

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**20 March 2002**

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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<sup>1</sup> Resigned 3 November 1999

<sup>2</sup> Elected 11 December 1999

<sup>3</sup> Resigned 12 April 2000

<sup>4</sup> Elected 13 May 2000



# CONTENTS

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## WEDNESDAY, 20 MARCH 2002

NATIONAL POPULATION SUMMIT.....	305	ADJOURNMENT	
PAPERS .....	329	<i>Police: communications systems</i> .....	405
AUDIT (FURTHER AMENDMENT) BILL		<i>Housing: at-risk tenants</i> .....	405
<i>Council's amendments</i> .....	329	<i>Schools: Edunet</i> .....	406
MEMBERS STATEMENTS		<i>Sherbourne Primary School</i> .....	406
<i>Darebin: election material</i> .....	329	<i>Housing: innovations program</i> .....	406
<i>Minister for Transport: performance</i> .....	329	<i>Vicroads: Mildura office</i> .....	407
<i>Commonwealth Youth Games</i> .....	329	<i>Ragwort</i> .....	407
<i>Courts: sentencing</i> .....	330	<i>Gippsland: community jobs program</i> .....	408
<i>Building Business Bridges to Asia dinner</i> .....	330	<i>Belle Vue Primary School</i> .....	408
<i>Timber industry: East Gippsland</i> .....	330	<i>Harness Racing Victoria: former CEO</i> .....	408
<i>River banks: cleaning</i> .....	331	<i>Mount Waverley Secondary College</i> .....	409
<i>Michael Meakin</i> .....	331	<i>Insurance: public liability</i> .....	409
<i>Hazardous waste: dump site</i> .....	331	<i>Beaches: Sandringham</i> .....	410
<i>David Anderson</i> .....	331	<i>Bulleen: park-and-ride facility</i> .....	410
FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL		<i>Responses</i> .....	410
<i>Instruction to committee</i> .....	332		
BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL			
<i>Introduction and first reading</i> .....	332		
ELECTORAL BILL			
<i>Introduction and first reading</i> .....	332		
HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL			
<i>Introduction and first reading</i> .....	332		
WATER (IRRIGATION FARM DAMS) (AMENDMENT) BILL			
<i>Introduction and first reading</i> .....	333		
JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL			
<i>Council's amendments</i> .....	333, 345		
QUESTIONS WITHOUT NOTICE			
<i>Royal Melbourne Hospital</i> .....	338, 341, 343		
<i>Rural and regional Victoria: investment</i> .....	339		
<i>Electricity: Basslink</i> .....	340		
<i>Insurance: public liability</i> .....	341		
<i>Roads: black spot program</i> .....	342		
<i>Housing: innovation program</i> .....	344		
<i>Royal Melbourne Show</i> .....	344		
<i>Water: use strategy</i> .....	345		
COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL			
<i>Council's amendments</i> .....	346, 361		
WATER (IRRIGATION FARM DAMS) BILL			
<i>Council's amendments</i> .....	358		
SELECT COMMITTEE ON THE URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR			
<i>Assembly ministers</i> .....	373		



## Wednesday, 20 March 2002

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 9.36 a.m. and read the prayer.

### NATIONAL POPULATION SUMMIT

The **SPEAKER** — Order! The time set by a previous resolution of the house has arrived to hear the addresses by Mr Steve Vizard, Dr John Schubert, Mr Michael Krockenberger and Cr Ann Cox. They will address the house about the issues raised at the national population summit 2002.

Serjeant-at-Arms escorted speakers into chamber.

The **SPEAKER** — Order! It gives me great pleasure to welcome to the Legislative Assembly of the Parliament of Victoria Mr Steve Vizard, the convener of the national population summit; Dr John Schubert, the president of the Business Council of Australia; Mr Michael Krockenberger, strategies director, Australian Conservation Foundation; and Cr Ann Cox, the mayor of the Mildura Rural City Council. Welcome to each and every one of you.

I now call on Mr Steve Vizard to address the Legislative Assembly.

Mr **VIZARD** — Mr Speaker, honourable members, I stand before you with gratitude and trepidation — gratitude that I am invited to speak in this place on behalf of the hundreds of attendees to the national population summit and to personally deliver their important message to you: a message imploring the need for a constructive, informed, open debate on matters relating to Australia's population. And trepidation because the last time I prepared to make such a formal speech it turned out to be a set-up for an episode of *This is Your Life*, and I wasted an entire speech and spent an evening with a whole lot of teachers I had not seen for 20 years.

A prosperous nation cherishes its past yet chooses its future. It contemplates not merely what has been built but what we have yet to build. The citizens of a prosperous nation are challenged daily to answer the question: how shall I leave my nation a better place? The prosperity of every nation is more than the land and mountains, the forests and the seas. Every nation is gifted. The true and enduring prosperity of each individual nation, the unique wealth of a nation, is to be found in the sum of its people. The wealth of its people, unlike every other resource, is a wealth that can be shaped and unified, moved and grown, harnessed and replenished, gathered and nurtured.

Our nation's people are our greatest asset. In 10 years, 50 years or 100 years from now, how many citizens shall our nation number? How shall we plan for them? Where will they live? Will it be in the cities? Will it be in the regions? Where will they come from? What will they bring with them — in languages, in physical wealth, in cultural wealth? How old will they be? Will they be too young to work? Too old to labour? What skills will they possess? What will our land support — of water, of earth? What of our rainforests and our pristine waterways? What of the productivity and critical mass required to sustain industries capable of competing in global markets to generate economic activity to give us physical wealth?

Easy questions; complex, interconnected answers. All premised on one underlying fundamental question — that is, not merely what quality of life shall we choose for our citizens today, but what sustainable quality of life shall we choose for our citizens tomorrow? What population can our nation carry? What population ought our nation carry? What population do we choose for our nation to carry?

And from our choice flows so much. How we choose to grow our population — or not — and whether it be through immigration or by natural replacement. How we choose to build for our people. Where we put schools, hospitals, libraries or roads. How the world perceives the fruits of our choice. Should we be an underpopulated, empty place in an ever-crowded part of the world — or not? What will be the national security consequences, the defence consequences, the trade consequences?

It has been said that our nation has no population policy. Partially this is true. Surprisingly, in all of these matters Australia has little explicit public policy expressly articulating population growth options, debating target numbers, forecasting scenarios and considering the consequences of population choices with integrated solutions that tie together environmental, economic and planning implications. As a nation we do not have, nor have we recently had, an informed, expressly publicly debated and tested population policy.

Equally that proposition is false. Our nation does, in fact, have a population policy — the policy our nation practises daily. The policy we live and breathe each day. A policy born of silence or pragmatism, or even of neglect, is nonetheless a policy. The fruits of that policy are just as real — real living children and grandchildren born of real fertility rates and real immigrants who will live, breathe, eat and inherit the nation we create for

them, however much or however little we choose to plan for them.

Nature abhors a vacuum, and in the absence of express policy this space will be filled, just not as we might have hoped. The man at the end of my grandma's street — the obese one who waddles the pavement with his pair of equally obese labradors each day — invents his own population policy, a policy which reduces to who is going to buy the vacant house next door to mine, how many of their foreign offspring are going to squeeze into three bedrooms, and what unknown odours are going to pour from their kitchen window and pollute the labradors' kennels?

Jimoni, the Hungarian painter, constructs his own debate. He left the old land 30 years ago and knows these people. They are dangerous, stick together, will not learn the language. They are too lazy, he tells me, as he takes another smoko and then dissects the affairs of the day with his mate in Hungarian.

Or the skinny guy at the BP service station, who tells me about his population theory and who knows that if they come they will pinch his job because they are workaholics and will work for nothing.

Or Uncle Pete's missus, who reckons she cannot afford to have kids and leave work.

Or the group of economists I had lunch with last week who reckon we need to kick-start business by building demand — more people, more spending, more growth.

Others, too, know this debate. The seven-year-old with the saucer brown eyes who for two years has known 12-foot wire mesh fences and the parching desert dust of Woomera; she who has seen men's lips sewn together and who makes daily playtime rituals in concrete corners. Seven years old; she too knows this debate.

Millions of unconnected private debates; millions of heads full of invasions and growth opportunities, foreign stench and export chances, flotsam and jetsam, private arguments and sentiments — all unconnected by informed public debate, untested by disseminated research and education, unchallenged by enduring, constructive, open, active, public discourse, and unengaged by an informed debate about our population policy.

It is true that the responsibility of making a hard, wise choice about our nation's population is a choice easily fudged. The consequences of this generation's planning might not be felt for generations. Long lead times, big lag times — the very reason to plan provides the place

to hide. No-one will know our failure for a long time. The next generation alone will bear the consequences of our omission. Glacial shifts measure the efforts of our generation, remaining buried, undetected, secreted for a long time after we have gone — leaving only our kids and their kids to judge our carelessness or our arrogance or our wisdom.

What can I do about an ageing population — about the fact that by the year 2050 the proportion of our population aged over 65 will have doubled from 12 per cent to 27 per cent; about who will pay for them; about who will support them; about the taxes for those in the work force; about the standard of living for retirees? What can I do about it? What can I do about Australia's falling fertility rate, currently 1.75 babies per woman, below population maintenance levels of 2.1? What can I do about the fact that even if we took our current levels of immigration, by 2100 our population would have plummeted to around 10.8 million? What can I do about it?

On 25 February this year I am pleased to report to you that a national population summit was held in Melbourne for the express purpose of doing something about it — to begin to publicly and constructively choose answers to these questions. What population can this nation carry? What population ought this nation carry? And what population do we choose for this nation to carry? Over several hundred observers from around the nation attended the national population summit, participating with 40 leading Australian experts in fields ranging from economics, the environment, demography, culture and international relations.

For those observers of the population summit awaiting an outcome of unanimity or the determination of a precise number for Australia's population at precise dates over the next hundred years, I am equally able to report to you that the summit was a complete failure. Rather, a debate was had, questions were asked and a process was begun.

Honourable members, I am pleased to report to you that as a consequence of the summit and the recognition by key participants — not so much about what population policy should be substantively, but rather about the need for a public process to develop a population policy — delegates to the summit signed a formal communiqué.

The communiqué agrees upon an apolitical framework for publicly debating, testing and developing a national population policy in a constructive, vigorous and engaging way. The communiqué enunciates a series of

agreed principles: that Australia's population, and its size and composition and distribution, is a vital factor determining Australia's future as a nation and our place in the world, now and for generations to come; that Australia can actually shape its future by developing and adopting a national population policy; that the development and evolution of that policy should be a process coordinated by the federal government in partnership with all governments, engaging all Australians in open, informed, reasoned and constructive debate about population; that that debate will necessarily involve recognition of a range of complex variables including the economy, the environment, infrastructure, national security, international relations, age distribution, culture and lifestyle; that our policy will be more than a series of prescribed annual population targets and that the key issues to be addressed in the policy will be population dispersal and regional development; and that population policy will distinguish between immigration practices and will recognise that immigration practice should operate not in isolation but within the broader context of achieving an overarching objective of a national population policy.

The communiqué was signed and continues to be signed by community leaders, diverse peak industry organisations such as the Business Council of Australia and the Australian Conservation Foundation, the Premiers of every state and the leaders of the territories of Australia. The communiqué will be delivered today to the Prime Minister, and it is genuinely hoped that the federal government will respond to the communiqué and call for a more open, bipartisan public debate in the spirit in which it has been developed and delivered.

The fundamental importance of our nation's debate about population policy must be measured by more than head count and bricks and mortar. Ultimately an examination of Australia's population is an examination of who we shall count amongst us. It is an examination of our identity, of who we are and who we wish to become. It is an examination of how we would have others see us; of how we see ourselves; of who we would include and who we would exclude; of what separates us from others; of what binds us together. These are matters about which we need to make informed, wise, strategic choices — to make public choices.

It is not enough for our leaders to say that Australia cannot or should not choose. It is not enough for our leaders to say that we cannot or should not debate such matters. It is not enough for our leaders to say that these matters are too complex, too variable or too long term, that we cannot see the benefits in our own lifetime, that

'it does not strike a chord with my electorate', that 'there are no votes in it for me personally', or that it touches nerves.

Indeed the debate about population may be all of those things. But is not the very purpose of this debate, the very purpose of developing a population policy, to seek to resolve those complex matters and not to leave them unattended? Is not the duty of leadership to counsel in such matters, to help us to care and choose not just for the short-term benefits of today's talkback or tomorrow's opinion polls but for the long term because it is proper, because it will make our people better and because it will make our nation stronger?

The duty of enlightened leadership is to help to show us why we must care and how we must choose. The duty of enlightened leadership is to provide us with strong arguments, independent analysis and clear information, to connect experts and ordinary people, to communicate the issues, to articulate the options, to stimulate constructive public debate, to educate, to dispel myths, to diffuse prejudices, to encourage informed, open, public discourse, to connect and engage and to make sense of the millions of private arguments in each of the heads of each of our citizens. The duty of leadership is to provide our citizens with the tools and the will to choose wisely. In short, in matters of national significance such as this, we simply require of our leaders that they lead.

The plea from the summit, from speaker after speaker, was simple and modest — that is, we publicly debate this matter, not to provide answers but to ask questions, not to end the debate but to renew it, not to create division but to make connections, not to usurp the role of our leaders but rather to urge them to their task.

The development of a population policy will be measured in little steps, in the success of a population summit, in the signing of a communiqué, in a special sitting of Parliament, in the development of white papers and debate on talkback radio and opinion pieces in the press, in the recognition by just one or two peak industry bodies of the need to ventilate these issues, to speak publicly, to dispel the mystique and fear and secrecy that has clouded this debate, to develop formative policies, to flesh them out, to integrate them and relate them to other policies.

Most importantly, the success of this debate, like the summit and this special sitting, is not merely one of substance, of where we end up, but rather how we move this issue forward in a just and fair and compassionate and apolitical way, in the recognition that a diverse group of Australians reflecting the gamut

of views on this issue can meet in an informed and constructive way with a willingness to achieve a greater end to help us to choose wisely.

Honourable members, I acknowledge the leadership that you have taken in initiating this special sitting. On behalf of all of the organisers, the delegates and attendees of the population summit, may I convey our thanks and congratulations to the Premier and to the government for so willingly and publicly initiating this important debate about population. The Premier and the government have played an active role in elevating this key issue as a matter of public debate. They have articulated a fair and constructive approach on behalf of the people of the state and have demonstrated leadership.

I specifically want to thank the Premier for personally taking on the debate, for raising the issue with the media and with other state and federal colleagues and, critically, for supporting in real terms this debate of national significance. Equally, may I express my gratitude to the Leader of the Opposition and members of the opposition for their support of this debate, and particularly to the Leader of the Opposition for attending the summit and for directly participating on the day. I would also like to acknowledge the support of the National Party and the honourable members for Mildura, Gippsland East and Gippsland West in supporting the special sitting and elevating the issue.

I also want to thank the organisers of the summit, Mr Bert Dennis, the Premier's department, my own staff, particularly Jacinta Love and Sophie Pennington, and all the delegates and attendees.

We count on your continued leadership. We thank you for tackling this issue of national importance. We look forward to your engaging in a fair, vital, active and continuing debate.

**The SPEAKER** — I now invite, Dr John Schubert, the president of the Business Council of Australia, to address the Assembly.

**Dr SCHUBERT** — Mr Speaker, Premier, Leader of the Opposition, honourable members, I am very pleased to have the opportunity this morning to address this forum in this historic venue, which has hosted discussions on a number of subjects over the years which have been absolutely critical to Australia: federation, the constitution, reconciliation and, interestingly in the context of this morning's discussion, the national call in the 1940s for Australia to populate or perish.

I congratulate the Premier, who initiated today's discussion; it reflects an increasing understanding of population as an issue of national importance. I also welcome and acknowledge the support of the Leader of the Opposition and all members of Parliament.

For the first time since European settlement Australia is facing the prospect of population decline. Based on current projections of birth rates and migration levels, our population could peak at just under 24 million people in less than 30 years and could decline quite rapidly after that. Tasmania, on the same projections, would have a declining population in less than 15 years and South Australia shortly thereafter. Today six of us work to support every retiree. Without a major increase in either birth rates or in immigration, in less than 30 years only three will be in the work force for every retiree.

Australia is not alone in facing a similar, rapid ageing of the population. It is also faced by most other western countries. For example, Germany, Japan, Italy, the United Kingdom, the United States of America and Canada all have significant initiatives to attract migrants to try to resolve this coming problem. Japan and Italy have been singled out, as honourable members may have read, as being destined for genteel decline because of the dramatic fall in birth rates they are experiencing.

It is this outlook for Australia and what it means for our economy and for our standard of living that is behind the business council's interest in population. Our canvas is quite broad, and despite my error in talking about dollars we are actually interested in a lot more than that. Our concern is the ability of the Australian economy to grow and to create jobs, but it is also a recognition that unless that happens we will not be able to fund a higher standard of living and the type of society that all Australians want, and to keep in Australia our best and brightest people.

The business council has undertaken a four-year research program on the population which we are happy to make available to members, but given the time available this morning I will focus quite directly on the part population plays in building Australia to be the best place in the world in which to live, to learn, to work and to do business.

It is our view that Australia must grow faster than our peer countries. If it does not it is quite likely that it will become irrelevant in a globalising world where both capital and the best people are becoming increasingly mobile. Because of our small relative size and our distance from major centres and major countries, if we

do not grow faster than our peers then we will become irrelevant and will not be able to fund the fair, the clean and the safe and prosperous society that all Australians desire.

We have had outstanding economic performance in Australia over the last 10 years, which I do not think is generally recognised. Over the last decade our economy has grown at close to 4 per cent, which outperforms the United States and virtually every other Western economy. As a result Australia is now the 13th largest economy in the world, closely followed by countries such as Sweden, Norway, Taiwan and Russia. But it is essential that we retain that position because we can expect that other developed countries will grow at the rate of at least 2 to 3 per cent over the next decade and longer. If Australia is to be noticed we will have to grow at about 4 per cent. That will also be required if we are to maintain our position in the league of nations.

Based on our experience over the last decade, if we continue the reform of our economy, which has been so successful in leading to productivity growth and therefore economic growth, and if we continue to embrace technological developments both well and quickly, then we can achieve 3 per cent growth through productivity. But that leaves a 1 per cent gap if we are going to achieve that 4 per cent target that I talked about, and that will have to be filled by a 1 per cent increase on average in people entering the work force. That in turn will require a population increase of about 1.25 per cent.

Based on current birth rate projections, that will require increased migration levels above the current 90 000 by about 50 000 to 140 000 over the next few years, and by the end of the decade that would need to rise to an increase of about 80 000 over the current levels to about 170 000. Those increased migration levels are required to increase the work force by 1 per cent and achieve the 4 per cent growth target, which would keep us growing slightly faster than our peers and maintain our position in the premier league of nations, and only in that way will we be able to attract investments and jobs and improve our comparative standard of living.

What does it mean from a population viewpoint? It means that by 2012 our population would be 22.1 million instead of 21.4 million — an additional 700 000 people in over 10 years, something that should be manageable.

A simple fact that we cannot escape is that without increased immigration Australia faces a longer term decline in population. We believe this is a critical issue for Australia because population growth is a key driver

of economic growth, and that is a key driver of having the sort of society that most Australians desire.

Before I close I would like to make two observations about the environment, which is a critical consideration in growing our population. The first is that past environmental performance has certainly been mixed, but with widespread use of technologies both already developed and soon to be or currently being developed, coupled with increased awareness throughout the community by virtually everyone, we will do a better job than we have done in the past and currently do.

The second point I make is that we need to understand clearly the links between population increase and environmental impact. We should recognise that many environmental issues facing Australia are not linked to population growth but are linked directly to agricultural, mining and other production which is for export markets, not for our local markets.

Our conclusion is that increased immigration is essential. We believe we have to play greater attention to immigration mechanisms such as language classes, civics classes and citizenship classes for migrants and people becoming Australian citizens. We believe that a population growth of about 1.25 per cent is essential if Australia is going to grow at 4 per cent, and we believe that that in turn is necessary if we are going to remain in the top tier of nations and not become irrelevant.

As a result, population growth is essential for Australia to fund the fair, clean, safe and prosperous society that all Australians desire and to achieve our aspiration of Australia being the best place in the world to live, to learn, to work and to do business.

Honourable members, I believe today's discussion is a very significant one. It is a very important part of the national debate on a subject that is absolutely critical for Australia's future. I thank you for your invitation. I congratulate you on this important initiative, and I look forward with interest to the ensuing debate.

**The SPEAKER** — I now call upon Mr Michael Krockenberger, strategies director of the Australian Conservation Foundation, to address us.

**Mr KROCKENBERGER** — Mr Speaker, Premier, Leader of the Opposition and honourable members, I thank you for the honour of addressing you and congratulate you on encouraging debate on these issues.

I will begin with a personal story. My eight-year-old daughter goes to school in Carlton. It has so many Muslim kids that school events are planned with the

Islamic calendar in mind and halal food is served at sausage sizzles.

Her friends include the Ethiopian girl from across the road who speaks Tigrinya and Amharic as well as Aussie English. The girl's mother is a cleaner at the casino and works from 2.00 a.m. to 8.00 a.m. Other friends include the Somali girl two doors down who wears a headscarf to school, the Telugu-speaking Hindu Indian girl whose father is a doctor, and the Cantonese-speaking Chinese girl whose mother is doing an MBA. Oh yes, she also has some friends with Anglo-Celtic names who, poor things, do not speak any languages other than English.

She is only eight, and she has been exposed to experiences from many cultures. She studies Italian at school, and on Friday nights her grandparents take her to German language school. She is not fluent yet, but it is a great start.

All these things make up the Australia I know, the Australia I love and am proud of. Yes, we do Aussie cliché things too. My daughter eats Vegemite and watches the footy just as I did when I was a kid, and we go to the beach down the Great Ocean Road. But most of our Australia is not the picket-fence, sliced-white Australia one sees in the margarine and laundry powder ads; it is multicultural Australia.

Do I reckon postwar immigration has been good for Australia? You bet! Do I think further immigration is good for Australia? You bet! I think that we should take many more refugees from troubled parts of the world.

But I fear population increase, too, not for social reasons but for environmental reasons. You remember my daughter's Ethiopian friend? Her family's dilapidated 1960s flats are to be demolished soon. I should be rejoicing as it will increase the value of our house across the road, but I am not. Not only will we miss the family when they move, but I have a fear about where they are likely to move to — the outer suburbs.

I think Melbourne is one of the greatest cities on earth. There is certainly no city in Australia that I would rather live in. It fully deserves the title of the most livable city, though unfortunately not the most sustainable.

But Melbourne is really two cities. Inner Melbourne has Australia's best public transport, but the other Melbourne, the outer suburbs, has Australia's worst public transport. The only place the family will be able to afford will be a brick veneer in a thistle-filled, wind-blown paddock miles from amenities. Although

relatively new, the house will be so badly designed it will need lots of heating in winter and airconditioning in summer; and if the huge lawn is not to die, gallons of water will need to be sprinkled on it.

The family will need to buy a car — a huge, old gas guzzler will be all they can afford. They will drive to school, to the shops, to the casino for work, and they will be isolated from the vibrant inner-city community. Their environmental footprint will be much greater than in Carlton, where it was much greater than in Ethiopia. Of course I am not suggesting that Ethiopia is Utopia; far from it. Our friends were refugees and came here for a better life, but if the family had migrated to Denmark, Sweden, Norway, Germany or even Canada their environmental footprint would be smaller.

Research by the Australia Institute has shown that the average migrant comes from a country with less than half the per capita greenhouse gas emissions of Australia, yet once here they will, on average, become a typical Australian emitter because they are subject to our public transport conditions, our electricity generation, our consumption patterns, et cetera. We are all more or less locked into typical Australian consumption patterns. The electricity we use is generated from brown coal, the worst greenhouse polluter. How many of us have a rainwater tank? Of course there are some ways we can reduce that impact. We could get a rainwater tank, we could get solar panels, or we could at least sign up for green power. But all these things cost money and other things cost time and effort. It is not always easy being green, because our society and economy are not designed to make it easy. We can do so much better than we do now. We are not impoverished Ethiopia.

While the former President of the United States, Bill Clinton, was here during the *Tampa* crisis he is reported to have said that he could not understand all the fuss about 400 boat people, when unless climate change is more effectively dealt with there will be 400 000 on Australia's shores. Isn't ironic that the very same Pacific Islanders to whom we are shunting off current asylum seekers may themselves be seeking refuge on our shores when their homes are inundated by the effects of climate change? How in all good conscience do we say no to climate change refugees who point to our profligate use of energy as contributing to their plight?

Perhaps we will have no choice about Australia's future population — future Australians may include many greenhouse refugees — but while we still have the choice, should we increase Australia's population, which primarily means increasing immigration? If we

retain the present economic structure the resounding environmental answer would have to be no. However, a higher population is possible with less environmental impact than we have now, but this would involve fundamental reforms that would both environmentally modernise and enhance the productivity of our economy.

Let's look at the current Organisation for Economic Cooperation and Development (OECD) environmental data. Australia is the highest per capita greenhouse gas emitter, and Victoria is the highest in Australia. Australia has the third-highest greenhouse gas emissions per unit of gross domestic product (GDP), behind only the ex-Soviet-bloc economies of the Czechoslovakian Republic and Poland. These measures together indicate that we are close to being the least energy-efficient country in the OECD. We are the second-highest producer of waste per head, behind the USA. Australia is the driest inhabited continent, yet we use more water per head than any other continent except North America.

