is, the availability of the services of members of Parliament, at call, when needed. To further exclude country Victorians from the process of government and access to members of Parliament can only work to the detriment of country Victorians.

The issue about proportional representation, which is covered under the legislation and to which the amendments relate directly, is the withdrawal of possibly one of the greatest services that people in country Victoria have enjoyed for a long time, which is the availability of their own member of Parliament to see them. For a long time we have heard government members commenting at length about loss of services in rural Victoria under previous governments, and yet today we have in front of us legislation that withdraws one of the greatest basic services to people in country Victoria, who on many occasions do not have a Department of Health office to go to if they have a problem. They do not have a Vicroads office or many of the other government services available to them. They do not have public transport services available to them. Up to this point, they had a member of Parliament in country Victoria whose office served as all of those particular — —

Mr Bracks — On a point of order, Chair, your previous ruling indicated that the debate was around the amendments moved by the Leader of the National Party. The debate which is being pursued by the member for Polwarth is effectively about the cut of services to regional Victoria, which does not bear any relationship to the matter before the house, and I ask you to make a ruling consistent with your previous one.

The CHAIR — Order! I remind the honourable member for Polwarth that we are at the moment debating the National Party's amendments to clause 1, which deal with postal voting. Subsequently we will deal with other amendments, and after those amendments are dealt with we will deal with clause 1 generally.

Mr MULDER — In relation to the amendments from the National Party, I understand its concerns about people who live in remote areas, but as it appears from this piece of legislation, it is only every four years that we will have to turn out to vote in a state election. To in any way take away the importance of that day in country Victoria would be to the detriment of those people. As I have said, they have already suffered some detachment from the electoral process due to the introduction of this very legislation, and amendments would further damage their involvement in a very important and necessary part of our electoral cycle.

When you look at how council elections are carried out, the degree of interest certainly indicates that this would not be successful or well received and that it would in fact cause a drop in the amount of people who are prepared to be involved in the electoral process in Victoria.

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

Ayes, 71

Allan, Ms	Leighton, Mr
Andrews, Mr	Lim, Mr
Asher, Ms	Lindell, Ms
Baillieu, Mr	Lobato, Ms
Barker, Ms	Lockwood, Mr
Beard, Ms	Lupton, Mr
Beattie, Ms	McIntosh, Mr
Bracks, Mr	McTaggart, Ms
Buchanan, Ms	Marshall, Ms
Cameron, Mr	Maxfield, Mr
Campbell, Ms	Merlino, Mr
Carli, Mr	Mildenhall, Mr
Clark, Mr	Morand, Ms
Cooper, Mr	Mulder, Mr
Crutchfield, Mr	Munt, Ms
Delahunty, Ms	Napthine, Dr
Dixon, Mr (*Teller*)	Nardella, Mr
Donnellan, Mr	Neville, Ms
Doyle, Mr	Overington, Ms
Duncan, Ms	Pandazopoulos, Mr
Eckstein, Ms	Perera, Mr
Garbutt, Ms	Perton, Mr
Gillett, Ms	Plowman, Mr
Green, Ms	Robinson, Mr
Hardman, Mr	Savage, Mr
Harkness, Mr	Seitz, Mr
Helper, Mr	Shardey, Mrs
Herbert, Mr	Smith, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thompson, Mr
Hudson, Mr (*Teller*)	Thwaites, Mr
Ingram, Mr	Trezise, Mr
Jenkins, Mr	Wells, Mr
Kotsiras, Mr	Wilson, Mr
Langdon, Mr (*Teller*)	Wynne, Mr
Languiller, Mr	

Noes, 6

Delahunty, Mr (*Teller*)	Ryan, Mr
Maughan, Mr (*Teller*)	Sykes, Dr
Powell, Mrs (*Teller*)	Walsh, Mr

Amendment negatived.

The CHAIR — Order! As a result of the Leader of the National Party's amendment 1 being lost, amendment 2, which was consequential, is also lost.

Mr INGRAM (Gippsland East) — I move:

1. Clause 1, page 2, lines 10 to 13, omit all words and expressions on these lines.

This is an extremely important amendment, and I would like to make sure that all members of Parliament — —

Mr Cooper — On a point of order, I desire to get a ruling from you, Chair, regarding amendment 1 moved by the member for Gippsland East. It would appear to me that the member's amendment 1 is a consequential amendment and depends upon the passing of his amendment 3. He is seeking by moving amendment 1 to remove all of the words that would prevent him from moving amendment 3.

Would it not be correct for the member for Gippsland East to, at the appropriate time, move his amendment 3, which is an amendment to clause 9, and if that succeeds his amendment 1 would as a consequence then be passed?

What we appear to me to be doing is putting the cart before the horse. I would have thought this would be inappropriate at this stage and that his amendment 3 to clause 9 would be the amendment which would determine the success or failure of his amendment 1.

The CHAIR — Order! The honourable member for Mornington is correct in his proposition that amendment 1 and amendment 3 in the name of the honourable member for Gippsland East depend on each other. However, in putting amendment 1 at this time the honourable member for Gippsland East is effectively testing the will of the chamber in this matter. If it is lost, he will not be able to move amendment 3.

Mr Cooper — Does that mean, Chair, that we can debate the subject matter of amendment 3?

The CHAIR — Order! I rule that amendment 3 can be referred to at this time.

Mr Savage — On a point of order, Chair, the clock is ticking, and it is denying the honourable member for East Gippsland his opportunity.

The CHAIR — Order! I understand what the honourable member for Mildura is saying. However, the forms of the chamber are such that honourable members can take points of order. I ask them to be mindful of that. I also remind honourable members that they have the opportunity in these debates to speak on more than one occasion.

Mr INGRAM — As I was saying, this is an extremely important amendment. The thrust of it is to remove the right of political parties to fill casual vacancies, which is an extremely undemocratic way of filling a position when a member of Parliament passes away or retires. I refer to the Senator John Herron incident at the last federal election, when a member of Parliament came back to Parliament, was sworn in, sat for a week and then was replaced by someone who may not have been the choice of the voters.

The fundamental democratic principle I am standing for is that all members of Parliament should be directly elected by the people. We should be mindful of that. We should not be able to put someone in who has never faced the people of that district or province. We should consider that very seriously, because there are a number of fundamental democratic principles that we hold dear. One is one vote, one value; and another is that democracy means a form of government that allows — —

Mr Perton — You're having trouble with this, aren't you?

Mr INGRAM — The meaning of democracy, which the honourable member for Doncaster is probably not fully aware of, is basically about the power of the people being expressed through their elected members.

The other thing that interests me is that Independent members of Parliament can be appointed by this Parliament. You could have the situation where there is a finely balanced upper house and a conservative or otherwise Independent member — —

An Honourable Member — Socialist.

Mr INGRAM — A socialist Independent member — although still independent — could be replaced by a vote of this house that would change the dynamics of the upper house and could change the way government legislation is addressed.

Mr BRACKS (Premier) — This is a bicameral system, and the government is proposing a value system for the upper house that is effectively different from the upper house. Clearly in the lower house a by-election would be required to fill a casual vacancy. What the government is seeking for the upper house is the replication of the system which operates in the commonwealth Senate, which is effectively that where there is a two-thirds majority of a joint sitting of the house it indicates a preference for the continuation of representation of a similar nature.

The effect of the amendment before us would be that the original choice would not necessarily be represented by a re-count, because a re-count would not necessarily guarantee that another Independent or, in certain circumstances, another Labor or Liberal member would succeed.

This is a fairer system. Putting it in the hands of the Parliament would achieve like-minded representation in the future. That has worked effectively in the Senate, so there is no reason why it cannot work in the upper house. You have to recognise that through these changes the government is effectively instituting a far more bicameral system, where there is a different voting system in each house — and that is reflected in the different voting arrangements for filling casual vacancies. As I said, this is entirely consistent with what happens in the Senate. For those reasons the government will not be supporting the amendment proposed by the honourable member for Gippsland East.

Mr McINTOSH (Kew) — Through you, Chair, I have a query for the mover of this amendment that relates to omitting all the words relating to clause 1(d) concerning the filling of casual vacancies. As the mover of the amendment would be aware, in the state of Victoria debates in Parliament as recorded in *Hansard* are admissible evidence in a court of law where there is ambiguity in the interpretation of legislation. It would appear that the effect of this amendment would be to remove clause 1(d) but not to substitute any further purpose clause that would reflect his amendment. My query through you, Chair, is whether this is intentional and whether he could state to the house, for the benefit of the interpretation of this legislation, the reason for not substituting another purpose clause in this bill?

Mr INGRAM (Gippsland East) — I am happy to respond to that question. All the amendment does is remove those lines which allow for the filling of casual vacancies. Further amendments down the track outline how vacancies would be filled, and that is by a countback system.

Basically the election system is exactly the same. In the act it is just a countback procedure using the same voting structure that is in this bill. I also pick up the Premier's comment, which acknowledged that this would not necessarily have the same result if it were done in an election. The fundamental point I was making before was that it is the will of the people; how they vote at an election is how they want to do it.

If you are filling a casual vacancy the people at the election may choose to do it differently. They may say, 'We pick the first four or three on the list of the party of the previous member but we don't like the person below that and we prefer to give that vote to a third party or an Independent'. That is what this amendment is about. The fundamental principle of democracy is that all members should be directly elected by the voters of their province, and a countback is the most democratic way of doing that. It is very simple to do; other states have done it.

The interesting thing is that in debates on this bill in the last Parliament the Premier agreed that this could be

done. He agreed that it works properly in other states and accepted this amendment.

I would like to encourage the government and opposition members to consider this amendment. They are voting for the ability for political parties to appoint members of Parliament without them ever having faced the people; or maybe if they were put up at election they would not be elected. That is what honourable members are doing here. They are saying, 'It is okay for us to choose who should represent a particular electorate in this state whether they have the support of the community or not'.

Mr MILDENHALL (Footscray) — I welcome the chance to make a couple of comments on this issue because, as the member for Gippsland East has indicated, this is an issue that has been the subject of some debate — of very active consideration the last time the bill was before the house in a different form and obviously part of the extensive debate that occurred on Tuesday. There is no simple answer to this question and to this issue.

The proposition contained in the bill, which is consistent with the federal Senate, is one that is supported by the government partly because the intent behind the amendment of the member for Gippsland East will not necessarily be realised. The philosophy behind what he is trying to do is to suggest, particularly in the case of an Independent, that another Independent who has faced an election would take the vacancy in the event of that person being the next preferred candidate in a recount. But there is no guarantee that the will of the people, as expressed originally, would be manifested by that recount process. Given the variety of candidates you would expect to contest an upper house seat with five positions being available in an electorate, the chances of that occurring would be very slim indeed, whereas the proposal with all the checks and balances in clause 9 proposed by the government does provide a much greater chance that the original intention of the electors will be more closely met and realised by an appointment to a casual vacancy.

It is a test of the integrity of a Parliament, of the institution. Some governments have failed that in the past — a spectacular failure during the Senator Field appointment in Queensland — but this government is not scared of facing that test. I am sure that with the two-thirds majority protection and the joint sitting protection there would be consensus across the board of elected members to ensure that original intention of the electors would be fairly closely replicated.

Mr COOPER (Mornington) — What the member for Gippsland East is essentially proposing is a variation on the Tasmanian system. It is interesting that the Constitution Commission of Victoria looked at this issue quite deeply. At page 43 of its report *A House for Our Future* it says:

> One problem with the method used under the Tasmanian system is that it makes the assumption that voters would have elected the next candidate on a recount if the vacating candidate had not stood at the original election. The result may be arithmetically correct but it does not necessarily reflect the voters' wishes had that in fact been the case at the original election. This result is underlined by the option available to parties in Tasmania to hold a by-election following the departure of a sitting member when there is no member available for the recount.

We are seeing an attempt to make a silk purse out of a sow's ear, because it does establish one of the major flaws in this system. As the member for Footscray has said, you have to depend upon goodwill for the system of appointment by two-thirds majority — basically you have to depend upon goodwill — and in the case of the proposal by the honourable member for Gippsland East you have to depend on the fact that what may be arithmetically correct is the voters' wishes.

So both ways of dealing with casual vacancies under proportional representation (PR) have a significant flaw. But what we can do is look at the system as it has applied to casual vacancies in the Senate over a great many years, and with the exception of Senator Field — and I think there might have been one other somewhere along the line — that system has generally worked well.

How you deal with it in the case of an Independent is another matter altogether, and if an Independent is elected under PR to the Legislative Council and leaves before their term is up, it will certainly be a test for this Parliament to select somebody who meets the criteria of independence of the former incumbent. It may well be that this Parliament never has to confront this issue, but we certainly have to take into account the fact that if it does it will be tested. It will also test the major parties in this Parliament, because the likelihood is that the agreement of a two-thirds majority will be required. That will test their credibility and their honesty in dealing with the problems that have been correctly raised by the honourable member for Gippsland East, but in a form which certainly I could not support.

Mr WYNNE (Richmond) — I rise to oppose the amendment of the honourable member for Gippsland East. A significant set of checks and balances were included in the process for filling casual vacancies, which is detailed on page 96 of the bill. As my

colleague the honourable member for Footscray indicated in his contribution on the basic scenario that has been proposed in this amendment, essentially a countback would not necessarily achieve the result that the honourable member for Gippsland East is suggesting. In that context there is a fundamental flaw in the proposition that underpins the proposal, which there are two elements to. There is the casual vacancy element, but that is inextricably intertwined with what I understand is the honourable member's other objection, and that is to above-the-line voting, because it effects a particular discipline, if a voter chooses to take that option, upon the way that preferences ultimately flow.

The proposal being suggested in the bill is a sound and ultimately balanced response by the government to a relatively unlikely event. Although historically we have the precedent of a casual vacancy occurring, obviously the person who is coming in to fill that vacancy must pass quite a fundamental test — that is, the test of bipartisanship. The person who is coming into this place must, under the casual vacancy rules that are clearly articulated in this bill, have the respect of both sides of the house so there can be no suggestion of somebody being rammed into the Parliament on some sort of partisan basis by people of one particular political colour or flavour.

I think a fair-minded view of the checks and balances that are indicated in clause 27A of the bill, to do with the filling of casual vacancies in the Council, would suggest that this is a reasonable proposal. I also think that what the honourable member for Gippsland East is proposing — and I think he would concede it — would not necessarily be achieved under the amendment before us. With the checks and balances that are in place, the requirement for a three-fifths majority of the Parliament is a reasonable test and one that I think would receive, in the unlikely event of having to fill a casual vacancy, the support of both sides of the chamber.

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

Ayes, 82

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

Noes, 2

Ingram, Mr (*Teller*)	Savage, Mr (*Teller*)

Amendment negatived.

Mr DOYLE (Leader of the Opposition) — We only have 6 minutes left before the guillotine comes down. In the normal course I would raise this matter when we got to one of the proposed amendments of the Premier, but I feel I need to point it out now. It shows the complete amateurishness of this government, because what it is going to do — if not for our pointing it out — is put into a bill an error that will entrench provisions. This is the very thing we said would happen about bringing in amendments last night at 7.30 p.m. The government is doing it on the run and rushing it. It brought the amendments in again today at midday because it is rushing it, but government members said, 'No, this is all carefully considered'. That argument is given the lie when one looks at amendment 13 standing in the Premier's name, which makes an amendment to clause 16.

Mr Bracks interjected.

Mr DOYLE — If you do not get the constitution right, Premier, it will be very embarrassing for you, to be honest. Just think of it this way, had it not been pointed out and it had gone through both houses, something would have been put into our constitution that could only be altered by a referendum.

The Premier could not even get this right; he could not even get his own amendments right. He is messing around with fundamental law. The other question that must be asked is what else is in there that he does not know about. What else has he stuffed up, because he has done it with this one!

If you are happy about it, Premier and if you think this is how a professional government operates — —

Mr Bracks interjected.

Mr DOYLE — Talking about performance, when you want to change the constitution, or not just change it but entrench provisions in it which can only be altered by referendum, and you make a mistake because of your incompetence, I would say the joke is on you — and worse still, it is on the Victorian public.

No doubt this will be changed in the upper house and come back to this house again for our agreement. If there was ever a measure of amateurishness, this is it. We are told this is the cornerstone of the Labor Party's new mandate, and we are told this is critical for the future of Victoria. We are told that the government has carefully thought through the whole lot, yet it has made a mistake in the amendments which are here to fix up a mistake that was made in the first place. Not only did the government not get it right in the first place, but it did not get it right in the second place. Who knows what else is in there. Just get it right! We do not agree with the bill or the principles in it; but for goodness sake, the government should at least get the legislation correct, because it has not done so in this instance.

Obviously, where it says 'insert (1B)' it should say 'insert (1BA)'. If this went through it would negate the very amendment the government is introducing to fix up what was wrong in the first place. It is unbelievably circular, and it is unbelievably amateurish. Instead of being able to properly consider these matters, we were brought into committee only an hour before we have to finish.

We are told that this is something the government has carefully considered and carefully crafted, yet what we have here is a mistake on a mistake. The worst part is that this is not just a piece of legislation, this is our constitution. This is something that will be entrenched in a way that can only be changed by referendum. Can you imagine the scene if we brought back the entirety of Victoria for a referendum to fix up one of the government's typographical errors? That would be a joke! Imagine the entirety of Victoria turning out to fix up a typographical error because the government could not do the job in the first place. Yet the government asks us to believe that although it cannot get these little things right it has somehow got all the big things right. The government is telling us that it has thought this through carefully and that it has been carefully crafted and will be okay for the state of Victoria, but the Premier cannot even get his own amendments right.

He rushed them in at 7.30 p.m. the night before this, 24 hours before the bill was to go through the house. No wonder it is wrong. It is embarrassing, it is humiliating and it is a demonstration of the government's amateurishness. If it cannot get this part right, what else is in there that it has not picked up? What other mistakes are there? What else is in there that will have unintended consequences because the government has not done the work.

The Premier is great on the rhetoric, great on the high-flying speeches and great on the high-moral-ground stuff, but when it comes to doing the work and thinking it through he falls apart. This is a good example of it. Yes it is a small thing, a typographical error, but the very fact that it got this far and was not picked up is an indication that he is just not very good at what he does. The big thing is what else might be in there that he does not even know is there. He could not get this right — —

An honourable member interjected.

Mr DOYLE — The honourable member asks, 'What else is in there?'. If we had been shown these amendments a little earlier than 24 hours ago perhaps we could have fixed the other mistakes.

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

Mr RYAN (Leader of the National Party) — To take up the point made by the Leader of the Opposition, that, in itself, is correct. But the greater problem is that the government's attitude is that the constitution is something for it to play with. That was highlighted by the member for Footscray in his response to the proposals advanced by the member for Gippsland East earlier in this committee debate. The tenor of his commentary was that this government could handle whatever problem arose, that if there were complications it would be able to deal with them. The whole point is that the issues now before the Parliament will be entrenched in our constitution for time ever after. One of the basic reasons why the National Party so trenchantly opposes this legislation is that what is being sought here has a permanence about it that the government simply does not understand.

Business interrupted pursuant to sessional orders.

The CHAIR — Order! Pursuant to the resolution of the house on Tuesday, 18 March, the time has come for me to interrupt the business of the house. The question is that clause 1 stand part of the bill.

Committee divided on clause.

**Ayes, 60*

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

Noes, 23

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

[**Division list subsequently corrected*].

Clause agreed to.

Clauses 2 to 50 and circulated government amendments 1 to 35 as follows agreed to:

1. Clause 13, page 13, lines 14 to 18, omit all words and expressions on these lines.

2. Clause 13, page 13, line 19, omit "(5) Sub-section (6)" and insert "(4) Sub-section (5)".

3. Clause 13, page 13, line 28, omit "(6)" and insert "(5)".

4. Clause 13, page 14, line 1, omit "(7)" and insert "(6)".

5. Clause 13, page 14, line 4, omit "(6)" and insert "(5)".

6. Clause 13, page 14, line 6, omit "65(6)" and insert "65(5)".

7. Clause 13, page 14, line 8, omit "(8)" and insert "(7)".

8. Clause 13, page 14, line 11, omit "(6)" and insert "(5)".

9. Clause 13, page 14, line 13, omit "65(6)" and insert "65(5)".

10. Clause 13, page 14, line 16, omit "(9)" and insert "(8)".

11. Clause 13, page 14, line 20, omit "(10)" and insert "(9)".

12. Clause 13, page 14, line 21, omit "(7)" and insert "(6)".

13. Clause 16, page 23, line 14, after "(1A)," insert "(1B),".

14. Clause 16, page 24, after line 9 insert —

    "(1BA) For the purposes of sub-section (1B), a provision of a Bill is not to be taken to repeal, alter or vary Part IIA unless the Bill expressly refers to that Part in, or in relation to, that provision and expressly, and not merely by implication, states an intention to repeal, alter or vary Part IIA.".

15. Clause 27, page 47, line 7, omit "at least 5" and insert "all".

16. Clause 27, page 47, line 14, omit "at least 5" and insert "all".

17. Clause 27, page 47, line 15, after "orders," insert "or any one of 3 specified orders,".

18. Clause 27, page 47, line 29, omit "at least 5" and insert "all".

19. Clause 27, page 48, line 3, omit "at least 5" and insert "all".

20. Clause 27, page 48, line 5, after "orders," insert "or any one of 3 specified orders,".

21. Clause 27, page 48, line 20, omit "at least 5" and insert "all".

22. Clause 27, page 48, line 28, omit "at least 5" and insert "all".

23. Clause 27, page 48, line 30, after "orders," insert "or any one of 3 specified orders,".

24. Clause 27, page 49, lines 8 and 9, omit "at least 5" and insert "all".

25. Clause 27, page 49, line 20, after "2" insert "or 3".

26. Clause 27, page 49, line 25, after "2" insert "or 3".

27. Clause 30, page 52, line 1, after "2" insert "or 3".

28. Clause 33, page 53, line 32, omit "at least 5" and insert "all".

29. Clause 33, page 54, line 34, omit "at least 5" and insert "all".

30. Clause 37, page 58, line 12, omit "deemed" and insert "taken".

31. Clause 37, page 58, lines 32 and 33, omit "to be deemed" and insert "taken".

32. Clause 37, page 59, after line 10 insert —

"(3) For the purposes of section 114A, if —

(a) a ballot-paper has, or ballot-papers have, been marked in accordance with section 93A(2)(a) by a mark having been placed in a square in relation to a group; and

(b) the candidates in that group have 3 group voting tickets registered for the purposes of that election —

then —

(c) if the number of ballot-papers is a number divisible by 3 without any remainder, one-third of the ballot-papers is to be taken to have been marked in accordance with one of the tickets, one-third of the ballot-papers is to be taken to have been marked in accordance with another one of the tickets and the other one-third in accordance with the other ticket; or

(d) if there is only one ballot-paper or the number of ballot-papers is a number divisible by 3 with a remainder of 1 —

(i) the ballot-paper or one of the ballot-papers is to be taken to have been marked in accordance with whichever of the 3 tickets is drawn by lot in a manner determined by the election manager, either manually or by computer; and

(ii) one-third of the remainder of the ballot-papers (if any) is to be taken to have been marked in accordance with one of the tickets, one-third of that remainder is to be taken to have been marked in accordance with another one of the tickets and the other one-third of that remainder is to be taken to have been marked in accordance with the other ticket; or

(e) if there are 2 ballot-papers or the number of ballot-papers is a number divisible by 3 with a remainder of 2 —

(i) one of the ballot-papers is to be taken to have been marked in accordance with whichever of the 3 tickets is drawn by lot in a manner determined by the election manager, either manually or by computer; and

(ii) one of the ballot-papers is to be taken to have been marked in accordance with whichever of the other 2 tickets is drawn by lot in a manner determined by the election manager, either manually or by computer; and

(iii) one-third of the remainder of the ballot-papers (if any) is to be taken to have been marked in accordance with one of the tickets, one-third of that remainder is to be taken to have been marked in accordance with another one of the tickets and the other one-third of that remainder is to be taken to have been marked in accordance with the other ticket.".

33. Clause 37, page 59, line 11, omit "(3)" and insert "(4)".

34. Clause 37, page 59, line 22, omit "(4)" and insert "(5)".

35. Clause 37, page 60, line 1, omit "(5)" and insert "(6)".

Circulated further government amendments 1 to 6 as follows agreed to:

1. Clause 18, line 34, omit "18" and insert "19".

2. Clause 18, page 28, line 35, omit "18" and insert "19".

3. Clause 18, page 29, line 12, omit "18" and insert "19".

4. Clause 18, page 29, line 21, omit "44" and insert "45".

5. Clause 18, page 29, line 31, omit "44" and insert "45".

NEW CLAUSE

6. Insert the following New Clause to follow clause 9 —

"A. ***New section 29A inserted***

After section 29 of the **Constitution Act 1975 insert** —

'29A. Title of members

(1) A member of the Council who is not the President or a member of the Executive Council is not entitled to be styled "The Honourable".

(2) Nothing in sub-section (1) affects any privilege or right of a person who ceased to be a member of the Council before the commencement of section 10 of the **Constitution (Parliamentary Reform) Act 2003** to be styled "The Honourable".'."

Reported to house with amendments.

Report adopted.

Third reading

The SPEAKER — Order! I am of the opinion that the third reading of the bill is required to be passed by an absolute majority. The question is that this bill be now read a third time.