A report to the recent World Economic Forum by Yale and Columbia universities has shown that Australia lags badly in terms of environmental performance compared with similar countries, and with some factors it lags behind the rest of the world.

While we perform very well on a few indicators, especially relating to science and food, we were badly ranked on many. Of 142 countries Australia was 128th in reducing air pollution, 125th in conserving biodiversity, 125th in reducing waste and consumption pressures, 105th in eco-efficiency and 134th in reducing greenhouse gas emissions.

Australia has a hot, heavy and wet economy — that is, one that uses a lot of energy and water and produces a lot of waste to create wealth. According to the Commonwealth Scientific and Industrial Research Organisation it takes a quarter of a litre of petrol to produce a dollar of GDP in Australia. This was the model for a successful 20th century economy, but it is not the model for the 21st century. The 21st century requires the opposite: a cool, light and dry economy — that is, the real new economy, based on innovation, knowledge, doing more with less, value adding and being clever.

To achieve sustainability we need to do four fundamental things: firstly, reduce the per capita consumption of fossil energy and materials — and an absolute reduction of 70 per cent is required, according to CSIRO calculations; secondly, rapidly introduce sustainable energy and energy-efficient transportation;

thirdly, develop new financial investments that benefit, not destroy, the environment; and fourthly, create industry development strategies that promote the sustainable industries that are labour-intensive and low on use of energy and materials.

Anyone who advocates a higher population for Australia should be actively promoting these goals and be a vigorous environmental advocate. These people, especially the business people who look forward to the financial rewards of bigger markets, need to support the following first steps: ratifying the Kyoto protocol on climate change — if Australia does not ratify we are in danger of missing lucrative international trading opportunities; introducing a carbon tax — this is one of the most effective ways to drive innovation and create new jobs; cutting the billions of dollars of annual subsidies to fossil fuel use; introducing higher water prices for agriculture and industry; and investing in land and water repair.

Then we can start to talk about population growth, but it is important to note that a new economy does not necessarily need a lot of people. The old axiom of 'populate or perish' does not apply in a globalised world. As the Premier of New South Wales, Bob Carr, has pointed out, population growth is an old economy approach to economic productivity. The population debate needs to be not about sheer numbers but about what people are doing, what sort of lifestyles they have, what sort of technologies they use and what sort of economy they live in. That is what advocates of population increase need to be stressing.

There is no doubt that increasing Australia's population under current circumstances will increase our environmental problems. Can we function with 30 million people living under current conditions? No, not without gross environmental impact — even 10 million is too many. Can we be a sustainable country of 30 million? Yes, if we are clever about it — and we can be humanitarian, too. I want a country where we can take many more refugees and where each new Australian, and each old Australian, whether of indigenous, Anglo-Celtic, Italian, Lebanese, Vietnamese or Ethiopian background, produces less greenhouse gas, uses less water and has less environmental impact than in any other developed country. That is a country to be really proud of, and Victoria can lead the way.

**The SPEAKER** — I now call upon Cr Ann Cox, the mayor of the Mildura Rural City Council, to address the Assembly.

**Cr COX**— Mr Speaker, Mr Premier, ministers, Leader of the Opposition, and honourable members, the honourable member for Mildura, Russell Savage, told me that it is an honour to be asked to speak in Parliament, but then he added, ‘We don’t let just anyone in’. So I stand before you today as the mayor of the Rural City of Mildura to speak on population in rural and regional areas. I believe it is appropriate for a woman to have the last word.

‘Populate or perish’ was the postwar message. In the late 1940s and 1950s that was the clarion call in Australia. Close on its heels was the Catholic Church saying, ‘Go forth and multiply’. My husband Brian and I were good citizens and Catholic. So in the next 12 years we had seven children — seven beautiful Aussies. Now we have 19 grandchildren, so we consider we now have an Aussie dynasty. When we gathered for Christmas last year we had 33 seated at our table. I looked around and said, ‘That’s a family!’.

In the 1950s and the early 1960s Australia had an enthusiasm that I believe has not been matched since. There was pride in and a commitment to the future of this young country; everyone was happy to have a go. In addressing you today I remind you that I am like history, and the majority of you then were probably just thoughts in the minds of your parents.

The postwar increase in population was noticeable mostly in rural and regional areas, where the sheep had the lambs, the cows had the calves and the women had the babies. It was the most productive time. In fact, at that stage most farmers could boast families that could make up a netball or cricket team.

Similarly, during the 1950s the population was increasing through the federal immigration program. Towns such as Mildura and Shepparton saw the first Italians, Greeks and Yugoslavs seeking seasonal work — and work they did! They put in hours that I believe we had not seen previously. They had a mission, and that was to bring their families to Australia, where they could see such friendship and freedom. That was their aim.

Now Mildura boasts English, Italians, Greeks, Yugoslavs, Dutch, Filipinos, Tongans, Vietnamese, Indians, Turks, Iranians and Iraqis as established members of its community. Now Mildura can boast about its wonderful variety of restaurants, including the one run by Stefano.

The integration of the cultures has meant that Aussies have learnt that meat and three vegies is not the norm, and the work ethic among the multicultural

communities, with their sharing among their families and their work, is something to be seen.

We have a fruit block close to an Italian family. Over the years it became a nightmare for us as we would spend three months struggling with all the pruning on our 15-acre block, yet the large Italian family would get into it and take only a week to prune the vines on their block.

However, increasingly migrants preferred to settle in the big cities. That, coupled with a declining birthrate, farmers increasingly purchasing neighbouring farms and falling commodity prices, led to the beginning of the rural and regional slump. It has been eating away at us ever since.

To hasten the decay, governments and national companies commenced withdrawing services, but the vicious cycle of population decline is relative to infrastructure. That has led to the loss of community infrastructure and employment, the loss of community services and employment, the decline in the quality of community and commercial leadership, the increased awareness of the risks of housing capital losses, and the migration of wealthy and skilled citizens. However, the Aussie spirit is alive and well. Many Victorian small towns can boast success in staving off the final abandonment of those towns.

The drift to the cities is caused by the lack of high-profile jobs, the lack of higher education in rural and regional Victoria, and the lack of competition on wages. Skilled labour is highly mobile and long-term contracts are now rare. Currently, the Mildura Rural City Council has a high turnover in skilled labour. For instance, its planning department, which is one of the busiest planning departments in Victoria, has one senior planner and three junior planners. That makes their work very difficult. We have a situation of insecure tenure because people now have partners who work. Recently, two male senior planners left Mildura because their wives were higher up the career ladder than they were. This is an increasing problem within our regions.

However, regional and rural centres have positives, including affordability of land, lower costs of living, living closer to work and being able to enjoy a rural lifestyle and quality of life. I have a son who lives in Lower Templestowe in Melbourne’s east. I said to him, ‘Do you see the sunset and the stars?’, to which he replied, ‘No’. When I looked out the hotel window last night I too could not see them because of the mist. So, come to Mildura to see the stars and the beautiful skies!

How do we entice the city-based population to realise the existence of and to embrace rural benefits? At present there is a Regional Cities Group comprising mayors and chief executive officers from 10 regional cities. Premier Bracks and Ministers Brumby and Cameron recognise the work being done by this group. They have pledged to attend quarterly meetings and give their undivided attention for between 1 hour and 1.5 hours, which is much appreciated. Suddenly, we had a focus. We had to produce agenda items and ideas for them to advise on and provide assistance through their various departments. The work became so great that councils jointly provided funds to secure the services of Socom Response Public Relations Pty Ltd.

On 27 February we held a regional cities planning day. A few of the suggestions that came from the presenters at the forum were: to convene a regional summit on population needs in rural and regional Victoria — and I suggest Mildura would be the perfect place for that; and to enable immigrants to gain easier access to Australia if they agree to locate to and remain in regional areas for three years. The temporary visas would convert to permanent status after the expiration of the three years.

Further suggestions included: working out practical cases for the better integration, use and efficiency of current assets; and developing a collective regional cities vision — that is, setting targets and knowing exactly what you want to achieve. This is already occurring within our Regional Cities Group, and in 2002 we will determine the special characteristics that are part of a regional city.

It was also suggested that we should design a regional cities logo and prepare regional cities maps and other support materials that outline and identify issues for regional cities. There will be continued work on the marketing program that will piggyback onto the tourist Jigsaw promotion. The group will continue to pursue the regional investment plan. Premier Bracks has undertaken to pursue this issue with other premiers. We will develop the principles and models that regional cities want to see as part of the strategy for Victoria.

Where to with population growth, which is necessary for growth and prosperity in Victoria? Currently we do not reproduce ourselves. Fertility has become quite a topic of discussion in the light of our survival as a nation — and I feel eminently qualified to speak about it. I assure you that there is love in the air in Mildura; we do reproduce ourselves, and I can tell you there are no 1.65 families in our community!

I suggest two areas could be explored. Firstly, up the ante on babies. I am in favour of immigration, as I said,

but let Australian women have babies if they so wish. Let us continue our immigration. Women are an entrenched part of the work force, but there still remain many who want to stay at home and would love to have more babies. The federal government must make it worth while for them to have these babies. It should increase the family allowance and not victimise the wealthy, for some of them are just asset rich.

I know many women will be commenting on my call to have babies, but it is quite pleasant. I ran it past one of my sons, asking, 'If the family allowance were increased, would they look at having more children?'. He and his wife have four. Many parents are anxious about secondary and tertiary education and the lifestyle their children will have. My son said yes, if there were an increased family allowance they would certainly have more children.

While we search for ways and means to breathe life back into regional centres, let us not overlook the small satellite towns. Recently I was appalled to hear that if a town's population dropped to a certain level it would be best for all of us if we let it die. How disgusting!

Ouyen, which is one of our satellite towns, was struggling to keep its retail business alive. Ouyen Inc. was formed, and a plan to rejuvenate the town centre was made known to all its residents — and their desire was fired. The council commenced beautification works in the town centre, shops had a coat of paint, and a new air of enthusiasm was apparent.

Then Jeff Kennett came up with the vanilla slice event, and now coachloads of people come into Ouyen daily to taste those beautiful treats. So if you have not tasted Ouyen's vanilla slice, I suggest you put that in your diaries. There is now a wayside stop in the centre of town, and on a huge wall there is a beautiful mural depicting the town's history from the past to the present.

Currently Murrayville, with a population of 300, is being rejuvenated with the advent of Maurie Ranger buying the Murrayville pub. He is married to Rachel Sporn, the Australian basketballer, and they have quite a following in Adelaide. They expect this following to lead to people coming out to see the beauties of the outback. Maurie is currently renovating the old pub and motel and, as a newcomer he sees with new eyes the many tourist attractions that surround Murrayville. He is enthusiastically speaking with groups from Underbool, Walpeup and Ouyen to set up a Mallee Track coach tour. Again, there is new life in a small town.

Personally I thank Premier Bracks and his government for their policy of recognising and revitalising regional Victoria. Their support for and cooperation with our Regional Cities Group has spurred us on to great ideas and purpose. I suggest that all state governments and the Federal Government take their example of putting life back into regional Victoria and Australia.

**The SPEAKER** — On behalf of all honourable members of the Legislative Assembly I express my great gratitude and thanks to our four speakers today for their well-considered, insightful and thought-provoking presentations.

**Serjeant-at-Arms escorted speakers to Speaker's gallery.**

**Mr BRACKS** (Premier) — I move:

That this house takes note of the comments made by the expert panel.

**The SPEAKER** — Order! Who seconds the motion?

**Dr NAPTHINE** (Leader of the Opposition) — I second the motion.

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for seconding the motion and supporting this resolution.

From the outset I also add my congratulations to your congratulations of the four speakers who presented today — Mr Steve Vizard, Dr John Schubert, Mr Michael Krockenberger and Cr Ann Cox. They provided a great diversity of opinion, which was reflected in the recently held population summit. I believe we saw here today a snippet or example of that debate and discussion, and the diversity of views which occurred through that population summit.

I thought all the contributions were extremely valuable and useful and were of great portent for our discussion and debate this morning. I suspect if there was a grab to be gained today in the media Cr Ann Cox probably got it! She follows on from the previous Premier, who was probably quite wrongly quoted when he was addressing a group of school students once when he indicated we should increase the birth and population rates. He was on the same message and issue that we are directly talking about today, and that is why I think he was wrongly quoted at that time.

But the message was exactly the same as the message we are debating today: we need to have regard to the future and the population growth of Victoria. If we do not we will be in some peril economically in our attempts to compete on the global stage with the

regions with which we trade — the Asia-Pacific region, the United States of America, Europe and the United Kingdom. If we do not we will also be a much worse society with less diversity, less multiculturalism and fewer of the benefits we have accrued over many, many years.

We can look back to two great periods of immigration in Victoria's history. If we look back to the period of the gold rush, then we saw an amazing group of people come from all over the world to populate and settle in Victoria. They were attracted by gold, yes, but they stayed here with their cultures and ideas, and they enriched Victoria. At the time Melbourne was known as Marvellous Melbourne — one of the most wealthy and diverse cities in the world. The legacy left by those people from many countries — the Canadians, the Americans, people from across Europe, the Asian community and the Chinese who settled at that time — is a legacy that lasted a long, long time and was a great building block for that second great wave of immigration that occurred post-Second World War, which saw many more people settle here from more diverse backgrounds, which enriched our culture.

In the lead-up to the Sydney Olympics there were many opportunities to remember what happened in Melbourne when the Olympic Games were held here in 1956. If you look at the Melbourne of 1956 you see there was a lack of diversity — hotels closing at 6 o'clock and the inability to get a restaurant meal with a glass of wine — but all those features have changed enormously and permanently. Isn't it much better now? Isn't it a much better place to live? Aren't we a much more diverse, exciting and vibrant community because of that? That is a great by-product of the post-Second World War immigration intake.

We cannot ignore the future and we cannot ignore planning for it. That was the message of the four speakers who presented to us today — that we cannot simply take our foot off the accelerator and say that things will happen, and let them happen without planning, foresight and deliberative action. We heard that from each of the speakers.

We heard it from Steve Vizard; we heard it from Michael Krockenberger, who said, 'Yes, I support immigration so long as it is environmentally sensitive, appropriate and sustainable'. We have to plan for that. We heard it from Dr John Schubert quite tellingly. The impact of doing nothing and not taking a stance on deliberately guiding our future and population in this country will effectively be one of economic stagnation and of losing the great growth that we have had over past years as well.

We heard it from Cr Ann Cox, with a regional perspective, which quite tellingly reminded this house that some of the regions that have developed in this state have been developed because of immigration — whether it is Shepparton, Mildura, or in the gold rush period with the great gold towns of Ballarat, Bendigo and others. Immigration has been a great impetus for and input into that development.

**An honourable member** interjected.

**Mr BRACKS** — And it still is! I agree with the welcome interjection.

But that was a deliberate policy we made by consensus in the post-Second World War period to have a set level of immigration. We are in danger in not renewing that mandate and of simply seeing population decline after an increase, as was mentioned by Dr John Schubert, to a peak of 24 million people. In Victorian terms, if we do not do anything to change the immigration intake or to have family-friendly policies in our employment practices, which encourages women and carers to come back into the work force regularly, we will have a population of some 5 million people by the year 2005, which will lift us from 4.76 million people now, and a population in the year 2050 of about 6 million people — that is, if we do nothing at all.

But that will not be good enough to do the very thing that Dr John Schubert spoke about — that is, to engage with our region the global community, to pursue economic growth at the levels we have seen it at and to ensure we have the right skills in the work force to achieve that. It will mean that with an ageing population, a population which is living longer, there will be less people to support that population in the work force, less taxpayers to support the services and the quality of life that is required. As was tellingly put by Dr John Schubert, we will move from a position of six people in the work force supporting one retiree to a statistic of three people in the work force supporting every retiree.

We cannot afford to let that future happen. We cannot afford it in human terms, in economic terms, in terms of our engagement of the region or what we have become used to as our quality of life, which I believe is excellent here in Victoria. We cannot afford to wait 48 years to have a population of 6 million. I believe we need to take the sort of action we heard about today — that is, action to increase our immigration intake, to have family-friendly policies in the work force, to change the nature of work so it is much more flexible and it is possible for women and carers to enter and re-enter the work force — to increase our immigration

intake nationally by 1.25 per cent. In Victorian terms I have indicated to the federal immigration minister in a submission provided to him that the Victorian government is prepared to take a greater share than its current share of 25 per cent of national immigration.

We are prepared to do it, so if there is some concern about setting a population target nationally or increasing our immigration intake nationally, I have indicated that we can relieve that difficulty and the pragmatic issue that he has by saying that Victoria will take a greater share. It will lead to better diversity, better engagement with the global community and better economic growth. They are all things we aspire to and need for the very things that were presented to us today. If we do that we can bring the time to reach a population of 6 million back from 48 years — we can reduce that by some 25 years back to the year 2025. That is an important, achievable and realistic objective whilst we pursue issues of sustainability and planning for the future.

I would like to indicate some of that planning which is being undertaken currently in Victoria. We have three major planks to planning for the future: planning for population growth, planning for economic growth and planning to ensure we have a sustainable economic and vital base for the future. One is the excellent work which is going on in the metropolitan strategy — a metropolitan strategy which looks at the size and population of Melbourne, yes, but also at where it should develop and occur — that is, where are the growth nodes? It is looking at it quite differently to the way we have looked at it before, of simply saying that we should have a developer-responding approach — that as developments occur we then plan subsequently and retrospectively for that development.

It is saying that we should take deliberative action and look at the regions and the city together — look at Ballarat, Bendigo, Geelong and the Latrobe Valley as part of the labour market, as the place where you live and work, and at the growth nodes along those corridors, while at the same time containing the geographic growth of Melbourne and have infill development as part of it. That is our vision as part of the metropolitan strategy, which will be developed further and which is out for public discussion currently.

Secondly, on regional policy — the second plank of planning for this population increase — we have a deliberative Linking Victoria strategy, with fast rail and communication links to our regions to grow those population centres, because we know there is under-utilised infrastructure and capacity which can take more growth. It is much more economic and

beneficial for the state to invest in population growth, infrastructure and environmental support in those regions than it is in greenfield development sites on the outskirts of Melbourne with all the costs incumbent in that of building new schools, new hospitals, new rail and public transport links and new child and community centres when we know we have got under-utilised capacity in other areas.

It is much better and much more economical to invest in transport and communication links to develop those regions as part of that strategy. That is the second and important part of the measures.

I will refer to one project which I think is very important — I know the Leader of the National Party shares this view with me, so I am not taking a liberty with him — and that is the Wimmera Mallee pipeline. It is an example of a project that can lead to population growth in an area of the state — the north and west of Victoria — which is in population decline. This project is all about sustainable agriculture, a sustainable environment with better environmental flows in the river system and, therefore, the ability and capacity to grow the population in an area of decline. That is an example of a better use of resources, which I believe can achieve the very things that have been mentioned here by the speakers.

The third measure — and we will be the only government in Australia to undertake such an exercise — is the work of the Infrastructure Planning Council here in Victoria, headed up by Mike Fitzpatrick. That Infrastructure Planning Council is looking beyond the immediate budget pressures on infrastructure to say, ‘Let’s look at the 20-year outlook, and let’s have independent expert advice given to the government on how that 20-year outlook can be best described and best planned for to ensure that we have sustainability and the infrastructure to support this economic and environmental growth in the future’. That is exactly the advice we have received in the draft report, and that is what we will receive in the future as well. That measure is taking planning out of the political cycle and putting it into a much more long-term strategy.

Those are the three clear instruments for growth in Victoria. I was reminded also by Cr Ann Cox of our other efforts in working with provincial and regional mayors and with the state development minister, the innovation minister and the local government minister on the very issues that will assist and support those communities in regional growth as well.

As I have mentioned, there are two clear mechanisms that should be pursued to achieve some of these outcomes. One is an increase in the immigration intake in this country. I support the Business Council of Australia and its target for a 1.25 per cent increase in immigration. That would lead to a sensible increase in economic growth and a sustainable population increase, so long as governments and jurisdictions around the country plan for that.

I also support changes to workplace arrangements to provide much more flexibility in the workplace and to allow carers and women to enter and re-enter the work force as well.

Other measures can be taken, and other countries have taken the lead in adopting those measures whereas Australia has fallen behind. For example, there is now a very competitive market in seeking and gaining skilled migration. Countries are competing for skilled migrants and for business migrants, and we are not in the marketplace; we are not out there competing. Countries like Canada have the material and other incentives out there to attract those skilled migrants, in competition with other countries. We need to be in the marketplace nationally, but as a state we can also take action to ensure that we make ourselves attractive to that skilled and business migration intake in the future.

These are practical and achievable measures, and as I said before, a practical measure could be to increase our share of the 25 per cent immigration intake as well.

Another matter which I will be taking up at the national level is the need to develop a national population policy through an intergovernmental population council. I am hopeful that the Prime Minister takes seriously the communiqué and the work of the population summit and sets up a such council, which would not be threatening, which would be bipartisan and which would not be dictating targets but rather saying, ‘Let’s decide by agreement in this country on the population level we require and need’. That is an important and necessary step, and I would, in a non-threatening and non-political way, urge that on the federal government.

**Dr NAPHTHINE** (Leader of the Opposition) — I thank in turn our four guest speakers — Mr Steve Vizard, Dr John Schubert, Mr Michael Krockenberger and Cr Ann Cox — for their contributions to this debate. Cr Ann Cox reminded us of the postwar theme in Australia, ‘Populate or perish’, and I know that Cr Cox took that theme up with vigour! I can report to her that my father and my mother also responded to that call. I am not sure whether they were responding to the call of the Prime Minister or the Pope, but they

contributed 10 children to the population of Victoria, and there are certainly many, many grandchildren in that same dynasty.

Victoria has benefited significantly from two significant periods of migration in addition to our natural increase in population — firstly, during the gold rush era of the 1850s and 1860s, and secondly, the postwar migration era, when the population of Victoria and the population of Australia significantly increased. That migration was of enormous benefit to the state and to our society.

However, in the latter part of last century there have been changes in our society that require us to think about where Australia and Victoria are going. There has been a declining birth rate — and as an aside I will take this opportunity, using my veterinary background, to highlight a difference with the people who are bemoaning the declining fertility rate in Australia. I do not think there is anything particularly wrong with our fertility rate — speaking for myself, I am sure that is the case — but there is certainly a declining birth rate, and there is a significant difference between the two. The birth rate declined to 1.75 children per woman in 2000, and that is certainly below the level that is required, as Steve Vizard pointed out, to sustain our population.

The other thing that has been interesting in the past 10 years or so has been an increasing migration rate out of Australia. Last year a record number of Australians — 41 080 — left Australia on a permanent basis for various reasons. There has been a change in our traditional source of migrants, with countries such as Italy and Ireland now attracting immigration rather than being sources of migrants to other countries around the world.

There has been a change in world circumstances, with the collapse of communism, a more realistic approach in Australia to our place in the Asia-Pacific region, and a more realistic recognition of the value of migrants from Indochinese areas. The old concepts of concern about reds under the beds, the yellow peril and the domino theory, which drove the populate or perish approach, are no longer relevant. Hence there is a need to rethink where we are going in the 21st century with a population strategy for Victoria and Australia.

There was a variety of views among the speakers at the population summit about what sort of strategy needs to be adopted. Tim Flannery, who is a prominent biologist, said fundamentally, 'Populate and perish'. He said that a population of 6 million to 12 million would give enormous flexibility in dealing with environmental and other problems. If you model the population of

Australia on 6 million to 12 million, you would need to have a net negative migration of about 100 000 a year over the next 20 or 30 years to get to that target.

Richard Pratt argued for a population of 50 million to ensure economic growth and prosperity for all. Former Prime Minister Malcolm Fraser said that a population of 50 million would boost the economy, provide national stability and increase Australia's influence on the world stage. But if you were looking at a population of 50 million by 2050, then with our current birth rate you would need a migration level of nearly 500 000 migrants per year, and that would be a challenge in any sense of the word. They are the figures at various extremes that people have talked about in relation to our population. Other commentators — Joan Kirner, Sir Rupert Hamer and Neil Mitchell — said that about 25 million by 2050 should be the figure we look at.

It is not as though Australia has not had a look at these issues previously. In 1991 there was a national population council. In 1994 the House of Representatives standing committee on long-term strategies, whose report became known as the Jones report, concluded that a population target was not appropriate for Australia.

They were both in-depth reports and were very comprehensive in their review. They said setting an actual figure or a target was not appropriate but that discussion of the issue was important. I agree that discussion is certainly important.

If you look at the current state of play in Australia, as at 30 June 2001 the population was 19.4 million. If you look at the current demographic and migration trends the population will be about 25 million in 2050. In the last financial year the population of Australia increased by 1.2 per cent or 229 000, of which about half — 47.8 per cent — was due to overseas migration and 52.2 per cent to natural increase. So in the last 12 months we have had an increase in population of almost 250 000, of which half came from migration and half from natural increase.

I believe that irrespective of our views on population targets both sides of the house agree that the postwar immigration program and the gold rush immigration program had an enormously positive effect on Victoria and Australia. Our multicultural and cosmopolitan society was enriched and enhanced as a result of those programs. We all recognise the contribution of our indigenous or Aboriginal community to the situation in Australia and the important part it will play in its ongoing future. If 10 000 years ago you had asked the

Aboriginal community what was a sustainable population in Australia I am sure the answer would have been significantly less than even the current population.

It is important to place on record the fact that immigration to Victoria has produced enormous benefits in a social sense, cultural sense, economic sense and a sporting sense. Migrants and sons and daughters of migrants have made positive contributions to all walks of life. People like Sir James Gobbo, Sir Arvi Parbo, Sir Gustav Nossal, the Barassis and the Silvagnis — in almost all walks of life prominent Victorians have come from a migrant background.

Victorians can be very proud that we are truly a harmonious, cosmopolitan society. One of the great achievements of the Australian and Victorian migration programs is that people who have been brought here from over 208 countries speak 151 languages and follow over 100 recognised faiths, yet we live in a harmonious, diverse, cosmopolitan society. That is an enormously proud track record that we should all be participating in — a track record that we should celebrate and use to promote Victoria and Australia.

As I have said, I am one of 10 children. In my own family we now have a cosmopolitan generational change. My sisters have married people from Cypriot–Greek, Chinese–Malaysian and traditional Australian backgrounds, so we have a very diverse set of cousins and in-laws.

Within our own Liberal Party we have an enormous representation of people from different backgrounds, whether it be Greek, Dutch, French or the Baltic states. Recently the party was proud to preselect a candidate of Indian background. Senator Tsebin Tchen, a Victorian senator who represents the Liberal Party, is the first Chinese-born representative in the federal Parliament, and we are very proud of that.

I am also very proud of the way the former Premier, Jeff Kennett, led the charge against xenophobia, Pauline Hanson and One Nation. I think Jeff Kennett said that he would chase Pauline Hanson and One Nation down every burrow in Victoria. He certainly did that, and I believe he had bipartisan support for that approach. The Pauline Hanson and xenophobic approach gained little traction in Victoria. I give great credit to Jeff Kennett and the Liberal Party for that.

The current migration rate in Australia is the highest for a decade. In the early 1990s the migration rate to Australia was 30 000 to 80 000 a year. Between 1996 and 2001 it was 85 000 to 110 000 a year. The current

financial year sees the largest migration program in a decade. It is important to recognise that over the decade of the 1990s there was an increase in migration programs. The mix of skilled and business migration, family reunions and refugees is an important mix, although I believe there needs to be a continuing and heavy emphasis on the skilled migration program.

We also need to be very cognisant of where our migrants go and how that affects the growth and development of Victoria and Australia. Unfortunately at the moment one in three immigrants go to Sydney, which we need to do something about. Premier Carr has spoken strongly against that high level of migration to Sydney and the impact it is having on the Sydney environment. We need to encourage migration to our regional and rural areas. We need to be very positive in talking up the opportunities in rural and regional Victoria so that skilled and business migration is encouraged to further stimulate the economic and job opportunities in those areas.

We need to encourage a greater share of migration to Victoria, particularly business and skilled migration. I agree with the Premier on that. However, how you do that is not by setting quotas and not by telling people where they must go, but by providing an attractive environment so they will want to come to Victoria. It is disappointing that we have a situation here where we are losing opportunities under the current government. In the last 12 months we have lost jobs in this state. It is difficult in that sort of environment to encourage skilled migration and attract more migrants to this state. We need to ensure that Victoria is the place to which these migrants want to come because there are opportunities for them and things to attract them.

We need to have vital infrastructure built. It is no good just talking about infrastructure: we want a government that does something. We do not want a government that continues to talk about it, continues to review it. The Premier mentioned the Wimmera Mallee pipeline. I challenge the Premier. The Liberal Party has made a commitment to fund the state's share of the Wimmera Mallee pipeline. Do not just talk about it, Mr Premier; give your commitment of \$77.5 million to fund that pipeline. Mr Premier, where is your money for the Scoresby freeway? Where is your money for the Pakenham bypass? Where is your money for the Knox hospital? We cannot hope to attract an increased share of migration to this state if we have less infrastructure spending than Tasmania. That is the situation under this government.

It is important that we debate these issues. It is important that we try to attract more migrants and more

business migration to Victoria. What we need to do is provide the right sort of environment and the right sort of leadership to encourage those migrants to want to put their hands up showing they want to come here to Victoria. We should not be forcing people to come to Victoria. We should make Victoria an attractive place where they want to come. That, Mr Premier, is a challenge to you and your government: to actually do something to make it attractive; to actually invest in infrastructure.

The Premier also mentioned the regional fast rail link. The facts of the matter are that not one sleeper has been laid; not one spike has been driven. The people on those routes do not even know where the trains are going to stop or where the routes are going to go.

It is important that we debate population issues. It is important that we look to the future of this state and this country. We need to make sure that we recognise the enormous benefits that migration has brought to this state and to Australia. It is important that we recognise that a cosmopolitan Victoria is a richer, more vibrant society, a better place in which to bring up our children. We need to provide opportunities for our children and future migrants to grow and develop, have jobs and have real economic opportunities in a sustainable environment in this state. That is the challenge for us and that is a challenge I am happy to participate in.

**Mr RYAN** (Leader of the National Party) — It is my pleasure to join the debate on the motion before the house. In so doing I also join with the Premier, the Leader of the Opposition, and with you, Mr Speaker, in congratulating and thanking our four speakers who have joined us today: Steve Vizard, John Schubert, Michael Krockenberger and Cr Ann Cox. We are very grateful for their attendance and for the contributions they have made to this important issue.

The motion talks about a debate regarding the issues raised at the national population summit. For the purpose of being able to deal with the motion, it is important to keep in mind what those issues actually were. In front of me I have the communiqué which was produced from the summit. In its preamble it talks about population as a matter of national significance; a national population policy; a bipartisan policy; and an integrated policy framework. Under that fourth category it refers specifically to a number of individual areas, those being the economy, environment and natural resources, infrastructure, national security, international relations, urban and regional balance, age distribution, culture, and quality of life. Under separate categories it goes on to talk about a dynamic policy, an immigration practice, research and education. Then

there are a series of recommendations which deal with Australia's population policy and principally with the development of what is termed an intergovernment population council and the initiatives that council might pursue.

It is by definition a very complex area to discuss and, given the amount of time available, I want to concentrate on a particular area which perhaps does not directly pertain to those matters raised this morning but is very relevant to this whole issue. This is because the complexities of it have to be discussed in a manner which takes account of all the parties and all the people who are by right involved. You cannot have this discussion in a vacuum. We have to have regard to the pragmatics of the way in which this state functions, and I focus my attention on Victoria because I believe the issues that are pertinent to Victoria are a microcosm of those pertinent to Australia, and these are in turn reflective of what is happening globally.

The particular issue that I want to talk about is in relation to the enormous tension I see as growing outside metropolitan Melbourne, around the rest of Victoria. I believe that tension is very much about the issue of environmental management and natural resources. Indeed, Mr Krockenberger made reference this morning to some of the issues pertinent to that issue in particular, although it was a theme that came through in the contributions from all four speakers.

The tension is happening because people in the area beyond Melbourne are very concerned about this whole debate. Rightly or wrongly, they perceive that the debate is happening in an air of ignorance. They are worried that the discussion is unfolding about matters which make their communities tick and which are the basis of the way they have functioned historically. The debate is occurring in an environment where people who are often commenting on environmental issues do not know what is happening with them. The people who are making the commentary do not understand how country people in particular function within the ambit of today's requirements of the treatment of the environment.

We see it in the debates that unfold every day in this house and around this place; it is self-evident in a number of matters that have occurred in and around the Parliament only recently. For example, the timber industry wants an informed debate. It wants it understood by all people that now the hardwood timber industry in Victoria can access around 13 per cent of the available timber. About 13 per cent of the timber in Victoria is available to the hardwood industry but the rest of it is locked up in various forms, either in national

parks and other forms of resource, by the terms of the regional forest agreements.

When the representatives of the industry came to the Parliament last Thursday week and brought their trucks and their families and lined up on the front steps, the message they wanted to send to the Parliament and to those engaged in the whole debate was that they are not environmental vandals. They are people who work within the ambit of what is required in today's environment. They came to say that they understand that there is a problem with the sustainable yield. They wanted to make that point. I have said throughout that I do not criticise this government for the changes that had to be made, because the National Party was part of government when the changes and the figures were calculated in the first instance. As I said on radio the other day, we were all gutted by the numbers — the reason why does not matter for the moment.

The timber industry wanted to ask this question: in time to come, is there a commitment from this chamber and from the people of Victoria to support the industry if they can get a sustainable industry functioning? That is what they wanted to know. With due respect, Premier, it is why they were in part disappointed with the way in which I was derided. I invited everybody in this place to take up the invitation extended by James Neville-Smith to have a look at how the industry functions around Victoria. The answer that I had to wear was one that has reverberated around those communities because they see that as being the message that the importance of what they want to bring to the Parliament is being dismissed. It is important that all members of Parliament get out on the ground and have a look at how that industry functions.

If one looks at the fishing industry in all its forms, not only commercial but also recreational, one sees that it is an industry very pertinent to the future of Victoria and to population issues in country Victoria. A lot of the ways in which our communities have grown over the years have been based around this industry. Governments of all persuasions are perfectly entitled to make changes to the way the fishing industry is handled and marine resources are dealt with. But the people in those communities are saying, 'Make informed decisions. Come out and talk to us. Get out in the boat with us, if we are commercial fishers, and have a look at Corner Inlet and the way in which we function. Talk to us and respect the fact that in many instances these are generational activities that have been taken up by successive members of families over a period of anything up to 100 years'. They see the discussion happening in an environment where their particular

point of view is not recognised and it causes them great concern.

Recreational fishers in Victoria want to do no more than go down to the sea and fish, as they have done with their fathers and their fathers before them. They are terribly troubled about the pertinent issues of what their communities are going to do in times to come when this sort of debate is unfolding in metropolitan Melbourne. Who are these people making the decisions? Where are people from the affected communities going to live? What are they going to do by way of jobs with dignity? They want to know that the people who are involved in the debate have made informed decisions about the issues.

The irrigation industry is at threat of becoming the dirty term that the timber industry has tended to become. In the country, we now use water in a vastly different way than we did in decades gone by. That is not to say that there is not a problem or that there is no threat of salinity. It is not to say that the necessity of ensuring that the Snowy and Murray rivers are safe is not understood. The communities where these things happen and where their future lies are worried that this debate is unfolding on an uninformed basis. A couple of weekends ago, on behalf of the National Party I suggested that Melbourne's water usage ought to be capped. That was met in the main with very strong acclaim because the suggestion is a sensible one. Melbourne uses 480 000 megalitres of water each year. Who is monitoring that? Who is judging the use of that water in a way which is appropriate to this city's needs both now and in time to come? No-one is doing that.

Just as those issues happen in country Victoria and just as country Victorians live with the fact of having a cap on their water supply, the same thing should happen in Melbourne. It is not a 'them and us' thing. It is not a 'poor boy, me' thing. The communities out there are calling for the treatment of these issues on a basis of equity and on the basis that people who are making the decisions and who are involved in the debate are doing so on an informed basis.

The issue of the farm dams debate has unfolded in this chamber. People who are otherwise friends have historically argued vehemently about an issue which is pertinent to the interests of country Victorians. It precisely reflects my point about the future of the country parts of this state. The issue of the management of resources is vital to us, not only our existing population but also to our future.

The Premier mentioned the Wimmera–Mallee pipeline. He was on radio yesterday, although I did not hear him,

so this is second-hand. I understand that when it was put to him that there was an element of competition between funding the Wimmera–Mallee pipeline as opposed to the zoo it was a non-debate. The general tenor of the position that was put to him was, ‘Of course you fund the zoo. Of course you put \$60 million into the zoo’. For God’s sake! What about the Wimmera–Mallee pipeline, one of the great projects in the nation, not only Victoria? It will cost the government \$75 million, and we have said that we will and are perfectly happy to fund it.

Years ago, when some of the members of this place were only in primary school, we were responsible for initiating this project. We were the ones who cranked it up and got it going. The deputation that went to Canberra the other day to discuss it with John Anderson, the Deputy Prime Minister, Mark Vaile, the federal trade minister, and Rod Kemp, the federal environment minister — on behalf of not only the National Party but the Liberal Party as well — did so on the basis that this is one of the great projects. In the context of this debate I am interested that the whole thing was treated with derision on the radio. How can that be so if we are going to have this debate?

This is an issue much greater than population numbers and where people live. We need more power in Victoria. I hear Mr Krockenberger’s comments about burning the coal. The Latrobe Valley has 500 years of brown coal reserves. It is without doubt its single greatest competitive edge. The challenge though is using it in a way that enables us to get best outcomes and not do the damage of which he is fearful. I agree with his basic point, but you cannot overlook the fact that the communities who are there and are dependent upon it have to have a way through this. You cannot have the discussion in a vacuum.

The issue of Basslink is unfolding. It is said we need more power in Victoria, so the answer is to build Basslink and build the towers across Gippsland! Who cares? How can you have an environmental discussion when this sort of approach is being taken and when the technology of the last millennium is being employed and everybody is ducking their heads and saying, ‘That’s all right don’t worry about it’. These are the matters that people in country Victoria are worried about. It is a question of heritage. That is what they are concerned about.

I say it is not just a question of public policy, it is a question of political philosophy. You cannot have this discussion and divorce politics from it. Good, bad or indifferent, you cannot do it, because the two are interrelated in a way that everyone has to respect.

I would like to read something which was sent to me yesterday via my colleague the honourable member for Wimmera. It comes from a fellow named Neil Jacobs, who is the chief executive officer of the Hindmarsh shire and a good bloke. He wrote this in the context of today’s debate, and over three pages he talks about a number of issues pertinent to the interests of country Victoria and what he sees as matters pertaining to its decline. The document states:

So what? Who cares? Just another case of rural adjustment and people voting with their feet! Why are these rural communities important?

In economic terms they support our rural exports (which account for some robustness in the Australian dollar and have some impact on general living standards). The ‘dumb’, ‘unsexy’ commodities of fibre, grains and minerals accounted for over 50 per cent of the value of our trade exports.

Our hi-tech, internationally exposed farmer still needs to go to town for a litre of milk or some hardware; he/she may want basic educational facilities for the children. It might be nice to watch the local footy team once in a while. It might be useful to retain the functionality, utility, services and ‘community’ of small towns — this may be of some benefit to our hi-tech, internationally exposed farmers.

He said other things as well, but time prohibits going right through them. The point of all this is that if we are going to have this important debate — and I agree that it is important to have it — we have to have it in context. I warn the house that out there the people of country and regional Victoria are becoming increasingly fearful that the sort of heritage which is theirs and the sorts of things that drove the development of their communities are being pulled apart before their very eyes. They fear that the whole thing is unravelling. It is happening because there is an uninformed debate occurring with regard to issues pertinent to the management of the environment and resources.

With the greatest respect to our four speakers today, because I understand that they have a more rounded view of it than the one I am putting in the raw, as it were, I simply say that when we have this debate, for God’s sake take these issues into account, because they are critical not only to Victoria’s fortunes but also to Australia’s. And in the end, they will touch upon those many shores to which the debate otherwise relates.

**Ms DELAHUNTY** (Minister for Planning) — I rise with pleasure to join the debate and to thank and applaud our guests today — Mr Steve Vizard, Dr John Schubert, Mr Michael Krockenberger and Cr Ann Cox. I thank them very much for their contributions and their time.

They kickstarted a valuable debate about our current population and future population that is fundamentally

about our sense of our place, our respect for our place and our belief in having control over our place, whether it is our continent, our state or our backyard.

So much of this so-called population debate is being fuelled by what I would call prejudice, or at best emotions, about the refugee issue. However, refugees only make up 10 percent of the migrant intake. In fact, illegal immigrants are very small in number. The number of illegal overstayers, most particularly students from Europe and North America, are 10 times greater. Let's move away from the prejudice and the emotions and look at a productive, informed debate, based on empirical evidence and, I hope, inventive solutions.

I hope that as a government and a community we want to look forward to how we can provide for our citizens with an increased population and care for our continent. In his address to the house the Premier mentioned among other things the metropolitan strategy. The strategy, which is in draft form at the moment and is about to go out for public consultation, is the result of two years of detailed analysis of sharp and distinct demographic, social and economic change. This is the context for the debate which, quite rightly, the Leader of the National Party calls for.

So what are the sharp and distinct social, economic and demographic changes? Firstly, Victoria's population is growing. In 2000–01 Victoria's population grew by over 62 000. Population growth in Victoria and Australia will slow, though, in future as natural increase declines. If current trends were to continue, we would expect the population of Victoria to grow to more than 5 million by around 2005.

Secondly, overseas migration is changing. I referred in my opening remarks to the fact that we have such a small number of illegal overstays and a very small number of refugees. We are also seeing a change in our migration strategy in that the long-term migration program is receiving more attention than permanent settlement. Business and student migrants are coming to this land but are often staying a few years and then moving on. Australia is facing substantial competition for the skilled migration program; skilled workers are more global, more international and much more sought after — they are more mobile.

Thirdly, household growth is stronger than population growth, a factor that is often overlooked. The ageing population, smaller families and changes in family structures — most particularly the latter — mean that average household sizes are shrinking. The exceptions were outlined by Cr Ann Cox, and I must say the

Delahunty families also go against this trend. However, based on current figures the number of households — households, not numbers of people — in Victoria is predicted to grow by about 790 000 over the next 30 years, so whatever our population does we know that our households numbers will increase. The metro strategy is therefore a response to the changing household demographic. It is a response to people living alone increasingly but wanting to live closer to transport facilities and other community facilities.

The falling birth rate is an important factor as well. The Australian Bureau of Statistics figures show that within 20 years, 29 per cent of women in Australia will remain childless. Those women who do have children will have fewer children and they will have them later in life, and that will have a continuing profound impact on the way we care for and provide services for our citizens.

In conclusion, I again thank the speakers and look forward to an informed debate rather than continuing prejudice.

**Mrs SHARDEY (Caulfield)** — I commend the Australian Population Institute for organising the population summit. The summit offered the opportunity for members of the community and the participants to become informed about current trends, about current policies and about the myriad issues and areas of research required for the development of future policies which will affect the size of our population and also the resulting emerging needs of our population.

I go to some of the facts. It is estimated the Australian population will grow from the current 19 million to some 24 to 28 million in about 2050. Yes, Australia's fertility or birth rate is below replacement level at 1.7 children per woman. About a quarter of Australia's women are not having children and 18 per cent are having only one child. We face the problem of an ageing population, with the number of aged people expected to double in the next 20 to 30 years to 24 per cent as a result of longer life expectancy and the postwar expansion of our population with the baby boomers.

Other things being equal the falling birth rate will reduce the proportion of Australia's working-age population, which currently grows at about 180 000 per year but which from 2020 is expected to grow by only 140 000 per year. Immigration may affect the age structure and skills level of the population to the extent that the age structure and skills level of net migration are different from those of Australia's resident population. We know that in recent years Australia's

migrants have been younger and more skilled than our current population.

Since 1945 Australia has taken nearly 6 million migrants and some 600 000 refugees. In 2000–01 Australia planned to take up to 97 000 migrants — one of the highest figures in the world — with approximately 12 000 of that number coming to Australia under the humanitarian refugee program. On top of that, last year it was expected that the number of skilled migrants would rise to 53 500. There is a split between skilled migration and family reunion.

What are some of the arguments in the population debate? There are those who advocate a higher level of net overseas migration to ensure Australia's population will grow faster and not stop growing, as is predicted, by the middle of the century. The argument is that by increasing the number of migrants we will slow down the rate of the ageing of the population, the economy will be stimulated and the full potential of Australia will be reached. Others argue that immigration is an inefficient means of reducing age in our community because massive levels of immigration would be needed to make any significant impact on the proportion of the population that is aged. Additionally it is argued that most migrants who settle themselves become part of the aged population over time, and we are seeing this now with the ageing of our first-generation migrants who came after the war.

There are also those who are fearful that an increase in Australia's population will put further pressures on Australia's diverse and sometimes fragile environment and natural resources. In trying to come to grips with future trends we must also take into account that population and population growth is unevenly spread over Australia. For instance, the highest rates of population growth over the next 50 years will occur in the Northern Territory and Western Australia.

As time is limited, perhaps I could turn to some of the things we need to do. We need to accept that a number of factors will affect our population growth, and many of these will be beyond our control. However, there are things we can do to ensure that we continue to conduct research and continue to understand what are the limits of our population to ensure that our population can grow.

It is most important that governments try to market Victoria overseas to ensure that it becomes a place of destination. We also need to protect the office of business skills migration, which started this work under the previous government.

**Ms CAMPBELL** (Minister for Senior Victorians) — In the population debate we need to resist the many myths that could lead us to view the ageing of Australia's population in negative or even alarmist terms. I hope that we will resist the temptation to label older people as the problem or a social burden that looms ahead. Already Victorians over the age of 50 represent 28 per cent of the total population. They will not accept the label of being a social burden as they age, nor should those over 60 accept it either. The third age span covers people over a 40 to 50 age span who have a vast variety of experiences and aspirations and needs. It is important that we look at the fact that as we age we embrace change and we embrace what many of these older people have to offer this community. We see this as a transitional time.

As I said, the doomsayers amongst us predict a crisis. I wish today to point out that people need to be sure they are speaking about the facts. Older people are not a social burden. Population ageing will affect all of us, but we need to look at it as a time of transition. There is a misconception in the wider community that there is a close correspondence between the size of an aged population and increased public expenditure. An excellent paper by Dr Pamela Kinnear entitled 'Population ageing — crisis or transition?', published by the Australia Institute in December 2001, shows that three assumptions were largely invalid.

I do not have time to examine all these assumptions in detail, but let's just look at the first one that is deeply held — that is, that older people are a social and economic burden. At the most basic level the vast majority of older Australians enjoy active, healthy and independent lives. Ninety-three per cent of older people live in private homes and only seven per cent are in residential care. Of those over 80, only a third require help with self-care activities, and that includes those living within the residential care system or at home.

These figures surprise many people who believe the level of dependency among older people is much higher. That belief is not supported by evidence and has a very negative impact on the majority of older people who are independent. Seniors give a great deal to our community, and we should acclaim what they provide. The amount of time people spend in voluntary work actually increases with age. People aged over 55 spend around a 100 hours a year in voluntary work. People aged 35 to 54 spend around 75 hours in voluntary work, and those under 34, about 50 hours. Seniors contribute financially as well. An analysis of private financial transfers shows that people aged between 65 and 74 are substantial net providers of financial assistance to their adult children and other family members.

In addition, the monetary worth of the child care given largely by grandmothers is huge. A small project in the northern suburbs last year studied 30 grandmothers and estimated that the child care they gave would be worth \$500 000 a year. As a community we have to acknowledge that work is work, whether paid or not. We cannot run from the fact that older people do require more medical assistance. What is most interesting about this, however, is that expenditure on medical care goes up not in direct correlation with a person's age but in direct correlation to their closeness to death. Costs for patients with terminal cancer, for example, are not dependent on their age, and it is the same for those who suffer severe heart attacks. Medical costs will go up, but not in direct proportion to the ageing of the population.

There are three policy directions that I will briefly outline. First, we must have a policy commitment to social economic equality across a range of essential areas such as education, health, housing and jobs. Second, we must look at policies to increase incentives to employers to retain workers, and third, governments need to look at seniors with a holistic and whole-of-government approach.

**Mr HONEYWOOD** (Warrandyte) — I come to this debate as a committed multiculturalist and someone committed to significant but sustainable population growth. I do not come to this debate merely as a result of my professional involvement as a member of Parliament in a multicultural portfolio but, importantly, as one who has lived in Japan for two years, who has gone to school in Tokyo and who has been part of the Japanese work force for 12 months. What I noticed from that experience was that if Australia is to progress further it cannot sustain a population of 20 million. That has been brought home to me at a personal level by the fact that my youngest brother has now lived in Tokyo for a decade, working for the Nintendo computer games company designing computer games. He cannot get a job here in Australia. We do not have sufficient critical mass or population for a home-grown computer games industry. So for the rest of his working life in that particular industry he will have to work in other countries.

That brings home to me the fact that we need to establish what we are good at as a nation state and what we are good at as a state in this nation. What we are very good at is education, which is of world class stature in this country. It is wrong for us to ignore the fact that the federal government has made great strides in ensuring that education policies result in greater migration. For example, if the Premier had done his homework today he would have been able to establish,

as we on this side of the house have done, that Australia is one of the only countries in the world to offer full-fee-paying overseas students the opportunity to have part-time work to supplement their income while they are studying. They can work up to 20 hours a week. They do not need a green card here, unlike in North America or Great Britain.

If the Premier had done his homework he would have realised not only that in its first term the current federal government allowed for those students to receive bonus points for future migration applications if they had had an education experience in Australia but that it has now gone the extra mile and allowed for overseas students who pay full fees to be educated here in Australia to make on-shore migration applications while they are still studying. So things are happening and great strides are being taken to ensure that we get the best and brightest, the most skilled, and — most importantly — those who have already established their bona fides because they are already aware of our culture and have already been in our work force, albeit part-time, before they put their hands up to become migrants.