House divided on question:

Ayes, 62

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

Noes, 21

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr (*Teller*)	Shardey, Mrs
Doyle, Mr	Smith, Mr (*Teller*)
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Wells, Mr
Maughan, Mr (*Teller*)	

Question agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

SMALL BUSINESS COMMISSIONER BILL

Second reading

Debate resumed from earlier this day; motion of Mr BRUMBY (Treasurer).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TERRORISM (COMMUNITY PROTECTION) BILL

Second reading

Debate resumed from earlier this day; motion of Mr BRACKS (Premier).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

RETAIL LEASES BILL

Second reading

Debate resumed from 19 March; motion of Mr BRUMBY (Treasurer).

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 and third readings of this bill are required to be passed by an absolute majority.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PARLIAMENTARY COMMITTEES (AMENDMENT) BILL

Second reading

Debate resumed from 19 March; motion of Mr BRACKS (Premier).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 1, line 2, omit "The" insert "(1) The main".

2. Clause 1, page 2, after line 3 insert —

   "(2) This Act also amends the **Parliamentary Salaries and Superannuation Act 1968** so as to clarify the entitlement of members of Parliament to allowances under that Act in respect of the period between 30 November 2002 and 1 February 2003.".

3. Clause 7, line 29, after "**Committees**" insert "**and Parliamentary Salaries and Superannuation Acts**".

NEW CLAUSE

4. Insert the following New Clause to follow clause 9 —

   "AA. ***Amendment of Parliamentary Salaries and Superannuation Act 1968***

   (1) After section 8(2) of the **Parliamentary Salaries and Superannuation Act 1968 insert** —

   '(3) The Parliamentary Allowances Regulations 1992 must be taken to have had effect from the beginning of 30 November 2002 until their revocation as if for the Schedules to those Regulations there had been substituted the Schedules to the Parliamentary Allowances Regulations 2003.

   (4) The Parliamentary Allowances Regulations 2003 must be taken to have effect, and to have always had effect, as if Schedule 2 to those Regulations contained in the following paragraph —

   "(c) The following Electoral Province as notified in the Government Gazette of 24 April 1991 as required under the **Electoral Boundaries Commission Act 1982** —

   South Eastern".'.

   (2) After section 9(2) of the **Parliamentary Salaries and Superannuation Act 1968 insert** —

   '(3) Sub-section (2) must be taken to have effect, and to have always had effect, in relation to moneys payable under this Part in respect of the period between the beginning of 30 November 2002 and the end of 31 January 2003 as if for the reference to three months there were substituted a reference to six months.'.".

5. Long title, after "**1968**" insert "and the **Parliamentary Salaries and Superannuation Act 1968**".

AMENDMENT OF TITLE

6. Title, after "**Committees**" insert "**and Parliamentary Salaries and Superannuation Acts"**.

Remaining stages

Passed remaining stages.

SEAFOOD SAFETY BILL

Second reading

Mr CAMERON (Minister for Agriculture) — I move:

That this bill be now read a second time.

The Bracks government is committed to maintaining Victoria's reputation as a producer of clean, safe and fresh food. The seafood industry in Victoria is a significant contributor to Victoria's domestic and export food industry, with an estimated value of $140 million for landed state catch and aquaculture. In addition, approximately $250 million worth of seafood is imported into Victoria each year. Seafood exports are expected to grow with increases in high-value aquaculture products.

A food safety incident affects the whole industry as well as the business concerned; it can destroy consumer confidence in the product as well as causing pain and suffering to those individuals directly affected. Recent food safety incidents interstate involving seafood have highlighted the need for effective management of food safety at all points in the chain. Industry is also keen to be able to demonstrate to consumers that it is taking responsibility for delivering safe food to its customers.

After consultation with industry, the government resolved that a new system for managing food safety in the seafood industry was necessary and should incorporate the whole chain, including the wild-catch and aquaculture sectors.

A working group of government and industry representatives has provided advice on the details of a system that would best meet the needs of industry and provide a robust system to manage food safety. This working group (the Seafood Safety Management Working Group) incorporated representatives from all sectors of the seafood industry, including the wild-catch, aquaculture, processing and retail sectors.

The government has accepted the recommendations of the working group and this bill enables the implementation of these recommendations. In broad terms, this bill establishes a new seafood safety system to be delivered by the Victorian Meat Authority which is a statutory authority established under the Meat Industry Act 1993 and accountable to the minister. Initial discussions with seafood industry representatives indicated that the Victorian Meat Authority would provide the most cost-effective delivery system and would allow for the development of specific requirements tailored to the needs of industry. To reflect its broader responsibilities, the bill changes the name of the authority to Primesafe, as recommended by representatives from the red meat, chicken and seafood industries.

The bill provides for inclusion of seafood expertise on the Primesafe board. The bill also allows for the inclusion of a person on the selection committee for the Primesafe board nominated by the organisation that the minister believes best represents the seafood industry in Victoria. In the first instance, the minister intends to ask Seafood Industry Victoria to nominate a person for the selection committee. In addition to the nominees from the seafood, red meat, chicken and livestock producer organisations, the bill provides for the chairperson of the authority to be a member of the selection committee. These arrangements will potentially improve the efficiency with which the board should operate and are in line with common practice in the private sector. In the first instance, the current chair of the Victorian Meat Authority, Mr John Watson, will be a member of the selection committee for the board of Primesafe. The government has every confidence in Mr John Watson, who has provided excellent guidance and leadership for the authority.

The bill requires that certain seafood businesses be licensed by Primesafe. These will include businesses engaged in fishing and fish farming, except for those that are maintaining finfish live or handling seafood for the purposes of growing on. Businesses that are supplying cooked seafood for retail trade, such as fish and chip shops and restaurants, will remain registered with local government under the provisions of the Food Act 1984.

It is intended that, under Primesafe, the seafood industry will be managed in the same manner as meat (red meat and chicken) which is covered under the Meat Industry Act 1993. The framework in the bill for regulating seafood safety is also consistent with the Food Act 1984 and with national food regulatory arrangements now in place. This includes a requirement for classes of seafood businesses declared by the minister to have in place a food safety program for managing the food safety hazards within their business and audit arrangements that are to be determined by Primesafe.

To provide consistency for all of the industries and products managed for food safety, the proposed seafood safety legislation will be included in a wider review of offences and penalties in food safety legislation concerning red meat, chicken and dairy food. The review will achieve, as far as is practicable, harmonisation with the Food Act 1984 and national model food provisions.

The seafood industry has expressed concern that supermarkets would remain subject to the supervision of local government and the registration requirements of the Food Act 1984 instead of the licensing requirements of the proposed Seafood Safety Act. When food safety responsibility for retail butchers was transferred to the Victorian Meat Authority, similar concerns were expressed about supermarkets. The government at the time agreed that dual licensing of a business for food safety purposes should not occur under Victorian legislation. While the supervision of supermarkets for food safety purposes remains the responsibility of local government, as with the arrangements for meat, supermarkets handling seafood will be expected to meet the same standards as other retail seafood businesses licensed under the Seafood Safety Bill.

This outcome will be achieved through a memorandum of understanding between Primesafe, the Department of Human Services and local government organisations. Under this arrangement, Primesafe is responsible for establishing and interpreting standards for seafood, as it is now for meat. Under the provisions of the Seafood Safety Bill, Primesafe will make codes of practice, which will adopt national seafood standards, for the approval of the minister.

The arrangements agreed under the memorandum of understanding have been successful in ensuring appropriate standards are maintained in meat preparation areas in supermarkets. However, to assure the seafood industry that the government is committed to seeing that seafood safety standards are consistently

applied across jurisdictions, the government has agreed to a recommendation from the seafood safety management working group to review these arrangements after two years.

The costs to Primesafe of implementing the seafood safety system will be met by the seafood industry through licence fees, as provided for in the bill. This is consistent with meat and dairy food safety arrangements. The government has given a commitment to the red meat and chicken meat industries that the management system for seafood will be self-funded by the seafood industry, and impose no cost burden on the industries currently licensed by the Victorian Meat Authority. The bill requires that Primesafe set licence fees in consultation with the seafood industry. While it remains the responsibility of Primesafe to set licence fees, the government has acknowledged industry's concern that costs of providing the system should be shared equitably across all sectors of the seafood industry. The government has, therefore, initiated a process with industry to develop recommendations on licence fees for consideration by the Primesafe board. The government has indicated that it expects small wild-catch businesses with landed catch value of less than $40 000 per year would pay no more than in the order of $200 as a licence fee.

In order to minimise disruption to industry and local government, the government intends that seafood businesses that are currently supervised by local government under the Food Act 1984 will transfer to the supervision of Primesafe on 1 January 2004. For most businesses, this will coincide with the renewal for registrations with local government. It is intended that wild-catch and aquaculture businesses will not be licensed until 1 July 2004 to allow additional time for these sectors of the seafood industry to prepare for the changes.

The bill clarifies responsibility for food safety for seafood by removing the ability to close fisheries for public health reasons under the Fisheries Act 1995. This should rightly remain the responsibility of the Secretary of the Department of Human Services under the Food Act 1984. This separates the management of fisheries as a sustainable resource and the management of seafood for food safety purposes.

Both consumers and industry benefit when there are robust systems in place to manage food safety. The changes outlined in this bill will enable consumers to have confidence in the safety of Victorian seafood and will enhance the industry's reputation for safe, high-quality product.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Mr CAMERON (Minister for Agriculture) — I move:

That debate be adjourned for two weeks.

Dr NAPTHINE (South-West Coast) — On the question of time, I seek support from the minister for additional time if it is required for adequate consultation on this legislation.

This is fairly wide-ranging legislation, and given that in principle the importance of public health is recognised, there is a need to consult widely with the seafood industry. The industry extends from Mallacoota in the east to Portland in the west. Given the number of people involved in the industry who run individual businesses, plus the people who are involved in the second and third stages of handling the wild catch, as well as those involved in the emerging aquaculture industry, and given also the impact of this legislation — from what I hear in the second-reading speech — on both the red meat industry and the chicken meat industry, there would need to be widespread consultation.

I seek advice from the minister that if more time is required to have proper and adequate consultation that time will be made available.

Mr CAMERON (Minister for Agriculture) (*By leave*) — Two weeks is appropriate, as is the normal case.

Motion agreed to and debate adjourned until Thursday, 3 April.

MAJOR EVENTS (CROWD MANAGEMENT) BILL

Second reading

Mr THWAITES (Minister for Victorian Communities) — I move:

That this bill be now read a second time.

It is with pleasure that I introduce this bill to promote the safety and enjoyment of participants and spectators at major sporting events.

The government has previously stated that it would introduce measures to curb crowd misbehaviour at

major events that spoils the enjoyment of others and places Victoria's sporting reputation in jeopardy.

There is increased concern in the community regarding the adequacy of crowd control at major events.

Spectators often pay a considerable premium to view these major events and expect that they will be able to enjoy the event without undue disruption.

There is also increasing concern by athletes to ensure that their safety is guaranteed prior to agreeing to participate in events. This is highlighted by the International Cricket Council's stance on security for players and spectators at venues.

There is also an increasing incidence of inappropriate items being brought into sporting venues which presents authorities with significant concerns regarding the safety of patrons.

This bill contributes to the government's commitment to Growing Victoria Together by:

providing a safe and healthy environment for both participants and spectators;

improving the general amenity and enjoyment for spectators at major events while reducing the incidence of misbehaviour;

strengthening Victoria's sport, recreation, major event and tourism base and encouraging and supporting its contribution to economic and social development; and

providing powers and processes to ensure the safety of participants and spectators that are transparent, fair and equitable.

The proposed bill also fulfils this government's election commitment to legislate to give police and ground administrators greater powers to curb crowd violence.

The purpose of this bill is to:

ensure the safety of both participants and spectators;

provide a deterrent against potential offenders;

provide powers and processes to control activities which are transparent, fair and equitable;

ensure a duty of care by venue operators; and

increase public awareness.

The bill provides for major sporting venues such as the Melbourne Cricket Ground and Telstra Dome to be declared venues for the purposes of the legislation along with adjacent land where necessary.

In addition, the bill provides for some major events to be immediately declared under the legislation with other major events declared through a system of ministerial orders.

The bill authorises officers to undertake the functions required under the legislation to detect contraband items and manage behaviour.

Part 3 of the bill provides uniform conditions of entry at declared venues including the inspection of bags, baskets and receptacles to ensure that prohibited items are not brought into the venue.

These searches are undertaken by properly authorised venue staff or security agents on behalf of management and the legislation proposes to formalise this process. Similarly, patrons may be asked to submit to security screening at events.

The bill uniformly prohibits the possession of certain items while providing flexibility to prohibit additional items. These include:

laser pointers

whistles/loud hailers

fireworks/flares/pyrotechnics/firearms/weapons

animals other than guide dogs

skateboards/bicycles/rollerblades.

These are either dangerous or unacceptable at events with large crowds.

In the case of alcohol it will be at the discretion of the venue manager as to whether it is permitted to be brought into the venue.

The bill provides uniform forfeiture provisions in relation to the prohibited items including disposal procedures, which address public concerns regarding the security of their goods while ensuring that management is provided with a clear mechanism for the disposal of items.

The government will not tolerate troublemakers at sporting events and the bill provides increases in penalties to deter potential offenders. These include requiring individual patrons that disrupt or interrupt an event to leave the venue and not re-enter.

The bill also deals with unapproved entry onto a playing field. As this practice of disrupting events is both dangerous to the contestants and the offender the offence will carry a significant penalty of up to $6000.

It is also proposed that the ground invasion offence may be subject to an infringement notice served by a police officer.

Following a first offence or in the case of a serial pest the bill proposes to enable the banning of repeat offenders from entering venues for the period of an event at a magistrate's discretion. This will ensure the event can be staged without these offenders interrupting proceedings and placing at risk Victoria's reputation for holding major events in safety.

The collective provisions of this bill will result in the community being protected from offenders that ruin the enjoyment of others at major events and provide certainty to management and event organisers that spectators and participants will be afforded a suitable level of protection from inappropriate behaviour.

The government is pleased to present this bill as a substantial contribution to improving the standards and management arrangements for our premier sporting events.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 3 April.

MELBOURNE CRICKET GROUND (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Environment) — I move:

That this bill be now read a second time.

It is with pleasure that I introduce this bill which will further facilitate the northern stand redevelopment of the Melbourne Cricket Ground in time for the Commonwealth Games.

The Melbourne Cricket Ground holds a special place in the hearts of all Victorians and not since the Olympic Games of 1956 has Victoria been host to such an important sporting event as the 2006 Commonwealth Games. Accordingly, this bill further facilitates the government's determination that 'Victoria maintains its mantle as Australia's sports capital by maintaining and upgrading our major events and sports training infrastructure'.

The bill contributes to the government's commitment to growing Victoria together by:

providing a safe and healthy environment for both participants and spectators;

redeveloping the MCG as the people's ground and providing greater seating capacity for major events; and

strengthening Victoria's sport, recreation, major event and tourism base and encouraging and supporting its contribution to economic and social development.

The proposed bill also fulfils this government's election commitments to:

complete the MCG northern stand development;

maximise the economic and social benefits of the Commonwealth Games; and

reinforce the enriching role that sport and recreation plays in people's lives.

The purpose of this bill is to provide amendments to the Melbourne Cricket Ground Act 1933 that facilitate the redevelopment of the MCG and ensure that the management of the northern stand project and MCG meet agreed outcomes.

The bill also provides for an increase in trust membership from seven (including the chairman) to a maximum of nine. This will enable a greater mix of experience in sports, sports administration, business and financial affairs to be available to the trust. This delivers on the government's promise to redress concerns that there is insufficient flexibility and diversity in the skills available to the trust following the substantial reduction in membership by the then government in 1989.

The proposed bill permits the trustees, with the approval of the minister, to delegate any part of the functions or powers of the trustees, other than the power of delegation, to the Melbourne Cricket Club and enables the MCC to subdelegate these functions and powers.

The reinstatement of these powers is supported by the MCG Trust and MCC and will provide the MCC with certainty regarding its management relationship with the trust given its substantial investment in the facility.

This will in effect overturn the amendments made by the previous Liberal government, which have made it difficult to distinguish the trust from the MCC in some circumstances.

A business plan is to be prepared by the MCC as ground manager, for approval by the trust. The bill proposes to reinforce the role of the MCC in the reporting process to government and clearly articulate the trust's power to delegate its management responsibility to the MCC.

The bill proposes to permit the MCC to receive and retain all gate receipts and other revenue arising in the course of its management of the MCG while the MCC continues to be the lessee and the manager of the MCG in accordance with the agreement between the club and the trust.

The bill also proposes to amend the description of the land in the schedule to the Melbourne Cricket Ground Act 1933 to provide for the identification of an additional part of Yarra Park as being part of the MCG with subsequent trade-off as follows:

land relinquished at the corner of Jolimont Street and Jolimont Terrace totalling 750 square metres;

additional land required for the practice wicket area of 107 square metres; and

additional land required in Yarra Park near Jolimont Street of 502 square metres.

This trade-off is achieved with no net loss of public open space.

The bill also provides 'relevant stratum' for the northern stand development for those parts of the new stand, which project beyond the current boundary line above ground level.

The bill will ensure that the MCG continues to be Australia's premier sporting venue for major events.

Victoria as a whole stands to benefit from the redevelopment of the MCG, not only for its world-class capacity to host major events but importantly for its accessibility as the people's ground.

The government is delighted to present this bill as a substantial contribution to improved standards and management arrangements for our premier sporting facility.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 3 April.

COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Environment) — I move:

That this bill be now read a second time.

It is with pleasure that I introduce this bill, which will further assist the state in preparing for the 2006 Commonwealth Games in Melbourne.

The purpose of this bill is to further develop the legislative framework to facilitate the state's preparation for the 2006 Commonwealth Games in Melbourne.

The Commonwealth Games Arrangements Act was introduced in October 2001. During the passage of the act the government foreshadowed its intention to progress the diverse range of games-related infrastructure developments and other matters under one act, rather than through separate acts or planning processes.

It was also indicated to make a number of amendments to the act specifically covering operational arrangements, administrative processes and general powers to enable the staging of the games.

This is the first legislative amendment to the principal act required for the Commonwealth Games and there will be further amendments to the act as we move into the pre-games and games-time phases of planning and delivery.

I will commence with the infrastructure-related amendments. These amendments are essential to ensure the timely provision of games infrastructure including the Melbourne Sports and Aquatic Centre and the games village.

It is important that these facilities are developed in such a way as to enhance Melbourne's sporting and urban infrastructure and deliver long-term benefits to the Victorian community.

To ensure that the complex nature of the Melbourne Sports and Aquatic Centre and games village infrastructure developments can be administered under

the one act as intended, part 2 of this bill amends section 1 of the principal act to broaden its purpose and widen the definition of games facilities. This is necessary to ensure the act can facilitate Commonwealth Games infrastructure projects, the detail and complexity of which were not known at the time of introducing the principal act.

Part 2 also amends the principal act to determine the games village land which was not known at the time the principal act was introduced. It also defines the games village project.

A new part — part 4A — is being inserted into the principal act to provide the Minister for Commonwealth Games with the relevant planning powers to ensure that the games village will be developed in a way which meets the immediate needs of the games and the longer term needs of the community.

The games village development will be the most significant games infrastructure development undertaken in the lead-up to the games. As required under the act the Minister for Commonwealth Games will consider the report of the Commonwealth Games village advisory committee before making a determination on the planning scheme to apply to the land.

The particular provisions for the games village project reflect the longer term nature of that development and the need to integrate that development within the statewide planning system in the post-games phase.

The bill also introduces a range of machinery amendments, which ensure the act can be used to administer infrastructure developments for the whole of Commonwealth Games and beyond.

Moving now to the body corporate provisions, parts 3 and 5 of the amendment bill amend the principal act and the Project Development and Construction Management Act 1994 to constitute the Secretary to the Department for Victorian Communities as a body corporate with appropriate powers and functions.

Clause 13 provides part 3 of the principal act is amended to create the Secretary to the Department for Victorian Communities as a body corporate with powers to enter into contracts or arrangements concerning the management and development of the Commonwealth Games. Such powers can be delegated with the approval of the minister and the exercise of these powers is subject to the direction and control of the minister.

We are including in this amendment the provisions of the Project Development and Construction Management Act (Further Amendment) Bill 2002 which was introduced last session and lapsed due to the proroguing of Parliament.

The amendments are required to complete the implementation of the government's machinery-of-government changes and to create under the Project Development and Construction Management Act 1994 the Secretary to the Department for Victorian Communities as a body corporate to take responsibility for Commonwealth Games projects.

The bill introduces a new provision to enable nomination orders and application orders to be amended or revoked. This will enable changes to be made to the management of a major project including transfer of projects from one facilitating agency to another, where required.

The government is delighted to present this bill which will ensure the appropriate legislative framework is in place to enable preparation for and staging of the games including providing a lasting legacy for Victorians through the development of significant sporting infrastructure.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 3 April.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 27 February; motion of Ms LOBATO (Gembrook) for adoption of address-in-rely.

The ACTING SPEAKER (Mr Nardella) — Order! I remind honourable members that this is the inaugural speech of the honourable member for South Barwon and that they should give all the courtesy of the house in this regard.

Mr CRUTCHFIELD (South Barwon) — Acting Speaker, thank you for this opportunity to reply. Please pass on my congratulations to the Speaker on being appointed as the first female Speaker of the house. It reflects positively on this house and augers well for the future participation of women in the Parliament. I congratulate also my colleague the member for Lara on his elevation.

I am privileged to represent the electorate of South Barwon. South Barwon is situated south of Geelong and encompasses the beach areas of Torquay, Bellbrae, Breamlea, Barwon Heads and Jan Juc; the rural areas of Mount Duneed, Moriac, Freshwater Creek, Connewarre and Ceres; and the more urbanised areas of Geelong, Belmont, Highton, Wandana Heights and Grovedale. It is a stunningly beautiful electorate with an eclectic mix of active communities, diverse and engaged interest groups, many challenging needs, and an exciting future with an unlimited potential. One could say it is a microcosm of Victoria itself.

At this point I would like to acknowledge the other candidates who stood in the South Barwon election. As all in this place will attest, standing for public office is a difficult and sometimes thankless pursuit, and I respect their contribution to public life and their willingness to serve their community. Specifically I acknowledge the previous member, Alistair Paterson, who I thank for his contribution to the South Barwon electorate.

I would like to make a few short comments about the Bracks government. It is my honour to be the first Labor Party member to represent the South Barwon electorate in this place. In no small part this has been achieved due to the determination of the Bracks government to fulfil its commitments to deliver quality core state government services to all Victorians. For example, the Bracks Labor government has improved education by increasing infrastructure funding, boosting teacher numbers and reducing class sizes. It has increased the number of police and improved community safety. It has improved access to the health system for all Victorians, regardless of wealth, by increasing the number of nurses and injecting much-needed resources into the battered public health system it inherited from the previous government.

There is no secret to my being elected as the first Labor member for the South Barwon electorate. It stems from extensive community support and a Bracks government absolutely determined to honour its commitments to Victoria. By that I mean all of Victoria, inclusive of rural and regional Victoria which was treated so abysmally by the previous government.

The backbone of the Bracks government is the thousands of party faithful. In the context of South Barwon I particularly refer to the faithful party members of the Ocean Grove, Torquay and Belmont branches, and in particular my campaign team: Ron Arthur, Michael Bjork-Billings, Liz Bubb, Leigh Wright, Damian Gorman, Roger Lowrey, and indirectly, Kerry Mullen. They have seen defeat after defeat in the South Barwon electorate but have remained steadfast and loyal to the party. My congratulations and hearty thanks to all those members and supporters who have stood by the party.

I would also like to take this opportunity to thank my family: my mother, father and my two brothers, and express my heartfelt sadness that my brother David is not here to join me in what should be a joyful occasion. To my fiancée, Julie, for her loyalty and endless patience over some seven years of political life, I say thank you.

At this juncture I repeat my election night acknowledgment that election victory bestows many responsibilities. Victory brings the responsibility to honour the trust placed in me by some 55 per cent of South Barwon electors who voted for me, but it also means I must earn the respect of some 45 per cent of the electorate who did not vote for me. I shall be resolutely committed to achieving both of these objectives over the next four years.

Today I would like to touch upon six local themes of particular note to myself and my South Barwon electorate — namely, the City of Greater Geelong, the importance of sport, the Country Fire Authority, schools and education, environmental issues, and business and industry.

I was a councillor for almost eight years, including one term as the mayor of the City of Greater Geelong, as the member for Richmond would know. Despite the best efforts of the Kennett Liberal government we have survived and indeed thrived. I acknowledge the assistance and support of the City of Greater Geelong personnel and fellow councillors throughout my time on council, and in particular thank the four mayors, Gerry Smith, Ken Jarvis, Cr Stretch Kontelj and Cr Barbara Abley.

We have come a long way since amalgamation, since the time in a building some 200 metres from this space when the former Premier threatened to sack the council unless we obeyed his rather impolite demands. Thankfully we had a strong elected council led by a strong chief executive officer, Michael Malouf, and we managed to survive and prosper during those heady days. I also acknowledge Mike Hill and the Victorian Local Governance Association — I see many nodding heads — for their support during those interesting occasions with the former Premier. It is my hope that all in this place respect the legitimate place local government has in our democracy.

I still have a strong affiliation with South Barwon Football Club, having played for and coached them in

the 1990s. It is a healthy football club in a healthy football league. Football in Geelong is very strong, from the Australian Football League side down to three local leagues and numerous under-age competitions that I continue to umpire in. I have also played basketball for Deakin University and have competed as a Warrnambool surf lifesaver against Torquay, Jan Juc, Thirteenth Beach and Bancoora surf lifesaving clubs. All these clubs survive on volunteerism, as do elements of my previous occupation as a firefighter.