These are things which Australia is doing under a conservative federal government but which were not done by previous federal Labor governments. Indeed, when we come to regional migration policies I well recall that at an annual immigration meeting in Canberra some years ago at which I represented the state the current federal Minister for Immigration and Multicultural Affairs, the Honourable Philip Ruddock, tried to bring in regional-only migration to our rural communities. But of course what stopped him from doing that was the Labor Party's having brought in equal opportunity laws that do not allow for this nation's politicians to say, 'You have to live in that corner of the state only. You cannot move to Melbourne'. So what stopped Philip Ruddock from being able to implement that regional-only policy to ensure our rural communities were revitalised were those very social justice policies that the Labor Party trumpets, which do not allow for the internal quarantining of anyone who comes to this country for any period of time.

What is this state government doing to back up its rhetoric. We have heard a lot of spin today from the Premier, but we have seen very little action. There is a skilled-migration office. How many applications to that skilled-migration office were actually made to the federal government saying, 'We want five engineers to work in the Victorian economy.'? As I understand it, very little has been achieved. A lot of window-dressing has gone on.

Yesterday we celebrated the intake of Australia's 6 millionth migrant. A mother of two, she arrived with her husband from the Philippines. She is a systems analyst and her husband is a production engineer. That is an example of the type of skilled migration program that the federal government is supporting.

The state government needs to do something about that type of skilled migration program instead of putting on a window-dressing display today and talking about who is to get the media grab, as the Premier did with reference to the Mildura councillor — but all with no substance.

**Mr PANDAZOPOULOS** (Minister assisting the Premier on Multicultural Affairs) — I have looked forward to participating in this long overdue debate. The government has shown leadership in starting the debate. I was concerned, particularly when I heard the Leader of the National Party speaking, about the danger of these debates — that people want to use them for political purposes.

The fact is that the debate started by people such as Steve Vizard is about doing something that is realistic and talks about the issues. We have to start with the question: are we comfortable with the population we now have? Clearly, the answer during the debates at the population summit and from today's speakers is no. Why? We have heard about the demographic changes and what an ageing community means in relation to how we can pay for our aged community in the future and how we grow our economy.

We heard the honourable member for Warrandyte and other speakers refer to the need for critical mass and the fact that we are a small economy. We heard from the Business Council of Australia that we are a small fish in a big pond. Critical mass is a key part of the argument, and we need to debate those key issues because politics is always about the short-term view; and the short-term view is always about positioning for the next election. That is where the danger exists in these types of debates, as we heard from some speakers today. They asked why we are not engaging in these debates at the federal level.

We need to take a long-term view. The issue is not about whether we pick a figure from the air in saying what should be the aim for Australia's population. It is not about saying we need to have 30 million people by a certain date.

The issue is about what we can sustain on an annual gradual basis that helps us deal with the weaknesses that we know exist in our economy — those

demographics and lack of critical mass. We can sustain growth if we plan for it. If we plan annually, for example as Canada does, if something unforeseen occurs we can turn off the tap temporarily to deal with it. It is not about rushing to a population target but about growing in an appropriate way from where we are going.

Today we heard also about environmental issues. There is no doubt that environmental issues can be and need to be addressed in any of these debates, but they are not mutually exclusive. Because we have environmental problems it does not mean we should not think about the long-term sustainability of our economy and growing our population.

We have heard, and we know, that we are not environmentally efficient in what we do. We also know that much of the environmental damage that has occurred is a result of poor practices of the past, including the past practices of degrading our land, particularly in rural Victoria. We know of the impact from industry and mining, as we heard from the Business Council of Australia, and a lot of the perceived negative impacts on the environment come from the export market and are not about population. We can deal with that.

We have been asked whether increased fertility is the answer. Clearly it is part of the answer, but we will never get it to sustainable levels. Why? Because in Western economies we have seen that despite our efforts — we can have friendly working environments, and so on, to encourage that — in the end the level of migration will always be the biggest issue about a population policy and what we can sustain. Unfortunately, we have not taken a long-term view; there has been a knee-jerk reaction and it is all about short-term politics. We have tried to get away with a population figure for this year, but have not dealt with the diverse complex issues by engaging with the community on what we want.

As I travel around the state I hear in rural areas about the number of people who no longer want to work the farms and how difficult it is to get labourers to work on farms. When I go to Shepparton they say, 'Send all the temporary protection visa people — the Afghans and the Iraqis — up here because they work hard and do a great job'. We know that Australia in many regards was built on the backs of unskilled and semiskilled migrants. We have expectations in the community that everybody wants to be better than members of the previous generation, but we will always need unskilled and semiskilled migrants. That debate gets lost but should be considered.

Finally, we simply cannot rely on skilled and business migration. There are weaknesses in that argument. The first thing you hear from business and skilled migrants is, 'Australia is not a destination in the same way as Canada is'. Why? Because the family reunion program is too tight and people are not as encouraged because it is only a matter of time before they want members of their families to join them in the future. You need to deal with the issue of family reunions in any population debate.

**Mr STEGGALL** (Swan Hill) — I join this debate to put a different edge on it. I note the comments of the Minister assisting the Premier on Multicultural Affairs, because one thing Australia needs to do is make sure we start having this debate from an informed position. I am far from convinced that honourable members, and particularly the majority of Victorians, understand what is happening in our area. The Premier should have a think on whether you can have a national policy on population or whether it should be more of a regional policy. Australia is a huge country. The population policy should be more in line with the regions than with the states.

My real ask is for people to get out and understand what it is that country Victoria has to offer in this debate. I remind the house that 75 per cent of its members live in Melbourne. If you add Ballarat, Geelong and Bendigo into the equation you get down to about 16 politicians of the 88 in this house who actually represent country Victoria. That is one of our greatest problems when we have a debate such as this.

The Minister assisting the Premier on Multicultural Affairs talks about the environment and agriculture, but he knows not of what he speaks. I understand that and have to make some allowances for him.

In regional Victoria we have a growth rate that is going extremely well. We are achieving a lot of the things we need for drivers for population growth. We are having trouble getting people to take up those challenges. Country Victoria is keen on immigration. If you look at the fast growth areas, particularly Robinvale in my electorate, you see the Tongan, Vietnamese and Thai populations are outgrowing everybody as they come to that area. As we get a balance of conservation issues — and it is a balance! — we need to have a proper debate.

A couple of weeks ago the National Party, in its discussion paper, talked about putting a cap on the water consumption for Melbourne to put the disciplines in place so the community can start looking at future development and planning requirements. We should start worrying when we look at the harvestable amount

of water consumed in Melbourne, Ballarat and Geelong. We are not in good shape when our population is concentrated in Melbourne, Geelong and Ballarat. Water is a huge issue, and it needs to be addressed.

We in the country address the water problems with our caps, regulations and rules. We have started on it and it is now paying huge dividends. We in the country ask that Melbourne start doing the same thing. The difficulty I have with something like that is that I have to convince 75 per cent of the members of this place that they need to look at themselves and apply the same disciplines and standards they push on country Victoria; we have just heard the minister talk about that. We accept it and we are travelling that way. We ask honourable members to join us and understand the value of our natural resource.

The management of our natural resources is vital. One speaker this morning was keen to emphasise that we should be looking at food production areas for ourselves. If we are to occupy our people and use our resources properly we must remember that we need only 20 per cent of our farmers to feed Australians, because 80 per cent of them produce for export markets. We are part of the world, and a population policy for Australia is very important, but it should not be insular — that is, only in Melbourne or throughout Victoria.

The population policy debate is something I welcome, and something that I believe we should really consider in regard to the issues we face here on a day-to-day basis. The Wimmera–Mallee pipeline has been mentioned, and for small communities and small towns it is an absolute must, and one of the best propositions that has ever been put before Australian governments for country areas.

I hope that this will not just be a talkfest, and that from this country and city might better understand the pressures — —

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

**Mrs MADDIGAN** (Essendon) — Lena Sommestad, in a magazine called *Current Sweden*, wrote in September 2001:

The present demographic situation in Europe and elsewhere, with low birth rates and ageing populations, highlights the impact of gender relations and family life on economic development. According to a growing body of research, countries that fail to restructure their societies in line with modern women's demands for equal rights and responsibilities run the risk of curbing population growth,

accelerating the ageing of the population, and, in the longer term, slowing down economic growth.

There is an increasing amount of research available that shows that in Western countries what has happened is that fertility rates have been very closely linked to gender equality. In societies which have made definite efforts to ensure that women have equal opportunity to men there has in fact been an increase in fertility. Sweden and America — being two — have shown that because of policies actively undertaken by governments and, particularly in America, private groups, they have brought back their fertility rates to sustainable levels. Whilst all Western communities showed a declining fertility rate in the 1960s, some countries have turned that around through progressive policies.

As the Minister for Tourism has said, obviously increasing fertility rates is not the only way to address the need to increase Australia's population, but it is incumbent upon all governments, whether at the commonwealth, state or local levels, to understand that they can have a significant impact on increasing fertility rates both of people who have recently moved to Australia or of people who have lived here longer, by having policies which recognise that our society is changing.

An article in *Population Briefs* of spring 1996 entitled 'Gender equality and demographic change — a new agenda for girls and women', identified four main areas that can be addressed to ensure that fertility rates increase in Western societies. The four areas indicated as important were: educating girls, meeting the needs of adolescent girls, fostering women's livelihoods and increasing men's parental responsibilities, so there are ways that all levels of government can be involved. But there is also a role for private industry, because some of the research has shown that friendly workplaces for women also encourage fertility rates to increase.

A great deal has been written about Japan, because it has very low fertility rates. In 1997 it was 1.39, which mirrored the fact that education levels for girls in that state were almost the lowest of any Western country. Issues identified as helping to keep down fertility rates in Japan are: levels of higher education, especially for local women; the ratio of female teachers to total teaching staff is lower than in any other country, particularly in the case of primary, secondary and higher education; and the fact that women have lower rates of matriculation than men in Japan — and also in Germany and Korea, three countries which are noted for having some of the lower fertility rates in the world.

It is important for us all to recognise this. Japan has a number of strategies, in particular through its

government, to ensure that workplaces and society make gender equality easier. It has an organisation called the Promotion of Gender Equality, which works very strongly on improving education opportunities for girls. It has brought in equal opportunity laws to provide equality for women in a whole range of areas, particularly in relation to sexual discrimination. It has also brought in laws relating to child-care and family-care leave. These strategies are taken to ensure that women are able to be part of the work force and still be able to have children.

It extends not only to women but also to the fathers of children, who often perhaps are restrained from the involvement they would like to have in raising their children by their work conditions as well. So not only have they addressed issues relating to women's employment, but also men's employment.

What can we take from that in Australia and in Victoria? There are opportunities to encourage populations to increase fertility rates by taking some of the policies that the Bracks government has taken in this state.

There is also a strong responsibility on the commonwealth government in relation to some of its policy areas, particularly relating to child care, to ensure that women do have the full capacity to work, have real participation in our work force, but also have the time to be able to rear their children, with support from the state.

**Ms DAVIES** (Gippsland West) — I appreciate the opportunity to speak on issues around population policy.

The first point I make is that the most vital issue is to ensure that our population is living as an environmentally sustainable population, and we are nowhere near that yet.

I note the national state of the environment report, which is just out, refers to urban sprawl, high-energy consumption, stormwater pollution, biodiversity decline, salinity and land clearing as major issues which must be addressed. They are issues for both urban and rural populations.

Our resource consumption is exceeding population growth, and that cannot keep happening. I suggest that much of that is a matter of lifestyle pressure rather than raw numbers.

I also support the comments of the honourable member for Swan Hill that rural people are often much more resource efficient with their use of water and energy

than urban people. For example, this state has a power generation shortage and the most environmentally sensible solution to that is to reduce the peak demand for power. We should not be still encouraging the building of square box houses and units with narrow windows and no eaves which are only livable when you have airconditioning.

We have to firstly promote energy efficiency by all possible means. Likewise we have to promote water efficiency by all possible means.

Secondly, we have to focus on generating power in environmentally sensible ways. That means doing things like not taking the cheap option and allowing Basslink to pollute the ocean with chlorine and stray electrical currents via a monopole cable. It means doing things like not using second-hand gas turbines which no-one wants in their backyard. We have to start generating power properly. That sensible notion has been a long time coming.

Thirdly, we have to promote public transport. By that I mean better public transport between towns as well as public transport in the metropolitan area. We can spread our population into much more environmentally and socially friendly smaller communities with fast and affordable train services. I urge the opposition to start supporting the extension of train services back into rural areas. I believe the nation can learn to live in smaller and more sustainable units, but we need public transport and good infrastructure to do that.

I join Cr Ann Cox from Mildura in urging society and the government to take more positive measures to make child rearing more possible. Women choose to have less or no children partially when life is too difficult for them to manage. We have to support families better financially, we have to support flexibility in the work force and we have to support families in spirit by welcoming children and active mothering and parenting in our community.

I note the latest guidelines from the commercial TV regulator prevent the open televising of a breastfeeding advertisement on daytime TV. This absurdly negative approach to that most basic human demonstration of mothering is to be condemned. All mammals need to learn mothering, and too many of our young women do not have enough information or encouragement to mother. I believe that is really sad, and it is ultimately sterile in a very literal sense. We should be spending a lot more of our time and resources teaching women about mothering, and teaching them that their bodies are more likely to be fertile in their 20s than they are in their late 30s and 40s. We have to organise society

around making that choice possible, but never compulsory. Instead I believe we have at the moment far too much public promotion of a profit-generating, technologically suspect and ethically problematic IVF industry.

Lastly, Australia is made up of people from many lands as well as our original inhabitants. Hybrid vigour is part of the Australian character, and I love it. We will not get good people continuing to want to come here unless this country builds on its reputation as a fair, humane, welcoming and harmonious but varied community.

I have a great deal of respect for our traditions of democracy, the rule of law and an egalitarian and community-focused society. We need to keep building on those traditions — all of us together.

**Mr PERTON** (Doncaster) — It is a great honour to speak in this debate. The population policy debate is primarily about vision and determining the society we want to build.

We live in the most rapid period of change in human history. In a survey for the *Economist* magazine last year, the 92-year-old economist Peter Drucker rightfully wrote:

We can also be sure that the society of 2030 will be very different from that of today, and that it will bear little resemblance to that predicted by today's best-selling futurists ... The central feature of the next society, as of its predecessors, will be new institutions and new theories, ideologies and problems.

So for us to predict and make policy for 2050 is very difficult indeed, and in the 2½ minutes available to me, I will focus on vision.

My vision of Victoria is of a prosperous, modern, cosmopolitan, liberal society living in harmony with nature. The first of the two great determinants of the Victoria and Australia I want to see is the rapid take-up of new technologies with long-term sustained investment in new technologies, innovation and entrepreneurship. As Drucker says, new technologies and services, not population, will be the principal determinant of economic growth.

The second great determinant is the environment. Our failure to date to halt environmental degradation and species extinction in our natural Victorian environment should urge us to caution.

As the son of refugees, I agree with Richard Pratt, who said at the summit:

Our evolution into a prosperous, cosmopolitan, pluralist society has been worth while ... We have immigration in large measure to thank for it.

It appears to me that our immigration policies should target the talented and the skilled, and the most important way of attracting them is to build a cosmopolitan society that is safe, welcoming and attractive to those who want to live in a new society so that they make Melbourne, Victoria and Australia their choice.

**Motion agreed to.**

## PAPERS

**Laid on table by Clerk:**

*Financial Management Act 1994* — Report from the Minister for Health that he had received the 2000–01 Annual Report of the Alexander and District Ambulance Service

Property Leasing Limited — Financial Statements for the period ended 6 December 2001 (two papers)

*Wildlife Act 1975* — Wildlife (Control of Hunting) Notices Nos 1, 2/2002.

## AUDIT (FURTHER AMENDMENT) BILL

*Council's amendments*

**Returned from Council with message relating to amendments.**

**Ordered to be considered next day.**

## MEMBERS STATEMENTS

### Darebin: election material

**Mr KOTSIRAS (Bulleen)** — I stand to condemn the Labor Party for using misleading information to secure votes for its own candidates in the recent Darebin council elections. A pamphlet was produced in blue and white urging people to vote Liberal. Indeed, on the front of this pamphlet it states, 'Only a Liberal can fix James ward'. While I agree with the sentiment, the person who has put out this pamphlet is not a member of the Liberal Party. Ms Marianne Bowman is not a Liberal Party member but she is falsely claiming to be a Liberal simply to give her preferences to the real Australian Labor Party candidate, Mr Nick Katsis.

Mr Katsis is a member of the Labor Party. I am advised he is a member of the Darebin branch. He was supported by Mr Martin Ferguson, who is the federal Labor member for Batman, and the Honourable Mary

Delahunty, the Minister for Planning and honourable member for Northcote. It seems that Ms Dianne Asmar was a major supporter of Mr Katsis. Ms Asmar has an uncle working in Mr Ferguson's office and an aunty working in Ms Delahunty's office.

I ask that the Minister for Local Government investigate whether these two members of Parliament were involved in the production of this misleading brochure. In fact, during the election Ms Marianne Bowman got only 341 votes and Mr Katsis got 1189 votes.

The pamphlet is misleading. It talks about how Ms Bowman is a Liberal and supports Liberal values, but in reality she is not a member of the Liberal Party. I urge the minister to investigate the involvement of Martin Ferguson, the Federal Labor member for Batman.

### Minister for Transport: performance

**Mr MAUGHAN (Rodney)** — The Minister for Transport and Leader of the House stands condemned for his failure to honour Westminster traditions and the long-established protocols of this house by failing to respond to his correspondence and to matters raised in the adjournment debate.

I wrote to the minister on 15 June 2001 — nine months ago — and as at today still do not have a response. I again wrote to the minister on 19 December 2001 — three months ago — and as at today still do not have a response. I raised the matter in the adjournment debate on 27 February this year, and in spite of forewarning the minister that I intended raising the matter, the minister failed to respond, and some three weeks after that event I still do not have a written response.

The matters raised concern the proposed construction of a second Murray River crossing at Echuca and are of vital importance to a number of the 35 000 constituents I represent.

This government came to power, supported by the Independents, promising the people of Victoria honest, open and accountable government. The minister's performance indicates his contempt for these principles, and the Premier and the Independents also stand condemned for condoning such totally unacceptable behaviour from a minister.

### Commonwealth Youth Games

**Ms ALLAN (Bendigo East)** — I congratulate Bendigo on winning the right to host the 2004 Commonwealth Youth Games. This is a very exciting

opportunity for Bendigo and for young athletes in central Victoria, and it reflects the great sporting culture we have in Bendigo. Bendigo now well and truly has the right to call itself the sporting capital of country Victoria, if not the sporting capital of country Australia!

I congratulate the City of Greater Bendigo councillors and officers, who worked very hard in pursuing the right to host the 2004 Commonwealth Youth Games, with the support of a number of local Bendigo athletics organisations. I also congratulate the Bracks government, because this achievement well and truly recognises its commitment to regional Victoria. We now have the opportunity to put this event into country Victoria, where it will bring great economic and tourist benefit to our region.

It is estimated that this event will bring \$6 million into our region's economy and create 33 new jobs in our area, which is fantastic news for our region. It will certainly place Bendigo on the international sporting map and will be an important lead-up to Melbourne's hosting of the 2006 Commonwealth Games. The same athletes will be appearing at both events, so we will certainly have elite athletes from around the world coming to Bendigo to participate in the youth games. It is a marvellous and exciting event for Bendigo, and I again congratulate the government on its commitment to country Victoria and to Bendigo.

**Mr Wilson** interjected.

**The DEPUTY SPEAKER** — Order! I remind the honourable member for Bennettswood that he is out of his seat, and ask him to cease interjecting.

### **Courts: sentencing**

**Mrs ELLIOTT** (Mooroolbark) — On 21 November 2000 two sisters, Penny and Faye Cooper, both under 20 and their parents' only children, were killed by a drunken and stoned driver, Wendy Kathryn Solomon, in Manchester Road, Mooroolbark. Ms Solomon had previously lost her licence three times for drink-driving and was not licensed at the time of the accident. Ms Solomon was given a four-year jail term.

The outrage expressed to me as one of the local members of Parliament by members of the Mooroolbark community is difficult to overstate. While acknowledging the separation of powers and that judges have a range of depositions at their disposal, I reflect the views of my constituents when I say that they are appalled that the Premier said he could not comment on the leniency of the sentence. As one constituent wrote:

Why? I want him to. I want him to have the courage to stand up and say that this pathetic sentence is just that, pathetic! ... What has to happen in our community for him to comment? How gutless!

... I hope you have some success in conveying my feelings of disgust to the necessary representatives of our community.

The Minister for Transport commented publicly on the fare evasion case judgment. Why does the Premier find himself unable to comment on a case involving the death of two innocent young women?

### **Building Business Bridges to Asia dinner**

**Mr LIM** (Clayton) — Tonight I will be hosting the third annual Building Business Bridges to Asia dinner with the Premier and other cabinet ministers. This year participants will come from a wide group of Asian business community leaders, including Chinese, Indian, Vietnamese, Sri Lankan and Thai business people.

It is significant that while the Premier is taking the lead at the national level in terms of population and immigration policy, he also recognises the important contribution that the Asian business community makes to Victoria's economic development. Its importance and its potential to contribute to the growth of Victoria's trade and business with Asia are significant, especially considering Australia's geographical position and the fact that Victoria's top trading partners are in Asia.

The Bracks government believes the extensive business network and the vibrant cultural and family ties forged in Asia by the Asian business community have a strong role in building Victoria's economic future. This government is committed to forming partnerships with the Asian business community to position itself to make the most of the rapid changes in the Asia-Pacific region.

The dinner is to consolidate this relationship between the government and these important people and to continue the dialogue between the two partners to make the most of the relationship for Victoria.

### **Timber industry: East Gippsland**

**Mr INGRAM** (Gippsland East) — I rise to recognise the visit to East Gippsland by the Treasurer, in his position as the chair of the ministerial task force set up by the government to look at the issues surrounding the reform of the timber industry in East Gippsland, and by the Minister for Consumer Affairs. The Treasurer and the minister met with representatives from the timber communities of Cann River, Orbost, Bonang, Buchan and Nowa Nowa, and a number of

issues were raised, including infrastructure and national parks, and a range of projects were put forward, including some very worthwhile education opportunities. In addition, there was discussion about a range of issues that really damage our area — the lack of road infrastructure, the lack of tourism infrastructure and the lack of people on the ground to do the jobs that need to be done.

I thank the Treasurer and the Minister for Consumer Affairs for coming to East Gippsland and for recognising the importance of those timber communities.

### **River banks: cleaning**

**Mr BAILLIEU** (Hawthorn) — I raise a matter of serious concern which I hope will be addressed by the Minister for Environment and Conservation and the Minister for Local Government — that is, the matter of public safety and, in particular, the management and cleaning of our river banks.

Our river banks are precious territory and are also shared territories between many cities. There is a growing problem — not new but growing — with dangerous debris assembled on those river banks and associated territory, including discarded syringes, broken glass and other dangerous material. This occurs particularly near overpasses and bridges. In my own electorate I mention the Victoria Street–Barkers Road bridge, the Swan Street bridge and the Bridge Road bridge. Debris there has already caused suffering to my constituents and I am sure to others. I note that the government has engaged in beach-cleaning operations which have assisted the City of Port Phillip by providing additional funds. I urge the government to also provide additional funds for the cleaning of river banks.

### **Michael Meakin**

**Ms GILLETT** (Werribee) — I wish to place on record my thanks to Mr Michael Meakin of Brian Mark Real Estate in Werribee.

Just before last Christmas one family in Werribee had a series of crises before them. They came to see me and we worked intensively for a number of weeks on all of these issues, and thankfully many of them were resolved.

In an effort to resolve some of their more complicated financial issues relating to a questionable loan for their home I sought the advice of Michael Meakin who, as I said, is a local real estate agent. He was extremely understanding and helpful. In short, through his

endeavours and generosity this family did not have to suffer the distress of having their home repossessed. Michael's principles and his generosity maintained the dignity and the self-esteem of this family. I wish to thank him publicly for his efforts and endeavours in helping one family in Werribee.

### **Hazardous waste: dump site**

**Ms ASHER** (Brighton) — I wish to condemn the approach of the Bracks government to the establishment of a toxic waste dump in the state of Victoria. After two and a half years of deferral, committees and indecision, we now have four unsuitable sites, two in Dandenong too close to homes; one in Deer Park, with the Shire of Melton's slogan being 'A breath of fresh air'; and one right next to a bombing range and far too close to the Gippsland Lakes.

The Liberal Party's position on all of these sites is clear. Honourable members will remember that the Honourable Neil Lucas and the Honourable Gordon Rich-Phillips in another place have articulated Liberal opposition to the two Dandenong sites. But I want to talk about the performance of the Minister for Gaming, who represents the electorate of Dandenong, and the honourable members for Melton and Springvale. The honourable member for Melton hid behind the door at the public meeting and the honourable member for Springvale skulked around down the back. The Minister for Gaming said he would participate in the community consultation process, but then he said it would depend if Parliament was sitting and he wasn't sure of the sitting dates.

His latest excuse is that he received a threat; it was a very late threat. I commend the honourable member for Footscray who turned up for the meeting and has been lumbered with this task by the Minister for Gaming. If the Minister for Gaming cannot front his constituents at a public meeting he should take a delegation. They know the Liberal Party is opposed to these sites but where does — —

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

### **David Anderson**

**Mr SEITZ** (Keilor) — I wish to place on public record my congratulations to Mr David Anderson, the City of Brimbank's citizen of the year. Our community needs many more people like David Anderson. He moved into the area of Delahey some three years ago together with his family. He and his wife have four

children and two grandchildren. As soon as David moved into the area he did not just sit back and let somebody else do the work in a new estate; he volunteered his time as secretary of the Delahey Action Group and started working on improvements to infrastructure. For that he is to be commended because when you move into a new house in a new area you have lawns to set up and gardens to take care of to set your home up properly.

Mr Anderson has advocated strongly for the extension of the bus route between Delahey and Watergardens and to many projects from Copperfield Neighbourhood Centre to the path and embankment of Kings Road; also Watervale which is a new estate in the Shire of Melton.

I am pleased and proud that there are people like David Anderson in my electorate. I ask that other people who move into the electorate, particularly in the new growth areas, volunteer to work in their own time to improve and enhance their neighbourhood, not only through infrastructure works but in tree planting and parks and gardens and involving themselves in recreational clubs.

## FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL

### *Instruction to committee*

**Mr HULLS (Attorney-General)** — By leave, I move:

That it be an instruction to the committee that they have power to consider amendments and new clauses to the Forensic Health Legislation (Amendment) Bill which —

- (1) Under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 provide for the arrest of persons absconding to Victoria from interstate and the powers of courts to deal with such persons;
- (2) Under the Mental Health Act 1986 provide for:
  - (a) the issue of warrants to arrest security patients absent without leave who leave Victoria;
  - (b) a change in the conditions for transfer of involuntary patients to and from Victoria;
  - (c) a change in the procedure for the apprehension of persons absent without leave from interstate mental health facilities and the escort of such persons apprehended interstate;
  - (d) the arrest of interstate security patients absconding to Victoria and the powers of the courts to deal with such persons.

**Motion agreed to.**

## BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL

### *Introduction and first reading*

**For Ms DELAHUNTY (Minister for Planning), Mr Hulls introduced a bill to provide for entitlements to progress payments for persons who carry out construction work or who supply related goods and services under construction contracts and for other purposes.**

**Read first time.**

## ELECTORAL BILL

### *Introduction and first reading*

**Mr HULLS (Attorney-General)** — I move:

That I have leave to bring in a bill to re-enact with amendments the law relating to Victorian elections, to amend The Constitution Act Amendment Act 1958 and consequentially amend certain other acts and for other purposes.

**Dr DEAN (Berwick)** — I would like a summary of that bill.

**Mr HULLS (Attorney-General)** (*By leave*) — This legislation is about bringing The Constitution Act Amendment Act, or the Electoral Act, into the 21st century to modernise election procedures and to make it easier for people to enrol to vote. It also will implement the public funding of election campaigns. The legislation will have very stringent disclosure requirements. It will also put a cap on amounts relating to organisations that hold gaming licences or other licences, the major purpose of which is to generate income. The amount of that cap is in the bill.

**Motion agreed to.**

**Read first time.**

## HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL

### *Introduction and first reading*

**Mr THWAITES (Minister for Health)** — I move:

That I have leave to bring in a bill to amend the Medical Practice Act 1994, the Nurses Act 1993 and other acts relating to health practitioners and for other purposes.

**Mr DOYLE (Malvern)** — Could the minister provide a brief explanation of that bill, and in particular

say which other health practitioner acts will be covered by it?

**Mr THWAITES** (Minister for Health) (*By leave*) — The bill principally relates to medical practitioners and nurses. In regard to medical practitioners it relates to issues around the continuing performance and non-performance of doctors. In relation to other health practitioners, to the best of my recollection there is also a reference to the Traditional Chinese Medicine Practitioners Act, but I would want to check that.

**Motion agreed to.**

**Read first time.**

### WATER (IRRIGATION FARM DAMS) (AMENDMENT) BILL

#### *Introduction and first reading*

For Ms GARBUTT (Minister for Environment and Conservation), Mr Hulls introduced a bill to amend the Water (Irrigation Farm Dams) Act 2002 to change the dates of operation of various provisions of that act.

**Motion agreed to.**

**Read first time.**

### JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL

#### *Council's amendments*

**Returned from Council with message insisting on following amendments:**

1. Clause 6, page 7, after line 2 insert —
  - “(4) A reference of a matter for an advisory opinion must be in writing.
  - (5) The Attorney-General or, if an Order under section 11(2) is in force, the relevant Minister, must cause notification of a reference under this section to be published in the Government Gazette specifying the matters referred to the Tribunal for an advisory opinion within 7 days of referring the matter to the Tribunal.”.
2. Clause 6, page 7, line 3, omit “(4)” and insert “(6)”.
3. Clause 8, line 26, after “recommendation” insert “or a report of an advisory opinion”.

**Mr HULLS** (Attorney-General) — I move:

That amendment 1 be agreed to with the following amendment:

After proposed sub-section (5) insert —

“(6) Sub-sections (4) and (5) do not apply if the Attorney-General declares that an advisory opinion concerns matters of a confidential or personal nature.”.

I will speak to that matter now. There are another two amendments that in effect fit in with that amendment.

Honourable members will recall that the bill has been before this house twice and, I think, twice in the upper house. When the bill was introduced the opposition expressed support for it but had some concerns about the advisory opinions in proposed section 11A.

The purpose of the bill is to set up a new Judicial Remuneration Tribunal (JRT). This is a result of the Honan report, which said that the structure in Victoria was the least independent of any in Australia. The purpose of the legislation is to bring Victorian judicial remuneration practice into line with equivalent interstate jurisdictions and to allow the tribunal to make determinations on the conditions of service and leave entitlements of judges. The overall purpose is to ensure that Victoria has an independent judiciary, unfettered by political interference. What greater proof of the necessity for this type of legislation and for judicial independence could there be than what we have seen recently with the scurrilous attack on Justice Michael Kirby.

**Dr Dean** interjected.

**Mr HULLS** — It has plenty to do with the JRT, because in its new structure the JRT will be more independent. We need an independent structure determining judicial salaries, allowances and leave entitlements for judges.

As I said, when the government introduced the legislation my recollection is that the opposition had some concern with the advisory opinion aspect of the legislation as set out in proposed section 11A, which states:

- (1) The Attorney-General may refer any matter relating to salaries, allowances or conditions of service of holders of an office to the Tribunal for an advisory opinion.
- (2) The Attorney-General may refer any matter relating to the remuneration or conditions of service of acting magistrates to the Tribunal for an advisory opinion.

The opposition said that if that were the case those advisory opinions ought to be in writing and ought to be made public — that is, the request for the opinion. As a government we had some real concerns about privacy issues, in particular as they related to individual members of the judiciary. We were not prepared to agree to the amendment.

During the break there have been discussions over the bill. As an open, transparent and consultative government, and having had those discussions with the Liberal Party in relation to this matter, we have come to the view that we are prepared to compromise somewhat on the amendment being proposed.

The amendment means that the privacy aspects of particular judicial officers would be protected. We believe the advisory opinions should be kept confidential, and as a result of this amendment they would still be, if they relate to personal matters involving individual judicial officers. We are moving along those lines because the government believes that privacy is absolutely crucial. I understand that the shadow Attorney-General is keen for the number of those advisory opinions sought by the Attorney-General — that is, the number of those confidential matters — to be disclosed. I am more than happy for that to occur by way of compromise, as long as, of course, the private nature of the matters referred to in those advisory opinions is not disclosed. That is an appropriate compromise.

I repeat that in Victoria the JRT can make recommendations to the government only as to salaries and allowances and that the Attorney-General can vary a recommendation by tabling a statement in Parliament. As I said, the Honan report found that the JRT lacked an appropriate level of independence and that this had the consequence — and this is very important — of impacting on the judicial independence of Victorian judicial officers.

These changes are long overdue. I have been disappointed that the opposition has delayed the bill to the extent that it has, because it has denied the judiciary the improvements recommended by the Honan report and supported by the government. I hope that with this compromise the opposition will not further delay this important piece of legislation. The government is totally committed to promoting judicial independence and establishing a clear, coherent and transparent system of judicial remuneration.

The house amendments that were moved by the opposition in committee sought to amend clause 6, which refers to the advisory opinions on referral from

the Attorney-General. The amendments proposed that a reference for an advisory opinion must be in writing and that the reference and the advisory opinion ought to be published in the *Government Gazette*.

The government argued continually that advisory opinions should be kept confidential because they could well relate to personal matters involving individual judicial officers. It was intended, as set out in the Honan report, that advisory opinions should also be able to act as a sounding board for the Attorney-General on matters referring to judicial remuneration. The opposition has suggested that these opinions and referrals ought to be made public; and the government, by way of compromise to get this important legislation through, is prepared to agree to that on the basis that individuals' rights of privacy are upheld and that any matters to be considered by cabinet remain confidential.

The compromise proposed by the opposition — it is our amendment, but it comes after discussions with the opposition — provides that an advisory opinion will not be published where the Attorney-General declares that the advisory opinion concerns matters of a confidential or personal nature. We are committed to the progress of this legislation; we believe it has been delayed for far too long. We agree to the compromise. It is important to the Bracks government that the functions of the Judicial Remuneration Tribunal are redefined as soon as possible and that we continue to support and strengthen the independence of the judiciary.

**Dr DEAN (Berwick)** — Before I ask some questions of the Attorney-General I would also like to make some comments about this amendment. The Attorney-General has almost got it right but as usual has not quite hit the mark.

The bill as originally introduced allowed for advisory opinions to be kept secret. There was absolutely no reason why such advisory opinions should be secret. To suggest that the Labor government has had to compromise to enable things to become public hardly fits in with the rhetoric of open and honest government that we have heard from the Labour Party ad nauseam since before the last election. So I am very pleased that the government has accepted the extensive amendment that was put in the upper house which ensures that advisory opinions are public.

Again the Attorney-General was right the first time, but then he tried to correct himself in case some credit should be given to the opposition. However, it was the opposition that went to the government, saying, 'You have come up with an extraordinary possibility in that

you are going to be obtaining advice with respect to the terms and conditions of employment of particular judges'. I must say that at the time I was pretty shocked by that, not only because it was not going to be public but because apparently one of the reasons was that the government wanted to do private and confidential deals with judges on allowances and income, which would be the most gross breach of the separation of powers that you could ever imagine. The whole basis of dealing with the judiciary is that it should be dealt with as a whole, and making private deals with specific judges is the last thing any democracy wants to see. So giving that as the reason was quite phenomenal.

Anyway the opposition did propose a way out, which was that the opposition's amendment be accepted but further amended so that on, hopefully, the rare occasion when advice is given on a personal or confidential matter involving a judge it does not have to be public but a declaration has to be made. A declaration will be made, but I want to be absolutely clear about this. The government said, 'Let's draw the amendment, if you don't mind', and I said, 'That is fine'. I guess I would have asked that too. As usual, first of all they brought in a bill that provided for secret advice — but they have given up on that, so that is fine. Then we said, 'All right, we will let you do the amendment to get over this problem'. It basically says that if the Attorney-General declares that an advice is confidential it does not have to be shown. So under this the Attorney-General, at home in the shower scrubbing under his armpits, or wherever he scrubs, can say to himself, 'Oh, I think I will declare a certain advice should not be shown'. He has complied with the act; it can be confidential.

When we had discussions this problem was raised with the government. It never suggested that it go away and fix up the amendment to have that sorted. I am now being told that I agreed that the amendment should stay exactly as it is and that the Attorney-General should make some statements in Parliament. Really, it is just incompetence on incompetence!

I will now ask the Attorney-General some questions so hopefully we can sort this out now so we do not have to — —

**The DEPUTY SPEAKER** — Order! I should advise the honourable member for Berwick that in considering amendments from the Council there is no provision for the Attorney-General to speak again except by leave, so there is not normally provision for questions and answers in the same way as there is when the chamber is considering house amendments.

**Dr DEAN** — I just asked the Clerks and got a different answer, so perhaps we can sort that one now.

**The DEPUTY SPEAKER** — Order! The Clerk just gave me that advice.

**Dr DEAN** — We do not go into committee, so there is no opportunity to — —

**The DEPUTY SPEAKER** — Order! The only way the Attorney-General can speak again is by leave of the house.

**Dr DEAN** — Then I would request that he be granted leave, because I need to assure myself — —

**Mr Hulls** — I am happy to be given leave, don't worry about that!

**Dr DEAN** — Giving the Attorney-General leave for anything is a doubled-edged sword. Nevertheless I seek leave to have the Attorney-General — maybe he has to seek leave, who knows — given leave to respond to certain matters.

Let me put the questions. First of all, I would like to be assured by the Attorney-General as to whom he makes the declaration to, because this is not in the amendment. So when you make a declaration you usually make it to someone, somehow, by some sort of procedure that is not there. So the first problem is to whom he is going to make the declaration.

The second assurance I would like is that, having made that declaration to a person or a body or through some procedure, it is open to the opposition or any member of the public to gain information that such a declaration has been made. Otherwise this is a completely useless piece of paper, because he may or may not have made a declaration — who knows? He could have if he wished. I am sure, being the fine upstanding gentleman that he claims himself to be, he would not simply declare everything to be confidential, therefore meaning that advice received on general matters would never appear. I am sure he would not do that, but the public of Victoria would like to know that is the case.

So firstly, to whom is the declaration going to be made? And secondly, what avenues does he anticipate will be available for members of the public, including the opposition, to find out whether a declaration has been made? Depending on whoever has to seek leave, and I will certainly seek it if I can, I hope that it is fixed.

**Mr HULLS** (Attorney-General) (*By leave*) — What an absolute joke and a total misinterpretation of what has occurred in this matter. For a start, to be saying that

the original legislation had as one of its aims the ability for private deals to be done with specific judges is absolute nonsense and an outrage, and the shadow Attorney-General knows it is nonsense.

**Ms Pike** — It is an insult!

**Mr HULLS** — Indeed. I do not get insulted easily, but it is an absolute nonsense. I would hope that the shadow Attorney-General has taken the time to speak with the judiciary about this legislation. I think I posed this to him when this bill was first debated, and he nodded and said, ‘Yes, I have spoken to them’. I assume he meant the judiciary. My understanding is that he had not at that stage.

The judiciary is supportive of this legislation. It is of the view, and I am of the view, that this legislation is long overdue. We can recall what occurred when the shadow Attorney-General was in government and was parliamentary secretary to the then Attorney-General. Recommendations were made — —

**Dr Dean** — On a point of order, Madam Deputy Speaker, it was quite clear to everyone in the chamber that the purpose of seeking leave for the Attorney-General to speak again was to enable him to answer two important questions.

**The DEPUTY SPEAKER** — Order! What is the point of order?

**Dr Dean** — The point of order is that the Attorney-General is straying from the amendment and getting onto all sorts of other stuff as only he can. He ought to be brought back to the amendment with the thought in mind that the reason for the leave is to answer two questions, which so far he has shown absolutely no intention of doing.

**The DEPUTY SPEAKER** — Order! I do not uphold the point of order. The Attorney-General has just commenced responding and I am sure he is aware that he needs to keep his comments to the amendment.

**Mr HULLS** — The legislation and the purpose thereof is to ensure the independence of the judiciary. The purpose of the Honan review was to change the previous system where governments could receive a report from the Judicial Remuneration Tribunal (JRT) and would change the recommendations of that report and take them to cabinet, and indeed there was absolutely no transparency as to how judicial remuneration was set. There was at least the perception, if not the reality, that deals were being done with the judiciary and that there was not an independent process. As a result, governments could put pressure on the

judiciary — this is the perception, if not the reality — to act in a certain way or forgo judicial salary increases. That is a totally inappropriate system to have in place; that is why we are changing it. We are turning around the mess that was left by the previous government in relation to judicial remuneration because we believe in an independent judiciary.

**Dr Dean** interjected.

**Mr HULLS** — This is not just me saying it. This is Honan himself saying it, that the previous system was the least independent in Australia. So we are fixing it, and for the shadow Attorney-General to have the audacity now to come into this place and pretend somehow that yes, he agrees with judicial independence but he was involved in the previous system; the previous system was no good and he is glad we are fixing it up, but he does not want us to fix it up to the extent that we have, he wants further changes — it is just nonsense. The opposition has no policies at all, and the amendments make it clear that the process is independent, transparent and accountable, and it is what the judiciary wants.

We have come to a compromise arrangement after further consultation with the judiciary, and the shadow Attorney-General was seeking, I think, a guarantee, an assurance, that if I as Attorney-General seek personal and confidential advice from the JRT, the number of times that I seek such advice be made public. That would be done through the JRT and I have no doubt that the JRT would be more than happy, if that occurred, to write to whoever made the application and let them know how many times the Attorney-General had sought such confidential advice. I do not have the slightest problem with that. Any other nonsense that is being put forward by the opposition shows quite clearly that either the shadow Attorney-General has not read the bill or alternatively that he does not care about an independent process. That is the reality.

The opposition did not care about an independent process when it was in government, and the shadow Attorney-General, as I recall, was Parliamentary Secretary to the Attorney-General. He well knew that the previous process was flawed but he was like Marcel Marceau: he wanted to be seen around the place but did not want to be heard on matters of substance. That is because he still has no policies at all and has no direction and ought to have supported this legislation from the outset and ought to be supporting it now. It is important legislation and it ought now to go through both houses without further delay. I urge him to wake up to himself and support this legislation.

**Mr RYAN** (Leader of the National Party) — On that note, I might say it is very timely that one who would come closest to being a mediator in this process, fully qualified as I am, is able to make comment about this amendment. In essence, through it all there are now answers to the two questions, which were reasonable questions. They were to do with process, and I understand the Attorney-General to have now answered those questions. The amendment that was initially proposed by the Liberal Party was reasonable, all in the notion of openness and accountability. That amendment has been accepted in essence and again it is questions of process that are the difference and those are at the edge, but between a couple of parliamentarians who have pretty strong views respectively. As mediator I am pleased to say we have a solution to all of this in a way that I hope this house is prepared to accept, and that that acceptance is reflected in the way the bill is treated in another place.

**Mr WYNNE** (Richmond) — I rise after the brief contributions of the Leader of the National Party and the honourable member for Berwick in relation to what in essence is only one area of potential disputation between both sides of the house.

It is generally recognised that the Judicial Remuneration Tribunal (JRT) bill is needed and that we need independence in the striking of conditions and salaries of judges. To suggest, as the honourable member for Berwick did during his contribution, that there was some potential for underhand dealing between the government and judiciary is completely wrong. The bill sets up an independent tribunal to address the questions in a clear and transparent fashion.

When the bill was debated some time ago issues were raised by the government, particularly about the amendment proposed by the honourable member for Berwick in relation to advice that the Attorney-General may seek to take from the JRT from time to time. The government was concerned about questions of privacy where a confidential matter may come forward, as I said in my contribution when the bill was last before the house, perhaps around issues of maternity or paternity leave pertaining to judges of the court.

As we know, under the present Attorney-General many judicial appointments, excellent as they are, have been of younger people who have taken up public service in the judiciary. It is not past the pale that from time to time situations may occur of quite a private nature where that advice would be a potential embarrassment to the member of the judiciary. We had that debate back and forth, and the honourable member for Berwick put his view; and the government, its view.

In the upper house an amendment was put and the bill has now been returned to this place for consideration. In the interregnum, discussions have been held. I would be prepared to say the discussions with the honourable member for Berwick have been constructive. When he wrote to me formally and suggested additional discussions should occur around a compromise proposal I responded by telephoning and advising him, ‘Yes, in a spirit of cooperation’.

**Dr Dean** interjected.

**Mr WYNNE** — Indeed. In a spirit of cooperation we would seek to reach a middle-ground position where, on the concerns raised by the honourable member for Berwick and the government, we could reach a middle-ground position that would satisfy the concerns about transparency in the process but which would also protect the individual rights of judicial officers.

I believe we have managed that quite difficult balance that is required. The amendment before the house, in the view of the government, achieves the ends that the shadow Attorney-General has sought. Discussions have been held in the past couple of days with the Attorney-General’s private office about the impact of that amendment. I believe the concerns have been satisfied.

As I had understood it from the discussions held yesterday with the shadow Attorney-General, the only outstanding matters pertain to the question of whether the number of times the Attorney-General would seek exemption under confidentiality grounds would be published in some form and how that would be made accessible.

That was not an unreasonable request by the honourable member for Berwick. It is not unreasonable that the public should know when matters that are of a confidential nature have been dealt with by the JRT. In his contribution to this debate the Attorney-General has said he would regard it as entirely proper that, should the honourable member for Berwick or any member of the public seek to gain information about how many times the Attorney-General has sought to exempt a matter on the grounds of confidentiality, he would rightly expect the JRT to tell the inquirer.

It is clearly on the public record that the Attorney-General, on behalf of the government, has satisfied that concern by the honourable member for Berwick. He could quite easily write to the JRT and seek that information, and that information should be forthcoming.

We have now reached a position, I believe, in a spirit of compromise where we have satisfied the concerns of the honourable member for Berwick. In that light I very much seek a speedy resolution to the matter. It is important we get the JRT up and going as an independent tribunal. The bill shows a clear indication of the continued support that the government has for the judiciary. It absolutely reinforces its support for the separation of powers.

I ask for a bipartisan position to be taken on the matter. In the spirit in which it has entered into the negotiations with the honourable member for Berwick the government believes it has fulfilled his concerns. The Attorney-General has given his support for the publication of the number of times he exempted himself on confidentiality grounds in relation to advice he has sought. In that spirit of compromise I seek the support of the opposition parties for this important piece of legislation.

**Mr STENSHOLT** (Burwood) — I refer to the amendments proposed by the Legislative Council and the motion moved by the Attorney-General on how to handle the amendments. I offer my support for what the Attorney-General suggests.

It is a good bill and it will give Victoria a better process so that matters are not left to the whim of the executive. The process has been a tortuous one with regard to the amendments that were suggested and defeated on the floor of this house. The bill then passed to the Legislative Council, which disagreed with the amendments and returned the bill to this place. The bill was then returned to the Legislative Council, which insisted on the amendments, and it has now been returned to this house.

I was disappointed the Legislative Council insisted on the amendments. I note the honourable member for Forest Hill commented about a pox on both their houses, but it is really a pox on the Legislative Council in its insistence on the amendments. The bill has been up and down like a yoyo and the delay that the other place has caused is now becoming quite typical in terms of processes.

The Legislative Council is an obstructive and obstreperous place; it is a place that was absolutely supine under the former government. I am disappointed in the performance of the Legislative Council in returning the bill a second time without any constructive discussion or even having regarded the bill as offering much-needed reform.

The previous system, as the Attorney-General said, has been the least independent in Australia. This bill acts to fix up the mess left by the former government, which now in opposition seems to want to meddle. I suspect there still seems to be a lack of respect for the judiciary on the part of the opposition. We are reminded that when it was last in government the Liberal Party even sacked judges, which was stunning because of the lack of respect for the separation of powers and the independence of our judicial officers in Victoria.

Fortunately, as wise heads are getting together we are looking at a compromise; we are looking for middle ground. This is what has been offered by the Attorney-General in his suggestions on how to deal with the amendments being returned for the second time by the Council to the Assembly. The suggestion is that he should ensure publication except where there are confidential and personal matters involved. As has been mentioned, we are looking at a wider cross-section of the community on the judiciary.

**The DEPUTY SPEAKER** — Order! I must interrupt the honourable member for Burwood, who will have the call when debate on the bill resumes.

**Debate interrupted pursuant to sessional orders.**

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

## QUESTIONS WITHOUT NOTICE

### Royal Melbourne Hospital

**Dr NAPHTHINE** (Leader of the Opposition) — My question is to the Minister for Health. Given that the tragic deaths of two patients at the Royal Melbourne Hospital occurred months ago and that two investigations have now been completed, when exactly was the minister first advised of these suspicious deaths, and does he accept ministerial responsibility for any delay in the information being properly conveyed to his department and to him as minister?

**Mr THWAITES** (Minister for Health) — I thank the Leader of the Opposition for his question. Clearly this is a matter of grave concern for myself and for all members of this house.

I was first advised on Friday that an investigation was under way, but not complete, into this matter. The chief executive officer of Melbourne Health advised that he got the report on Monday of this week. I received a written brief and a copy of the report yesterday. The matter was publicly revealed yesterday but Melbourne Health advised that it believed it was appropriate that a

public announcement be delayed until after the families of the patients concerned had been notified. I believe that is entirely appropriate. I think that answers the core issues that the Leader of the Opposition raised.

I think it is of some concern that the honourable member for Malvern was so desperate for publicity that he implied that I was notified of this in October, which is untrue.

**Dr Napthine** — On a point of order, Mr Speaker, the minister is debating the issue. The issue is a very serious matter. The question asked was when was he advised, which he has answered. The second part of the question was: does he accept responsibility as a minister for the delay in his being notified of something that is happening in one of his major hospitals?

**The SPEAKER** — Order! I do not uphold the point of order raised by the Leader of the Opposition that the minister was debating the question. In regard to the latter part of his point of order, there is no point of order; he was merely repeating his question.

**Mr THWAITES** — The point I was making was directly on the point raised by the Leader of the Opposition. I was pointing out that the honourable member for Malvern raised a false implication. Clearly the honourable member for Malvern is so desperate to knock off the Leader of the Opposition that he will say anything!