I would like to acknowledge the Country Fire Authority volunteers and staff with whom I have served. Certainly I could not find a more opportune time, given current affairs, to thank all of them for their dedication, courage and selfless contributions to their communities. They are truly remarkable individuals! I was once a volunteer firefighter before becoming a career firefighter and, now, the first career firefighter to be elected to the Victorian Parliament. A number of members in this place are volunteer firefighters. I believe there is, and will always be, a role for volunteers in protecting our communities.

I also acknowledge and thank the United Firefighters Union and in particular its secretary, Peter Marshall, for his steadfast endeavours to improve workplace safety for volunteers and staff. I have served at a number of career stations in the Geelong region and enjoy close working relationships with volunteer brigades in my electorate from Barwon Heads to Torquay and all places in between. I also served at the Fiskville Training College as an instructor and believe that in a high-quality fire service continuous education and training is essential.

I have visited all the schools in South Barwon and I can advise this place that there is a rich diversity of educational opportunities in the electorate. The quality and commitment of all local teachers is unquestioned and as an ex-teacher myself from a Geelong school, Chanel College, I have considerable empathy with the challenges they face and the pressures they work under.

Environmental issues have a strong connection with the Geelong region. I have always had a strong commitment to environment protection initiatives. For example, I was a strong voice in the successful opposition to the relocation of Coode Island to Point Lillias, something the previous government was keen to foist on the Geelong community.

I am an amateur ornithologist — a member of Birds Australia — and have spent many an hour birdwatching along the Barwon River, in the Otways and, indeed, down in Balmoral! I am passionate about the Otways and in particular the cessation of clear-fell logging in the district — a vital and defining election issue and one which I have been pursuing since 1999. I acknowledge publicly the Otway Ranges Environment Network, especially Roger Hardley and Simon Birrell, for their friendship, support and enthusiasm in pursuing an issue that is complex and at times very emotional. They did it sensibly and they did it very well.

But along with environmental sustainability, the South Barwon electorate in particular and the Geelong region in general boast a large and diverse range of industries that provide vital economic assistance to the local economy and a wide range of employment opportunities to the local work force.

Industry in the Geelong region is vibrant, multidimensional and innovative. Whether it is large companies such as Shell, Ford or Alcoa — which each employ hundreds of people from South Barwon and thousands from across the Geelong region — or the many hundreds of small businesses which are so vital to a healthy and prosperous economy, Geelong business and industry are world competitive.

Mr Acting Speaker, I seek your indulgence to name a number of business people with whom I have had productive relationships, which I trust will continue: Laurie Miller, Peter Landers, Cathy Roth, Helene Bender and Norm Lyons, all from the Chamber of Commerce; Graeme Esler of the Victorian Employers Chamber of Commerce and Industry; David Peart of the Chamber of Manufactures; David Morgan of the Geelong Development Board; Graham Goldsworthy of Geelong Otway Tourism; Wayne Street of Geelong Business Network; Doug Hille of Belmont Traders Association; and Bernard Napthine of Barwon Heads Traders.

One other local organisation which contributes enormously to a healthy and prosperous local economy is the Geelong Football Club. It is a key economic and social driver and the $13.5 million commitment of this government to the redevelopment of Kardinia Park is one for which all the community can be thankful.

Deakin University is also a landmark regional player. With its main campus at Waurn Ponds, Deakin University has another major campus on the Geelong waterfront. Indeed its decision to locate its campus on the waterfront was one of the key catalysts for the improvement of the waterfront and the subsequent significant private investment in the precinct. For those who have not seen the Geelong waterfront in recent times, do yourself a favour indeed. It is a credit to the

Geelong City Council and to state governments past and present.

Looking to the future, I believe a Guggenheim museum or some other arts-related icon is worthy of pursuit. Another exciting proposal is the one suggested recently by Frank Costa in respect of a Werribee to Ballan water diversion project and associated market garden development, with obvious potential for Avalon airport.

This is all about pushing boundaries and thinking laterally. It is all about selling the Geelong region as a location and a Geelong community that is contemporary, forward looking, broad-minded and open to opportunities to sell itself.

One organisation which typifies this forward outlook is Geelong Otway Tourism, which is headed up so well by Roger Grant. Whether it be the Rip Curl Pro at Torquay, the Great Ocean Road — which is the backdrop of the South Barwon electorate — selling the Geelong waterfront or selling Geelong as a venue for a future arts icon, it is about selling us as a community.

Geelong has much to look forward to. It has prospered under a Bracks Labor government, and I intend to see that it continues to prosper. My local election priorities are the Geelong ring-road, Grovedale railway station, Torquay police station, Barwon Heads natural gas, and improved facilities for Barwon Heads Football and Netball Club.

As I have stated, it is an honour for me to serve my South Barwon electorate — my community — as its member of Parliament and part of the Bracks government. I am dedicated to achieving the commitments made by the government and me in the lead-up to the recent election. Only through achieving these commitments will we ensure that our rich natural environment is protected, our commerce and industry prosper, health and education services continue to improve, cultural diversity, sports and arts flourish, core government services are made available to all Victorians, and finally, the Geelong Football Club wins the premiership!

Mr COOPER (Mornington) — I want to compliment the honourable member for South Barwon on his inaugural speech and to say that I certainly enjoyed what he had to say, except for that last bit which I put in the category of just being part of a wish list! Nevertheless I am informed by the Clerks that Geelong won its last premiership in 1963, and as my club won its last premiership in 1964, we are both in the same category of hoping against hope that some success will come our various ways.

The redistribution that took place prior to the last election saw a significant change in the boundaries of my electorate. It now encompasses the principal areas of Mornington, Mount Martha, Mount Eliza and part of Moorooduc. It is almost a replica of the old Shire of Mornington where I served as a councillor for 13 years before I was elected to this place. It certainly is a very interesting part of the Mornington Peninsula to represent and a very beautiful part of the most beautiful part of the Victoria to represent. I know the sensitivities of other members on how proud they are of their electorates, but certainly when someone described the Mornington Peninsula many years ago as the playground of Melbourne, they got it right. In fact it is the playground of Victoria and beyond, as attested to by the many thousands of people who come to the Mornington Peninsula virtually every day of the week, particularly during the summer months.

In my electorate, the Liberal Party has five very active and involved branches and in the not-too-distant future that number will certainly increase because we are seeing a significant growth in Liberal Party membership in my electorate. I want to compliment two people in particular who play a very large part in the success of the Liberal Party in the Mornington electorate. They are David Morris, who is my electorate council chairman, and John Howard, who is my campaign director and has been for all but one of the elections that I have fought since 1985.

There are still some matters that are unresolved in the areas of my old electorate that I no longer represent, which have gone into the electorate of Hastings — areas like Hastings itself and Somerville and Tyabb. I want to advise the house and certainly the communities in those particular areas that I will be maintaining a very significant involvement in those areas and in those matters and will continue to do so for as long as my services are needed — and they certainly will be needed for quite some time.

A number of matters that relate to my electorate are of major concern to my constituents. I have tried to put them down in some order of priority; but as all members would understand, when you are trying to look at issues it is very hard to establish priorities, because to sections of your constituents each of these issues is a priority. However, I put down safety as no. 1, including people being safe from crime, particularly street crime, which certainly plays a part in my electorate as it does throughout the state. The number of street crimes such as bag snatching, assaults on the elderly and assaults on young people is growing, and it is a matter of great concern not only to my community but also to the police who service my community.

I discussed these matters with the superintendent in charge of the region at a meeting I had with him recently. I know he is taking steps to increase the police presence at the times when these events occur; but it is very difficult, as we would all understand, for the police to be everywhere at the same time, particularly on a Saturday night in Mornington. As the late-closing hotels empty their crowds, or as people leave the hotels because they have been evicted, things are occurring that none of us would like to see. Only two Sundays ago I was confronted by the effects of an incident at the Coles supermarket in Mornington. A young lady had been bashed by someone we will call her boyfriend, because that is how she described him — but I would not describe him in that way. The incident was horrific and traumatised the staff at the Coles supermarket who had to deal with the results. It was a needless and violent assault on a young woman in the early hours of a Sunday morning.

Road safety is also a very important matter, and members who have served in this place over the last three years would know that I have on many occasions raised the issue of dangerous intersections and the lack of attention that has been paid to them. In particular I draw the attention of the house to three dangerous intersections in my electorate, the first being at the corner of Moorooduc Highway and Bentons Road in Moorooduc, the second being on the corner of Nepean Highway and Bentons Road in Mornington, and the third being at the corner of Nepean Highway and Wooralla Drive in Mount Eliza. They are three significant examples of dangerous intersections which have been ignored by this government and where there will certainly be deaths if nothing is done to correct the deficiencies.

I find it puzzling — in fact I get quite angry — when I see the removal of money from black spot funding to pay for fixed-speed cameras in the inner areas of Melbourne. I get very angry, as does my community, when I see nothing being done to correct the deficiencies in these dangerous intersections while I read in the papers about the installation of more fixed-speed cameras and the massive amounts of money being raised in fines as a result.

As a number of constituents have said to me in recent times, because they are constantly in contact with me about the dangers of various intersections in my electorate, the fines might be good for government revenue, but there is not enough money in the world to pay for the damage done to human beings who are either severely injured or in some cases killed at intersections like the three that I have just named.

As I said, I have asked the Minister for Transport on many previous occasions to do something about various dangerous intersections throughout my electorate, and I again ask him to stop concentrating on revenue raising and to get going on matters of safety to prevent the accidents that have a devastating effect on individuals and their families in particular and the entire community in general, not just in my electorate but also, I acknowledge, throughout the state. I know the honourable member for South-West Coast just the other day raised the issue of a very dangerous intersection in his electorate and pleaded with the government to do something about that.

There are other issues that touch upon not only my electorate but others around Port Phillip Bay. Being in a coastal electorate that is a very popular part of Port Phillip Bay I know my concerns are shared by my colleague the member for Nepean. I also know that a number of members who do not have coastal electorates are concerned about the Port Phillip channel deepening project, which will deepen the channels in and the entrance into Port Phillip Bay to accommodate the new-generation container ships which will be coming on stream in the not-too-distant future.

If they cannot be accommodated in a Victorian port, the probability is that these container ships will go to a deep-water port where they can be handled. They can go to Hastings, where no deepening of the channel is needed, but this government has ruled out establishing a facility to cater for new-generation container ships there. It has decided — it is hiding the fact that it has made a decision — to go ahead with the Port Phillip channel deepening, but the time line on all of that is slipping continuously. The ports that we are in competition with are the ports of Adelaide, Brisbane and Sydney. In particular the port of Adelaide is the one we should worry about the most.

If we lose the new-generation container ships from Victorian ports the industry that depends upon those containers will go where the containers go. The double handling of containers adds costs, which businesses and industry will not be prepared to accept and will not be able to accept. That would put them out of business, because it would certainly make them uncompetitive.

The government does not seem to understand that by ruling out Hastings it is creating two problems for itself. One is that it is a short-term solution to deepening the channels into Port Phillip Bay — it will only be until 2015 and then the government of the day will have to make a decision about Hastings or some other port, and it will most likely only be Hastings that will be acceptable. At the same time, in going ahead with the

deepening of the channels into Port Phillip Bay it is biting off a huge environmental problem because the turbidity of the water that will be created by the dredging alone will be enormous.

Just recently, in January of this year, we saw some minimal maintenance dredging being carried out at a cost of $12 million to $14 million down in the southern area of the bay which created such enormous turbidity that it virtually put the dive industry — a huge tourism industry on the southern peninsula — out of business for some weeks. When we start to deepen the channels to get the ships in, the amount of material that will be dragged out and dumped somewhere — still unnamed — will be enormous. I am told it will be an amount sufficient to fill the Melbourne Cricket Ground twice over. Where will it be put?

When I went to a briefing by the Victorian Channels Authority in Frankston last year that question was put to its representatives. They said, 'We've got a perfect spot. We can't tell you but trust us, we are from the government'. I have to tell you that the people at that meeting said, 'Well, we are not going to trust you; we want to know where it will go'. Then it was winkled out of one of them later on that it will be dumped somewhere in Port Phillip Bay — some sort of an island or mountain will be created somewhere in Port Phillip Bay with all of the spoil that will be dug out.

If this government does not believe me it should go and talk to some of the environmental groups. I am telling the government right now that it is buying a huge problem, a huge fight, with the environmental groups — a fight that I am sure will permeate into their own ranks. Members of this government who have electorates that are close to or abut Port Phillip Bay will decide that their political future will not be a very long one if they support such a move.

The other issue of great moment in an area like mine is the question of stamp duty. Stamp duty has become an enormous problem for a large number of people. We have seen house prices rocketing upwards, but the Victorian government has done nothing to reduce the stamp duty impost on house buyers in this state. As a result we have the highest stamp duty taxes on property in the commonwealth.

I was interested in a recent article in the *Age* which had a little table on it which showed, for example, what a property with a purchase price of $500 000 — which would be about average in the Mornington electorate, and certainly in Mount Martha and Mount Eliza — would cost in stamp duty. While the stamp duty on a property with a purchase price of $500 000 is $17 990 in New South Wales, in Victoria the stamp duty is $25 660. That is unconscionable action by this government. It is sitting there taking the windfall gains from stamp duty on property and from gaming taxes and saying that it refuses to do anything about it because it is now wedded to the income that that is giving to it. It is simply not good enough for the government to be depending on this revenue at the expense of people who are trying to buy a house; they are being belted around the ears financially because they want to buy a house. Stamp duty in this state needs to be reduced. This government should be doing something about it, and doing something about it right now.

I am delighted to be representing the people of my electorate for the sixth time in this Parliament. I look forward to the next four years and to delivering the services to them that they deserve.

The ACTING SPEAKER (Mr Nardella) — Order! May I remind members that this is the inaugural speech of the honourable member and the custom of the house should be observed.

Ms ECKSTEIN (Ferntree Gully) — It is my great honour and pleasure to address this house today as the first member for Ferntree Gully. I am indeed proud that the first member for Ferntree Gully is a Labor member, as indeed was the first member for Knox, the former seat on which Ferntree Gully is based.

Acting Speaker, I ask you to pass on my congratulations to the Speaker on her election to this high office. I would also like to congratulate the Premier on his re-election and that of the government in what was an extraordinary show of support and confidence in the government by the Victorian people. It is indeed an historic occasion that, for the first time, this house has a woman as its Speaker, as well as so many other women members of Parliament. In fact 40 per cent of this Bracks government is comprised of women. To the new women members for Bellarine, Evelyn, Forest Hill, Gembrook, Hastings, Kilsyth, Mill Park, Mordialloc, Mount Waverley and Yan Yean, I particularly congratulate you on your election to this house. It is indeed a great privilege to serve alongside so many extremely capable and talented women parliamentarians. It augurs well for this 55th Parliament being a truly representative place.

I would now like to thank the many people who supported my election to Parliament. Firstly, I thank the voters of Ferntree Gully, who have entrusted me to represent them. It is a great privilege to serve the people of Ferntree Gully, and I shall always endeavour to

represent the needs and aspirations of all the people of my electorate. I am deeply honoured to be given the opportunity to serve the people of Ferntree Gully in the Bracks government.

I would also like to thank my campaign team, all the local Labor Party members and supporters, and the many personal friends and work colleagues who worked tirelessly on my election campaign. In particular, I would like to thank my campaign director, Don Barker, for keeping both me and the campaign on track, and also my very good friend and colleague Carolyn Hirsh, who is now a member for Silvan Province, for her ongoing advice, encouragement and support. I also thank Daniel Andrews, the member for Mulgrave; Lee Tarlamis; and Alan Griffin, the federal member for Bruce, for their support and encouragement.

I also need to acknowledge the extraordinary support of Emily's List for the advice, training and resources provided, which were absolutely invaluable. The encouragement and support given to me by Joan Kirner, the first and only woman to become Premier of this state, deserves particular mention.

I would now like to pay tribute to an extraordinary woman: my aunt, Ida Katerina Messner, who is now 88 years young. She essentially raised me during the many years of my mother's debilitating mental illness.

I would also like to pay tribute to the role of my father, Johann Konrad Eckstein, who, although he passed away many years ago, shaped many of my values and political views. He always encouraged me to think for myself about important issues and to question the actions of the conservative state and federal governments of the day, regardless of whether they conflicted with his own views or whether he thought them, or me, particularly wise or prudent at the time. I remember many lively discussions during my teens on issues such as conservation of the environment and Australia's involvement in the Vietnam War. Fortunately we did agree on most issues, including the need for better health, education and welfare services.

Having come to Australia in 1953 with my mother and older brother, after having survived the war years in Germany and the devastation, both physical and psychological, of postwar Germany, my father valued the freedoms and opportunities that Australia offered to people from all over the world. He had strong political views even though he was understandably diffident about any overt participation in the political process after the tyranny of Nazi Germany.

There his small act of defiance — that of not attending military training at his workplace because he was supposedly attending training at precisely the same time in his local township and failing to go to training in his local township because he was required at training at his workplace, and actually going to neither — could have had dire consequences for both himself and the family, had he ever been found out.

He also valued education very highly and encouraged me to always strive for high academic standards and to continue my education, even when our family's economic circumstances made that quite difficult.

In that regard, I must also acknowledge the extraordinary role of the Whitlam Labor government in abolishing fees for tertiary education. Without 'Gough's gift', I and many other young people from ordinary working-class families would never have had the opportunity to undertake a university education.

My outrage at the Liberal-controlled Senate refusing to pass supply and the subsequent sacking of the Whitlam government in 1975 prompted me to join the Boronia branch of the Australian Labor Party, of which I am still a member. I am therefore delighted to serve in this Bracks Labor government, whose reforms to the Legislative Council will ensure that supply can never be denied to a Victorian government with a mandate from the people.

As a former primary teacher and manager in the Department of Education and Training I have a strong interest in and personal commitment to ensuring the best possible educational opportunities and outcomes from our public schools and educational institutions. Therefore, I am delighted that education — along with health, community safety and the environment — is one of the highest priorities of this Bracks government. I look forward to contributing to improvements in schools and in public education more generally, both for the people of Ferntree Gully and for Victoria as a whole.

My father also encouraged me to value my German heritage and to maintain my first language and culture. This was not an easy thing to do in the 1950s and 1960s when assimilation was the policy of the day and if you spoke another language in public, people told you to stop. Schools and teachers actively discouraged parents from speaking languages other than English to their children in the false belief that it would hinder their acquisition of English. Fortunately, my father ignored these short-sighted and xenophobic views, and as a result I have maintained both the German language and culture.

In that regard I also need to pay tribute to the role of Professor Michael Clyne, now at the University of Melbourne, who not only greatly improved my German language skills but saw me through a Bachelor of Arts (Honours) degree and a Masters degree in German at Monash University.

These days we are all a bit more enlightened and we value the rich cultural and linguistic diversity of our multicultural community. However, there is still more work to be done in ensuring that in the future all young Victorians achieve both high levels of literacy in English and proficiency in at least one other language. Respect for diversity of values, beliefs and cultural and religious practices within the overall framework of our culturally and linguistically diverse community is one of the guiding principles that I will endeavour to bring to my work as a member of Parliament.

However, as a community we still have much to repair in terms of reconciliation with indigenous Australians. I would therefore like to say 'sorry' to indigenous Australians for the past wrongs that have been committed. I would also like to acknowledge the Kulin nation, the traditional owners of the land on which this Parliament sits as well as the electorate of Ferntree Gully, and to pay my respects to their elders.

Ferntree Gully is a new electorate which includes long-established areas in Boronia, Ferntree Gully and Mountain Gate as well as the more recently developed suburbs of Lysterfield and Rowville. Having lived in the electorate all my life I have seen the area change from small, almost rural townships to cosmopolitan suburbs. While this has brought with it many improved facilities and services, the challenge remains to preserve the leafy character and environment of this area at the foot of the Dandenong Ranges.

While Ferntree Gully is a new electorate, I would like to acknowledge the contribution made to the area by the former member for Knox, Hurtle Lupton, who served as the local member for 10 years. I wish him and his family well in the future and thank him on behalf of the constituents of Ferntree Gully for the work he did during his term in office.

I would also like to acknowledge Steve Crabb who was the first member for Knox. He held the seat for a period of 16 years from 1976 to 1992. Steve made a significant contribution to the community during his time as the local member. He also provided me personally with lots of support and encouragement to become more active in politics. At the time I was a new and enthusiastic young member of the Labor Party who did not know much about politics but who was passionate about reform and social change. Steve showed me that it was possible to make a difference to ordinary people through participation in the political process.

The issues which concern the people of Ferntree Gully are those which concern all Victorians — that is, health, education, community safety and the environment.

The upgrading of facilities at the Angliss Hospital in Upper Ferntree Gully, provided by the Bracks government, is therefore most welcome. Also, the 28 extra teachers who are now in schools in the Ferntree Gully electorate as a result of first-term Bracks government initiatives and the improved facilities of schools such as Heany Park, Wattleview and Ferntree Gully North primary schools are also very much appreciated by the community. The building of a new police station in Rowville is about to commence and will provide enhanced community safety for the people of Rowville and Lysterfield. I look forward to working as a member of the Bracks government on policies and initiatives in these important community services. However, there is still more work to be done to undo the damage of the former Kennett government to our essential community services.

Protecting our environment is also an important local priority, given the location of the electorate in the foothills of the Dandenongs. The Dandenong Ranges on the eastern boundary of my electorate and the Lysterfield Lake Park in its south-eastern corner are important 'green wedges' which will be protected for future generations as a result of Bracks government policies.

As with other outer suburban areas, there are ongoing challenges in improving roads and public transport in Ferntree Gully as the population and housing development increases. While the older established areas of my electorate in Boronia and Ferntree Gully have access to train and bus services, the newer areas of Rowville and Lysterfield are heavily reliant on cars. This is putting considerable pressure on the existing road network, much of which needs upgrading to cope effectively with the increased population now living in these areas. Public transport in the newer areas is quite limited, with bus services generally not operating after hours or at weekends. It is therefore pleasing that the Bracks government has implemented new bus routes in Rowville and committed $100 million to an outer metropolitan roads program.

This and the many other initiatives that the Bracks government will deliver during its second term will undoubtedly benefit not only the people of the electorate of Ferntree Gully but Victorians as a whole. I

am proud to represent the people of Ferntree Gully. I look forward to working constructively with many of you over the life of this Parliament on the many important social issues that will come before us.

Mr DIXON (Nepean) — I wish to congratulate the member for Ferntree Gully on her first speech. I did not go over to congratulate her because there was such a hard Acting Speaker in the chair that I thought I might miss the call if I did, so I congratulate her from afar.

It is a great pleasure for me to be here as the first member for Nepean and to be elected to this place for the third time. The Mornington Peninsula which I represent is the best place in Victoria, with its beautiful bay and ocean beaches.

Ms Beattie interjected.

Mr DIXON — I will get to that in a minute. I have 18 golf courses in my electorate and 200 wineries, but the best thing about my electorate is the wonderful community. There are a large number of retired people in my community, and they are a strength because they have the time to put in and they are prepared to put in a lot of time to make our community a better place. That is the best part of living on the Mornington Peninsula.

I have a few thankyous. I would especially like to thank my electorate officers, Barbara Walker and Meredith Cassidy, and in particular Barbara who has been with me since I was first elected in 1996; my campaign team lead by Ken Bickley and ably supported by Michael Moore; the numerous branch members and volunteers who have helped out and supported me over the last seven years, especially during the election campaign; and the many volunteers who were not branch members and who are not members of the Liberal Party but who wanted to support me. I certainly do appreciate their time and support.

Most of all I would like to thank my family. Those of us in here know how valuable and precious our families are to us. They do not see much of us, but they are a great support to us. I especially thank my wife, Chris, who looks after our family home and our family in my absence. She is a wonderful support to me personally, and she supports me in everything I do, especially in this field of politics which I love so much. I thank my daughter, Julia, who is at La Trobe University. She is majoring in politics and she is a member of the Liberal Party. We are not establishing a dynasty or anything like that, but I am thrilled and very pleased with her interest in politics. And I thank my son, Martin, who is a great son to have, and he too has a great interest in politics. I thank my parents — I can probably say this now — who are both elderly and who are a tremendous support to me.

Dad is further to the right than I am — if you can believe that. In fact I have an interesting family: my brother is a member of the socialist left of the Australian Labor Party and battles — —

Mr Carli interjected.

Mr DIXON — He looks a lot like you actually, Carlo! He is a good, close friend of the member for Ivanhoe, who has just walked into the chamber.

My sister Ann works on the steps of Flinders Street station on a Wednesday and Friday with a youth group helping with the homeless of Melbourne. In fact she and a group of helpers came in last night for a debrief, but I think it was the free beer that I offered that actually got them here! But she really keeps me in touch with the reality of what is happening out there with those far less fortunate than us.

I grew up in West Heidelberg in a housing commission area. In fact I am the fourth member from that area. We have had the Honourable Ron Best, the member for Ivanhoe, the late Vin Heffernan and me. It is interesting that three out of the four have gone to the conservative side of politics, and that might be an interesting study for someone at some stage. I am very proud of my working-class background and very proud of the part I play in the Liberal Party. I also thank my many friends who have supported me in so many ways.

Now to the serious business of politics. Acting Speaker, I would like you to pass on to the Speaker my congratulations on her elevation. It is a wonderful honour that has been bestowed on her, especially being the first woman Speaker. I pay my respects to the former Speaker, the Honourable Alex Andrianopoulos. Alex was a great leader in this place. He was fair, open and very accessible, and I wish him well in his retirement.