It is clear that the government has acted in this case on the information it has received. The government was working on this issue last night trying to get the best outcome. I might compare that to the honourable member for Malvern, who was at Florentino's with a parliamentary secretary last night plotting against his — —

**Dr Napthine** — On a point of order, Mr Speaker, I think it is absolutely outrageous that the Minister for Health is proceeding down a track of trying to make political capital out of something as serious as this.

The real issue is: why wasn't he told in October by a hospital under his responsibility?

**The SPEAKER** — Order! I will not continue to hear the Leader of the Opposition any further on the point of order. However, I ask the minister to come back to answering the question.

**Mr THWAITES** — The hospital has been doing what it has been able to do to notify those families. That is entirely appropriate. It was concerned about these issues over the previous few days.

As I was indicating, the honourable member for Malvern was discussing positions with a parliamentary secretary — —

**The SPEAKER** — Order! The minister must relate the comments he is making to the question.

**Mr THWAITES** — The other side is prepared to throw mud and try to politicise this issue, but the real problem is that the opposition does not have a shadow health spokesperson who is prepared to look at these issues. He was plotting with a member — —

**Dr Dean** — On a point of order, Mr Speaker, if the minister was not debating before, he certainly is now.

**The SPEAKER** — Order! I uphold the point of order. I ask the minister to come back to answering the question.

**Mr THWAITES** — I am very happy to do that. I pose one question: why did the honourable member for Cranbourne say he wanted education?

#### **Rural and regional Victoria: investment**

**Ms ALLAN** (Bendigo East) — I ask the Minister for State and Regional Development to inform the house how the Bracks government is delivering investment and job opportunities in regional Victoria?

**Mr BRUMBY** (Minister for State and Regional Development) — I thank the honourable member for Bendigo East for her question. I respond in this way: country Victoria is in fact driving both the state's and the nation's economic performance. If you look over recent times we have seen country Victoria as a major driver of recent economic success, with the unemployment rate coming down, building approvals up and agricultural production performing extremely well.

I am delighted to advise the house that since the election of the Bracks government in October 1999, regional employment has grown by 6.9 per cent or 39 000 jobs.

The regional unemployment rate is 6.2 per cent. Regional employment has grown by 2.7 per cent over the last year compared to 2 per cent in Victoria as whole. On the building figures for the last quarter, building approvals in the December quarter for country Victoria were up by a massive 48.9 per cent on the December quarter of the previous year — probably one of the largest increases in our history.

The Bracks government is actively supporting this economic growth through a range of strategies, including the Regional Infrastructure Development Fund and the fast rail links to the provincial centres. We are also shifting economic activity to country Victoria whenever we can. One example of that is the relocation of the State Revenue Office to Ballarat, which the Premier opened earlier this month. A headline in the Ballarat *Courier* states, 'Our jobs jackpot'. Two hundred jobs and \$100 million of economic activity going into the Ballarat economy over six years. A second headline states, 'Victoria's most significant decentralisation project ever'.

Do you know what we have done? We have done something that former Liberal and National Party governments could never do in this state — they could never shift that activity, and the Bracks government has done it.

Today I want to also advise the house that I am officially releasing the feasibility study conducted by Pricewaterhousecoopers into the relocation of the Rural Finance Corporation to Bendigo. This is another great news story for our state, so much so that we can see the opposition absolutely riveted by more goods news for country Victoria, more goods news for Bendigo, more job opportunities and more investment.

This report says that Bendigo is the most appropriate location for hosting the head office, that it presents a strategic base for further developing the client base of the corporation in growth regions and that the regional benefits from this relocation would result in ongoing economic activity of more than \$6 million per annum or \$60 million over 10 years, creating permanently 40 jobs in direct economic activity with more indirect and flow-on effects.

Bendigo already has strong financial credentials as a financial centre, with other institutions in Bendigo, including the Bendigo Bank, Sandhurst Trustees, the Bendigo Stock Exchange and —

**Mr Perton** — On a point of order, Mr Speaker, given that your guideline on succinctness of answers suggests 5 minutes, I ask you to ask the minister to conclude his answer.

**The SPEAKER** — Order! I do not uphold the point of order raised by the honourable member for Doncaster. The Treasurer has been speaking for only 3½ minutes.

**Mr BRUMBY** — We have successfully shifted 200 State Revenue Office jobs to Ballarat — the largest

decentralisation of government activity by any government in Victoria's history!

Not content to rest there, with the release of this report we are now close to a final decision in relation to the Rural Finance Corporation, which will mean another 40 permanent ongoing jobs for Bendigo. More recently the Premier announced that as part of our forestry reform packages we will also be locating the new commercial entity, Vicforests, in country Victoria.

It is not surprising to see headlines like 'Our jobs jackpot' and it was not surprising to see in the *Age* just last week the headline 'Victoria leads the nation's growth'. We are doing it. We are delivering in Victoria. We are turning around country Victoria and we are embarking on a new program to inject new investment, new opportunities and new jobs into Bendigo. We have done it in Ballarat, we are doing it in Bendigo and we will be moving on to other centres.

### **Electricity: Basslink**

**Mr RYAN** (Leader of the National Party) — I ask the Premier: will the government honour its promises to represent the interests of country Victoria by ensuring that any planning approval for the Basslink project excludes the use of pylons?

**Mr BRACKS** (Premier) — I thank the Leader of the National Party for his question. The joint advisory committee that was formed with representation from the commonwealth, New South Wales and Victorian governments released its report recently. The joint advisory committee came up with a preferred draft route for discussion and debate, which will be out for public comment until June of this year. That route is not the route which the proponent has selected. I understand that 5.9 kilometres of the route is underground and that the rest is via pylons. That will be examined by the government after public comment.

Our interest as a government is, of course, as a planning authority. The proponent is the Tasmanian government. The designation of the project as a project of national importance is a commonwealth government designation. The role of the state is as a planning authority to assess —

**Mr Ryan** interjected.

**Mr BRACKS** — We could be a beneficiary, but the principal and fundamental role of the state government is to assess on environment effects statement grounds and on planning grounds the proposal which is being put up by the joint advisory committee, which is going out for public comment. That matter will be determined

once we receive the final report from the joint advisory committee in the middle of this year.

**Insurance: public liability**

**Mr LANGUILLER** (Sunshine) — Will the Minister for Finance advise the house of what action the government is taking to deliver new insurance options for community organisations affected by the current problems in public liability insurance?

**Mr LENDERS** (Minister for Finance) — I thank the honourable member for Sunshine for his question and for his continuing interest in the plight of not-for-profit organisations that are seeking public liability insurance.

The Bracks government was the first in the country to recognise the seriousness of the situation in Australia's insurance market, particularly in the area of public liability insurance, and the Bracks government was the first to act on it.

In September last year my predecessor as Minister for Finance, the Honourable Lynne Kosky, initiated a summit in this house attended by 100 community and small business groups. This was the first summit of its kind in Australia. Following that meeting we have continued to work with community and small business to develop enduring solutions to a difficult issue.

Our action plan so far has been, firstly, to act on the development of this group insurance arrangement, and secondly, to implement better risk mitigation issues. I am very pleased to inform the house that our efforts have meant that today we can announce a very significant step forward. From 1 July thousands of Victorian community organisations will be the first in this country to benefit from a planned group public liability insurance scheme.

The group insurance scheme is being developed through an alliance between the Bracks Labor government, the Municipal Association of Victoria, the Our Community organisation and a leading broking firm, Jardine Lloyd Thompson. While there is no simple solution to the problems in the insurance market, this is one measure that can have a real impact on ballooning premiums for not-for-profit organisations. The pooled product I am talking of will be available to many segments in the community sector including the arts; cultural, conservation and heritage, recreational and youth groups; festivals; and disability groups.

I will be seeking national support for this community insurance product at the summit on — —

**Mr McArthur** — On a point of order, Mr Speaker, it certainly appears from this side of the chamber that the minister is carefully reading his response, and I wonder if he would do the house the courtesy of making the response available to all members.

**The SPEAKER** — Order! I do not uphold the point of order. I was watching the minister and he was clearly referring to notes. I will continue to hear him.

**Mr LENDERS** — The Bracks Labor government well and truly understands that not-for-profit organisations have been under pressure in this state and have been looking to this government and to the federal government for solutions to the immediate problems they have over lack of ability to get premiums and over the cost of those premiums.

On this issue and on many others the Bracks Labor government has listened, the Bracks Labor government has considered the response from the community, and, most importantly, the Bracks Labor government has acted to turn this problem around.

**Royal Melbourne Hospital**

**Mr DOYLE** (Malvern) — My question is to the Minister for Health.

**Mr Batchelor** interjected.

**The SPEAKER** — Order! The Leader of the House!

**Mr DOYLE** — Are you sure you want to politicise this? There are people dying.

**Mr Batchelor** interjected.

**The SPEAKER** — Order! I ask the Leader of the House to cease interjecting in that way, and I ask the honourable member for Malvern to cease responding and to ask his question.

**Mr DOYLE** — Will the Minister for Health advise the house why the Royal Melbourne Hospital chose to employ a private investigator to complete an investigation into the suspicious deaths of two patients rather than informing the Nurses Board of Victoria or the Victoria Police at the earliest possible moment?

**Mr THWAITES** (Minister for Health) — I thank the honourable member for his question. It is interesting to see that he is now concentrating on health when he was more interested last night in going through a list of names — —

**Mr Perton** — On a point of order, Mr Speaker, previously when the minister was going down this line of argument you ruled it as debating. If the minister persists in doing this in relation to this question and any other, I ask you, Mr Speaker, to suspend him from the service of this house as he is continuing to flout your previous ruling.

**The SPEAKER** — Order! I do not uphold the point of order raised by the honourable member for Doncaster. The minister had hardly been given an opportunity to begin answering the question.

**Mr THWAITES** — I was comparing the interest that this side of the house has in patient care and quality compared to the interest of the questioner, who was going through a list of names of members of the opposition last night to see which side they were on — the side of the Leader of the Opposition or the honourable member for Malvern!

*Honourable members interjecting.*

**Mr THWAITES** — That is what you were doing.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask all sides of the house to quieten down so that the Chair can hear what the Minister for Health is saying.

**Mr THWAITES** — The Royal Melbourne Hospital received an anonymous tip-off about this issue in October last year. It conducted an investigation which did not substantiate the claims. However, nurses who were very concerned about the issues continued to raise them. The hospital then decided that there should be a further investigation, which was appropriate.

A private investigator, who had access to all the appropriate documents and people, undertook a further investigation. That investigation found that there were serious matters involved which had been referred to the coroner and the police, which was the appropriate thing to do.

An independent inquiry has also been established into two aspects of the matter, one of which is the actions of the Royal Melbourne Hospital in responding to those initial complaints. It may be that the hospital's response was not appropriate. Therefore, it is absolutely appropriate that this government establish an inquiry.

**Dr Napthine** interjected.

**Mr THWAITES** — You are more interested in doing the numbers. You are more interested in seeing if they're on your side or his side!

**The SPEAKER** — Order! The proceedings are not helped by the Leader of the Opposition interjecting.

**Mr THWAITES** — This independent inquiry is headed by Beth Wilson, who is the Health Services Commissioner. I should have thought that Beth Wilson is somebody that both sides of the house would have absolute confidence in. Beth Wilson and this panel will inquire into the very issues raised by the honourable member in his question to determine whether there ought to have been other ways to handle this initial complaint and to make recommendations in relation to that in both the particular instance and in general.

This government is interested in these issues. It is about quality of health. That is why it has put 2650 nurses back into the system. That is why this inquiry has been set up. Unlike the opposition, we are more interested in the patients than we are in doing the numbers and getting the white car.

### **Roads: black spot program**

**Ms BEATTIE** (Tullamarine) — Will the Minister for Transport inform the house how the government is delivering safer and better roads for Victorians through its \$240 million black spot program?

**Mr BATCHELOR** (Minister for Transport) — Today I am announcing a list of 129 of Victoria's most dangerous road accident black spots which will be addressed by a funding program of \$11.9 million. This is part of the government's statewide accident black spot program. It brings the total amount of funding under this program to \$160 million. The list we are releasing today is huge. It is a list that will save lives, will reduce accidents and will benefit the whole Victorian community.

This is a huge achievement. It is the biggest black spot blitz ever undertaken in Australia's history. Money is being allocated not only to roads that are the responsibility of the state government but also to roads in local metropolitan areas and in country Victoria.

The road safety experts have estimated that an average of 10 lives per year will be saved, which will lead to a reduction in road casualties of some 500. This black spot accident program is part of our Arrive Alive road safety strategy designed to reduce the road toll by some 20 per cent by 2007.

It is pleasing to see that even the National and Liberal parties are beginning to come on board and support the program. That was not always the case. Amazingly, this excellent program was opposed by the Liberal Party just two years ago. Two years ago the Liberal Party was even running radio advertisements during the last election campaign attacking the Labor Party for proposing the \$240 million accident black spot program. Make no mistake, if the Liberal Party had been re-elected this program would never have got off the ground, never have been implemented, and these vital improvements to Melbourne's road networks would never have been made.

For example, in the electorate of Knox the latest funding round provides urgently needed funding for roundabouts at locations such as the intersections of Commercial Road and Westley Street and Blackwood Park and Ormonde roads. If the Liberal Party had been re-elected at the last state election these locations would not have been funded because they were opposed to this \$240 million program. The Liberal Party was opposed to the biggest blitz on accident black spots in Australia's history.

While the government is drawing up lists of accident black spots to save lives the opposition is drawing up lists of who is going to knife the Leader of the Opposition and who is not! The honourable members for Cranbourne and Malvern are divvying up the spoils — —

**Mr Perton** — On a point of order, Mr Speaker, as you can see, there is a consistent line by the ministers for health and transport in debating the question and trying to raise matters outside the questions asked. I ask you to rule that the minister is debating the question, and should he persist in this I ask that you use your powers under the standing orders to suspend him from this house.

**Mr BATCHELOR** — On the point of order, Mr Speaker, in my answer I was making the point that lists are important. I admit that I made reference to a list of 129 accident black spots that we are now funding as part of this. The question cannot be answered without accurately drawing attention to that list. The fact that they are drawing up their own list is ample proof!

**The SPEAKER** — Order! I will not allow the Minister for Transport to continue in that vein on the point of order. I ask the minister to come back to answering the question.

**Mr BATCHELOR** — As I indicated, Mr Speaker, this is a huge blitz on accident black spots. The

previous Liberal government spent \$4 million a year; we have spent \$160 million already. They have been announced, they have been allocated and it is a huge boost. We are determined to see lives saved and accidents reduced. For the Leader of the Opposition to attack this program now and to have attacked it in the past is an absolute disgrace. He ought to pay more attention to the lists that are being generated over there. The honourable member for Cranbourne wants to be the education spokesperson. That is what is on their list, and he ought to have a look at it.

### Royal Melbourne Hospital

**Mr DOYLE** (Malvern) — Can the Minister for Health confirm that the families of the two deceased Royal Melbourne Hospital patients were notified of the circumstances of the deaths of their relatives only yesterday? Can he also inform the house who is responsible for the unacceptable delay in informing them?

**Mr THWAITES** (Minister for Health) — Unfortunately the opposition clearly draws up its questions too far in advance and does not listen to my answers. I have already answered that question. I went through all the aspects, and if the shadow minister had been listening he would have heard. Melbourne Health — —

**Mr Doyle** — On a point of order of relevance, Mr Speaker, if the minister had answered this question he would have told us who was responsible. He has not done so, and therefore he has not answered the question.

**The SPEAKER** — Order! I do not uphold the point of order, particularly the latter part, which was merely repeating the question.

**Mr THWAITES** — I simply point out that there is a coronial inquiry and there is a separate inquiry. Their role is to determine who is responsible. If the shadow minister wants to pre-empt the outcomes, let him do that. I am not going to do that. The government has set up a proper — —

**Dr Napthine** — On a point of order regarding relevance, Mr Speaker, in seeking to help the minister and help the house, it is clear that the minister did not hear the question. Perhaps the question should be repeated, because it was not a question that related to who was responsible for the deaths, it was a question that related to who was responsible for informing the families.

**The SPEAKER** — Order! The Leader of the Opposition has again risen on a point of order simply to repeat the question. There is no point of order.

**Mr THWAITES** — Just for members of the opposition — because I know they are more interested in a list of numbers for each side — I again point out that the coronial inquiry will determine issues around the deaths. There is a separate inquiry headed by Beth Wilson, which is to examine all the issues around the incident reporting, which is the issue that has been raised by the honourable member. It is not appropriate to pre-empt that inquiry.

### **Housing: innovation program**

**Mr LONEY** (Geelong North) — Will the Minister for Housing advise the house what action the government is taking to deliver decent and affordable social housing to low-income Victorians?

**Ms PIKE** (Minister for Housing) — I thank the honourable member for Geelong North for his question. I am very pleased to have the opportunity today to advise the house of the latest partnerships between the Bracks government and the community. These partnerships will provide \$25.8 million of new housing, which represents 16 new housing projects across Victoria. It is yet another example of the Bracks government delivering decent and affordable housing to low-income Victorians because it really cares about the lives of low-income people.

The projects are located around the state, including Ballarat, Bairnsdale, Ringwood, Robinvale, Gisborne, Preston and St Kilda. They are valuable partnerships for these communities. The government demonstrates this by the genuine dollar value that has been achieved through the partnerships. The Bracks government is providing \$17.25 million, but community agencies and local government are contributing \$8.5 million worth of land and funds. This builds on the \$48 million package that I announced last year, which had a similar ratio of government funds to funds provided by people in the local community.

Apart from providing housing, the projects create 340 jobs directly and a further 600 jobs indirectly. They build on the others that the government announced previously. It is great news for the building industry, and it is very good news for local communities. It is also good news for those people who are being helped — people with disabilities, women escaping domestic violence, low-income families, homeless people and older people. They are terrific programs because the government sat down and listened to the

needs of local communities. It cares about communities, it listens to what they want and then it acts. I am very proud of the way the government works with local communities.

It is in stark contrast to opposition members, who really do not care about the important social justice initiatives that are part of our community. It is disappointing not only that the previous government neglected public housing but that the opposition continues to reflect the fact that it does not care about low-income Victorians or public housing. It stands for nothing and has not changed. I have not heard anything that gives me any encouragement that it shares the government's commitment and wants to work to make sure that low-income people have affordable accommodation.

The government has a vision. It cares, it has a plan and it is acting to provide decent and affordable housing in partnerships with the community.

### **Royal Melbourne Show**

**Ms ASHER** (Brighton) — I refer the Premier to the fact — —

**Mr Batchelor** — You're on both lists!

**The SPEAKER** — Order! I ask the Minister for Transport to cease interjecting!

**Ms ASHER** — I refer the Premier to the fact that the future of the Royal Melbourne Show is at risk and that the former government had pledged \$50 million to upgrade the showgrounds two and a half years ago.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order, particularly the Treasurer. The Chair needs to hear the question posed by the honourable member.

**Ms ASHER** — Thank you, Mr Speaker; I will start again. I refer the Premier to the fact that the future of the Royal Melbourne Show is at risk and that the former government had pledged \$50 million to upgrade the showgrounds two and a half years ago, and I ask: is it a fact that the Bracks government has conducted no less than four reviews by three different consultants, costing taxpayers almost \$200 000, and that this do-nothing government has still not made a decision on the future of the showgrounds?

**Mr BRACKS** (Premier) — I thank the honourable member for Brighton for her question. I pose a challenge to her: from the records of the Liberal Party or the former government can she somehow produce a

document which shows it was going to fund the show? I ask her to please produce it, because the organisers are not aware of it, and there was nothing about it in the forward estimates. There were no contractual arrangements, and no offer was made. It was something that was never, ever resolved by the previous government.

In contrast, the government is working closely with the Royal Agricultural Society of Victoria on solutions and proposals which are under consideration, which would be expected as part of the budget process. So while the previous government had nothing at all to produce, this government will fix up the mess left by the previous government and will consider it as part of the budget process.

**Water: use strategy**

**Mr MILDENHALL** (Footscray) — Will the Minister for Environment and Conservation advise the house how the government is delivering on its commitment to promote smarter water use to enhance economic growth and to protect the environment?

**Ms GARBUTT** (Minister for Environment and Conservation) — I thank the honourable member for Footscray for his question, and I am pleased to be able to advise the house of action the government is taking to improve water management across the state, an area long neglected under the previous government.

Briefly, we have moved towards smarter water use across the state with a \$30 million program to improve water efficiency on farms; we have set a target for water re-use in Melbourne at 20 per cent by 2010; I have established an independent group of experts to plan for Melbourne's water use over the next 50 years; we have developed a healthy river strategy to improve our rivers; and we have made a monumental commitment, with the commonwealth and the New South Wales governments, to increasing environmental flows in the Snowy and the Murray rivers — that is, a target of 21 per cent to be returned to the Snowy River over the next 10 years and 28 per cent in the longer term.

This \$375 million program will deliver large-scale investment throughout the northern regions of Victoria — to our irrigation areas — and provide them with updated water infrastructure. The government is already taking a number of actions: the Woorinen pipeline is under construction, Normanville and Caseys Weir are under development and the metering trial is under way.

Last week I released a major study by Goulburn-Murray Water identifying further water savings, and I am pleased to announce to the house today the commencement of another water savings project in northern Victoria — a \$1.6 million Goulburn-Murray Water and state government pipeline for the Tatura region. The pilot will trial new technology for controlling water distribution throughout the irrigation system. It will provide many benefits to water customers, including better control and measurement of water flows, improved service to irrigators, reduced occupational safety risks, lower operating costs and, perhaps most importantly, improved water efficiency and environmental management.

The government is keen to invest in a wide range of opportunities which will deliver water savings, which in turn we can deliver back to the environment through increased flows or increased development throughout the region. It is a triple-bottom-line outcome and one which the government is absolutely committed to. It is a number the government is committed to, in contrast to the opposition, which is only interested in doing the numbers!

**The SPEAKER** — Order! The time set down for questions without notice has expired and the minimum number of questions has been dealt with.

**JUDICIAL REMUNERATION TRIBUNAL  
(AMENDMENT) BILL**

*Council's amendments*

**Debate resumed.**

**Mr STENSCHOLT** (Burwood) — Before the break I was speaking on the amendment which has come back to us from the Legislative Council. It seems to have bounced back like a yoyo, and delaying tactics are what we have come to expect of the Legislative Council. It is typical of that house. It is a Council which, as I have said, was supine under the previous government, but here it has been obstreperous in delaying the process.

We are fortunate that the government has been able to come up with a compromise proposal to cover the requirement that there be publication, and also to ensure confidentiality of personal matters. We are all aware of the need to be very careful in preserving the institutions of our democracy, and the judiciary is clearly one of those. In recent days we have been reminded most forcefully of this in the federal Parliament, and I am very disappointed with the performance of the Prime Minister and the federal Attorney-General. The

government supports the judiciary and the changes in the bill, which fixes up the mess of the previous government. We support the compromises and I ask for bipartisan support for the proposals.

**The ACTING SPEAKER (Mr Lupton) — Order!**  
I am of the opinion that the amendment needs to be agreed to 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.**

**Mr HULLS (Attorney-General) — I move:**

That amendment 2 be agreed to with the following amendment:

Omit “(6)” and insert “(7)”.

**Motion agreed to by absolute majority.**

**Mr HULLS (Attorney-General) — I move:**

That amendment 3 be agreed to with the following amendment:

After “or” insert “, unless section 11A(6) applies,”.

**Motion agreed to by absolute majority.**

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

## COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

### *Council’s amendments*

**Message from Council relating to following amendments further considered:**

1. Clause 11, line 15, omit “*section 115*” and insert “*sections 115 and 116*”.
2. Clause 11, line 17, after this line insert —

“**115. Transitional provision — Country Fire Authority (Miscellaneous Amendments) Act 2001 — Membership of Authority**

- (1) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, the Authority as constituted on and after that commencement is deemed to be the same body as the Authority as constituted before that commencement.

- (2) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, a person who is a member of that Authority under section 7 as in force immediately before that commencement, continues, subject to this Act, to be a member until the expiry of that person’s term of office.’.

3. Clause 11, line 18, omit “**115**” and insert “**116**”.
4. Clause 11, line 23, omit “9” and insert “10”.
5. Clause 11, line 28, omit “9” and insert “10”.

### NEW CLAUSE

6. Insert the following new clause to follow clause 2 —

#### **A. Constitution of Authority**

In section 7(1) of the **Country Fire Authority Act 1958**, for paragraphs (d), (e) and (f) **substitute** —

- “(d) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Farmers Federation;
- (e) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Employers Chamber of Commerce and Industry;
- (f) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —
- (i) wholly or partly within the country area of Victoria; and
  - (ii) within an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne;
- (g) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —
- (i) wholly or partly within the country area of Victoria; and
  - (ii) outside an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne.’.

**Debate resumed from 19 March; motion of Ms PIKE (Minister for Housing):**

That the amendments be disagreed with.

**Mr VOGELS** (Warrnambool) — I will continue on from my contribution last night on the Country Fire Authority (Miscellaneous Amendment) Bill. We reached the stage where two Country Fire Authority (CFA) appointees previously eligible for nomination by the Insurance Council of Australia were to become ministerial appointees. Because the Insurance Council of Australia decided several years ago not to nominate a representative to the government's agencies throughout Australia, citing conflict of interest, lack of influence and legal considerations, it decided to pull out. This has meant that the insurance industry has not been represented for a number of years at the ICA's instigation, even though 77.5 per cent of the CFA's budget is funded through insurance policy fire levies on properties within CFA boundaries.

The CFA board currently consists of 12 members. The minister appoints two members nominated by the Department of Natural Resources and Environment — the deputy chairman and the chairman, who has the casting vote. Labor's proposed changes would mean that the Minister for Police and Emergency Services would make six appointments, and with the chairman's casting vote control of the CFA board would effectively belong to the minister. The CFA is one of the best volunteer fire fighting services in the world, and that is due to its independence and the expertise it has built up over many years. Our amendments have been carefully drafted in consultation with and with support from rural and urban fire brigade associations and the many concerned volunteers who contacted us expressing opposition to Labor's attempt to stack the CFA board.

In conclusion, issues affecting urban and rural volunteers can be very different, and therefore it is vital that there is a genuine separation between urban and rural representation of the CFA board. We are standing by our original amendments to ensure that there is both a rural and urban representation on the board. CFA volunteers are seriously concerned about the latest proposal.

To reiterate, I found it amazing last night when the minister said it was bizarre that someone from an urban fire brigade from Warrnambool should be represented on the CFA board. I find that an outrageous comment to make. That is why we clearly need to make sure that we have rural representation on this board.

**Ms ALLAN** (Bendigo East) — I normally start my contributions by saying I am pleased to contribute to debates, but unfortunately why we are really here and why we are debating this again today is because yet again we have seen how partisan the upper house truly is. Yet again we have seen why this state is in desperate

need of upper house reform, because of the way it is used in a purely political way by the conservative forces in that house. Again we have seen the upper house obstruct government policy. We saw that most clearly in the final sitting week of last year, when at the absolute 11th hour the upper house tried to amend or reject five pieces of government legislation.

**An honourable member** interjected.

**Ms ALLAN** — I will touch on the upper house, because there has been much debate in country Victoria about it. Country Victorians are not silly; they know when they are being sold a pup by the upper house representatives. They saw those upper house representatives sit silent for seven years as the former government wreaked havoc on country Victoria. They know the contribution of their upper house members of Parliament during the seven years of the Kennett government was not to look after their interests in country Victoria, and they know these are the same members of the upper house who on this bill are attempting — —

**Mr Wells** — On a point of order, Mr Acting Speaker, I do not mean to disrupt the flow of the honourable member but this is about the Country Fire Authority (Miscellaneous Amendments) Bill; it has nothing whatsoever to do with reform in the upper house, and I ask you to ask the honourable member to bring the discussion back to the legislation before the house.

**Ms ALLAN** — On the point of order, Mr Acting Speaker, I was clearly drawing the parallel between the importance of this bill for country Victorians, had the honourable member let me get to that point, and the role of the upper house.

**The ACTING SPEAKER (Mr Plowman)** — Order! Clearly the honourable member was drawing a parallel, but I remind her that she must restrict her comments to the bill before the house, and should she do the same thing in future I will pull her up.

**Ms ALLAN** — Thank you, Acting Speaker. Certainly the upper house has attempted to amend this bill, which is why it has been brought back into the Legislative Assembly to be debated today. The Bracks government strongly supports the Country Fire Authority, which is one of the key reasons behind this bill. We have seen great initiatives in the Country Fire Authority under this government. One of the key areas has been through the minister's introducing the strategic resource initiative, where we have seen more than \$100 million go to the CFA over a four-year

period. This has brought enormous benefit to many people right across country Victoria who are in areas covered by the CFA. Some of the areas in my electorate which have benefited have included Strathfieldsaye, Eaglehawk and Maiden Gully.

They are all getting new and upgraded fire stations, so this is very important to country infrastructure. Certainly the Country Fire Authority is a very important part of the community and social infrastructure of country Victoria. However, we are seeing the opposition choosing to play politics on this matter. I want the shadow minister to note that although he might think he can make some interesting comments when he goes out into country Victoria and grandstands on country media, whether it be radio or television, there is always someone watching.

I have noted that the shadow minister has frenetically tried to whip up a campaign against this bill in country Victoria for his own political interests and those of his party. What is this about? It is about a tired old ideological battle that the shadow minister is trying to run. What we are trying to introduce are some good, strong and needed reforms for the CFA. However, the opposition is trying to stymie this by bringing up a tired old ideological battle about who it thinks is more appropriate to have on the board and who it feels should represent country Victoria. A lot of country Victorians think vastly differently to the opposition, which was clearly reflected in the election result of 1999.

This bill is trying to do three key things — ban the use of gas-fired scatterguns at times of high fire risk; strengthen the enforceability of municipal fire prevention plans; and clarify the availability of compensation to volunteers who are injured while firefighting. These are all crucial parts of the bill for country communities, with the municipal fire prevention plans being mightily important in times of high fire danger. The availability of compensation is also vitally important to volunteers. These are people who, whenever they are called out, put themselves on the front line. We have heard many members of this Parliament talk about their involvement, either directly or indirectly, with the CFA. I respect that and the work the CFA does in protecting our local communities. However, they have unfortunately been let down by the opposition on this matter, because these changes are almost like throwing the baby out with the bath water. The opposition is trying to block the changes and the government's program by using an incredibly outdated mandate in the upper house that surely does not reflect the wishes of country Victorians.

Country Victorians have a great need for this bill to be passed. This came to light no more clearly than earlier this week when there were fires around Puckapunyal, in the electorate of Seymour. Although we are in late March, there is clearly still a high risk of fire in country Victoria, so it is unfortunate that this bill is still here when it could and should have been passed last December. To conclude, I reiterate that the only reason we are debating this today is an outdated mandate in the upper house that does not reflect the wishes of country Victoria at the last election. I support the —

**The ACTING SPEAKER (Mr Plowman)** —

Order! I told the honourable member I would not hear her further if she debated that issue. I ask her to come back to the bill and her concluding remarks.

**Ms ALLAN** — I clearly urge the opposition to consider that, because this bill is important to country Victorians. Members opposite should be very mindful of their majority in the upper house given their minority in this house.

**Ms McCALL (Frankston)** — The matter the opposition has some concerns about — that is why we introduced the amendment — relates to the balance of power on the Country Fire Authority board. This is quite simple: it is not that we are trying to block any reforms that would make the CFA as safe as it possibly can be or see it continue to be one of the best firefighting forces in the world. It is quite the reverse. What we are trying to avoid is there being any stage at which any minister, whether it be the current minister or any future minister, could have the right to dictate the membership of that board to the extent that he or she may have a direct and adverse influence on its policies and behaviour. It is quite simple.

In the limited time available, given that many of us wish to speak, I place on the record my thanks to the Frankston CFA for the magnificent work its members do in my region and on the Mornington Peninsula. First of all I say thanks to the Carrum Downs CFA, which is supported by 8 female and 26 male volunteers; to Baxter, with 5 female and 26 male volunteers; to Skye, with 1 female and 26 male volunteers; to Mount Eliza, as mentioned by the honourable member for Mornington, with 4 females, 37 males and 1 paid administration support person; and finally the major CFA station for the area, Frankston, which has 6 females and 30 males, 1 of whom happens to be a volunteer and is the son of one of my electorate officers. He does a magnificent job, and I am well aware of the dangers he faces, and the trauma his mother goes through, when he is called out on an emergency. Thirty-four of these people are career

employees working four days on and four days off. As I said, I place on the record my congratulations and my thanks from the people of the community for the excellent work they do.

Let's make no mistake about what it means to be a CFA volunteer. I have some interesting extracts from the Internet site of the CFA volunteers about what it means to be a volunteer. They devote their time without receiving any payment. They join for a wide variety of reasons — to assist others, to learn new skills, to meet people and above all to protect the community. They develop leadership and management capabilities, meet new friends and become part of Victoria's largest volunteer team. Their motivations are without question altruistic, and they are great members of the community. Where on earth would Victoria be without our volunteers? It is therefore the reason why we on this side of the house have raised our concerns with this amendment and why, when it went to the upper house, it was supported there and then returned here for further discussion.

Those volunteers deserve a CFA board that is bipartisan, broad based and as representative as possible to ensure that no sectarian, partisan or political bias creeps in to influence the way it is run.

If the ICA does not nominate its representatives, the board's current structure would mean that ministerial nominees could, with the vote of the chairman of the board, potentially have control through the views and policies of the minister of the day. I do not believe, and in all honesty I do not believe the house believes, that that situation would be in the best interests of the best volunteer firefighting force in the world — nor would it be in the interests of the people of Victoria and the community those volunteers seek to serve.

**Ms DUNCAN** (Gisborne) — I have pleasure in speaking on the Country Fire Authority (Miscellaneous Amendments) Bill 2001. The house is witnessing a piece of dirty politics from the opposition. The government proposed to legislate the status quo. For some time two positions on the Country Fire Authority (CFA) board have been held by the Insurance Council of Australia. As I understand it, the ICA has not nominated anybody to the board for many years. Therefore, instead of the ICA making any nomination it has become the practice for the minister of the time to appoint people to those two positions. That is all the government proposed to do — that is, legislate to say, 'Okay, the ICA is not interested in nominating. Let's put in place the practice of the minister nominating people for just those two positions'. That has been the status quo for many years.

Now the opposition is basically blackmailing the CFA by saying, 'We propose that instead of the ICA or the minister making nominations for those two positions on the CFA board, there must be one representative nominated by the Victorian Employers Chamber of Commerce and Industry (VECCI) and another nominated by the Victorian Farmers Federation (VFF)'. The government rejected that and said, 'We will maintain the status quo'. Then the opposition said, 'No, we will not allow you to pass the bill at all unless you agree with our proposed changes to the board'.

I remind the house that the bill, which the government tried to have passed last December, contains some excellent provisions. For example, until a volunteer who has recently joined the CFA is actually taken on board, during the period they are working as a volunteer they will be eligible for compensation. That is a critical provision, but that will not occur until the bill is passed.

Also, the bill changes provisions about the way in which a day of total fire ban is declared. At present, if the Director of Public Prosecutions is prosecuting anybody caught lighting a fire on a day of total fire ban, an original certificate must be produced before the court. However, if that original certificate is unavailable the proceedings cannot go forward. If such court proceedings are being conducted on the same day at two locations — maybe at either end of the state — one proceedings cannot be held, because at present only one original fire-ban certificate is prepared. The bill seeks to overcome that anomaly.

The opposition has talked about how fabulous the CFA brigades are, and everybody acknowledges that. Almost every town in my electorate has a CFA brigade — for example, Bullengarook, Woodend, Gisborne and Riddells Creek — and they all do a fabulous job. Nobody is saying the CFA does not do a great job. The house has heard the opposition singing the praises of the CFA and claiming to speak on behalf of all 63 000 CFA members.

The honourable member for Wantirna says he has received only one or two letters, yet he claims to speak for the 63 000 members. I have visited many CFA brigades in my electorate during the last few weeks, but not one person has raised with me the issue of the CFA board.

**Mr Wells** — Did you ask them?

**Ms DUNCAN** — We had broad-ranging discussions about a number of matters, and I asked them about issues they would like to raise about the

CFA. They listed a whole range of things, but they did not mention the board.

The honourable member for Wantirna can continue to claim that he speaks on behalf of the 63 000 CFA members. I do not say they do not have concerns, but I assure him that the CFA people in my electorate have not raised the board issue with me.

The opposition is playing dirty politics by saying, 'These positions should be filled by VECCI and the VFF'. We said, 'Let's leave it as it is'. But in the upper house the opposition said, 'No, unless you agree with our proposal about nominees we will not allow you to pass the remainder of the bill'. If anybody ever wanted an indication of the Legislative Council letting Victoria down, this bill is a classic example.

While I am speaking on the bill I take the opportunity to reiterate my support for all the CFA brigades in my electorate. The issues they have discussed with me include the provision of safety equipment, training and new tanks. In my electorate many of the brigades have received all of those things over the last two and a half years.

The bill contains provisions critical to the operation of the CFA that are too important to play politics with. The government wants to maintain the status quo, but the opposition would have you believe the government is trying to turn the CFA board on its head. The opposition says that the former minister and government could nominate people to the board and that, 'We, the Liberal Party of Victoria, can be trusted as we are squeaky clean and have the monopoly in speaking for the CFA'. During their speeches yesterday the honourable members for Wantirna and Mornington were outraged, saying, 'How dare the Labor government purport to speak on behalf of CFA members. Only we, those born to rule, should be able to speak on this issue!'. It is an outrage and disgusting. I do not know whether people are aware of what is going down here. This was painted up to be all sorts of things. But it is all about the opposition imposing its will on the CFA board, not the government seeking to impose its will.

The government is simply seeking to maintain the status quo, but the opposition says, 'If you do not allow us to have our nominees on the board, we will not let you pass the remainder of the bill which contains critical amendments to the legislation and which the CFA is keen to have passed'.

Earlier I spoke about the provision concerning the original certificate declaring a day of total fire ban.

Another amendment concerns the requirement on councils to provide through the Department of Natural Resources and Environment a clear onus of responsibility for areas and municipal relationships with DNRE. It goes to who is responsible for fire management plans for DNRE land and property adjacent to DNRE land. This bill seeks to clarify those provisions.

It also talks about the importance of compensation for volunteers. We know how dangerous it can become when CFA members are on the job. The other provision is to regulate and apply restrictions on the use of devices such as gas scatterguns. That issue was raised with me by many of the CFA brigades in my electorate. Apples are grown in many parts of my electorate, and farmers use scatterguns to scare the birds, but those guns can be a fire risk. The bill seeks to regulate the operation of scatterguns.

'But all those provisions must stay on hold', says the opposition, 'because we will not allow the bill to pass until the government agrees with our request that the VFF and VECCI nominees be allowed on the board. No, we do not want the status quo, which was good enough for us when in government but which is not good enough for this government'. The rationale seems to be, 'Only we can be trusted'. That seems to be the argument being put by the opposition. That is disgusting. The opposition is doing the CFA a great disservice. I commend the bill to the house.

**Mrs FYFFE** (Evelyn) — I support the amendments made by the Legislative Council. Government members and the minister have said that the opposition is trying to compromise the fire safety aspects of the bill. That is absolutely incorrect.

We are concerned about the make-up of the Country Fire Authority board — that is what this is about. We are responding to CFA volunteer concerns. At the moment, the CFA board consists of 12 members. The minister appoints two members nominated by the Department of Natural Resources and Environment, the deputy chairman and the chairman, who has a casting vote. With Labor's proposed change it would mean the emergency services minister of the day would make six appointments, and with the chairman's casting vote, the CFA board would effectively belong to the minister.

The CFA is one of the best volunteer firefighting services in the world. This is due to its independence and the expertise it has built up over many years. The last thing the CFA needs is a Labor or union hack placed on the board to satisfy an insecure minister.

My first experience of the CFA was in 1967. I had only been in Australia a few weeks when the Lara bushfires happened. I was absolutely stunned at the volunteers who were risking their lives, leaving their jobs, their families and their homes to save the people in the towns in that area. In 1967 I had never experienced or seen a bushfire before, having come from a wet country like England. I was just stunned by it. Then when we had the Ash Wednesday fires while I was living at Yarra Junction, those fires burnt for quite a few days in the Upper Yarra. Powelltown was ringed by fire — the fire cut through the town. Warburton was ringed by fire. We had great danger going on, yet the CFA volunteers calmly and consistently worked hard. They put in hour after hour, day after day to control the fires and to save the homes, the possessions and the lives of the people of the Upper Yarra during those fires.

In 1991 we had more bushfires in the Upper Yarra. Our own property was threatened — the cool store that stored all our wine — the fires came very close. Again, the CFA volunteers appeared — they came to save the property. Cheerfully, willingly, they gave their all. They do not hesitate; they just leave their jobs, their families, their homes, to go and help other people, as is evidenced by the response to the New South Wales fires. Other people were on holidays, but the CFA volunteers broke their holidays and went to help the people in New South Wales.

The CFA is concerned about the composition of the board. The CFA does not need or want to be political, and I cannot understand why the minister will not agree to our amendments. Is he so tied to the unions that he has no flexibility to agree to a reasonable request? Why does he have problems with the Victorian Farmers Federation (VFF) and Victorian Employers Chamber of Commerce and Industry (VECCI) submitting two names each? They are respectable organisations. I cannot understand his concerns. We are not talking about something that is revolutionary; this is about two members of the board coming from a panel of names submitted by VECCI and the VFF instead of coming from the insurance council. VFF members understand the issues confronting rural and regional Victoria: they know who to appoint to the board.

The CFA is concerned, and their concerns are valid. It is the largest emergency organisation in Australia, with approximately 64 000 volunteers and approximately 1000 paid employees. There are 1200 brigades in Victoria. I respect and support each and every one of these men and women who, as I said before, so frequently put their lives on the line for us. They do not want the potential for the minister of the day — any minister from any party of the day — to stack the

board. Politics does not belong in the CFA nor on the CFA board. I commend the amendments to the house.

**Mr SEITZ** (Keilor) — I rise to support the motion before the house and express my concern with yesterday's people in the other place. Once again, they are trying to tell Victorian people what they should decide today. We know the majority of upper house members are yesterday's people and were not accountable to voters at the last election. Therefore for them to try to impose their will on the government and the minister of today is inexcusable. It is tantamount to political thuggery. I would not mind so much if they were elected at the same time as me, but yesterday's people trying to pull that sort of stunt is unacceptable to me and the people that I represent. I have Country Fire Authority stations in my electorate at Hillside and Caroline Springs and, as the honourable member for Gisborne said, I had no representations expressing concern at the change to the board.

It is only that opposition members have found some mythical excuse to try to deny volunteers the proper coverage which this legislation provides through the amendments. Entitlement to workers compensation should be a right, not a guess, and not a matter of having lawyers involved to prove their case and substantiate it. This is an important bill that needs to be passed by the Parliament and clarified.

This year volunteers from the CFA went interstate to help our neighbouring state. Those people need more respect and commitment from this government, which this government is trying to give. It is the obligation of those yesterday's people in the other place to fall in line and support the government, not to hold the government to ransom. They are not elected to govern the state of Victoria and therefore they should be passing this legislation without the amendments that they have now come back with in proposing to change the board's structure.

In the negotiations the minister and the government had said, 'Okay. You will not accept changes to the board structure. We will stay with the status quo'. No, that is not good enough. We have more changes now proposed by the yesterday's people, using their power continually. If that continues with the yesterday's people, I am sure that the next time the question comes up of whether the upper house should be reformed, one way or the other the people of Victoria will vote in the direction that it be reformed and perhaps even abolished to allow a unicameral system in Victoria, which would be unique and would remove the power of the yesterday's people to carry out their antics as we have seen this week with the report they put up on the

investigation they had on the local government scene with one Mark Conroy.

I support the bill for the people that I represent in my electorate. As I said, the Sydenham CFA station members operated from a tin shed with no equipment until the Cain Labor government got in and bought them new machinery, a new fire truck and equipment. Later on we got a new station built for them rather than a tin shed, and they are treated as full partners in the firefighting system rather than having to do their own fundraising, providing their own trucks, vehicles and equipment, as happened with the people in Yuroke, who had to provide their own truck in the same sorts of circumstances because the Liberal government before the Cain government did not provide them with the funds and wherewithal for equipment they need to carry out the responsibility they have in fire protection.

Those yesterday's people who are now trying to play holier than thou in the upper house can forget these sorts of antics because I certainly will go out and tell the volunteers in my area the real story, that they are being denied as a matter of right access to workers compensation and a voice in the decision making in the hierarchy of the CFA when it comes to fire ban days and the use of scatterguns in the orchards, which are a danger: these volunteers should have the power to make those decisions.

This government is prepared to give that power to the board of the CFA, but the opposition is denying that to them. But what is worse is that the yesterday's people in the upper house are denying them those rights. Those people should be called to question because they are the ones that have absolutely no right to do that, and no commitment to talk about the future of people. If somebody gets burnt, it is today or tomorrow. If we have an accident, as we saw this week with two houses burnt out, what answer do they have for them?

We need to have the best possible position in the CFA. We have to be able to compensate people who have taken risks in protecting other people. For those reasons I commend the bill to the house and wish it a speedy passage and hope that the upper house sees sense.

**Mr PATERSON** (South Barwon) — It is probably worth starting out by knocking on the head a few of the inaccuracies put forward by the honourable member for Gisborne not all that long ago. Unless she has let the cat out of the bag and is telling the truth, we have been advised and assured by the government that no Country Fire Authority volunteer will be disadvantaged on the issue of compensation. That has been made plain, and unless the honourable member for Gisborne knows

something else, that has been put on the record, that despite this bill still being discussed by the house, no volunteer will be disadvantaged. The minister has given that assurance. So perhaps the honourable member for Gisborne might care to plan her personal explanation shortly.

Also volunteers do not want the status quo. What the volunteers want is that if the Insurance Council of Australia is not to be part of the CFA board, it would prefer that the board be reduced by two members. But it is quite plain that the government will not accept that. The insurance council has confirmed with the opposition that the VFF–VECCI model is the best option: if the board membership is not reduced by two, then the position being put forward by the Liberal Party — that is, a member put forward by the VFF and a member put forward by VECCI — is the next best option.

It is worth remembering why the volunteers are very suspicious of the Labor government on this matter. We all remember what the volunteers had to go through during the Cain–Kirner years when the real agenda then was to merge the CFA with the metropolitan fire brigade. Volunteers fought long and hard to resist the efforts of the responsible minister at the time, Race Mathews, and his agenda to merge the two authorities. It is little wonder, with the regrettable re-election of a Labor government, that they remain suspicious of what might be on the agenda from this current government. That is why the volunteers are suspicious of what the minister may have in mind if he has the power to stack the board. They well remember the 1980s and they do not want to go down that track again.

The CFA volunteers — the more than 60 000 of them — want to protect the board from political interference. What the Liberal Party is talking about is that, instead of two members coming from the Insurance Council of Australia, one should come from a list of names submitted by VECCI and one should come from a list submitted by the VFF to replace those ICA members. What could possibly be wrong with that?

It is difficult to understand why the Labor government is digging in so hard on what is essentially a very plain and clear matter. Despite some of the comments from the other side on this matter, frankly let's thank our lucky stars that the Legislative Council does exist and is a very healthy chamber that has been able to send this bill back here so we can continue to argue the case that this current Labor government must not be allowed to stack the CFA board.

There are many wonderful brigades in my electorate of South Barwon. It is a pleasure to assist them with the issues as they arise. It was a pleasure to assist, for instance, the Connewarre fire brigade with a difficulty it had with a badly maintained road which led to its CFA building. Where I live at Bellbrae I am covered by the excellent services from the Freshwater Creek fire brigade. It is well known in the Geelong, Surf Coast and Bellarine areas what a fantastic job the CFA volunteers do. We owe them a great debt.

I should place on record again our cherished memories and the way we honour the five Geelong West volunteers who perished at Linton. They will always be remembered and will remain very much in the hearts of everybody in the Geelong region.

**Mr HELPER** (Ripon) — It gives me a great deal of pleasure to speak on the Country Fire Authority (Miscellaneous Amendments) Bill. The first thing I will do in speaking to the bill is to recognise in a very general sense the incredibly important role that the Country Fire Authority performs not only in my electorate but, indeed, predominantly throughout rural Victoria. Not a month goes by without some CFA activity being held that I am very fortunate, privileged and honoured to be able to attend. On each of those occasions I am absolutely amazed and delighted to see the incredible volunteer spirit and the incredible willingness to serve the community that exists in my local CFA brigades.

Specifically, the bill seeks to do a number of things, but one of the things it does not seek to do, of course, is to alter the arrangements for the board of the CFA. It is interesting to note what the opposition, as a consequence of its recalcitrance, is prepared to put at threat by opposing this bill and by not allowing the bill to proceed in its current form.

The opposition seriously undermines the bill's functions of enhancing the public safety in relation to CFA activities; it seriously undermines the bill's ability to allow compensation to flow to newly enlisted volunteers to the CFA, and I will come back to that point later; and it seriously undermines the bill's ability to deliver improved fire safety regulations.

I will come back to those points one by one. The provisions of the bill that deal with enhancing public safety clearly provide the structure for the declaration of total fire bans and for subsequent possible prosecutions in a way that specifies more clearly what those functions are.

The second function that comes under the broad heading of enhanced public safety is one that is very important to me — that is, the issue of allowing greater input into municipal fire prevention plans — and I will dwell for a moment on a matter that has arisen out of that issue which was raised by a constituent. The circumstance I wish to dwell on — without, of course, naming the constituent specifically — involves a constituent who lives on the outskirts of a small town in my electorate and who is most concerned that municipal fire plans are, firstly, inadequate and secondly, even if they were adequate, not enforceable.

This bill directly addresses those concerns, and they are valid concerns and therefore rightly deserve to be addressed. My constituent would certainly be most upset if this entire bill were opposed in this house on the basis of some ideological bent that the opposition has in relation to the structure of the CFA board, which is something that has absolutely nothing to do with the bill before the house.

I can certainly commend the provisions of the bill that require municipal councils to approve their municipal fire prevention plans and allow the CFA to actually order those fire prevention plans, which is a very worthy measure. I hope the opposition will ultimately see the benefit of that and, as a consequence of that alone, support the entire bill.

I will turn to the other important purpose of the bill, being that of volunteer compensation. The opposition's antics and its ping-pong playing with this bill put at risk compensation to volunteers who have very recently signed up but who have not been officially inducted into the CFA. It may sound as though not too many compensation issues could arise out of those circumstances, but even if there were only one circumstance it could be a very tragic circumstance for that individual and his or her friends and immediate family.