It has been an honour for me to be elected by my colleagues as an the Opposition Whip. It has been an exciting time; I am learning a lot, and it keeps me very busy in this place, but it has added another dimension to my political life, and I hope I will fulfil all the honours that have been bestowed upon me by being whip.

There have been a number of changes in this place. For a start, the jury is out on this chamber. The seats are more comfortable, and I like the shape of it. Although it looks a bit like a kit has been lowered into the place, it is fairly functional and I think we will grow to like it. I am not sure about the lighting: it was all a bit much for

the system yesterday — or it may have been the Acting Speaker's speech that caused the lights to go out!

Some of the traditions of this place are starting to die out. I am not a great traditionalist. I do not like wigs on Speakers and clerks, but some of the pomp and ceremony of the opening of Parliament has been lost or is being diluted. I am certainly no Anglophile, in fact I am an avowed republican — that is my Irish background. I am half Irish and half English. Some of the great traditions of the Westminster Parliament should not be watered down. They have stood the test of time on many continents and in many countries, and they have stood the test of time in this country and this state for over 150 years. We should be mindful of our roots and the great traditions we have inherited and not water them down. If we water down some of the ceremonial and everyday aspects of our Parliament, we might start to water down some of the parliamentary traditions, which I think would be dangerous.

I congratulate the government on its win. It certainly had a clear win, but with the honour of that win comes some responsibilities. There should be no more blaming being a first-term government. It cannot blame former governments or being a minority government. It cannot blame the upper house, the Independents, the goods and services tax or the federal government, much as it might try. I am sure this government will face up to its responsibilities, and I urge it to do so. It is disappointing to hear other people still being blamed.

I would like to talk about some of the major issues in my electorate. The Gunnamatta sewage outfall is the first issue. It has been around for a couple of years and was the major issue in the election campaign, because 42 per cent of Melbourne's sewage is treated to a secondary state and 400 million litres of half-treated sewage is poured out at the Gunnamatta ocean beach each day. That is a lot of sewage. Melbourne Water has made two proposals: one is to upgrade the treatment plant at Carrum, which is wonderful. That is about a $170 million project.

The other proposal is to extend the pipe, which now discharges at the ocean edge, 2 kilometres out to sea. That is a total waste of money. It is going to cost $60 million and all it will do is spread the sewage over a larger area towards Cape Schanck, in through the Heads, into the bay and around the marine park. The environmental cost of constructing a pipeline 2 kilometres out to sea would involve the flattening of hectares of pristine coastal sands, just purely because of the engineering works that are required to construct that pipeline, let alone putting out some sort of temporary pier to hold the pipeline in place. It is a massive engineering project which will do a lot of environmental damage and will do no more than put the sewage out of sight and out of mind. It is not going to solve the problem.

I agree with the upgrade of the treatment plant to the tertiary stage, but the $60 million could be better spent on other, more important works to improve our water supply and reuse of water on the Mornington Peninsula and throughout Victoria. I commend the work of the Clean Ocean Foundation in keeping this issue in the public eye. Its members apply a tremendous amount of research and dedication to the job, and I will certainly continue to support them in this vital work of stopping the pipeline being extended out into Bass Strait.

Port Nepean has been mentioned on a number of occasions, and I have already spoken about it in this place this week. I will not talk a lot about it tonight because I have other issues to cover, but again I ask the government to honour its election promise to look at the precedents that have been set. The state government sold the land to the federal government in the first place back in 1931, and in 1998 part of the national park was purchased by the Labor state government from the federal government. So the precedents are there.

I also remind the government that it is not taking on an onerous task in purchasing the remaining 80 hectares. It will receive a return on its investment, because there are more than enough community groups who are prepared to spend the money to lease the land for the community uses that have been set out in the master plan.

Everybody on the peninsula is very happy that, no matter what happens, there will be absolutely no residential development on Point Nepean. It has been locked up for too many generations, and it will now be open to a whole range of people for a variety of activities. That is great for the Mornington Peninsula, but it is also great for Victoria and Australia as well.

The honourable member for Mornington spoke at length about the proposal to deepen the shipping channel. The jury is out on that matter, but I was very disturbed over Christmas, when the maintenance dredging was being done, to see the amount of damage done to the local dive industry. I also observed and took a number of photos from an elevated height of the suspended sand which hung around for about seven days while the dredging was going on. This was only a miniscule amount compared with the 30 million cubic metres that need to be removed from the shipping channel over the next few years.

I do not think there will be an appreciable change in water levels of the bay — that is one of the problems some people have with it — but we are still awaiting the environment effects statement, which is already running behind time and which will not be available until early next year. I am worried about those time lines stretching out. It will be a major issue, which I will be watching very closely.

I am the spokesperson for our party on tertiary education and training. I have a background in education, having been a school principal and school administrator in the years before I came into this place, as well as parliamentary secretary for education. I therefore place a great value on education. It is the best investment a government can make into the future of the state or the country.

In more specific terms we have a lack of teachers in some subject areas, as well as a lack of nursing places. Even though tertiary education is a federal responsibility, because the state runs our hospitals and schools it has some responsibility in helping to fund extra places — but not forever — to fill in the vacancies and meet the shortages we have in those areas until they are cleared up. After the need has been filled certainly one can take the funding out of that area.

We also have too great an emphasis on university education. The honourable member for Ferntree Gully talked about her free education at university. That is wonderful, and it is great to have well-qualified people in our society, but I have a great deal of admiration for our TAFE colleges and other avenues of further education which provide employment and training opportunities — and which are the alternatives to university.

The more we build up this thing about there not being enough university places, the more we devalue our TAFE colleges and our further education and training opportunities, because we are implying that they are second-class — and they are not. They are of equal value to our universities, and we ought to be very careful of painting a different picture.

The Royal Melbourne Institute of Technology has been in the news, and I welcome the minister's decision to have the Auditor-General go through the books of RMIT and have a close look at its financial situation. Just the sheer weight of the problems at RMIT deserves attention, but I ask the Auditor-General to hand down those findings before this place gets up for the winter recess, and I urge the minister to publish them. This is an important issue. RMIT is a great institution in this state, and it needs to be run as such.

Finally, in terms of public transport I have worked closely with the honourable member for Brunswick on including the Mornington Peninsula in the Met and increasing the local bus service. We have the second part, and I thank him for the work he did on that. The next step is to have the Mornington Peninsula included in the Met system. The public transport costs we face are unfair when you look at the geographical position of the Mornington Peninsula compared with other areas on the Met. We are a poor community, with not a lot of readily disposal income, and the people deserve a better go in public transport. Pedestrian safety, especially along Point Nepean Road, is a major issue, as is aged care, and I intend to look after those areas.

The SPEAKER — Order! The honourable member's time has expired. I call the honourable member for Prahran, and I advise the house that it is his inaugural speech.

Mr LUPTON (Prahran) — I congratulate you, Speaker, on making history as the first female Speaker of the house.

In the state election of 2002 the people of Victoria gave an unprecedented mandate to the Bracks Labor government to continue improving services in education, health and community safety, to protect our environment for a sustainable future, and to provide the sound economic management that alone can deliver these benefits. I am proud to serve in this government, and I am honoured that the people of Prahran have elected me to represent them in this Parliament.

I went to school in the electorate I now represent, at Christian Brothers College in East St Kilda. In those days the pass rate was more important than the retention rate, and at the end of fifth form I received a letter from the principal wishing me every success in my future career. I knew how to take a hint, although I was not completely sure what that future career might be or that I was quite ready for it. The fact that I had been told I could not finish my education did not outrage me until later.

As it happened, I packed my bags and moved to Albury, where many of my close relatives lived and where I obtained an apprenticeship. My dream as a 16-year-old was to drive racing cars, and I imagined that the best way to do this was to become a motor mechanic. Unfortunately the reality proved to be different from the dream, which had never included cleaning out grease pits in 40 degree heat. But my life changed, just as enormous changes were taking place in Australia. It was the 1970s and Gough Whitlam was inspiring a generation of Australians. I was inspired by

what the Whitlam government was attempting to achieve in social policy, health, education, the arts, Aboriginal rights and — probably most compelling for me at the time — our own Australian identity.

Even in a small country centre like Albury you could sense the buzz. I vividly recall Gough Whitlam visiting the town and announcing that Albury-Wodonga would be a major focus of the government's decentralisation policy to promote jobs and growth in regional Australia. These events convinced me that government could and should promote equal opportunity and fair access to those services which the community alone can provide.

As a student of history I was attracted to the idea of government set out by Abraham Lincoln in the 1840s after he had served in the Illinois state legislature. He wrote, 'The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot so well do, for themselves in their separate and individual capacities'.

Lincoln did not believe in small government or in big government but in better government and in what were called then 'internal improvements' — government action to build roads, railways, canals, schools and establish state banks to provide economic stability. Developed for a more complex society, Lincoln's notion seemed to strike the right balance and described for me the modern social democrat's view of government, not as inherently good nor inherently evil, but with a vital role to ensure equal opportunity and economic prosperity. Belief in these ideals inspired me to join the Labor Party.

Seeing this potential for social improvement made me angry that my own education had been cut short. I was a boy who loved reading and learning, yet I had been told not to finish school. I was determined to prove that I could succeed as a student. That was when I decided to try to enter law school, which, as the son of a postal worker and the grandson of a blacksmith, would be a first in my family.

Around that time a solicitor and Labor candidate, the late Joe Murphy, encouraged my ambition to study law. My new dream was to become a barrister, so I returned to Melbourne and went back to finish school. I enrolled in the higher school certificate at Caulfield Institute of Technology the following year and qualified for an arts-law course.

I eventually practised as a self-employed barrister for some 15 years, but I recognised then — and I still recognise now — that it was not just hard work that got me through. It was hard work and the removal of barriers to opportunity, in particular the abolition of university fees and the introduction of student allowances by the Whitlam Labor government that enabled someone of my limited means to make that life change and have the opportunity to achieve my dream.

Much has changed since those days. Programs and policies have evolved to meet changing times, but what never changed for me was the faith in progressive Labor policies that could enable people regardless of their background or means to achieve their full potential. So it is with great pride that I have the honour to stand here today as the newly elected representative for Prahran.

The electorate of Prahran is the smallest in Victoria, some 12 square kilometres, running from the Yarra River to Carlisle Street, East St Kilda, but its fascinating mix of neighbourhoods and communities makes it the essence of cosmopolitan Melbourne. There are many families who have lived in the area for generations, nearly 3000 public housing residents in East St Kilda, Windsor, Prahran and South Yarra, professionals, students and artists who gravitate to the inner city lifestyle, and in Toorak some of the wealthiest people in Victoria.

With over a third of local residents having been born overseas, Prahran is at the multicultural heart of Melbourne. There are large communities with Greek, Chinese, Italian and Eastern European backgrounds and a significant Jewish community. A wonderful feature of East St Kilda is the beautiful aroma of fresh bagels around Carlisle Street. Prahran is also a centre for Melbourne's vibrant gay and lesbian community with many community service and health organisations based in the area and is home to the annual Midsumma Festival.

This diverse constituency, by its nature, understands the importance of education and equality of opportunity. I understand this too because of how I came to qualify in law and what my education means to me. I regularly visit the schools in the electorate and am filled with hope when I do so. I recently spoke to a class which included a Koori student, along with children from Russia, China, Africa, Japan, Turkey, Serbia, Croatia, Italy and Greece, who were eager to fulfil the aspirations that brought their families to Australia, together with others who had never been outside Melbourne, but who instinctively accept their friends from other cultures. There I see the limitless possibilities of the coming generation. We owe them the very best education possible. Our aim must be for

public schools so good that they are the schools of choice.

A distinctive feature of the Prahran electorate is its housing. There is a high proportion of flats and apartments — over 18 000 — compared with just over 10 000 houses. Nearly 15 000 homes are being rented. That is 58 per cent compared with the Victorian average of 25 per cent. These bare statistics have profound implications; they mean that housing is a major social issue, both its supply and its affordability. Our aim must be to increase the supply of quality, affordable housing by encouraging partnerships between state and local government, community agencies and the private sector. I will be working to implement the government's affordable housing strategy which will expand options across all forms of housing, including public, social and community housing and the private rental and affordable home ownership markets.

Our urban planning must provide for homes close to transport, employment and training opportunities, health care, schools and other services.

In public housing I will be pushing ahead with neighbourhood renewal and estate improvement programs to lift the quality of life and sense of security of residents. More secure access to buildings, linking housing improvements to community job initiatives and involving local communities in decision making will lead to more cohesive communities and more opportunities for residents to gain skills and employment.

In Prahran the challenge is to manage population growth and protect neighbourhood character and amenity. You do not do this by ad hoc development, but by creating a long-term vision. In one, two and three decades we want our neighbourhoods to be clean, safe and lively with enhanced streetscapes, accessible services and local roads no longer clogged with through traffic.

Quality health care is something we are all entitled to expect and I am proud of the support shown by the Bracks government to the Alfred hospital. I am extremely pleased that the government will build a new 100-bed dedicated elective surgery centre at the Alfred, which will boost its capacity to treat surgical patients and reduce the chance of operations being postponed due to emergency admissions. As our major trauma hospital the Alfred has the potential to become a world leader in trauma research.

An issue of major importance to me and to the people of Prahran is a sustainable environment. I am also a member of the Australian Conservation Foundation. Many people I speak to want to play a more personal role in protecting the environment, and water conservation is one of the ways in which we can all contribute. The government's rebates on water tanks and recycling grey water are practical initiatives where we can all make a difference.

Other environmental issues require governments to take responsibility and act. On such issues the Bracks government is to be commended for establishing marine national parks and for its commitment to saving the Otways by creating a new national park stretching from Anglesea to Cape Otway, and to restoring the health of our rivers.

Putting our society on a clear path to a sustainable future can and should be the great nation-building task for the new century. I believe we must reduce our reliance on non-renewable sources of energy in the long term by actively developing wind and solar power now. We must also revitalise public transport. It must be so frequent, affordable, accessible and safe that it and not the car increasingly becomes the transport of choice.

The institutions of democratic government and the rule of law are also close to my heart. We must ensure our justice system continues to hold the trust of the public. The independence of the judiciary and the separation of powers are basic to this trust and must always be safeguarded. The actions of the Kennett government showed how fragile our democratic institutions can be, and I am proud to be a member of a government that respects the rule of law and independent democratic safeguards. I also look forward to making a contribution in this Parliament to the process of law reform and access to justice, subjects in which I have long been interested.

On a personal level I am fortunate to be the father of three wonderful children, Patrick, Claire and Greta. They have enriched my life immeasurably. As a member of Parliament I know that the work I do now will affect the future I leave them, and more than anything they are why I chose to do it. I also want to pay tribute to my partner, Julie, who is here in the gallery tonight. We are a great team whose love, support and encouragement for each other is truly exceptional.

I would also like to acknowledge my predecessor as the member for Prahran, Leonie Burke. While we did disagree about policy, we never disagreed personally. I wish her well.

Differences in policy often stem from the view people take of their own relative success. Some believe success is achieved simply through hard work. While this is no doubt necessary, it is generally not sufficient. I believe in reward for hard work and fair competition, but I recognise that many work hard for little reward and that the economic playing field is not level. I believe that a just and fair society should not be a matter of chance but a matter of choice, and this is a choice we should make.

There is a difference in outlook between social democrats like me in the Labor Party and our conservative opponents. We are not satisfied with things as they are. We believe things can be made better. It is for that reason and in that spirit that we face the future with confidence.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The bill amends the Associations Incorporation Act 1981, the Business Names Act 1962, the Estate Agents Act 1980, the Motor Car Traders Act 1986 and the Travel Agents Act 1986 to enable transactions under each act to be delivered online via the Internet. The bill also proposes a number of further amendments necessary for the efficient operation of each act.

The ability to transact business with government online will deliver improved services to business, to associations and their members and to consumers. It will result in increased convenience and improved efficiency, particularly for rural and regional businesses and consumers. Over time, most licence applications and renewals, applications for the registration of a business name or applications to form an incorporated association will be able to be made online. Changes to registered details, lodgment of an association's annual statement and lodgment of an auditors report will also be able to be conducted online. Consumers will be able to identify the proprietors of a business they are dealing with, or to satisfy themselves that a person holds the appropriate licence, by conducting an online search of a public register. Online transactions will be quick and convenient.

Although the Electronic Transactions (Victoria) Act 2000 enables documents lodged electronically via the Internet to be authenticated by use of an electronic signature or other agreed method, specific amendments to each act are required to remove other impediments to conducting business under the legislation online.

The bill will remove existing requirements that a document lodged with Consumer Affairs Victoria or the Business Licensing Authority be signed by more than one person and existing requirements that a document be accompanied by a statutory declaration.

Steps will be taken to ensure that business risks are not increased by these changes. For example, online transactions will be verified by use of a pass code issued to the person authorised to conduct the transaction on behalf of a business. Where changes are made to the ownership of a business operating under a business name, Consumer Affairs Victoria will confirm the changes with the previous business owners by letter.

The bill also makes significant changes in relation to the public registers established by each act. The public registers play a vital role in consumer protection by enabling a consumer to access information about a person with whom they are doing, or proposing to do, business.

The bill will insert a purpose for each register and will clarify the contents of each register. These changes will enable both consumers and business to know what information is publicly accessible via the register and will assist with meeting privacy obligations in relation to personal information.

The bill also inserts provisions that will enable a person to apply to have public access to their personal information held on a register restricted where there are exceptional circumstances. These provisions will, for example, allow a person to apply to have public access to their residential address restricted in circumstances where the release of this information may jeopardise a person's safety.

The bill will also make a number of other amendments necessary for the efficient administration of each act.

For example, the bill will make a number of amendments to the Associations Incorporation Act 1981. Significantly, the bill will:

enable small associations to appoint an unregistered liquidator to oversee a voluntary winding up; and

allow an association to apply to the registrar for approval to adopt an alternative process for alteration of the association's rules.

The Business Licensing Authority Act 1998 is amended to enable the authority to delegate many of the routine decisions it makes on a day-to-day basis.

Consultation with consumer and industry groups indicates widespread support for the online services that will be facilitated by this bill.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 3 April.

SENTENCING (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Sentencing (Amendment) Bill 2003 reflects this government's commitment to deliver improved justice services to the Victorian community, with the introduction of guideline judgments and the establishment of a Sentencing Advisory Council.

These two major reforms will modernise the criminal justice system and ensure that it is more responsive and better informed about community views on sentencing issues.

Sentencing is one of the most visible and public aspects of the criminal justice system and is at times the subject of community disquiet. In response to community concern about sentencing, in October 2000 this government commissioned Professor Arie Freiberg of the University of Melbourne to conduct a review of Victoria's sentencing laws and to consider ways in which informed community input could be incorporated into the sentencing process.

Professor Freiberg prepared a sentencing review discussion paper, which was released for the purpose of public comment on 13 August 2001. Following a period of extensive public consultation, Professor Freiberg prepared a final report, *Pathways to Justice — Sentencing Review 2002*.

Sentencing is a highly complex task. The Sentencing Act 1991 sets out the five basic purposes for which a court may impose a sentence, namely, punishment, deterrence, rehabilitation, denunciation and protection of the community. In sentencing an offender, a court must also have regard to a range of matters, such as the seriousness of the offence, the personal circumstances of the victim and the offender's culpability. A sentencing court must consider all of these matters and balance the interests of the community in denouncing criminal conduct with the interests of the community in seeking to ensure that, as far as possible, offenders can be rehabilitated and reintegrated into society. In each case the court must formulate a just sentence having regard to all of the relevant evidence.

Sentencing can not be reduced to a simplistic formula. To do so would lead to error and injustice.

The courts are uniquely placed to deliver justice by applying the law fairly and consistently to the individual circumstances of each case. It is vital that the courts are supported in this difficult and important role.

Sentencing Advisory Council

The establishment of a Sentencing Advisory Council will allow properly ascertained and informed public opinion to be taken into account in the criminal justice system on a permanent and formal basis.

Functions of the council

The bill sets out the functions of the council. The council's functions will include providing written views to the Court of Appeal in relation to guideline judgments, providing statistical information on sentencing to members of the judiciary and others, and conducting research and disseminating information on sentencing. The council will also gauge public opinion on sentencing, consult on sentencing matters with members of the general public and advise the Attorney-General on sentencing issues.

The council will promote greater transparency and accountability in the criminal justice system and stimulate balanced public debate on sentencing issues.

Structure of council

The bill outlines the structure of the council. One of the key features of the council's structure is its broad membership. The governing body of the council will be a board consisting of 9 to 12 directors appointed by the Governor in Council on the nomination of the Attorney-General. The directors of the board will include persons who have broad experience in community issues affecting the courts, persons with experience in both the defence and prosecution of criminal offences and a person who is a member of a

victims of crime support or advocacy group. At least one director of the board will also have an academic background.

This balanced membership will facilitate broad community input into the activities of the council. Importantly, the composition of the board will ensure that the justice system is informed by the views and experience of the community.

The council will have a chief executive officer and staff to support the work of the council on a day to day basis.

Accountability

Whilst it is critical that the council is independent, like all modern statutory corporations it must also be subject to appropriate levels of accountability. Accordingly, the bill contains a number of mechanisms to ensure the accountability of the council in relation to its operations and expenditure. For instance, the bill provides that the council must comply with a lawful requirement made by Parliament for information concerning the performance of its functions, the exercise of its powers or its expenditure.

Guideline judgments

The bill empowers the Court of Appeal to give guideline judgments. The bill defines a guideline judgment to mean a judgment that is expressed to contain guidelines to be considered by courts in sentencing offenders. In essence, guideline judgments are judgments which go beyond the facts of an individual case before the court to deal with variations of the offence and suggest relevant sentencing considerations.

Power of the Court of Appeal to give a guideline judgment

The bill provides that, on hearing an appeal against sentence, the Court of Appeal may consider whether to give or review a guideline judgment. This may be done on the court's own initiative or on the application of a party to the appeal. The Court of Appeal may give a guideline judgment even if it is not necessary for the purpose of determining any appeal in which the judgment is given. This gives the Court of Appeal the flexibility to deliver a guideline judgment outside the context of an individual case.

Content of a guideline judgment

The bill sets out a range of matters that may be included in a guideline judgment, such as the criteria to be applied by sentencing courts in selecting among the various sentencing alternatives, the criteria by which the sentencing court is to determine the seriousness of an offence and the weighting to be given to relevant criteria.

Procedural requirements

The bill provides that where the Court of Appeal intends to give or review a guideline judgment it must notify the Sentencing Advisory Council and give the council an opportunity to provide written views to the court within a specified time period. The court must also give the Director of Public Prosecutions and a legal practitioner representing Victoria Legal Aid an opportunity to appear before the court and make submissions.

Matters to which Court of Appeal must have regard

The bill respects and promotes the principles of judicial discretion and judicial independence. Accordingly, the content of a guideline judgment is a matter to be determined by the Court of Appeal in accordance with the principles contained in the Sentencing Act 1991. However, in giving or reviewing a guideline judgment, the bill provides that the Court of Appeal must have regard to —

> the need to promote consistency of approach in sentencing offenders;
>
> the need to promote public confidence in the criminal justice system; and
>
> any views of the Sentencing Advisory Council or a legal practitioner who makes a submission.

These requirements recognise the need for the criminal justice system to be responsive, representative, transparent and accountable. Significantly, the Court of Appeal will be assisted in its difficult task by the views of the Sentencing Advisory Council.

Consistency

Guideline judgments provide a mechanism to promote greater consistency of approach in sentencing. Guideline judgments can also provide an opportunity for appeal judges to share their collective experience with primary judges and articulate unifying principles to guide the exercise of judicial discretion.

The introduction of guideline judgments in Victoria will allow an appropriate balance to be struck between the broad discretion of the judiciary to take the individual circumstances of each case into account and the desirability of consistency in sentencing.

Importantly, guideline judgments are consistent with the nature of the existing appellate process, whereby decisions of the Court of Appeal guide the decisions of lower courts.

The principle that like cases be treated alike is fundamental to the fair operation of our justice system. Consistent with this principle is the ability of judges to exercise their discretion to fix a just sentence according to the individual circumstances of the case before him or her. The introduction of guideline judgments conforms with these fundamental principles.

The government is committed to providing improved justice services to the Victorian community and enhancing public confidence in the justice system. The establishment of a Sentencing Advisory Council and the introduction of guideline judgments are major steps towards delivering this commitment.

I commend this bill to the house.

Debated adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 3 April.

TERRORISM (COMMONWEALTH POWERS) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr THWAITES (Minister for Environment).

CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr THWAITES (Minister for Environment).

CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr BRUMBY (Treasurer).

BUSINESS OF THE HOUSE

Division list

The ACTING SPEAKER (Mr Thompson) — Order! I have to inform the house that in the division that took place in the committee of the whole on the Constitution (Parliamentary Reform) Bill on the question that clause 1 stand part of the bill, the honourable member for Glen Waverley was present but not recorded by the tellers for the ayes. The total of the ayes is therefore 60 instead of 59. The Clerk will make the necessary correction in the division list.

Sitting suspended 6.28 p.m. until 8.03 p.m.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from earlier this day; motion of Ms LOBATO (Gembrook) for adoption of address-in-rely.

Mr McINTOSH (Kew) — I begin my address-in-reply by mentioning the situation we are currently in. I am sure that everybody in this house is aware that the war has now started in Iraq. Irrespective of what political side of the equation you may choose to be on in relation to the justification or otherwise of it, I certainly want to express my views, and I am sure I speak on behalf of everybody, that our men and women who are currently serving on behalf of this nation on our behalf in Iraq deserve all of the support and all of the gratitude of this nation, and certainly they have my gratitude. I am sure that I speak on behalf of everybody in this place.

It was also an honour to be re-elected as the honourable member for Kew. It was a great privilege to be elected to this place for the first time in 1999. I came in as a backbencher and am very grateful for the support, and indeed the camaraderie that I received from both sides of the house.

I certainly mention two people in particular. I shared an office on the third floor, which was then known as the penthouse, with two men who became strong friends of mine but who are no longer with us as members. I speak of the former honourable members for Knox and Bennettswood, Hurtle Lupton and Ron Wilson respectively, both of whom unfortunately lost their seats at the last election. Hurtle was the quintessential local member. Quite often you could not get a quiet moment in that office because Hurtle was always on the phone talking to local constituents. Ron Wilson, who

came into this place in 1999, was the shadow Minister for Health at the time. He was a great friend and a great political asset in that office. So far as I am concerned, he will be sorely missed.

As I said, it is a great honour to have been elected as the member for Kew again. It has been a privilege for me to deal with the constituency in which I was born, bred, grew up and now live. It is without doubt an affluent, educated and diverse electorate. There are two important industries in that electorate — churches and schools. Once you get through that you come to retail shops, and that is about the extent of it.

The most important thing about the electorate of Kew is that, notwithstanding the fact I was born, bred and now live there, it is amazing what you can learn when you start scratching the surface. You learn things about your own electorate that you were never aware of. For example, I often drove past what was then the St Paul's campus of Villa Maria, which for many years was a school for blind children and an icon. That has all changed, and I was not aware until shortly before my election that it is now a place that looks after profoundly intellectually disabled and challenged children. They do a great job. I see the honourable member for Burwood agrees: obviously he too has had close links with the people at Villa Maria and can attest to the great job they have done.

I speak not just about Villa Maria but about the voluntary teachers and support staff at organisations such as the neighbourhood house and Neighbourhood Watch. Those are the sorts of activities that are conducted in my electorate.

The kindergartens, primary schools and secondary schools in my electorate are all great schools. I shall give the house a couple of examples. In the space of about 3 hours I had the opportunity of going to a concert at one of Melbourne's leading large private girls schools, followed by my attending a concert at one of the two government-run high schools in my electorate. The standard at both those institutions was profound.

I am grateful to be able to represent those two schools and many others in this place. I am certainly grateful for the accommodating way that the schools have encouraged and allowed me to be part of their community from time to time. I would hazard a guess that many people from both sides of politics would be able to say they send their children to some of the schools in my electorate. I understand that the spouse of one member of this place teaches at one of those schools — and it is not a government-run school but a private school.

Most importantly one of the things I also found in the three years after I was first elected was just how important but also how gratifying is the constituency work associated with my representation in this place. I was surprised by just how much I actually enjoyed the constituency work — and I see the member for Burwood nodding. He has visited one of my local schools from time to time to deal with certain issues, and a joint outcome turns out to be profoundly wonderful in those instances. As I said, I am surprised by how gratifying the constituency work I have become involved in has been — be it visiting schools, churches and retail stores or meeting the various traders associations in what are classic strip shopping centres in my electorate, anywhere from Kew Junction through to the North Balwyn shops or, indeed, the Balwyn shops.

It is an immense pleasure to represent this place. I can honestly say I have not yet had one adverse or detrimental experience doing constituency work. However, this wonderful electorate that I have the honour of representing faces many challenges. One of the principal challenges is the issue of traffic. Probably the single greatest number of complaints I get concern traffic: the amount of traffic that goes through local streets, freeway noise, crossings and things like that.

One would hope this government will address a number of the matters I have raised in this place from time to time — for example, the crossing between Our Lady of Good Counsel School and Deepdene Primary School. Some 900 families are represented at those two schools, which have in excess of 1500 students between them. The most important thing about this is that not only is there a need for a school crossing, but the area is very close to the local shops. It is close to the Anniversary Trail, which is used by many pedestrians and bike traffic from time to time. The real problem is it is the only place on the Anniversary Trail between Glen Iris and the Kew bike path down near Studley Park where there are no traffic controls to assist people crossing a major road such as Whitehorse Road.

Most importantly, I have asked the Minister for Transport to deal with this matter and I hope there can be a positive outcome. I have also asked the Minister for Transport to address the possibility of assisting the City of Boroondara on transport issues. There is always a circular argument when you deal with Vicroads or the local council: the local council always says it is the responsibility of Vicroads; and Vicroads will then turn around and say, 'No, it is not ours, it is the local council's responsibility'. Perhaps the government may

like to show a tad of leadership and provide an overall traffic plan — as part of the 2030 scheme if it so chooses — to deal with the traffic issues in my electorate.

Another matter I would like to touch on is the one I raised last evening relating to the Kew Residential Services. I warmly welcome what the Premier said about the sale of public land, and I remind the house what the Premier said. He said the sale of public land at commercial rates is utterly and totally irresponsible. I welcome that announcement. It would appear the government has made a change in relation to its policy on publicly owned land. It would appear now that the 22 hectares belonging to Kew Residential Services will no longer be sold for private purposes such as housing blocks, but that it can be a very welcome and great addition to Studley Park, the border of which I share with a number of members, particularly the member for Richmond, with whom I have had a great deal of contact on a couple of issues that have arisen over the Yarra Bend Park. Those 22 hectares would be a welcome addition. I welcome the fact that the Premier is in the chamber. I am grateful to the Premier for acknowledging that the sale of public land for commercial rates would be totally and utterly irresponsible. I look forward to the preservation of those 22 hectares in my electorate.

I will briefly mention a couple of matters. I formally acknowledge the work that a number of volunteers undertook on behalf of the Liberal Party in my electorate, certainly to support me. I will not name the entire list, but I acknowledge my electorate chair and campaign manager, David Smart, who spent hours and hours preparing the campaign in my electorate. I would like to acknowledge all the volunteers who participated in my electorate and in many other electorates around this state.

I would also like to acknowledge formally my staff who have worked so diligently not just over the election period and currently but who were doing so a long time before that. I would like to acknowledge John Milburn-Clark and Amanda Dinsdale in my office. I acknowledge also a couple of people who provided volunteer work for me over the time, Roly Richardson and Helen Verlander, whose amount of volunteer work was profound. I certainly welcomed all of that, and I thank them formally for their assistance.

In conclusion I would like to say that one of the things that amazes me about this place is that the amount of work that is conducted here is profound. We address a number of critical and important issues in this place in our time but one of the most important things about it is that the work of this place could not be conducted if it was not done by way of agreement.

Although this is a very combative and adversarial place — and I come from an adversarial environment so I am used to it — one of the things that surprised me was the work of parliamentary committees. My times on those parliamentary committees — and I served only on the Law Reform Committee — have been some of the more enjoyable times I have had, particularly meeting with, dealing with and closely interacting with members of the government.

I would like to acknowledge the local members in my area, such as Petro Georgiou, Ted Baillieu, Robert Clark, David Davis and Richard Dalla-Riva, but I also have to put into that melting pot Bob Stensholt. Bob is someone I have served on the Law Reform Committee with and have become very friendly with, and despite the adversarial nature of politics I think it is an indication that this place requires that amount of work.

I also acknowledge Telmo Languiller, the member for whatever his place is now — Derrimut. The most important thing is that Telmo was on the Law Reform Committee as well, and that was a great friendship.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member will use the proper form of address when referring to members in the house.

Mr McINTOSH — Acting Speaker, I do apologise. I could not remember his seat, that is all.

An honourable member interjected.

Mr McINTOSH — That is right; it takes a long time to adjust.

With those concluding remarks, I again thank the people of Kew. I would like to acknowledge that it is a great honour. I would like to acknowledge the support and trust they have placed in me. I would also like to acknowledge the support I have received from both sides of the house in the last three years and say just how much I have enjoyed them over that period of time.

The ACTING SPEAKER (Mr Seitz) — Order! Before I call the next speaker, I ask the house to reduce the level of audible conversation, and I remind honourable members that this is the inaugural speech of the member for Narren Warren South.

Mr WILSON (Narre Warren South) — Thank you, Acting Speaker. I congratulate you on your appointment and request that you extend my

congratulations to the Speaker and Deputy Speaker on their appointment to their respective high offices. I would also like you to pass on my thanks to the parliamentary attendants of this chamber who so effectively assist members in providing effective representation for Victorians for their services so far.

I am humbled and honoured by the residents of the Narre Warren South electorate for giving me the opportunity to represent them, a feeling I am sure that is shared by many other new members in this chamber, and I assure my constituents that I will play a constructive role in governing Victoria for them and all Victorians.

I acknowledge the traditional owners of the land on which we stand today, the Kulin nation, and pay my respects to their elders.

First of all my thanks must go out to the many people who assisted me in my election campaign — to my campaign coordinator and director, Graeme Watson, and to the team he assembled of over 150 people who worked on the campaign for 18 months. I wish to convey to them my sincere gratitude.

Further, I would like to thank the many other memorable people who have assisted me and the community over the last 20 years of my community activity, especially my wife, Sri Mati, who deserves my sincere thanks for her wise counsel and support over the years.

In 1983 I was elected to the council of the City of Springvale and later to the council of the City of Greater Dandenong. My experience as a local councillor serving local residents for more than 14 years has demonstrated to me the strength of local communities and the potential to achieve results when we work together.

Simple community activities such as the recent Clean Up Australia Day can produce great results because of wide-ranging community support, and I call on other MPs to assist in other such community activities and such worthy causes in the future.

Living in the rural town of Sale in the 1960s, when I must say it was a boom town because Esso-BHP was there, my father taught me about the importance of community service, community activities and community organisations. He taught me what it means to be active. He was active in many organisations including the local branch of the Australian Labor Party, the Anglican Church, Sale Football Club, the Victorian Railways Institute and of course the Australian Railways Union.

My father was a very strong believer in families and the value of education, and he devoted much effort to encouraging his children's education. My mother was also very community orientated with active roles in our local church, local sporting organisations, library and women's groups. My parents taught me the need for all to participate in local communities and, where necessary, to lead.

Much of my early political education occurred during the 1970s in the Noble Park area. I must note one of the strong, resilient leaders of the ALP in Noble Park at the time, Tony van Vliet. Those who have been around for a few years will remember Tony because while he lost two Legislative Assembly elections he actually won the Legislative Council seat in 1982 but fell ill and was unable to take his place.

I have worked for two members of Parliament — Terry Norris, the former member for Noble Park and Chairman of Committees, and John Pandazopoulos, the current member for Dandenong, who is now also the Minister for Tourism as well as the Minister for Gaming, the Minister for Racing and the Minister assisting the Premier on Multicultural Affairs. I must thank them and the other community leaders I have been involved with for continuing my community education. Without the skills learnt and applied on a daily basis in the electorate office I am sure my continued activities as a member of Parliament would be less certain.

There is much to do, especially in the growth corridors like the City of Casey, where my electorate is based, and the Shire of Cardinia in the next electorate along. I would like to extend my congratulations to the newly elected and newly re-elected councillors of the City of Casey, who are now councillors: Angela Dunleavy, Wayne Smith, Roland Abrahams, Mick Morland, Rob Wilson, Kevin Bradford, Ben Clissold, Steve Beardon, Neil Lucas and Colin Butler. And of course I extend special congratulations to the newly elected mayor of the City of Casey, Cr Brian Oates. I wish them well in their endeavours to represent the people of the City of Casey and commit myself as a former councillor to work with them to achieve our common objectives.

The electorate of Narre Warren South is a new one, carved out primarily from the old electorate of Dandenong, which John Pandazopoulos represents, with smaller sections from the former seat of Berwick and the seat of Cranbourne. Narre Warren South, like the adjoining electorates of Cranbourne, Narre Warren North and Gembrook, is part of the south-eastern growth corridor. I can say that I have seen first-hand many of the problems raised by this rapid growth.

The Narre Warren South electorate is composed of the communities of Narre Warren, Narre Warren South, Hallam, Hampton Park, Berwick, Beaconsfield and Cranbourne North. I hope I did not leave anyone out there. As part of the south-eastern growth corridor there has been massive growth in the electorate, with more than 80 families a week moving into the area. These additional residents require the introduction or expansion of many government services to meet their needs.

I am pleased to note that the first Bracks government was able to provide the leadership required to commence the additional infrastructure required by the community. The number of youth and children in the Narre Warren South electorate is one of the highest in the state, which is demonstrated by the growth in our schools both public and private. In the years since the 1999 election two new primary schools and two new secondary schools were commenced and have opened — Hillsmeade Primary School and Narre Warren South Prep–12, and Narre Warren South secondary and Berwick South secondary.

I must praise the quality of the education delivered by public schools in my electorate. Such is the growth in local population that another two schools are required to be built in this term of Parliament, Kings Park primary and the Cheese Factory primary — an interesting name, and perhaps a 90-second statement will be made relating to the cheese factory in Berwick.

The numbers of teachers in government schools in my local community has grown by 50 per cent in the last three years. That is reflective of the growth.

Additionally the Monash University Berwick campus and Chisholm TAFE (Berwick) provide excellent higher education services in the electorate, but as with many services, the growth requires those services to be expanded.

Education is vital to fulfilling people's life objectives, and I am pleased to be a member of the Bracks government, a government that is providing these services and recognising the vital importance of education to growth as a community. Narre Warren South has benefited from the many organisations which bring its people together, truly making it a community that I am proud to be part of.

Serving the electorate are seven worthwhile neighbourhood houses: the Narre Warren Learning Centre, Merinda Park Community Centre, Berwick Neighbourhood Centre, Beaconsfield Community Centre, Hampton Park Community House, Hallam Community Centre and Oakgrove Community Centre. They are part of a network that provides life-long learning and are very well utilised by the residents of my electorate.

My electorate has also benefited substantially from additional expenditure in health, another vitally important issue in my electorate, with works to the Dandenong Hospital creating and enhancing facilities for the public. More important, though, for many of our residents is the building of the new public hospital in Berwick. I recently attended, along with other members of Parliament in the area, the first concrete pour for this 229-bed facility. Berwick's new community hospital will be a major asset for the local area and is expected to treat its first patients in 2004. It will greatly add to the health resources available to all members of our community and the commencement of construction has been very well received.

I have spoken about and will continue to speak about the enormous levels of growth in the electorate I represent. Such is the growth that each day residents note the increased traffic on our roads. To alleviate this the Bracks government has allocated funds for the duplication of Narre Warren–Cranbourne Road and the installation of two sets of lights. I note I announced last week that one of those two sets of lights had been tendered out. I understand that works for the duplication will commence in the next few months.

Furthermore, this term of Parliament will see the duplication of Clyde Road extended in front of St Catherine's and St Francis's schools, as well as the widening of the very narrow Thompsons Road carriageway.

Like many electorates, Narre Warren South has significantly diverse communities. There are the more established communities, such as Hampton Park, Hallam and Narre Warren, alongside the rapidly growing communities of Berwick, Beaconsfield and Narre Warren South. While at the moment the electorate has slightly lower than the state average number of people from non-English-speaking backgrounds, they are expected to grow rapidly in the growth areas, and I am pleased to work with those community leaders to ensure that they get the services they need.

Green and less-populated rural areas in the electorate allow for an openness that is not always available in built-up areas and, along with the several creeks which cross the electorate, they are valuable environments and natural green spaces that need to be protected.

We are part of the largest growth corridor in Melbourne and the number of jobs is increasing, thankfully. In the Dandenong South, Lyndhurst and Hallam suburbs manufacturing industry is rapidly expanding. In the suburb of Fountain Gate the number of jobs in retail and administration is also growing. I look forward to this growth continuing to provide strong opportunities for people in the south-eastern suburbs. I am greatly excited to be a member of the Bracks Labor government, given the recent announcement of the tremendous employment growth and the low unemployment figures.

In recent months all Victorians observed and appreciated the tremendous work of our firefighters and support workers in fighting the largest fires to blaze across the state since 1939. Their good work helped to lessen the possible loss of homes and injuries. They deserve the thanks of this house as well as the gratitude of all Victorians. Many members of the local Narre Warren South Country Fire Authority brigades have taken part in very arduous firefighting duties, and they receive our community's thanks. It is also important to thank those who stayed behind to look after their local areas while their fellow crews toiled in parts of Victoria — and of course interstate when they were in more need.

I note with sorrow that this is the first day of the war in Iraq. I sincerely believe that the United Nations inspectors, combined with world pressure on Saddam Hussein, had much more to deliver. I would have preferred that the inspectors, led by Dr Hans Blix, had been given more time to further inspect suspect sites. Like many Victorians, I believe that a specific United Nations Security Council resolution would have been infinitely preferable to an invasion of Iraq at the behest of the leader of another country. War should be the last resort, the final resort, after all other options have been exhausted. Given that, I pray that the loss of life is kept to an absolute minimum and that all the Australian troops return safely. Further, I pray that the returning service personnel are given the counselling and assistance they require to relieve the pressures of war.

Across the south-eastern region we have many people from Middle Eastern and Islamic backgrounds. This Parliament needs to encourage our community leaders, especially in this week when we have celebrated the diversity of our community, to ensure that these people face no persecution as a result of the war in Iraq.

On a happier note, this is an historic day in Victoria — the Legislative Assembly has passed the Constitution (Parliamentary Reform) Bill. This historic bill will ensure that future parliaments are more democratic, with proportional representation in the Legislative Council. Further, the bill ensures that the blocking of supply in the Council will no longer be possible, ensuring that governments in this state will be more stable.

Along with other municipalities, the major challenge in our community is providing for young people. I note that the member for Frankston has raised the Freeza program in recent speeches. Young people and their families require much work to motivate them. After all, they are our most valuable asset and need nurturing to maximise their potential. With the introduction of the new children services centre — a promise the Bracks government made at the last election — local communities will have a real chance to make much more accessible the range of children's services that are available.

In the last six months I have received many comments regarding Victoria's water shortage. Like many of my constituents I applaud the government's decision to legislate to establish the Victorian Water Trust. As we all know, water is a source of life, and to reduce its waste in our state will be a major benefit to our generation and those who follow.

I am constantly reminded that such is the growth in the south-east, the City of Casey and the Shire of Cardinia that soon we will have the population of Canberra — and currently the City of Casey has the population of the Northern Territory. It is a challenge that we must all rise to, not just in the area I represent but across Victoria, to provide the required services.

I humbly thank the people of Narre Warren South for the trust they have placed in me and the opportunity they have given me to serve them.

The ACTING SPEAKER (Mr Seitz) — Order! I remind honourable members that this is the inaugural speech of the honourable member for Bellarine.

Ms NEVILLE (Bellarine) — It is my honour to speak for the first time in this chamber as the new member for Bellarine. I speak today with a sense of sadness as the world begins a period of great instability, hostility and division having failed to find a peaceful resolution to the current conflict. I offer my support and best wishes to our servicemen and servicewomen who will be at the forefront of this conflict, but I hope for a speedy end to the war.

Even though it is now a few months since my successfully winning the seat, standing here in the chamber brings home to me the privilege and the responsibility that has been conferred on me by the

people of Bellarine. I thank them for electing me as their state representative. They have placed great trust in me, and I am determined to honour that trust.

Over the last 12 months I have had the opportunity to meet and listen to many thousands of local residents. It is often easy to believe that we know what is important to people and what the issues are that impact on their lives, but in seeking election to the state Parliament I made a commitment to listen to the people of Bellarine and to work with them to advance their interests and to be a strong voice for them within the government. This reflects a central theme of the philosophy and values of the Bracks government — a commitment and willingness to listen to and work in partnership with local communities to find solutions together to current problems and to develop together a vision for the future. One of the great challenges for us as members of Parliament and as a government is to work to build stronger, more cohesive and more resilient communities where people have greater control over their destiny.

Today I want to share with the house a little about the community of Bellarine and to explore how the government and I as their representative can make a real contribution to realising their hopes and their aspirations. Bellarine is a seat of great diversity. There are, of course, overriding issues that impact on all residents, but there are also specific issues and challenges impacting on different towns across the electorate.

The Bellarine electorate boundary begins with the towns of Newcomb, Whittington and St Albans Park, which are inner suburbs of Geelong; it runs through the growing community of Leopold and the rural areas of Wallington and Curlewis; and it includes some of the most spectacular coastal areas of the state, including Ocean Grove, Clifton Springs, Portarlington, St Leonards, Indented Head, Queenscliff and Point Lonsdale — *Seachange* country!

Bellarine covers two local government areas — the largest in the state in the City of Greater Geelong and the smallest in the Borough of Queenscliffe. It is a mix of rural and residential, with a large tourist population at certain times of the year. It includes both affluent groups, as well as some of the most disadvantaged communities in Geelong. It has some areas which have an above-average growth in people over 65 years of age, while other towns have seen an enormous increase in families with young children and numbers of young people.

Bellarine's economy includes a vibrant tourist industry, some of the best wineries in the state, a growing seafood industry and a strong and diverse farming base. We have many established corporations such as Alcoa and Cheetham Salts, with new and developing industries such as Balhan Industrial that contribute not only to employment within Bellarine but to the overall economic health of Geelong.

Bellarine has seen an enormous increase in population — an increase that is far greater than was ever predicted. Some of the immediate issues facing these areas include ensuring appropriate development and the adequate provision of services and infrastructure. Residents continue to strive to maintain the integrity and beauty of their towns.

Given the diversity of population, a key question is how to get the service mix right. In some parts of the electorate we must plan and develop services to meet the needs of an ageing population; in other areas the needs of young people, families and children must be the focus. In some instances we must also meet the challenges posed by low levels of income, unemployment and declining social capital.

Perhaps the major issue is how we manage this massive population growth and diversity of needs and still maintain a strong and cohesive community. This poses both challenges and opportunities in terms of policy development and priority setting. Part of my role as a state member for Bellarine will be to work with residents to ensure we can meet these challenges as well as take advantage of the opportunities.

This task is more difficult because Bellarine was neglected for many years, and while the Bracks government has made significant inroads there are many issues that still require attention. In its first term the government invested heavily in rebuilding and refurbishing schools. It invested in community building projects and in improving public transport and roads, but there is more to be done.

I am excited about a number of the key promises made during the election that will begin the process of meeting the needs of this growing and changing population. These initiatives include a community centre in North Bellarine, money to develop a vision for a recreation and sporting centre in Ocean Grove, a new primary school and community facility in Leopold, significant upgrades in educational facilities including one of the largest secondary schools Newcomb Secondary College, and a continued commitment to community building strategies.

It is important to acknowledge the commitment of the people of Bellarine to work together to find solutions to local problems. This happens throughout the electorate in our schools, service clubs, local and regional businesses, our two local councils and in the broader community.

I had the opportunity of spending a number of years working in Bellarine as the manager of Springdale neighbourhood centre and was privileged to chair the Bellarine human services forum, an organisation with a wide membership of community groups, agencies, community members, service clubs and schools. One of its key priorities was to work with young people in developing a long-term strategy to meet the current and future needs of the growing youth population. This project involved working with services and the council and consulting over 2000 young people, asking them to indicate what they saw as the key issues impacting on them and their communities.

It will come as no surprise that the issues they identified included drugs and alcohol, education and employment opportunities, boredom and lack of recreational activities. What was perhaps more surprising and disturbing were the number who felt disconnected from their local community. This poses a major challenge to us all. If we are to successfully build a stronger and more cohesive society, we must find ways to engage young people and value their contribution. Young people have things to say; they often bring fresh eyes to issues and through this project they made it clear that they want to be part of their local communities.

A number of key themes underpinned the Bracks government in its last term, which will continue to be central in the coming four years. They are to focus on improving basic services that impact on the health and wellbeing of our communities; promoting growth and development for the whole state and not just select areas; building partnerships between the people and the government; building strong communities through capacity building, consultation and participation and, of course, ensuring financial responsibility. These themes have been overwhelmingly embraced by Victorians.

To appreciate why they have been so enthusiastically supported by the Victorian people, including residents of Bellarine, I reflect on the impact of some of the Kennett government policies. During those years I had the opportunity and privilege of working with a number of eminent Victorians, people like Jean McCaughey and Ben Bodna who came together to challenge the savage attacks on our basic rights and services. They established the People Together project which sought to assist residents in responding to massive changes that by their very nature attacked the fundamental core of our communities.

Through the project I worked in nine rural and metropolitan communities across Victoria. This work gave me an understanding and insight into the impact that cuts to our public health system, public education system and community services can have. In addition, policies including forced amalgamation, the closure of advocacy services and the selling-off of public assets effectively undermined the community voice. The heart was ripped out of many communities and they were left reeling with no hope for the future. But Victorians fought back and used the 1999 election to send a clear message that what mattered was good quality basic services and their ability to have a say in their future. What they wanted was an opportunity to recover and rebuild the communities.

That message was confirmed at the recent election and governments should never again underestimate the resilience and strength of the Victorian electorate. The importance of our public health system to all Victorians has been one of the key issues articulated through our community. During my work with the People Together project, the vast majority of residents in rural and metropolitan areas rated health as their no. 1 issue.

In many smaller towns the closing of a local public hospital sent shock waves through the local community. The extent to which the public health system was allowed to deteriorate concerned and frightened residents, who believed the provision of high-quality health care to all Victorians regardless of income or geographical location was essential to maintaining a healthy and strong society.

Obviously for me health has become a passion. In my view a good public health system is a litmus test of a caring and compassionate society. I have been involved in all aspects of the health system, not only as a consumer but in recent years as a board member of Barwon Health, and more recently as its president.

Barwon Health is one of the largest and oldest public health services in the state, and during the time I served on the board I witnessed significant progress in rebuilding our public health system. The Bracks government not only put back substantial resources but also showed a genuine commitment to and support for rebuilding a public health system that we can have confidence in and be proud of.

At Barwon Health many significant improvements flowed from this genuine commitment — the treatment of thousands more patients and reductions in waiting

lists. Increases in staff have seen improvements in quality of care and patient and staff morale. Significant investments in capital infrastructure have also been made.

Clearly there are still many challenges ahead. It is much easier to dismantle systems than to rebuild them. Over this term we will be putting substantial resources into continuing to rebuild and improve the health care services in the region including providing new facilities and improved patient services and continuing to invest in and support the efforts of the community health sector and to look at new and innovative ways to better deliver health care services. Geelong and Bellarine residents can be confident that the services they have access to will continue to be developed and improved.

One of the wonderful things about the recent election outcome has been the commitment in the Bracks government agenda to strengthening the economic, environmental and social development of the Geelong region. The people of the region overwhelmingly supported this agenda, providing incredible opportunities to realise this vision. The leadership being provided by the local councils, business and community leaders provides us with a unique chance to develop and implement a long-term strategic plan for the region, a plan that will tackle future economic development priorities, a plan that will seek to ensure we protect and enhance our unique environment, and a plan that will strengthen our educational, health and social infrastructure.

It is an exciting era, and I know all the Geelong MPs are keen to work in partnership with all these organisation and community members to ensure we are able to realise the aspirations of the Geelong region.

I am proud to be a member of the Bracks government, a government that is committed to ensuring that there is an appropriate balance between the needs of the individual and the needs of the whole society. The government supports and encourages community participation, and the Victorian Communities policy is nurturing this aim to ensure that the most vulnerable in our society are active players in determining their own futures.

It is this approach that will ultimately ensure that our communities are healthier, stronger, more resilient and more cohesive. A just society can only be achieved when we make it our no. 1 priority to meet the needs of those who are most vulnerable. I am proud to say that the Bracks government, while ensuring financial responsibility and rebuilding our basic services, has at its heart a desire to continue to build a just and compassionate society.

Of course at times like this it is appropriate to acknowledge and thank those who have been a part of my journey. Firstly I would like to thank the women of Emily's List, who supported me financially and provided invaluable personal support. I thank the members of the Australian Labor Party, a party of which I have proudly been a member for 16 years. Its members worked tirelessly to see a Labor member in Bellarine and to see the return of the Bracks government.

I thank my hard-working campaign team, especially Susan Salter, Lou Brazier, Anne Clarke and Ian Parsons. I acknowledge the contribution over the last 10 years of the former member of Bellarine, Garry Spry, and I wish him all the best in his retirement.

I want to thank my parents, Jill and Perce, who have given me love, support and the confidence to achieve my goals. I thank my close friends, particularly Vic, Collette and Helen, who have walked beside me through the good and bad times.

Most importantly I thank my son, Sam, who is here tonight, who at six years of age shows me the true meaning of compassion and love and ensures that my feet stay firmly on the ground.

As the new member for Bellarine I see my role as carrying my passion for the local community and for a stronger and more just society and my passion for ensuring we have the best public health care system in the country into this house of Parliament.

I look forward to working in partnership with the other local MPs, the Premier and the people of Bellarine to ensure that those communities are stronger and more able to realise their hopes and their aspirations.

The ACTING SPEAKER (Mr Seitz) — Order! Would honourable members resume their seats. Before I call the next member I remind honourable members that this is an inaugural speech and they should abide by the forms of the house.

Mr JENKINS (Morwell) — I first acknowledge the people of the Kulin nation, the original custodians of the land on which we sit, and I recognise the Braiakulung people of the Gunai-Kurni on whose land lies the electorate of Morwell. My congratulations to the Speaker, the Premier and executive, as well as the Leader of the Opposition and the leader of the third party on the occasion of their election to these

positions, which are important to this house and the government of this state.

I would like to thank my campaign team, led by the Honourable Keith Hamilton and his wife, Kath.

Many others have also worked for years to assist my arrival in this house: Debbie Carnduff; Kerrina Hall; Gordon Duncan; George Hamilton; Karen Sherlock; Steve Plunkett; Gary Foster; Sonya and Colin Casey; as always, Alan Riley; and Dale Bertoli, one of the most honest blokes I have ever met. My family, Matt, Ted and Donna Jenkins; Andi Clarke, Margaret Scanlon and Therese Dickison; as well as the Middlemiss, Harris, Lougheed, Vonk, Saultry and Hutchison families.

The counsel and advice from all these people, as much as their hard work, was the essential foundation of a successful campaign. They, along with literally hundreds of local branch members, supporters and friends, worked hard for this result. I humbly thank them and the people of the Morwell electorate for their faith in me.

I would also like to thank my wife, Susan, who came to the Latrobe Valley from England 14 years ago for a six-month stay to work at our local hospital. Fortunately she decided to stay. We had a shortage of medical professionals, and I did what I could. Susan combines a real care for the health and wellbeing of people with a passion for improving the society in which we live. And of course I thank my greatest supporters, my children, Clancy, who turned 10 today — happy birthday, mate! — and Tessa, who have spent their whole lives immersed in dad's politics. I say thanks to my mother, who after becoming a single parent worked on night shift at the textile mill for more than 10 years to keep six kids at home. I learnt more than the simple concept of responsibility and hard work.

I thank the Honourable Keith Hamilton, who with the support and help of his wife, Kath, served the people of Latrobe Valley and Morwell district for more than a quarter of a century. As councillor and mayor of the former City of Morwell and later as the member for Morwell in this house, Keith has been a representative of the people of the Morwell district for a longer period in more pivotal roles and at more critical times than any other individual. Keith's honesty, integrity and conviction have been recognised by many on both sides of this house in the past, and we feel the same about him at home.

The time Keith and Kath have committed to the community of the Latrobe Valley spanned the halcyon years of growth in the region, up to and including the 1970s, through to those difficult and disastrous years in the early 1990s which saw employment in the former State Electricity Commission of Victoria (SECV) fall from a high of 11 000 to a little more than 3000 people. Keith and Kath's capacity to bridge the sometimes differing priorities of the political and industrial arms of the labour movement is in no small way responsible for the strength of the Labor Party and union movement in the Latrobe Valley. Such resilience was essential in overcoming the effects of the restructure and the subsequent privatisation of the electricity industry.

Morwell district is situated in central west Gippsland about $1^1/_2$ hours from this place. It contains some of the most productive agricultural and forestry land in the state and some of the most beautiful temperate forest in the country. A little over an hour from Gippsland, beaches on one side and the snowfields on the other, it is home to some of the best sporting and cultural facilities in regional Victoria. The people are hardworking and generous and they know the meaning of community. I cannot think of a better place than Gippsland to raise my boy, Clancy, who is 10, and his sister, Tessa, who is 7. I am fortunate to live in the Latrobe Valley and doubly proud to represent that community in this place.

Since the 1940s the Latrobe Valley has also been the powerhouse of the state of Victoria. The men and women of the Latrobe Valley built the most reliable and sustainable electricity production facilities in the nation. Utilising the vast quantities of what was once thought of as low-grade brown coal, they laid the foundation for the national position of primacy enjoyed by Victoria's manufacturing sector.

This place in which we sit is often described as a tribute to the prosperity of gold rush Victoria. In many ways, however, Victoria's most prolonged golden age came as a result of the mining of brown coal from the Latrobe Valley. For most of the latter half of the last century the Latrobe Valley provided the cheapest, most reliable electrical energy in the country. It gives me no joy that Victoria's competitive edge in electricity prices, built on the base of the once state-owned and operated electricity commission, is no more. The privatised industry has now slipped behind New South Wales and Queensland. It should give no-one here any joy at all that a subsidy of more than $100 million was required last year alone, merely to allow rural and regional electricity customers to remain within the range of those prices they enjoyed prior to the sell-off of our electricity industry.

The building and maintenance of Victoria's electricity industry did not come without a cost. To deliver a reliable electricity supply without anything but the most fleeting interruption 24 hours a day, 7 days a week, year after year for 75 years, brings hazards. It requires the use of untried and at times questionable technologies and materials. Thousands of people over a period of 70 years worked in close proximity to volatile asbestos in the powerhouses of the Latrobe Valley. Long after asbestos inhalation was known to have fatal consequences, workers and their families were still being subjected to an environment which provided little, if any, recognition of the dangers presented by this mineral.

Exposure to fine asbestos can cause asbestosis and in many cases mesothelioma, which is a particularly virulent form of cancer, usually resulting in death within months of the initial diagnosis. Hundreds of SECV workers and contract workers in the Latrobe Valley have already died from the effects of asbestos-related disease. Many more have been critically debilitated. The incubation period of mesothelioma, from exposure to presentation, can take up to 30 years.

For many employees of the SECV in the Latrobe Valley their time has already come. For many others their work with the SECV and its contractors has left them with a time bomb. Most have gone uninvestigated, undiagnosed and untreated for many years. Once mesothelioma is detected there will be nothing merciful about the swiftness of their death. The best estimates indicate that asbestos-related disease and death in the Latrobe Valley will peak at about 2010 to 2015 and will remain high for at least a decade thereafter.

For too many years governments paid scant regard to this insidious occupational disease. The first Bracks government, however, instituted a study of the workers in the SECV who have an established record of lung function testing. An expert panel will attempt to extrapolate what it can from the control group in order to establish the extent of the problem and the possibility of success of early detection and treatment for individuals.

This government has committed $20 million to a radiotherapy unit at Latrobe Regional Hospital to aid with cancer treatment. This government has also committed to five new palliative care beds in Gippsland. It is a good start, but there is still more to be done: screening, monitoring, early diagnosis, effective treatment and palliative care.

Alan Roberts was born in England in 1933. In 1951 at the age of 19 he travelled to Australia to work at the SECV in Yallourn and complete his apprenticeship in fitting and turning. By 1986 the effects of exposure to asbestos were such that Alan was forced to retire due to his disability. He died of asbestos-related diseases in June 2000 after 20 years of deteriorating health. He is survived by his wife, Dorothy, and daughter, Vicky.

Mervyn Wilson was born in 1935 and began work with contractors building the Latrobe Valley's power stations in 1958. His lung complaints began in 1980 and had reached such severity that he was forced to retire in 1990. Mervyn Wilson, who with his wife, Helen, had raised their family of three in Moe, died of asbestos-related disease in 1996.

John Bathgate was born in 1956 in Aberdeen, Scotland, one of five kids. When John was 18 months old his parents, Alex and May, came to Australia to work in Yallourn. John left school at 14 to work on the construction crews at Yallourn mixing mortar and insulation materials. John continued in the Latrobe Valley construction industry for most of the rest of his working life. On Christmas Eve in 1998 John was diagnosed with mesothelioma. Some 18 months later he died at the age of 43, leaving a wife, Julie, and two daughters.

Graeme Guy worked at the SECV at Hazelwood power station after beginning his working life as an electrician in Yallourn. Graeme is a good bloke. He worked with me as my boss in control rooms at Hazelwood power station. He did his time like many others on full 24/7 shiftwork. Two years ago he was diagnosed with asbestosis after 18 months of flu-like symptoms. His wife describes Graeme's quality of life as down to 50 per cent, but he does have his good days. At least he is still with us.

Harold Harris lived all his working life in Yallourn and Newborough. He threw himself into community activity, particularly scouting and soccer. His wife, Lil, who suffered from childhood polio, always expected Harold to be there to support her in her old age. Harold Harris contracted lung cancer after his lungs had been weakened and damaged through years of exposure to asbestos. I was with Lil and Harold's sons, Neil and Peter, when they buried him last year in Yallourn.

My grandfather, Ted Jenkins, was born in 1904. His grandfather, a miner, died prematurely of miner's lung. The circumstances of his grandfather's death led him to a lifelong commitment to the Labor movement. A bright lad, my grandfather won a scholarship to St Kevin's and subsequently became a teacher. He

devoted his life to state education, spending the last of his 45 teaching years as principal of Camperdown High. Although a devout Catholic, he stayed with the Labor Party during the split of the 1950s: he believed the Labor movement needed to remain united if it was to attend to some of its fundamentals. He believed, as I do, that Labor governments have particular callings, among them to protect workers, their families and communities from the deleterious effects of unsafe work environments.

Asbestosis is not the only issue in the Latrobe Valley. Like many areas my community has at times struggled to provide sufficient health, education and community services. Our young people often look to an uncertain future caused by external, local or economic pressures. We in government have a responsibility to work with our communities to preserve their essential elements, to foster good initiatives and to provide for those who have every right to expect to benefit from our society's comparative good fortune.

I am confident that this government will continue in that regard in the Latrobe Valley as it did last term. The Latrobe Valley ministerial task force initiatives will stand for some time as the most significant package of social and community infrastructure and economic development programs ever to be undertaken in regional Victoria.

However, in many ways over the next few years the Latrobe Valley will still be defined by the effects of asbestos. No-one in the Latrobe Valley has remained unaffected and no-one will be immune as the problem gets worse before it inevitably gets better. There will be many reports and opportunities for members in this place to become more aware of the effects of asbestos faced by the community of the Latrobe Valley. There will be many statistics, facts and figures, but I ask other members here to remember that more than anything else asbestosis-related disease is about people, about individual lives, and it is ultimately also about the larger community's responsibility to do what we can do to help.

I am proud of the strength and resilience of the Latrobe Valley community. I am proud to be representing my community in this place and I thank those members here for their courtesy extended to me today.

Ms MORAND (Mount Waverley) — It gives me great pleasure to speak my first words in this, the 55th Victorian Parliament — a Parliament that will be remembered as one that resulted from an historic ALP victory in the state of Victoria. It is a Parliament that brings with it many new faces on the Labor benches, particularly women's faces — including mine! It is indeed fitting that a woman has been elevated to the position of Speaker for the first time when so many women now sit on the government benches. I look forward very much to working with all of them.

I firstly take this opportunity to congratulate the Premier, the cabinet ministers, the 54th Parliament Labor MPs and their staffs, the Victorian branch of the ALP, branch members and the many volunteers who made this historic victory possible. In particular I note the leadership of the Premier. His leadership qualities have been seen and recognised by the electorate. I have been elected at a time when Victorians have recognised the outstanding job that the Premier and his government have done over the past three years.

I want to thank so many people who have assisted me in my own campaign for their efforts. Special thanks to John Lenders, the Minister for Finance in the other place; Janet McPartlane; Betty Appleton; Alf Goldberg; Bev Counsel; Cyril and Jan Kennedy; Robert Dalby; Gerry Watts, Matthew Merry; Donna Carr; Eric Derricott; and my friend Lynne Kosky, the Minister for Education and Training.

I would like to take this opportunity to thank the people most important to me and those with the most influence on my life: my husband, John, and children, James and Maddy. I thank my husband for his never-dwindling encouragement and enthusiasm and for his political wisdom and superb judgment that has been and will remain my most important influence. I thank my beautiful children for their patience and support, particularly as my work has impinged upon their lives and the time we have together. Trying to achieve a balance between work and family remains a difficult goal for working women, and indeed men.

I am very proud and honoured to be representing the community of Mount Waverley. I am the first member for Mount Waverley, as it is a new seat created in the recent redistribution. The seat takes in the suburbs of Mount Waverley, which includes Syndal, Pinewood, Jordanville and most of the suburb of Glen Waverley. I take this opportunity to acknowledge the previous member for Glen Waverley, Ross Smith, who represented the electorate for 17 years. I wish him very well in retirement.

The electorate of Mount Waverley is predominantly residential with many fine schools, shopping centres, restaurants, cinemas, a huge variety of businesses, and lovely reserves and recreational facilities. Quite clearly it is a suburb which has benefited from good long-term planning and the resulting infrastructure. Public

transport includes the Glen Waverley railway line, two Smart Bus routes run through the electorate, and it is bordered by the Monash Freeway.

I want to work with local government, community groups and my government colleagues to ensure that good planning continues — planning that will ensure the continued enjoyment of what the district has to offer to residents and visitors.

Mount Waverley is also a community rich in cultural diversity, with 35 per cent of residents having been born overseas. On Monday I attended the launch of Cultural Diversity Week with John Pandazopoulos, the Minister for Gaming, at Glen Waverley Secondary College. There a group of students had designed a web site celebrating Cultural Diversity Week.

It was particularly appropriate for Cultural Diversity Week to be launched at this school as it is so rich in cultural diversity. The fathers of the students come from 70 different countries as their birthplace, the mothers from 74 different countries and the students themselves from 58 different countries. We are so lucky in Victoria and Australia to have the benefits of a multicultural society, along with tolerance and respect for our religious and ethnic diversity. We are indeed a lucky country, and we should continue to work towards ensuring it stays that way.

Today is a sad day as the war in Iraq has started. It seems so strange to say that Australia is at war, a war that is not sanctioned by the United Nations. You could ask why Australia is part of an invasion of Iraq when other nations, northern hemisphere nations which are so much more geographically and politically relevant to the Middle East, are not supporting the invasion. The fight against terrorism is a fight against the individuals who perpetrate the terror, not a fight against an entire nation and its people. However, I do agree with the honourable member for Kew, who said earlier that now that it has started we must rally to support our men and women in the armed services.

I come back to the subject of my electorate now to say that Mount Waverley is also a community with a high proportion of ageing people. Australian Bureau of Statistics data indicates that Mount Waverley has the third highest median age of the 88 Victorian electoral districts. Planning for services to meet the needs of an ageing population is an area where as the local member I hope to make an impact. Caring for the ageing population is a looming challenge for governments across Australia. Access to appropriate housing, home care and supported accommodation with an appropriately trained work force will continue to be vital to the wellbeing of older Victorians.

The electorate of Mount Waverly also has a special connection for me — a personal one. My parents and three brothers moved to Victoria from interstate in the 1970s and soon after I started my first year of high school at Brentwood high — now Brentwood secondary — in Glen Waverley.

While I was at high school my father took early retirement from the pharmaceutical industry and opened a small business in the Glen Waverley shops. It was a music shop that he named Maxine's Music, and there my brothers and I would work on Friday nights and Saturday mornings.

The shop was located on the ground floor of a strip shopping centre in Glen Waverley. With a little sense of destiny or deja vu, the office above my father's business is now an electorate office and the office that I now occupy. It is quite a coincidence. It certainly never ever entered my mind as a teenager that I may one day be the local MP. However, I would say that my political development had begun by virtue of robust political discussion then, which now continues to this day with my brothers, Mark, Eric and Bryan, and parents, Shirley and Peter Morand. Good on you guys.

I spent all of my high school years at Brentwood high, and like so many women of that time was encouraged by my parents to consider a career in teaching or nursing. Despite receiving a scholarship to undertake secondary teaching I decided to do nursing, a decision that has ultimately led to a lifelong career and interest in public health and related fields.

Nursing is an occupation that exposes those who undertake it to scenes, events and tasks that most people never experience. It is an experience that opens up the very private worlds of other people, people from every walk of life, every demographic, and certainly people you would not normally come into such close personal contact with. I witnessed hardship, pain, suffering, bravery, dignity, compassion and death. Those experiences, of course, shaped my view of the world and how I might contribute and participate in this life.

I trained at the Royal Melbourne Hospital, a big teaching hospital that exposes trainees to virtually all the different specialties. Training at the Royal Melbourne also exposed me to elitism that I had not experienced in growing up. I hate elitism and have seen that we are all the same when we are stripped to the bare flesh and bone, and I strongly believe each person deserves to be treated with the same dignity and respect

as each other. I applaud the recent decision of the Victorian Civil and Administrative Tribunal in the case of a woman suffering from Picks disease. The tribunal has ruled that artificial feeding can be refused by a person acting on behalf of a critical ill patient. This decision demonstrates the importance of respecting the dignity of terminally ill people and in turn their carers and loved ones.

At the Royal Melbourne I completed further training in renal and transplant nursing and was then appointed one of the first transplant coordinators in Victoria, based at the Austin hospital. Part of my role was to discuss organ donation with the relatives of people who had been diagnosed as brain dead as a result of sudden, unexpected and tragic circumstances. I can still remember many of the individual cases today. This experience further reinforced in my mind the depth of human spirit and selfless generosity, as I found that the majority of relatives did make the decision to donate. They donated to strangers they would never meet, strangers whose lives would so significantly benefit from this act of kindness made at such a difficult time. This generosity of community spirit can be seen in so many other ways, such as that witnessed by the volunteers helping to combat the biggest fires in Victoria since 1939. These qualities in a society should not be taken for granted.

Further influence of my attitudes and politics came from university. I was one of those super keen mature-age students when I started my arts degree. When I finished my fourth-year thesis I did it with two preschool-age children, which does prove most things are possible. I majored in sociology, an area of study that articulates the inequity of society, the inequity of opportunity and the influence of self-expectation on lives outcomes. This is precisely why government policy and programs, such as Best Start, are so important in addressing existing imbalances in opportunity among our young people.

On completing my arts degree I was fortunate to be appointed to a research position at the Centre for Behavioural Research in Cancer at the Cancer Council of Victoria. There I learnt the lessons and benefits of health promotion. I participated in research on evaluating the Quit program, skin cancer self-identification, and later in the needs of newly diagnosed cancer patients. I was very fortunate to work under the supervision of great behavioural scientists Ron Borland and Professor David Hill, who is now the director of the Cancer Council of Victoria.

For the past three years I have had the privilege of working as an adviser to the former Minister for Health, John Thwaites, now the Minister for Environment. I do not say 'privilege' lightly. I have the highest regard for each person who worked in that office, particularly the other advisers, Chris Altis, Tass Mousaferiadis and chief of staff, Andrejs Zamurs. In respect of the minister, I can say that I have never seen anyone work as hard and with such intellectual rigour.

It was John Thwaites who strongly encouraged me to stand as the candidate for Mount Waverley, for which I am very grateful and pleased to now be his parliamentary colleague.

It was very satisfying for me as a health professional to have worked for a minister and a government who knew and continued to see the importance of good public health. I feel very fortunate to have worked in an office where I witnessed and participated in a massive shift in both financial and philosophical approaches in support of our public health facilities. To have been part of the government that had stopped privatisation, particularly at the Austin hospital, where I had worked for five years, and to have been part of the government that reinvested and reinvigorated the public health system was a wonderful experience.

My experience in working as a researcher at the Cancer Council of Victoria taught me the importance of behavioural change, and public health policy and legislation is another area where governments can have an important impact on improving community health.

As an adviser I was very proud to have been associated with the introduction of the most significant changes to tobacco control since the introduction of the Tobacco Act. It is less than two years since smoke-free dining was introduced in Victorian restaurants and cafes, but already it is hard to imagine being exposed to unwanted and harmful tobacco smoke while dining. I think further reforms aimed at reducing teenage smoking have also been very important.

I believe we have seen that good government can balance economic imperatives with the responsibility to provide and foster high-quality government services, particularly in health, education and community safety. I do not believe governments should just regulate services, they should provide them with the taxes that are raised to support everyone in our community. Good planning, and a focus on supporting and investing in people and services will return the benefits that are deserved by everyone in our community.

I am honoured to have been elected to Parliament, and it is a privilege to represent the electorate of Mount Waverley. Now I very much look forward to working

hard to represent the interests of my electorate and to working hard with the government more broadly in the interests and for the future of Victorians.

The ACTING SPEAKER (Mr Ingram) — Order! I call the honourable member for Cranbourne and remind honourable members that as his will be an inaugural speech the honourable member is to be heard without interruption.

Mr PERERA (Cranbourne) — I would like to take this opportunity to congratulate the Speaker on her elevation to her position. I am certain that with her experience she will uphold the integrity of her office and that of the house.

I would also like to acknowledge the traditional owners of the land on which we stand here today — the Kulin nation — and pay my respects to their elders.

It is indeed an honour to have been elected to the 55th Victorian Parliament, the supreme institution of Victoria. Many commentators heralded my election to Parliament as historic. Indeed it is significant in many respects due to my Sri Lankan origins. I take pride in being the first person born and educated on the Indian subcontinent to have been elected to a lower house of Parliament anywhere in Australia.

I was overwhelmingly endorsed by a predominantly Anglo-Saxon electorate with approximately 74 per cent of the population born in Australia. It is a great pleasure to be included in a long list of Labor members of Parliament from diverse backgrounds. Yet again Victoria has demonstrated that it is the multicultural capital of Australia. I celebrate this tolerance, and in a loud and clear voice I call on the rest of the world to learn from the example of Victoria.

I was born as the only child to a Sri Lankan middle-income Catholic family. My late mother, Hilda Perera, an English teacher by profession, was a practising Catholic with a politically conservative background. My father, Edmund Perera, was a member of the oldest socialist party of Sri Lanka, the Lanka Sama Samaja Party, which was formed in 1935 with two primary objectives: one, to win independence from the British colonial rule; and two, to establish an egalitarian society.

In the 1930s caste system, a social ranking based on ancestral profession prevailed in the then semi-feudalistic Sri Lankan society. Under this system low-caste women were forced to be present with bare upper bodies when encountering members of the powerful feudal class. At such meetings members of the low-caste communities were forced to bow down and salute this so-called superior species. The Sama Samajist introduced their own egalitarian approach to uplift the conditions of the downtrodden while fighting vigorously against the British colonial rule within and outside the state council.

By profession my father managed plantations with large labour forces and never had union membership, although he had a close working relationship with the unions affiliated with the socialist movement. He firmly held the view that the organised working class would play a leading role in shaping the destiny of society. Had it not been for my father's political influence I would not have taken up the challenge to work my way into the Parliament.

After university education I started my career as a software developer in the information technology industry where trade union roots were not the strongest. I joined the Australian Services Union after recognising the admirable role played by the union movement. In response to the unconventional inaugural speech, with a strong political flavour, made by the member for Bass, I wish to put on the record that it is with great pride that I hold union membership.

In the lead-up to the 1992 Victorian election it was crystal clear that the Liberal-National coalition was going to come into power with an overwhelming majority. It had the agenda not only to take away the basic rights of the working men and women of Victoria but also threatened the very democratic institutions on which our society is built.

With my political upbringing, under these circumstances it would have been irresponsible to be a bystander and watch the clock being turned back in a Reganite-Thatcherite fashion. This was the trigger for me to join the Australian Labor Party which not only believes in the principles of equity, fairness and equality but also was capable of forming an alternative government to stop the threat of the dismantling of the very fabric of our society.

Success in parliamentary elections is not a solo effort. My great campaign team contributed immensely to the massive victory we enjoyed in Cranbourne. Campaign advisers, fundraising teams, zone leaders and foot soldiers all played their voluntary roles with dedication to reach our common objective. The Cranbourne foot soldiers did a fantastic job by covering more than 5000 households between just a handful of them.

I cannot name them all, and when naming only a few of them one runs the risk of offending those not mentioned. However, it would be remiss of me not to

mention campaign manager Barbara Kuhl and campaign director Lee Tarlamis who worked around the clock to achieve this outcome.

I would like to acknowledge the moral support and mentoring given by Alan Griffin, federal member for Bruce, and also the support of many members of the wider Sri Lankan community in Victoria.

I record my appreciation for the roles played by the members of Frankston North and Cranbourne ALP branches. I would also like to thank the members of the Carrum Downs ALP branch who came together as a unified team and worked diligently in so many different ways for nearly a decade to deliver this result.

My family who are here tonight, wife Iranganie and children Judy and Rangana, have been a tremendous support in all my political campaigns. My son-in-law Suranga Gamage, who is also here — an above-average young man — played an unenviable role as my campaign secretary to deliver victory at the last election.

Many of my parliamentary colleagues in their inaugural speeches mentioned beautiful wines and other products on offer in their electorates. As Victorians we need to explore new markets and promote ourselves internationally. It is very disconcerting to learn that Victoria's annual trade with India is as low as $300 million per annum. India with a population of over 1.2 billion encompasses the second silicon valley where large volumes of IT services are supplied to the world market. Western Australia has two trade offices in India. It is about time we contemplated establishing a Victorian trade office in India to service the entire Indian subcontinent.

Cranbourne, the electorate I represent, has its unique problems and exciting opportunities. The electorate is divided between Casey and Frankston councils. Cranbourne is a reasonably young electorate with a median age of 31, compared to the Victorian median age of 35. It also has a low-income household structure with a median weekly household income of $796, compared to the Victorian equivalent of $812 per week.

The City of Casey is Victoria's fastest growing municipality and the third fastest growing in Australia, with an average of 80 families per week moving into the city. Within the Frankston municipality, Carrum Downs and Langwarrin are the fastest growing areas, with an influx of young families. Between October 2001 and November 2002 the voting population in the Cranbourne electorate increased by approximately 1636, which is around 5 per cent annual growth.

Manufacturing and other labour-intensive industries have never been the forte of my electorate. My constituents have to travel to industrial hubs such as Dandenong, Mordialloc, Mulgrave, Melbourne city and other places for work. This is an issue which needs consideration.

It is not rocket science to understand how important road infrastructure, public transport, increased public health services, improved education facilities and public safety measures are to an electorate like Cranbourne where middle and low-income families have chosen to live. To name some of the Bracks government's initiatives in my electorate: a proposed $5 million state-of-the-art Cranbourne police station; the first secondary college for Carrum Downs; and duplication of sections of busy Thompsons and Cranbourne–Frankston roads.

Carrum Downs, situated in the centre of my electorate, has been reliant upon the larger centres of Frankston and Cranbourne for many services. A local public transport network would link the area with broader community access to a wide variety of services and activities. Thanks to the visionary Bracks government, these issues are and will continue to be addressed and I will work diligently towards that end. I believe the future growth and wellbeing of my electorate will be reliant to a greater extent upon the growth of the regional tourist industry.

Cranbourne is the gateway to Phillip Island, well known for the penguin parade and motor races and as a holiday destination. The horse racing industry has a high profile in Cranbourne, with Australia's largest training centre. Cranbourne Racecourse is one of the rare places that offers three types of racing — thoroughbred, harness and greyhound.

In Cranbourne we have the renowned Royal Botanic Gardens which is currently developing the Australian Garden with an extensive range of native flora. It will also include a state-of-the-art visitor centre.

We have a newly built arts theatre in Cranbourne. This would be an ideal venue for an annual event, such as an emerging performing arts festival to promote young and upcoming artists in the region. Unfortunately, the only well-known annual event we have currently is the bikers breakfast during the Phillip Island Motorcycle Grand Prix. The McLelland Gallery situated in Langwarrin is well known for its sculptures and beautiful pieces of art. The former Monterey High

School site that has been reacquired, cleaned up, fenced and delivered to the community as public open space by the Bracks government would be an ideal site for a much-needed park for recreational facilities that could incorporate a community garden. This vision will only be realised with Frankston City Council playing a proactive role working in tandem with the state government, local community groups and interested commercial operators.

These are only a few of the attractions within my electorate. The south-eastern region has enormous potential as a tourist destination. A concrete strategy to promote tourism within the region would attract visionary private operators. It is important to formulate a regional tourism strategy, considering the impact of the extension of both the Monash and Scoresby freeways. Particular focus should be given to the economic benefits of tourism such as investment, small business growth and employment within a sustainable tourism framework.

I pay tribute to all the voters in the Cranbourne electorate for having the faith to elect me to represent them as their local member of Parliament. In conclusion, I foresee the Cranbourne electorate as a secure, quality place to live by the provision of public services that keep pace with the growth in the community and diverse developments that are both environmentally sustainable and provide economic opportunities locally. I take it as an honour and a privilege to be elected as a state member of Parliament to lead the way towards the most exciting task of making the Cranbourne electorate a vibrant place to live, work and visit.

The ACTING SPEAKER (Mr Ingram) — Order! I remind honourable members that as this is the inaugural speech of the honourable member for Kilsyth, it is the custom of this house that she should be heard without interruption.

Ms BEARD (Kilsyth) — Acting Speaker, it is a great honour to stand here today as the first member for the new seat of Kilsyth. I ask you to add my congratulations to those of others who have congratulated the Speaker on being the first woman to achieve this high office in the history of the Victorian Parliament.

I would also like to congratulate the Premier on his government's historic victory, the magnitude of which will enable the full implementation of the issues he took to the voters. I too would like to acknowledge the traditional owners of the land on which we stand today, the Kulin nation, and pay my respects to their elders. I would like to thank the Australian Labor Party for the opportunity and support it has given me. My extreme gratitude is extended to my campaign committee and to all those who assisted me before and on election day.

I am especially grateful to my campaign manager, coincidentally my husband, Ted, who in the absence of other nominees was not discouraged by the 8 per cent margin required to win. We achieved a swing of 10.1 per cent. He currently enjoys a success rate of 100 per cent as a campaign manager. He was only able to be here tonight, after having returned back home to Kilsyth from the peace rally, after being phoned and asked to come back again.

It also gives me great pride to be part of a government where women have greater representation than ever before. I would like to thank the parliamentary staff, who have made my transition to Parliament so smooth, and my caucus colleagues, who have with such kindness offered help and support during this process.

I consider my life to have been one of privilege, though certainly not in a usual sense, but in the way in which it has provided me with such security and stability. I was constantly reminded how much I was loved. I made very wise choices when choosing my parents, and my childhood was nothing less than idyllic.

My history and Labor ideals can be traced back to at least when my grandfather, Edward Malone, was the Labor candidate for the federal seat of Corangamite in 1919. My brother Peter, who is here this evening, stood for the state seat of Ringwood in 1973. Anyone from Labor families in the 1950s and 1960s I am sure suffered as my family did from those excruciating Sunday mornings after elections. When I first started work my pay packet, as they were known, was extremely precious to me, and I remember asking my father why I should have to part with some of my precious booty to become a union member. He not only explained how grossly unfair it would be to reap the benefits of the hard bargaining others did on my behalf without contributing to this effort but also made it quite clear that union membership was compulsory if I intended to continue accepting his hospitality.

I would like to speak about my history in the Kilsyth area. In 1963 my parents, with my two brothers, Jim and Peter, and my sister, Helen, moved to Mooroolbark from our country home just outside Colac, some of us arriving by train! With hot water taps, a shower, a weekly garbage collection and a flushing toilet, and being together, we were sure life did not get any better. We have just celebrated the anniversary of that day when, 40 years ago, we became Mooroolbark residents.

Ted and I now live less than 3 kilometres from that Mooroolbark home, where my mother still resides. All our families have made the choice to live in this area, a choice to be close to each other, one we often think reflects the loneliness our grandmother suffered when she migrated from County Kerry in Ireland in the 1890s, never to see her family again.

I have taught in the local area for the last 25 years, recently teaching the children of children I taught, and I consider that a great privilege. Our three children were educated in and played their sport in this area, and we operate a taxi business from Kilsyth.

I mention this history because after 40 years I regard myself as a local, someone with a great love for this outer eastern suburban area and so that you might be able to imagine the great privilege I am experiencing in having been elected as the first representative of the people in the district of Kilsyth.

The Kilsyth electorate extends from the medium-density suburb of East Ringwood to the Yarra Ranges interface region. It includes North Bayswater and parts of Lilydale, Montrose, Kilsyth, Mooroolbark, Croydon and East Ringwood. It is a beautiful area with iconic, tree-lined major roads, like Mount Dandenong, Cambridge and several others, where you could think you were in the bush.

The commercial light industrial area around Canterbury and Dorset roads provides much employment for locals and people from further out in the Yarra Valley. The environment of trees and hills abounds with wildlife, and it is not uncommon for residents to have their magpie, rosella and possum friends drop by each day. At the same time we cannot be complacent about our remnant vegetation; specifically some endangered species require protection. The Kilsyth South spider-orchid is known to occur in only one location in the world — a stone's throw from the Kilsyth electorate. Its survival must be of concern to us all.

We in Kilsyth enjoy clean air, open space, parks, creeks and streams; the latter now becoming the subject of replanting and renewal. I thank the Minister for Water for the $620 000 project to regenerate Croydon's Brushy Creek and other waterways in the Kilsyth district as part of the healthy waterways program. It might not mean a lot to everyone, but I am sure the increasing numbers of platypuses in Olinda Creek despite the drought conditions are most grateful. I thank the Premier for the initiative of the instigation of a water ministry.

The Maroondah Hospital is a huge medical facility situated in my electorate. The Bracks government has contributed $10 million towards the stage 1 redevelopment project, a project which will not only add a new ward of 32 beds and a new short stay unit but will almost double the number of cubicles in the emergency department. This will increase patient throughput, decrease patient waiting times and further decrease the incidence of ambulance bypass. This stage of the redevelopment is due to be completed in November this year.

The 24-hour Croydon police station is due to be completed in September of this year, providing increased safety for residents. The Croydon transport interchange upgrade at Croydon railway station, which was designed to make the use of public transport easier and more comfortable, commenced operation in January at a cost of $500 000.

Mooroolbark East Primary School has benefited from the Bracks Labor government's commitment to building better schools with the stage 2 music, library and canteen upgrade at a cost of $1.24 million. This investment in Victoria's youth, its teachers and school infrastructure will continue in this second term of government.

I would like to acknowledge the contribution Lorraine Elliott has made to our area over the past 10 years. The political history of the area is for it to be represented by non-Labor members yet my inspirations in the 1970s were not only Gough Whitlam but also my local federal representatives, Tony Lamb and Peter Milton. The previous state Labor incumbents, Neil Pope and Kay Setches, served with distinction in the Cain-Kirner governments with both being elevated to the ministry.

The results of the recent election have uncovered members with a wide diversity of interests, talents, cultures and backgrounds, such as those represented in our communities.

I would like to relate a story from election day. While handing out how-to-vote cards I was approached by the Vietnamese baker from our local bread shop who requested assistance with voting for his Labor candidate in Narre Warren North. He had already approached the polling officer and had been referred to us for a how-to-vote card. Although his command of English was limited he was certain of his voting intentions. It would have been much simpler for him and others for him not to have voted, but he was determined to exercise his democratic right. I admired his conviction and good citizenship, and I could not help but think that it is only a little more than 30 years since our countries

were at war. I think this anecdote has significance for us today in light of the invasion of Iraq and our ongoing refugee crisis.

I am a proud republican. I stand for an egalitarian society, for equal opportunity for all people to reach their full potential and for the dignity of all people to be maintained.

My newly elected colleagues and I have already been referred to, albeit I am sure affectionately, as the 'cannon fodder from the backbench' and 'the Elmer Fudds that now fill up the backbench'. It has been suggested that some of the innovative sessional orders were devised because 'the government has to feed the chooks'. If I may take the liberty of speaking on behalf of my colleagues, I would like to say that none of this name-calling will detract from the excitement and privilege we are experiencing at being here and knowing that we will be here for four years. We are proud to be the democratically elected representatives of our electorates and members of the great Australian Labor Party. I wish all new members a satisfying and challenging time in the 55th Parliament.

I thank my friends for their love. I am most grateful to my electorate office staff — Julie, who is here this evening, Jarrod and Bob — who are my face to the world when I cannot be there. I thank my mother, Dorothy, for the ideals she instilled in me. I thank my brothers and sister and their families for their support and love. I thank my children — Angela and Delon, Kate and Greg, and Dan and Correna — for being a constant source of pride and enjoyment to me. By the way, the grandchildren thing is not quite so urgent now that my spare time is somewhat limited.

I especially acknowledge my husband and friend, Ted, for his love and support and for his belief in me.

I thank the members of the Bracks first-term government for having restored people's faith in Labor governments and therefore making my election possible.

I look forward to being a good representative and local member, and I thank the voters of Kilsyth for the privilege and the trust they have bestowed on me.

I will listen to the people of my electorate, and I will support them by speaking out on their behalf. As their representative I am committed to being of service to them, and I look forward to the challenges my new role will provide.

Ms BUCHANAN (Hastings) — It is going to be hard to follow a speech like that. Thank you very much for this opportunity, Deputy Speaker, and let me begin by congratulating the Speaker on her election as the first female presiding officer in this house.

I take this opportunity to acknowledge the traditional owners of the land on which we stand here today — the Kulin nation — and to pay my respects to their elders.

It is an honour to have been elected as the first member for the seat of Hastings and to be the first female parliamentarian elected to this region in either state or federal politics. The privilege given to me by the people of the Hastings district is humbling, and I look forward to fulfilling the commitment bestowed upon me by them.

I am exceptionally proud to join so many Labor Party members here today. Looking around this chamber I see the manifestation of the overwhelming community endorsement of the principles and policies of the Bracks Labor government. I see the manifestation of how Victorians expect the business of governance to be conducted in this state — a method of governance that accepts that every individual in this community, regardless of their age, gender or income, has a universal right to a decent education, to decent health services and to community safety.

The Victorian public deserves much credit for its willingness to elect so many women to this chamber. I would like to pay tribute to two political pioneers — Joan Kirner and Kay Setches. Not only were these women inspirational leaders while in this house, but today they provide support and encouragement through Emily's List to Labor women looking to enter politics. The assistance provided through Emily's List has been a pivotal factor in many women being alongside me today.

Having resided on the Mornington Peninsula for some 15 years I would like to acknowledge the residents of the Hastings electorate. The people of Hastings district are among the most caring, supportive, innovative and resourceful individuals I have come across. These characteristics are best displayed when observing their consideration for their social environment.

The Hastings electorate contains the eastern and northern sides of Western Port bay. It incorporates French Island and encompasses approximately 600 square kilometres.

The people of the coastal towns of Tooradin, Blind Bight, Cannons Creek and Warneet, across to Hastings, Crib Point, Somers and Balnarring Beach are deeply committed to their communities. These residents are active participants in and supporters of their schools,

local businesses, community houses, chambers of commerce, foreshore and environmental committees, local emergency service units, cultural organisations and sporting clubs, to name a few. These communities are strong with both volunteer and union spirit.

With those of other honourable members my electorate shares part of the municipalities of Mornington Peninsula, Frankston and Casey. The electorate is on the fringe of the second-largest city in the country, and as such faces many challenges. The inland townships of Bittern, Balnarring, Cranbourne South, Tyabb, Somerville, Langwarrin, Baxter, Pearcedale, Clyde, Devon Meadows and Moorooduc are all at the interface of rural and urban living. These communities are working hard through the challenge of retaining and advancing adequate levels of infrastructure while maintaining a sense of identity.

In this term I am committed to working with each community to address its individual and collective challenges. I am willing to do so knowing that both the complexity of these challenges and the expectations of these communities are high.

The Western Port bay ecology, from which many constituents in the Hastings electorate derive their living, faces many tests in the future. The bay's catchment contains one of the fastest growing urban areas in the country — the Berwick–Pakenham growth corridor. Backed by strong community and local government involvement, the Bracks government's Melbourne 2030 plan will protect and enhance the environment in the Hastings district.

Recognising the importance of environmental sustainability and biodiversity, I congratulate my colleagues in the government on their dedication to reducing water and energy usage to preserve our precious natural resources for future generations.

Western Port bay and its hinterland collectively holds some of the prime tourist drawcards in all of Victoria. There has been great collaboration between local business groups and interest groups in partnership with the state government, and I look forward to ensuring that these relationships continue to flourish.

There is an expression in Spanish that goes 'nuncas mas'. Roughly translated it means never again. In my mind I use this expression when I think about the destructive economic rationalist approach the previous government took with this state in the 1990s which saw the near decimation of many communities within the Hastings electorate.

Council amalgamations and the mandating of the compulsory competitive tendering process saw the unacceptable retrenchment of many good, honest, hardworking people in the area I represent. Furthermore, these people had their plight exacerbated by the degradation of many vital services. This government has done much to address this situation within the electorate, and I look forward to the further revitalisation the Bracks government is undertaking in this region.

Environmental protection in areas such as the Mornington Peninsula, French Island, Phillip Island and Western Port bay has been an outstanding trademark of this government as it incorporates these areas into a designated biosphere. This is the first of its kind in Victoria, and it is in an area in which some 200 000 people work and reside.

The current government's sound planning framework and formation of three marine sanctuaries within Western Port bay will assist the region maintain its compelling and inspiring beauty. This indicates the significance of the region, and I aim to progress this vision with Melbourne Water's Devilbend Reservoir site.

Many factors have led me to be alongside you all today. I have heard similar stories told by other honourable members in their inaugural speeches. The core foundation and strength of this Labor caucus is its collective commitment to defending, caring and progressing issues for everyone in our communities.

Born in Bairnsdale, I spent my early years in transit from one township across the state to another, due to my father's role as a manager with the Commonwealth Trading Bank. My family finally settled in the western suburbs, where I attended local public schools and finally Melbourne State College, where I studied environmental science.

Like many of my colleagues there have been defining events that have seen me become a committed member of the Australian Labor Party. Firstly, as a student and young mother in the western suburbs, I had a close friend who founded an incest survivors support group. My involvement with this group allowed me to hear stories that were shattering yet eventually inspirational.

This experience gave me an insight into the workings of government, specifically into awareness, preventative and support services addressing some of the insidious sides of our society. Following on from this experience my work with Centrelink gave me a comprehensive appreciation of the vastly diverse nature of our society.

I witnessed directly the adverse impact of Liberal Party policy on the very people it claimed to support as it imposed its goods and services tax. In this role I saw that the primary difference between an individual feeling empowered rather than disconnected was entrenched in their ability to contribute and feel valued in society.

The DEPUTY SPEAKER — Order! The time appointed under sessional orders for me to interrupt the business of the house has now arrived.

Sitting continued on motion of Mr BATCHELOR (Minister for Transport).

Ms BUCHANAN (Hastings) — Moving on, the Frankston to Stony Point railway line was jeopardised during the last decade by the former Kennett government, despite the line being a vital public link in its area. All concerns over the impact of such a closure fell on the deaf ears of local Liberal parliamentarians at that time. They refused to acknowledge that it was not about politics but about community. It was this need to ensure my children would be able to actively interact with a responsive, honest and accountable government rather than what I had to deal with that caused me to become active in the electorate.

During the 1990s I was also in the unenviable position of having five children attending preschool, primary school, secondary school, college and TAFE — and it was bloody exhausting, I can tell you that much! But I was also very angry because I witnessed the grave concern continually being etched into parents faces with the implementation of school funding based purely on financial outcomes rather than quality educational outcomes. I know of children who missed out on the formative socialisation opportunities of preschool because their parents could not afford the enrolment fees. These destructive policies denied our children their right to a sound and supportive education, which was exacerbated by the pressures placed on a committed teacher work force that was being deliberately decimated.

Again representation to local members was futile. They either agreed with the policies or were gagged from debating them. All I wanted was to have a community that provided my children with a quality education. I knew then that only a Labor government could provide these integral social services.

As such, enhanced educational and vocational opportunities is one of the many issues I intend to progress as a member of the Bracks government, working closely with every educational outlet that serves the Hastings electorate. I am keen to progress the already substantial commitment to infrastructure in this region. This government has demonstrated how much it values the residents in this area by virtue of the benchmarking capital investment that has taken place since 1999. No other government in one term has invested in the capital infrastructure in this region as this government has, with commitments ranging from the Mitcham to Frankston freeway to the Somerville secondary college to the Hastings aquatic centre.

Community safety is also an important issue in the Hastings electorate, and I intend to continue to work closely with individual communities and peak organisations to bring about complete community ownership of this issue.

There have been many people who have worked hard towards my being in this chamber today. There have been many great female friends and leaders that I have taken much inspiration from over my life, a list of whom would take up several parliamentary sitting days to detail. Many would not know the lasting legacy their words or actions have had on me. Suffice it to say the lasting impact of the purple, white and green ribbons will never leave me as I progress affirmative action for all the women in the Hastings electorate. I would normally have the ribbons on, but I lost them in the washing machine early this morning. With my female peers, I will carry on the principles so aptly quoted by Mrs Ella Boole of the Women's Christian Temperance Union, who back in 1947 said:

> Here is the torch. It is yours, hold it high.

Or by Mrs Press of the same union, who in 1895 said:

> That we do it, ladies. That we do it with grit, grace and gumption.

Finally to my family and supporters I am much indebted. ALP supporters, those real true believers, have worked tirelessly for many years to secure an ALP presence in this region, and their perseverance is starting to pay off with not only this new seat but with the election of Geoff Hilton to the upper house seat of Western Port Province.

To my family and friends: I want to pay homage to their incredible patience and tolerance of me as they supported my pursuit of a social justice agenda in the electorate.

To Alejandro Gaitan and our precious children, Nicholas, Julia, Robyn, Kaitlyn and Marcus, I say thank you, and I love you dearly — and I wish they were here but they are not.

To my mother Pamela Buchanan; my sisters, Cathy and Karen; my brother, Ross; my brother-in-law, Barry; Adan and Alcida Gaitan; Peter Spyker; Matt Viney; and Snez Plunkett, I also say thank you for your guidance, support and mentoring.

Finally, I wish to acknowledge my father, George Hugh Buchanan, born 31 October 1927, who died on 5 February 1998, aged 70. In times of adversity his words, often repeated to me in my youth, kept me resolved to go on. Mind you, these were during Saturday night drinking sessions, but I reckon they still ring true. His words were, 'Don't forget the coalmines, Rosy; don't forget the coalmines'. These words will sustain me in my commitment to represent all the people of Hastings with all my energy, passion, dedication and honesty for the next four years. Thank you very much.

Debate adjourned on motion of Mr INGRAM (Gippsland East).

Debate adjourned until next day.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

University of the Third Age: Glen Eira

Mrs SHARDEY (Caulfield) — The issue I wish to raise is for the Minister for Transport. I call upon the Minister for Transport to take action and reverse his government's decision to evict the Glen Eira University of the Third Age (U3A) and sell the Victrack-owned land it occupies in Glen Huntly.

To refresh the minister's memory I remind him that the Glen Eira University of the Third Age has some 800 elderly members who meet at the Glen Huntly campus for a wide range of classes and to enjoy the fellowship this worthy organisation provides. The U3A has occupied its site at the Glen Huntly Bowling Club for many years. However, in June 2002 the club received confirmation from Victrack that the campus would be sold in June this year under the government's policy of selling surplus railway land. Members of U3A were naturally devastated by this heartless news and made representations to me. I raised the matter in Parliament, and the government received some embarrassing local media coverage on the subject.

I note that prior to last year's election the Liberal Party made a firm commitment to saving the Glen Eira U3A and maintaining its current campus. Realising his party's mistake and desperate to avoid damaging publicity, the then ALP candidate for Bentleigh, Mr Rob Hudson, now the member for Bentleigh, devised his own plan to save the U3A. Under his imperfect vision the U3A site would still be sold, but the U3A and the Glen Eira City Council would be given the option of buying the land at an estimated cost of $1.5 million.

To assist the U3A Mr Hudson promised a grant of $850 000 from the Community Support Fund and the Glen Eira council was expected to make up the balance. Sadly, at the time the overeager Mr Hudson failed to contact the Glen Eira council regarding this deal and did not secure a commitment from it to provide the necessary funds. So thanks to this woolly-headed solution, the Glen Eira U3A still faces an uncertain future. It has received no further information on the Community Support Fund contribution and is unlikely to until the government is once again forced to respond to embarrassing local media reports.

To quote a statement from the Glen Eira U3A committee:

> The U3A committee is deeply worried because the committee is still waiting to hear from the government about the finalisation of the whole site. The committee is deeply concerned about the length of time it is taking to get U3A a lease for the whole site. Currently the U3A has no contract, no lease and no ability to make future plans. The Bracks government has not fulfilled its promise to the U3A.

Significant doubt also remains as to the Glen Eira City Council's willingness or ability to find the $500 000 to ensure the U3A's survival. Last week Glen Eira City Council announced a freeze on category 3 home and community care services in the face of inadequate funding. I ask why it is okay for the Bracks government to force Victorian taxpayers to buy land they already own in Glen Huntly but not — —

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

Bushfires: emergency services

Ms DUNCAN (Macedon) — The issue I wish to raise this evening is for the Minister for Police and Emergency Services. I ask the minister to take whatever action is necessary to continue to support our emergency services and recognise the enormous contribution they have made to this state on our behalf.

The recent fires in north-eastern Victoria demonstrated the terrific work of not only the Country Fire Authority, but also the State Emergency Service, the Red Cross and all our emergency services. I draw attention particularly to the efforts of the mountain group CFA in my electorate. Their work was outstanding and indicative of the supportive and cooperative response that was required to fight these fires right across the state. The mountain group includes Mount Macedon, Macedon, Riddells Creek, Hesket Kerrie and Bullengarook CFAs. These groups sent teams to fight the fires in shifts ranging from 4 to 12 days.

The Mount Macedon strike team was focused on asset protection at Falls Creek and Mount Buffalo and they then moved on to Swifts Creek and Ensay. The Riddells Creek strike team initially went to Mount Beauty and Emu Creek and then on to Myrtleford, Bairnsdale and Marlo. The Macedon tanker was sent to Beechworth and then on to Bairnsdale. Strike teams from Hesket Kerrie went to Bairnsdale and then on to Swifts Creek.

I am very proud that our services were willing and able to assist in those fires while continuing to protect our area. And protect it they did! The house will recall that the Australia Day weekend, and Australia Day in particular, was an absolute shocker. In my electorate approximately five new fires started on that day. Not one of those fires took off — all of them were responded to very quickly and professionally by the local CFAs. As well as providing protection from the north-east fires, they were still able to support their local areas.

The total of volunteer hours worked by our local crews was 19 080 hours or the equivalent of 502, 38-hour weeks, or nine years of a normal working life. That is an extraordinary contribution! I also acknowledge the assistance of the officers and members of the Sunbury Fire Brigade for their support of the Mount Macedon group during these fires. Thanks also to the Romsey group members. My thanks go to employers for allowing their employees time off work, and to their families for keeping the home fires burning. We must continue to support our emergency service volunteers, and I ask the minister to make sure their efforts and their skills are recognised and supported.

Lake Boga: amenity study

Mr WALSH (Swan Hill) — I seek action from the Minister for Environment. I speak on behalf of the Lake Boga community and the Swan Hill Rural City Council, which met with the former Minister for Environment and Conservation in May 2002 concerning improving the recreational and social amenity of Lake Boga. I quote from the minister's response after that meeting of 27 June 2002:

> The department has advised that there may be options to improve the amenity of the lake in conjunction with other water supply objectives including the removal of Little Murray Weir to achieve water savings.
>
> Options such as this are complex and would require detailed investigation before the feasibility could be established. These investigations will take many months and will also require extensive consultation with the local community.

The Swan Hill Rural City Council wrote to the former Minister for Environment and Conservation on 22 October 2002 seeking a progress report on the proposed study, and has had no response. It again wrote on 31 January 2003 to the current Minister for Environment on this issue and has had no response. Can the minister inform the house when the study to improve the recreational and social amenity of Lake Boga will start?

Latrobe Valley: health sector interpreter services

Mr MAXFIELD (Narracan) — I draw to the attention of the Minister assisting the Premier on Multicultural Affairs the issue of the training of hospital staff in interpreter skills.

In my electorate and the Latrobe Valley as a whole we have a large number of residents from culturally and linguistically diverse communities including the Netherlands, Italy and Germany. The multicultural nature of the Latrobe Valley is something I am extremely proud of, and I am very pleased that we have that diversity in our community.

There are from time to time, however, misunderstandings in communication when people are using the local health services — for example, at the Latrobe Regional Hospital and other similar facilities. The ability to communicate properly to health professionals is something most of us tend to take for granted, but for our multicultural communities it is important that we ensure that proper communication occurs.

When we are talking about health issues a lack of English skills can certainly create a situation which can not only be frustrating for patients but can also be potentially dangerous.

The other issue affecting some of these groups is the need to be aware of the right to ask for interpreting services and to understand what services are available.

In emergency situations after hours, for example — and medical emergencies do occur at any hour of the day or night — access to interpreters and their work is very important for these people in my community.

May I say that in the Latrobe Valley we are extremely pleased by the benefits that we as a community gain from the multicultural diversity of our region. I am very proud that I can meet and engage with any number of diverse groups in our community.

In addition to the groups I have already mentioned, over a number of years a coal-to-oil development plant was operating in the valley and for about five or six years many Japanese people lived and worked, and their families lived there with them, in the Latrobe Valley until the plant needed further work while it was being developed. We gained a lot as a community through having those people there.

I urge the minister to take action to ensure these important members of my community have access to interpreters when using local health services and to ensure that the health services themselves appropriately offer the right interpreter services.

Looking after the health of our community is one of the issues the Bracks government takes very seriously. That is one of the reasons we had such a magnificent victory at the last election: we focused not only on the core issues of community, safety and education, but on health as well. I am very pleased with the outcome.

Lorne: pier crane

Mr MULDER (Polwarth) — The issue I wish to raise and call for action on is directed to the Minister for Environment. It concerns a crane on the Lorne pier. It is out of order and has been shut down and the fishermen who operate off the Lorne pier, Mr Gary Norton, Mr Steve Love and Mr Scott Stewart, are in the crisis position of not being able to fish at this point in time. In fact one of the fishermen has all his gear sitting out at sea. It is quite an extraordinary situation that brought about the shutdown of the crane in that the Lorne Foreshore Committee required a mobile unit to be moved. So a crane service operator from Ballarat was contracted and asked to carry out the work. The committee said, 'We think our crane is about 25 years old. It needs some cyclic maintenance done on it. While you are here, could you inspect it? Could you do it?'.

The crane service operator said he did not have the expertise to do that work and would bring in someone who had the qualifications. As I understand it, a person arrived with the Ballarat company to carry out the inspection and said to the Lorne Foreshore Committee, 'The crane looks like it is operating okay. However, to carry out a full inspection I would need to strip it down'. This matter was relayed to the Department of Sustainability and Environment. Lo and behold, the direction came back, 'Shut the crane down.'! This was without any form of consultation with the fishermen at Lorne and while one of the fisherman had all his gear sitting out at sea!

Subsequently, with mortgages, other payments to meet and with a whole host of other commitments, the fishermen are now sitting back at Lorne waiting for something to happen with the crane. I understand that after that particular inspection took place the Lorne Foreshore Committee in consultation with the Department of Environment and Sustainability obtained a second opinion on the condition of the crane and somewhere along the line someone has arrived at the conclusion that the crane needs $100 000 spent on it, even though it has not been stripped down as was a requirement of a full inspection to take place.

What we have in this situation is a scenario of men sitting at home with families to look after and with commitments in front of them who cannot work, and sitting on the pier a crane that does not have a ticket on it from Worksafe or anyone saying that there is anything wrong with it. Quite simply, these people cannot go about their work and their gear is sitting out in the sea off the Lorne pier.

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

General practitioners: bulk-billing

Mr SEITZ (Keilor) — I raise a matter for the Minister for Health and the action I ask is for her to take it up with her counterpart in the federal Parliament.

I am concerned about doctors who are stopping to bulk-bill, particularly in my region in the electorate of Keilor and surrounding districts. From 2000 to 2002 there was an 8.2 per cent drop in general practitioners bulk-billing, which means that the gap fees people have to pay are getting bigger and bigger. I ask the minister to take this up with the federal health minister because it is an important issue — —

Mrs Shardey — On a point of order, Deputy Speaker, I am loath to interrupt a person when they are speaking on the adjournment, but the issues being raised by the member are not the responsibility of the state government administration. Bulk-billing as it affects the community in relation to general

practitioners is a federal issue and the federal government sets a policy in this area. I suggest the member rephrase his contribution this evening to make it more applicable to the state government's responsibility.

An honourable member interjected.

The DEPUTY SPEAKER — Order! I have heard enough. I do not uphold the point of order. The member is clearly seeking the state Minister for Health to take action in contacting the federal minister.

Mr SEITZ — Thank you, Deputy Speaker. I raise the issue because it is for the state Minister for Health to take it up with her counterpart in the federal Parliament.

Referring to the western suburbs, the western Melbourne division of general practice chairman and Deer Park doctor, Dr Peter Rankin, said the decline was a concern for Brimbank, which had many low-income families. He is quoted in an article as follows:

> Two years ago this area had a bulk-billing rate of 98 per cent …
>
> We've gone from a situation where everybody bulk-bills to one where nobody does.

Bulk-billing is an important concern in working-class areas. The lack of bulk-billing makes it very difficult for people who do not meet the stringent tests by Centrelink for health care cards. Many people come to my electorate office — even with bulk-billing — just to be able to find the money to pay for the prescriptions, the subsidy for which has also been cut back by the federal government. Bulk-billing is crucially important to the wellbeing of the residents of my electorate in Keilor, and I ask the state Minister for Health to bring this up before the federal Minister for Health to look at the situation and improve it for the needs of the people of my electorate.

Melbourne Steam Traction Engine Club

Mr WELLS (Scoresby) — I would like to raise a matter of concern with the Minister for Environment and ask him to take immediate action regarding a recent problem the Melbourne Steam Traction Engine Club is having. The club is based on land owned by Parks Victoria in the electorate of Scoresby on Ferntree Gully Road.

I have been fortunate enough to visit the annual rally exhibition the club has on or about the long weekend in March every year. It is a terrific function. It has about 1000 people coming from across the state to see the displays of old steam tractors, trucks, pumps, woodcutters and other sorts of gadgets. It is quite a fascinating day. It is an important part of history for the state, and the members of the club are a very dedicated, hardworking bunch of volunteers. They are ably led by Mrs Jo Lloyd, and she is very committed to ensuring that this outstanding club continues to grow. But the club has problems.

The first problem is that that club members have been badly let down by the Bracks government in terms of assisting them in regard to public liability, but that is not the issue I want addressed tonight. The issue I would like the Minister for Environment to address is the lease. The club had a lease signed with Parks Victoria for 20 years. The problem is that it is going to expire in three and a half year's time, which means there is a certain amount of uncertainty for this club. It cannot plan for the future, it cannot invest in the land, it cannot build more sheds, it cannot build capital upgrades. So the club is in a bit of a dilemma. What does it do about spending money when it is unsure of the lease?

I call on the minister to extend the Melbourne Steam Traction Engine Club's lease for another 20, 50 or 99 years — whichever it fits into. I wrote to Parks Victoria on 18 March last year, when the club's lease had four and a half years to run. Parks Victoria wrote back to say it was then not in a position to extend the lease, but it was happy to enter into discussions with the club regarding its plans for enlargement or capital improvement.

That is the very point of the adjournment debate item I have raised tonight. There is no point discussing further capital works or enlarging the existing site if the club does not have a secure lease agreement over the next 20 years. I ask the minister to intervene in this very important issue. I gave the paperwork to his staff this afternoon. I hope this can be resolved in a very quick fashion to ensure that the lease is extended.

Camp Pell: commemorative plaque

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Premier. I ask the Premier to have a plaque struck to acknowledge the last remaining remnants of Camp Pell and that such a plaque be unveiled at an appropriate time, perhaps during Anzac Day or Armistice Day services.

Recently I was provided with a little bit of the history of Camp Pell by Mr Ted Richards of the Pascoe Vale Returned and Services League. The Pascoe Vale RSL

provides a very vibrant 'choir practice', one might say, on a Friday evening at the — —

The DEPUTY SPEAKER — Order! There is far too much audible conversation in the chamber. I ask honourable members to take their conversations outside.

Ms CAMPBELL — Our local RSL is really a hub of activity for those who have served, particularly in the Second World War.

Mr Richards and the Pascoe Vale veterans office looks after many of these senior citizens. I have also made my own inquiries in relation to Camp Pell from a group of esteemed local returned senior ex-servicemen, including Murray Gavin, Athol Attwater, Harry Atkinson, Peter Plumridge, Bill Mutton, Gordon Perlstein and Frank Cox, to name a few. They have informed me that what little history we know of Camp Pell is that it was the site in Victoria from which practically every Victorian soldier was discharged from after World War II, and almost without exception every one of our constituents who served in World War II would have had some contact with Camp Pell. They could have been stationed overseas or interstate, but apparently they were largely and almost exclusively discharged from Camp Pell.

Apparently Camp Pell was also used to house some of the married couples when there was a chronic shortage of housing post-World War II. Around Pascoe Vale, Glenroy and Broadmeadows, as the new land was subdivided and settled it was for many of the newly married couples their second home, their first being the Nissen huts around Camp Pell.

I suggest that if some interest were shown by a tertiary institution the Premier through his offices could sponsor a PhD student to write the history of Camp Pell so that those who were discharged post-World War II would have a little memento, and a plaque could be struck for Brens Parade, Parkville.

Cohuna: railway land

Mr MAUGHAN (Rodney) — I wish to raise a matter for the Minister for Transport concerning disused railway land at Cohuna. The railway line from Elmore to Cohuna has not operated for well over 25 years. The track and the ballast have been removed, and most of the land the track went through is leased to farmers — and the track certainly is not being used.

An honourable member interjected.

Mr MAUGHAN — We do not want the train back. It will never come back again; there is no doubt about that. There is very little land at Cohuna available for residential development, and this is limiting the expansion of the town. There is some serviced land that is in a prime position for residential development and could accommodate some 50 or 60 blocks. There are 10 or a dozen of those blocks that are actually serviced, with a sealed road, kerbs and channels, power and reticulated water. This is former railways land that is now owned and operated by Victrack.

I raised this matter in the adjournment debate on 29 May last year on behalf of a local builder by the name of Owen McLoughlan, the Cohuna Progress Association and the Shire of Gannawarra. I did not immediately get a response to that, but shortly afterwards the Cohuna Progress Association did get one from the minister when he was in Shepparton on 18 June. It is rather strange, because I received a letter from the minister essentially saying that Victrack would look into it and there were reasons why the land could not be released.

After that meeting in Shepparton with the Cohuna Progress Association — that very night — the minister went on WIN television and announced, much to the great approval of the people of Cohuna and the surrounding areas, that the land would be released and negotiations with the Shire of Gannawarra would be entered into as a matter of urgency. That was reported in the *Farmers Weekly*, a Cohuna newspaper, on 26 June. It was also written up in the *Riverine Herald* on 19 June and was greeted with a great deal of approval. Nothing has happened since. There has been no contact with the Shire of Gannawarra, with the builder or with the Cohuna Progress Association.

I ask the minister to refer back to the public response he gave with a great deal of relish, and I think sincerity, some nine months ago and enter into negotiations with the Shire of Gannawarra and the builder, Owen McLoughlan, with a view to releasing this railway land so that this urgently needed residential development can take place in Cohuna.

Housing: neighbourhood renewal program

Mr STENSHOLT (Burwood) — I ask the Minister for Housing in the other place to take action to establish in the near future a neighbourhood renewal program in Ashburton, Ashwood and Chadstone that includes the suburbs traditionally called Alamein, Holmesglen and Jordanville. As an aside, I am pleased that the honourable member for Bentleigh is an old Jordy boy, and I understand my father worked for Vickers during

World War II in its factory at Holmesglen, which is now the TAFE.

The area I am talking about — Ashburton, Ashwood and Chadstone — is part of the forgotten areas in Boroondara and Monash. It is a traditional housing commission area with 12 per cent still remaining as public housing. Families there are twice as likely to be single-parent families, and less than 10 per cent of the public housing households have wages or self-employment as their major income sources. Twice as many households in this area are likely to be without cars than elsewhere in the municipality and up to four times the instance of child protection notifications occur in this area than elsewhere in the municipality.

Mr Walsh — Deputy Speaker, how many members do we need to have a quorum?

The DEPUTY SPEAKER — Order! Is the honourable member requesting a quorum?

Mr Walsh — I am requesting a quorum, because if we have made the effort to stay to help the government's legislative program, at least we could be given the courtesy of having a quorum present.

Quorum formed.

Mr STENSHOLT — As a candidate in 1999 I was determined to redress the balance in this area. I remember dragging the Premier and the media out to the worst place in the electorate, and we had a press conference outside the old flats in Victory Boulevard. That was a great omen! With the help of the community the old flats have now been pulled down and new senior citizen units are being built. We also ran a successful campaign for community health centres, and the Bracks Labor government has funded two of these, including the promise of dental chairs.

Will the minister continue to support the area, looking forward to building on the work of the community, including the current work on the community strengthening program and the establishment of a new community group, by establishing a neighbourhood renewal program?

The DEPUTY SPEAKER — Order! The honourable member's time has expired. There having been 10 matters raised in the adjournment debate, the time for raising matters has concluded.

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Macedon raised an issue relating to recognition of members of the emergency services who had such a big role to play in this summer's fire emergency.

Certainly the government has announced a variety of measures which involve a number of community celebrations around Victoria that are designed to recognise the work done not only by many of the career firefighters and people in other emergency services in both the response and recovery areas but also particularly by the volunteers in the Country Fire Authority and organisations like the State Emergency Services, who played a backup role, St John Ambulance and the Salvation Army.

The honourable member mentioned particularly members of the Macedon group of the CFA, who had a big role to play not only in the north-east but in their area this summer. One of the things that really made this summer stand out from similar summers in the past — and we have not had a more dangerous summer fire period since Ash Wednesday some 20 years ago — was the preparedness and the training of many of our emergency services. On this particular occasion, and the honourable member referred specifically to the Australia Day weekend, there were some 200 fire outbreaks across Victoria, which 20 years ago would have amounted to another Ash Wednesday, if not worse. On this occasion, despite the massive effort being put in in the north-east, we were able to suppress those fires very quickly and avert another Ash Wednesday.

On the Australia Day weekend in the Macedon area there were at least eight or nine outbreaks of fire on the one day. They were able to be suppressed very quickly. As I said, some 20 years ago they might not have been put out and might have resulted in some dire consequences for the local communities.

It is a great credit to the firefighters of the Country Fire Authority and the entire emergency services effort across Victoria. We need to recognise not only those people who fought in the north-east but also the people who stayed behind and protected their own communities, because the success story of this summer is not just about what those who fought the fires in Victoria's north-east did but also about the fires that did not get a chance to develop.

The firefighters in the honourable member for Macedon's area deserve great credit for the effort they put in. The whole of Victoria owes them and other firefighters across the state an enormous debt of gratitude. The member for Macedon is to be

commended for the endless support she has provided to the CFA and other emergency services in her electorate.

Ms PIKE (Minister for Health) — I thank the member for Keilor for raising with me the decline in bulk-billing in his community and its impact, particularly on vulnerable members of his community but also more broadly on the public health system here in Victoria. We have seen across Australia — and of course Victoria is no exception — a decline in the number of doctors who are participating in the bulk-billing system. This means, of course, that vulnerable and low-income people who used to go to doctors for free medical services now do not have that opportunity.

The direct impact on the state health system is that many of these people are now attending the emergency departments of our public hospital system. We have seen an 8 per cent increase in presentations to emergency departments across our public health system. Many of these are directly attributed to the decline in the availability of bulk-billing services.

Many public hospitals are now in the position of analysing the presentations to the emergency departments, and it is the category 4 and category 5 patients who are making up the greater numbers. They are the very clients who have the kinds of medical needs that would normally be dealt with by a medical practitioner in a clinic in their own community, but because of the decline in bulk-billing, particularly in after-hours and weekend services, we have this direct impact.

This really goes to the heart of the understandings we have in our country about the Medicare agreement, which has two very fundamental prongs to it — firstly, that people in the community will have access to a medical practitioner, and secondly, that people will have access to a public health service.

Because of the decline in the availability of bulk-billing and the inadequacy of the funding that is provided by the commonwealth government, both of these planks of the Medicare agreement are under serious threat. So we in Victoria are reliant on the principles of the Medicare agreement in our negotiations with the commonwealth for the latest Australian health care agreement, and as long as the federal government is eating away at the principles of Medicare, as long as the federal government is showing no determination to stick by what it has promised to the Australian community, which is of course that Medicare will be kept intact, we are in a very difficult position.

I certainly have a very profound understanding of the issues the member and his community are facing. These matters are absolutely germane to the negotiations for the Australian health care agreement, and I can assure the honourable member that as the Victorian health minister I will vigorously pursue these matters with the commonwealth health minister as we continue to negotiate the Australian health care agreement.

Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) — I thank the honourable member for Narracan for his ongoing support for multicultural communities in his electorate and the Latrobe Valley. The member raised the significant issue of the need for interpreter services in health care areas for people who are not proficient in the English language. About 4 per cent of Victoria's population — about 200 000 Victorians — either do not speak English at all or do not speak it well. That has dramatic implications for people if they are in the health care system, particularly if they are reporting for very serious health issues that may affect their lives.

We know from research that those who do not speak and understand English well in medical treatment are more likely to be readmitted into the hospital system for not following through rehabilitation plans, and there are certainly human rights issues about not knowing what treatment will be undertaken with them.

This government has committed an extra $2 million over four years in improving interpreting services across the government sector. The health sector is a key area of responsibility not only in relation to the supply of interpreters and improvement in their numbers, particularly for new and emerging languages, but also in relation to something that has been identified in many parts of regional Victoria: interpreting services are being funded but are underutilised, either because the local communities and individuals are not aware of the availability of interpreters or because, importantly, staff at hospitals are not aware of how to use interpreters to improve the quality of service provision and the value of informing their clients of this already funded service.

What we want to do is see a better utilisation of the services and taxpayers dollars that are already provided to make interpreter services available to people, because there is a whole lot of unmet demand with people needing interpreters, but the service is not being offered, so it is not being used. That is certainly the case for a number of people in the Latrobe Valley.

I thank the honourable member very much for having raised these issues with me in the past. I know there is a

very diverse population in the Latrobe Valley — large Italian communities, Dutch communities, German communities and many others. I have met the Greek community over there. But this applies to many parts of Victoria. I am pleased to inform the honourable member that, as an initial boost to improve training for staff and the level of interpreting services made available in hospitals, the government has provided funding of $200 000 across the state, including support to the Latrobe Regional Hospital.

I am also pleased to inform the house and the honourable member for Swan Hill that the Robinvale District Health Service also received — —

An honourable member interjected.

Mr PANDAZOPOULOS — Not in your electorate — well, whoever it is. Who is it?

An honourable member interjected.

Mr PANDAZOPOULOS — Mildura — obviously, it is a very multicultural part of the state. Anyway, Robinvale is also a — —

An Honourable Member — Used to be!

Mr PANDAZOPOULOS — There you go; I have not caught up with the latest boundaries. But certainly Robinvale is also receiving financial support.

I hope I am right on this one, but for the member for Rodney — I hope Kyabram is still there in his electorate — the Kyabram and district is also receiving financial support. The Wangaratta District Base Hospital, the Kilmore and District Hospital and a number of hospitals also in Melbourne — Peninsula Health, the Royal Victorian Eye and Ear Hospital, Western Health, Northern Health and Eastern Health — are all sharing — —

An honourable member interjected.

Mr PANDAZOPOULOS — It is $200 000. A lot of hospitals are getting $20 000. The sum of $20 000 has been made available for the Latrobe Regional Hospital to train staff and the community about accessing services. I think it is a good and practical initiative, and I thank the member for Narracan for his keen interest in and support for communities in his electorate. I am very pleased to make this announcement on behalf of the government.

I am also very pleased to respond on behalf of other ministers. The member for Caulfield raised a matter for the Minister for Transport about the Glen Eira University of the Third Age. I certainly remember discussions in a community cabinet in the City of Glen Eira with U3A and the member for Bentleigh supporting U3A. Certainly the Community Support Fund is considering that application and we very much appreciate the great work of the Glen Eira U3A. I will pass on the comments of the member for Caulfield to the Minister for Transport.

The member for Swan Hill raised a matter for the Minister for Environment in relation to Lake Boga. I can appreciate that Lake Boga is a very important tourism asset for that part of Victoria, having visited there with the member when he was a candidate and seeing the Catalina project, which is a wonderful tourism asset for the local area. I will pass that on to the minister.

The member for Polwarth raised a matter for the Minister for Environment about the crane on the Lorne pier. I thank him very much for raising the issue. I have seen it on many occasions on visits to Lorne when I have sat at that wonderful seafood restaurant near the crane. I will pass on the appropriate comments to the minister.

The member for Scoresby also raised a matter for the Minister for Environment about the great work the Melbourne Steam Traction Engine Club is performing and a leasing problem it has with Crown land. I will pass on those comments to the minister.

The member for Pascoe Vale raised a matter for the Premier — a wonderful idea about a plaque being struck to recognise the historic Camp Pell site. It is most important that we do not lose our heritage, and I will pass on those comments to the Premier.

The member for Rodney raised a matter for the Minister for Transport concerning disused railway land at Cohuna. I thank him for his interest in that, and I will pass that on to the minister.

The member for Burwood raised a matter for the Minister for Housing concerning a neighbourhood renewal program for various public housing estates in his electorate. I know the neighbourhood renewal program has been of great benefit to many communities in public housing upgrades, and I know of the member's very keen interest in public housing estates. I will pass those comments on to the minister.

Motion agreed to.

House adjourned 10.53 p.m.

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