I urge the opposition to reconsider its recalcitrance in relation to this bill so that those circumstances do not arise and are not capable of arising. Otherwise, if volunteers who have signed up in good faith to the CFA and who have not been formally inducted are unfortunate enough to injure themselves during that very early stage of induction into the CFA, they will not be able to receive compensation.

I ask members of the opposition whether they can live with themselves knowing they may be denying somebody in those circumstances the ability to gain compensation for injuries received in performing their duties which they have in good faith volunteered to the

community to do as members of the CFA. Will you guys be able to sleep at night? I ask you that question because if you are not and if you have any conscience — —

**The ACTING SPEAKER (Mr Plowman)** — Order! The honourable member will direct his comments through the Chair.

**Mr HELPER** — My apologies. If members of the opposition have any conscience, then they will support this bill if for no other reason than to ensure that volunteers who fall into that relatively narrow category can receive compensation as a matter of course, as opposed to the incredibly difficult circumstances they would be forced into in terms of receiving compensation.

The bill also touches on improved fire safety regulations in a number of very practical areas. For example, it prohibits the use of gas-powered scatterguns, which are used in country areas and in orchards and vineyards in particular to scare off birds, at times of extreme fire danger. I would have thought that is a very practical and eminently sensible proposition even for the opposition to support. The opposition really needs to rethink its recalcitrance in relation to this bill on this specific point.

The bill also allows safety measures to be put in place for the use of certain appliances during periods of high fire danger. I do not know what the statistical breakdown is — it would be interesting to know that — but certainly a significant number of rural fires occur as a consequence of the use of appliances such as welders and grinders, et cetera, during periods of high fire danger. We all understand in a practical sense the dangers that careless use of appliances pose at those times. However, the bill is commendable in regard to its regulation of that activity, because despite the commonsense approach that we should all be taking to these issues, fires continue to occur as a result of careless use of appliances.

The measures in the bill to improve fire safety through a regime of regulations fall mainly into the category of providing legislative and regulatory frameworks for the commonsense that most of us exercise, particularly if we live in rural areas, because we know the devastation that fire can cause. However, through carelessness and forgetfulness and for a range of reasons, some of which are unpredictable, accidents still occur, and this bill attempts to minimise and further reduce the risk of those accidents occurring.

In conclusion, I come back to the very important issue I mentioned before — that is, the issue of volunteer compensation. I genuinely urge the opposition to develop a bit of heart and then have a change of heart and support this bill, keeping in mind the misfortune that could occur in that narrow category of newly enrolled, newly enlisted, newly subscribing Country Fire Authority volunteers if they were to suffer an injury in the service of their voluntary activities. To deny them compensation through the opposition's recalcitrance and ideological bent on the board of the CFA is something that astounds me.

If opposition members do not stand up and argue the issue, if they do not come out into the open and argue that the consequence of their opposition to this bill is the denial of compensation to a narrow category of volunteer, then they should consider themselves to be dishonest in their opposition to the bill. I have a great deal of pleasure in supporting the bill. I wish it to have passage, and I wish the opposition a change of heart on this matter.

**Mr SMITH** (Glen Waverley) — I wish to refute a lot of the claims made by the government on this bill both yesterday and today about the attitude of the opposition. The opposition is in favour of every part of the bill, except the obvious part that is the political difference. The opposition would have let the bill go ages ago, including its four main provisions — the Country Fire Authority's declarations on fire bans, the municipal councils formally approving the fire prevention plans, the clarification of the entitlement of CFA volunteers to compensation, and the gas-fired scatterguns being allowed to be fired during periods of fire danger, although not on days of total fire ban.

I heard the honourable member for Ripon talking about ideological bents, but what the opposition is doing is what the Labor Party claims to be doing — listening to the community. I have copies of two letters which earlier speakers have referred to. One is from the Victorian Rural Fire Brigades Association and the other is from the Victorian Urban Fire Brigades Association. Those associations represent 100 per cent of all members of the CFA.

The whole crux of the matter is contained in a letter to the honourable member for Wantirna from Mr Peter Davis, who is the secretary of the Victorian Urban Fire Brigades Association. It was sent to the honourable member for Wantirna on 28 September 2001, which is very early in this debate.

If honourable members and their advisers listen carefully to this letter we will get the bent of where we

are going. That is not just ideological but is what the brigades associations are saying. Mr Davis says:

If the government removes the insurance industry from representation on the CFA board, this could strengthen the industry's argument for removal of the current funding arrangements. The association's position is for the continuance of the insurance industry representation on the CFA board.

That is what we would all like to see, but that is not practical. Let's see why Mr Davis is saying that:

If, at some time in the future, the funding arrangements change and the industry no longer contributes to the operation of the fire services, then the act could be changed — but not before any funding alterations occur. I believe the government is putting the cart before the horse and presenting the insurance industry with a golden opportunity to successfully argue its case to cease contributing to the operation of the fire services.

That is what it is all about. The insurance industry does not want to sit there as it has done for years because it wants the whole community to contribute towards insurance. It is saying it is unfair for it to have to cover claims where people are not insuring their properties. People like you, Mr Acting Speaker, me and many others do contribute. I have a rural property and we contribute because this is the way we operate. However, many people do not, although that is another argument.

What we as members of this house must do is listen to members of the rural and urban associations. I repeat Mr Davis's remarks:

I believe the government is putting the cart before the horse and presenting the insurance industry with a golden opportunity to successfully argue its case to cease contributing to the operation of the fire services.

The letter goes on:

If the association is not successful with this argument, a fall-back position would be to reduce the size of the CFA board by removing the two insurance council representatives and not replacing them.

Of course this is the ideal situation, which is what the urban people want. It continues:

This would have cost savings to the CFA and result in a smaller board which, I believe, was favoured by the previous government.

This is where the honourable member for Gisborne was carrying on and on about a point she did not understand. This is what the previous government's position would have been. It goes on:

We would not agree, however, to any suggestion of reduced volunteer representation as a consequence of a reduction in

the size of the board. By not replacing the two insurance representatives we would ensure that the government did not appoint any 'party favourites' or other persons who may not have any genuine interest in the organisation as such.

This is what the honourable member for Wantirna was saying and what has been the continued position of the opposition. It is not our own ideological bent, as the honourable member for Ripon called it, but what the Victorian Urban Fire Brigades Association is telling us. The opposition has consulted. It has done what the government claims it is good at doing but is not doing — we are consulting.

It is fascinating that in the letter from the Victorian Rural Fire Brigades Association to the honourable member for Shepparton dated 1 October last year, Mr Bob MacDonald, the executive officer, says:

Our preference would be that membership of the Authority remain the same —

that is, that the insurance industry stays within the board —

however, if this is not possible we would still like one of the representatives to the MAV to be from a rural area.

There is no reference there to any unions. He goes on to say:

Further should the Insurance Council of Australia not wish to have representation on the board then the board should be reduced in number by two.

That is not the Liberal Party's point of view and not the National Party's point of view but the point of view of the Victorian Rural Fire Brigades Association and the urban members, who represent 100 per cent of the CFA membership. Mr McDonald goes on to say:

Again we would prefer the representation to come from the insurance council as they are a key stakeholder and for them not to be on the Board would strengthen their argument not to collect fire levies.

That is the guts of the position. I remember the incredible arguments we used to have when we were in government and we brought in omnibus bills, but this bill is an omnibus bill. This board representation issue is completely different to those other four issues that I outlined to the house before. This is the crux of it.

The government is not listening to what the CFA members want. It is listening to the insurance council, which wants everybody to collect fees — hence its reason for not filling the two positions. That is another argument. It has nothing to do with what we are arguing about here as to who fills them. Our point is this: the government should excise this part of the legislation — the part about the boards — and then we will see where

we go from there. We will pass it in a matter of seconds if that is the case. The honourable member for Wantirna will simply say, 'Yes, we pass it'. The real reason for this, which is not understood by some honourable members — I have been listening very carefully, hence my reason as the former chairman of the committee to want to speak last on this particular bill — is that we have had misrepresentations put to government members. There is no other way to describe it. Here are the words; they are as clear as they can be. The words are there for people to read themselves, and they are now there in *Hansard*.

The key issue is about representation on the board. Of course we are in favour of addressing the other points, which are obviously of concern to the members of the CFA. This is something that could have been sorted out and gone quickly through in the spring sittings of the Parliament. But no, it has been held up by this 'dog in the manger' attitude of the Minister for Police and Emergency Services in the hope that somehow or other the embarrassment would come.

We are saying to the government, 'Excise this particular part about the board from the bill and we will pass it tomorrow'. In the meantime they are the ones who are responsible, because they have not made the points in the letters from both associations available to their own members. Once they read those they will see for themselves that they have been duped by the Minister for Police and Emergency Services. It is now his responsibility to get this bill through without the board representation being part of it. We will continue to oppose the bill while that remains.

**Mr HOWARD** (Ballarat East) — I am pleased to speak on the Country Fire Authority (Miscellaneous Amendments) Bill. At least in some ways I am pleased to speak on it, but in some ways I am disappointed that this bill has come back to this house yet again. This is another example of a bill that has been frustrated by the upper house, where the Liberal and National parties have played petty politics.

Before the Bracks government came into existence we know that the upper house had agreed to bills on an ongoing basis. However, this week we have found that we are dealing with a series of bills that have not been agreed to by the upper house on the grounds of petty politics. So from that point of view I am disappointed that I need to speak to the bill today. However, I hope there will be a change of heart from the Liberal Party on the bill.

The aims of the bill are straightforward: it aims to improve the existing legislation and in doing so

improve public safety, deal with compensation to volunteers, improve regulations in a forward-thinking manner and — at least when the bill first came up — ensure that this fire protection season we were in a better position than ever to make sure our communities were as safe as possible.

Unfortunately, three months have gone by. The bill was not passed in the spring sittings and we are back to deal with it now. We are not past the end of the fire-risk season with a day of total fire ban just this past week and the likelihood of more days of total fire ban ahead. The government wants to get the bill through the Parliament so it can be in place for the latter part of the fire protection season.

As has been outlined by other speakers, three major areas have been developed in the bill. One relates to enhanced public safety in regard to the declaration of total fire ban days so we can be clear that a total fire ban day has been declared by way of a CFA officer signing a certificate and that certification being legally binding. Other issues relate to municipal fire plans and improving the requirements of municipalities to put in place and enforce their fire plans. These are very important issues to develop.

The bill looks at compensation for volunteers, an area which is vitally important to the ongoing success of our voluntary fire brigades. So I am keen that this aspect of the bill will ensure that anybody who fights a fire as a volunteer will be assured of compensation should they be injured as a result of the great work they have done.

Right through the fire season we have heard of so many occasions where CFA units have been called out. In my own neighbourhood they were called out in January. Fortunately, there was no loss of life or housing, although there was loss of grazing land. Over the past week we heard that there was a fire in the Seymour area which was brought under control. We know that many of our CFA officers went interstate to support New South Wales during its recent horrific fires. CFA members have put their lives on the line time and time again to protect the community, and the bill helps to ensure that if they are injured in any way as a result of the great action they are taking as volunteers they will be assured of compensation.

The other issues in the bill relate to improved fire safety regulation. Some simple issues have been built into the legislation about the use of gas-powered scatterguns which will not be made available on total fire ban days and several other changes which improve public safety and provide greater strength of regulation as has been advised through the CFA.

The government has taken on board the advice received from the CFA in putting together the bill. When the bill first came before the house one of the contentious issues which was argued over in the upper house and which meant that the bill came back to the Legislative Assembly related to the make up of the board. When it came back to the lower house we said, 'Okay, we will accept the position you have taken. We won't attempt to change the board at all. We'll allow the status quo'. However, when the bill went to the upper house again, we had feedback that it required further changes to the board. So there has been another change of position and more frustration over aspects of the bill which are now not before the house. The bill does not attempt to change the nature of the board, therefore there is no sound reason why the opposition should further frustrate this important legislation.

I fully support the legislation. I encourage the Liberal Party and the National Party to review their stance, to support the bill and to ensure it has a safe passage through the upper house. I trust that the work of our CFA volunteers and CFA units across the state will be able to be better supported as a result. I fully support the legislation.

**Mr DELAHUNTY** (Wimmera) — I am pleased to have the opportunity to rise and speak on behalf of the Wimmera electorate on the Country Fire Authority (Miscellaneous Amendment) Bill. Over the past couple of years since I have been in this place we have had major fires in western Victoria, particularly in the Wimmera electorate at Stawell — some of the biggest fires in country Victoria since Ash Wednesday — and at Laharum, Goroke and this year at Balmoral. These events validate the importance of the 63 000 volunteers we have in the Country Fire Authority and the important role they play.

I turn to the purposes of the bill which are: firstly, to make changes to the Country Fire Authority Act in regard to the members of the authority; secondly, to the use of prescribed devices during fire danger periods; and thirdly, to the municipal fire prevention plans.

I pay credit to my colleague, the honourable member for Shepparton, who is our responsible spokesperson and who has consulted widely on the legislation. He consulted with the Municipal Association of Victoria (MAV), the Victorian Rural Fire Brigades Association; the Victorian Urban Fire Brigades Association; importantly, the Victorian Local Governance Association; and the Country Fire Authority. He also spoke with the Shepparton brigade and importantly with the Victorian Farmers Federation. I have also had

discussions with the members of the Country Fire Authority in the Wimmera electorate.

As we know in relation to the membership of the authority, the MAV is currently required to nominate councillors from rural and urban wards and, now, changes to the criteria now remove that reference. The other amendment is to remove the requirement for the Insurance Council of Australia to provide two members and allow the minister to nominate two persons appointed by the Governor in Council — in other words, his two nominations.

Overall the National Party does not oppose the thrust of the bill, and nor do I. But I think the Liberal Party's amendments highlight the importance of the upper house, because they are commonsense amendments. It is a shame they were not put first in this house. They are commonsense amendments because if the insurance council is not to be represented it is important to have a representative from the VFF representing the substantial communities in our area, particularly in those areas where wildfires exist — and I highlighted those in the earlier part of my presentation — so the VFF has a major stake in what happens in fire prevention.

Importantly the other nominations proposed by the Liberal Party relate to the representative from the Victorian Employers Chamber of Commerce and Industry (VECCI), which is also a commonsense approach. I see no reason why the minister and the government should not take these amendments on board and therefore not hold this legislation up going through Parliament.

I will get back to the 63 000 volunteers. As I said, they play an important role in our community and we need to ensure that they have appropriate training. Because of fires such as the one at Linton and other places we need to make sure that anyone who works on these fires has the minimum skills. That has been a very big change in process for our Country Fire Authority members. I think they are now accepting that we need to get up to minimum standards, and a lot of training has been going on. It is just a shame that some of the good volunteers who were doing the training were pushed aside for other members who have to drive out from Melbourne at large expense to the authority, and I do not think they truly understand some of the details of country fires. It was a shame to lose the expertise that our volunteers were available to provide to fellow members.

The other important thing is to continue to provide our volunteers with appropriate equipment. CFA volunteers

have raised concerns with me that the funding of the CFA is under pressure. This has come about because of two matters: one is the fire insurance levy and the other is that they have only been able to survive because of special grants. I am hearing that the replacement programs — —

**Ms Asher** interjected.

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Brighton!

**Mr DELAHUNTY** — The honourable member for Brighton is a good Essendon supporter, so I will let her off this time!

I hear the replacement program is being slowed down by the government because of these financial pressures, and that will impact on our volunteers having the appropriate up-to-date equipment to assist them to do the best they can in country areas.

I am also concerned about private fire appliances. This is a difficult one for the government, and we need to ensure that we have as many resources as we can to fight fires, particularly the wildfires that occur in western Victoria. I know there need to be minimum standards, and I ask the government to work with the VFF and the CFA volunteers to come up with some minimum standards for private fire appliances.

Dealing with the highlights of the bill, part of it covers public safety, which is important. It is not only public safety but also property safety that is important, and here I want to say a big thankyou to the volunteers who play an important role in protecting property and people in the community. The municipal fire plans are an important part of the legislation, and on that point I want to highlight the concern I have in western Victoria because of its many dry lakes.

I was pleased to see the Premier, the Leader of the Opposition and the Leader of the National Party highlight in the population debate this morning the importance of the Wimmera–Mallee pipeline, because I think it will help fill up some of those dry lakes. The Minister for Environment and Conservation, who is sitting at the table, is well aware of the concerns we have in western Victoria because of the dry lakes. There has been a great deal of controversy between the councils, the catchment management authorities (CMAs), the Department of Natural Resources and Environment (DNRE) and the water authorities about who is ultimately responsible for these dry lakes.

We saw the unfortunate circumstance in Green Lake where fairy grass was blowing across the highway and

a fire started because of a bus pulling up in the fairy grass. Luckily the great volunteers of the CFA were there and were able to protect human safety, because there were tennis and cricket players where the fire roared through. They were very lucky that no-one was badly injured. Importantly much damage was done to property and the Horsham Rural City Council is very concerned. I wish I had with me an article from the *Wimmera Mail-Times* highlighting that the council is disgusted at the approach by the minister, who has ordered only \$5000 compensation. Municipal fire plans are important because they mean that not only the councils but, DNRE, the CMAs and the water authorities need to play a role.

I conclude by saying that I think the amendments put up by the upper house are commonsense amendments. They should be supported by this government and by the whole of this house. I implore honourable members to do that at the next opportunity to vote on this issue

**Debate adjourned on motion of Mr LANGDON (Ivanhoe).**

**Debate adjourned until later this day.**

## WATER (IRRIGATION FARM DAMS) BILL

### *Council's amendments*

#### **Message from Council insisting on following amendments considered:**

1. Clause 4, page 3, line 11, after "51(1A)" insert "or 51(1B)".
2. Clause 6, lines 4 to 11 omit all words and expressions on these lines and insert —
  - “(2) In section 8(6) of the Principal Act, after paragraph (c) **insert** —
    - “(ca) a restriction or prohibition on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building) contained in an approved management plan drawn up under Division 3 of Part 3 for a water supply protection area; or”.
3. Clause 6, after line 11 insert —
  - “(3) In section 8(6)(d) of the Principal Act for “the prescriptions” **substitute** “any other prescriptions”
4. Clause 10, page 15, after line 14 insert —
  - “(k) restrictions or prohibitions on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that

- it is not rainwater supplied to the dam from the roof of a building);”.
5. Clause 10, page 15, line 15, omit “(k)” and insert “(l)”.
  6. Clause 10, page 15, line 17, omit “(l)” and insert “(m)”.
  7. Clause 10, page 15, line 22, omit “(m)” and insert “(n)”.
  8. Clause 10, page 15, line 30, omit “(n)” and insert “(o)”.
  9. Clause 10, page 16, line 4, omit “(o)” and insert “(p)”.
  10. Clause 10, page 17, after line 33 insert —
 

“(14) Sub-section (13) does not apply to a contravention of a kind referred to in section 63(1A).”.
  11. Clause 19, lines 26 to 33 and page 29, lines 1 to 26, omit all words and expressions on these lines and insert —
 

“(1A) During the period commencing on 1 February 2002 and ending on 31 January 2003, a person may apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from a dam on a waterway other than a river, creek, stream or watercourse for a use other than domestic and stock use.

(1B) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a private dam, a person may, during the period of 12 months after the approval of that management plan, apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from the spring or soak or water from the dam (to the extent that it is not rainwater supplied to the dam from the roof of a building or water supplied to the dam from a waterway or bore), for a use other than domestic and stock use.

(1C) Sub-section (1A) only applies, in relation to a dam, to a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use) for which a licence under sub-section (1)(a) is not in force.

(1D) Sub-section (1B) only applies, in relation to a spring, soak or dam, to a person who at any time during the period of 10 years immediately before the approval of the relevant management plan was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use.”.
  12. Clause 19, page 29, line 29 omit “(1C)” and insert “(1E)”.
  13. Clause 19, page 30, lines 12 to 35, omit all words and expressions on these lines and insert —
 

“(ba) in the case of an application under sub-section (1A) in relation to a dam by a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use), set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and

(bb) in the case of an application under sub-section (1)(ba) or 1(B) in relation to a spring or soak or dam by a person who, at any time during the period of 10 years immediately before the approval of a management plan for the water supply protection area for which the application is made that prohibits or restricts the use of water from the spring or soak or dam, was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use, set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and”.
  14. Clause 22, lines 18 to 20, omit “the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001**” and insert “the approval of a management plan under Division 3 of Part 3 that prohibits or restricts the use of water from the spring or soak or dam”.
  15. Clause 26, lines 23 and 24, omit “licence issued under section 51(1A)” and insert “registration licence”.
  16. Clause 26, lines 31 to 33 and page 38, lines 1 and 2, omit all words and expressions on these lines and insert —
 

“51(1A) remains in force for an unlimited period.”.
  17. Clause 28, after line 9 insert —
 

“(1) In section 58(1) of the Principal Act, for “51” substitute “51(1)”.
  18. Clause 28, after line 17 insert —
 

“( ) In section 58(3) of the Principal Act, for “51” substitute “51(1)”.
  19. Clause 28, lines 21 to 28, omit sub-clause (3).
  20. Clause 32, line 24, after “must not” insert “in contravention of an approved management plan for a water supply protection area”.
  21. Clause 32, page 40, lines 16 to 24, omit all words and expressions on these lines and insert —
 

“(4) If, an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam

not on a waterway and at any time during the period of 10 years immediately before the approval of the management plan, a person was taking and using water from the spring or soak or water from the dam, sub-section (1A) does not apply in respect of that person in respect of that spring or soak or dam until the end of the period of 12 months after the approval of the management plan.”.

22. Clause 56, page 53, lines 19 to 33, omit all words and expressions on these lines and insert —

“(8) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam (other than water supplied to the dam from a waterway or a bore) for a use other than domestic and stock use, a person who —

- (a) at any time during the period of 10 years immediately before the approval of the management plan was taking and using water from that spring or soak or water from that dam (other than water supplied to the dam from a waterway or a bore, for a use other than domestic or stock use; and
- (b) before the end of the period of 12 months after the approval of the management plan applies for a licence under section 51(1)(ba) in relation to the spring or soak or dam —

is not liable to pay an application fee in respect of the application.”.

**Ms GARBUTT (Minister for Environment and Conservation) — I move:**

That amendments 1 to 15 be disagreed with.

I am very pleased indeed to be able to advise the house that all parties have agreed to a resolution of this long-running debate about the farm dams issue. The resolution includes the government’s principles and the substance of the proposals that we made last year, and they are now agreed to. There are some minor changes which have been agreed to regarding the transition arrangements, but these are minor, and the principles that all new irrigation and commercial dams will be licensed, that existing ones will be registered and that the stream flow management planning process will be placed into the Water Act have been agreed to.

To go back a little way, during the last sitting of Parliament the government put forward the Water (Irrigation Farm Dams) Bill. This bill was developed following the original Farm Dams Irrigation Review Committee chaired by Don Blackmore of the Murray-Darling Basin Commission, who consulted widely throughout rural and regional Victoria and put a set of proposals to the government. Following that the government had discussions with both the Liberal Party and the National Party to ensure the bill met the tests of

equity, fairness and sustainability. That process gave rise to some amendments to our original proposals. Many of those were accepted but some were not. We went through a process then in parliamentary debate where we saw the Liberal Party change positions two, three or four times — and we are now getting the fourth position.

The first proposal by the Liberal Party sought to guarantee people access to 3 per cent of the rainfall that fell on their property. Clearly that was an issue of principle and was rejected. The government does not accept that sort of position. In the other place the Liberal Party changed that proposal to a second one and then to a third, and it is the third position that we are faced with now in this set of amendments we are rejecting. That third position was to limit licensing and registration decisions to water supply protection areas only — in other words, to wait until catchments became stressed before you did anything about it.

The main problem with that amendment was that it failed to tackle the major issue that the bill was brought into this house to address — that is, the need for a waterway determination — and it had been rejected by every stakeholder outside of this Parliament. The government has rejected this latest Liberal Party amendment from the Legislative Council, even though it has again been insisted upon.

Then we were facing a stalemate. I believe that the upper house amendments we are considering now were put together very hastily. They show a lack of understanding and they simply could not work. The proposed amendments do nothing until the water catchments and the rivers become stressed, and then it is almost too late. When the system has become stressed it is then proposed to hand that problem over to the local community and say, ‘You sort it out’. Clearly that is not an acceptable process, and that is what this government is rejecting in these amendments.

Our proposal licenses all users and then provides a high level of security. All users will be able to rely on access to that water. A proper licensing regime is aimed at preventing overallocation in the first place — we are not waiting until stress occurs — and management plans are proposed in those catchments where they are stressed.

The problem with the Liberal Party’s proposals — the upper house proposals that we are now rejecting — is first that they perpetuate the water way definitional problems. The confusion and controversy that has been caused and has been out there for years will continue if we accept these amendments. The main finding of the

three reports commissioned by the previous government was that allocating water resources in a catchment based on an arbitrary definition of a waterway was simply unworkable. We have had those three reports from the previous government and another to me, the Blackmore report, which all stressed that the definition of a waterway was unworkable, yet that is what we are again confronted with in these upper house amendments — and we are rejecting them.

These amendments would also increase the uncertainty and risk for businesses. There will continue to be instances where large off-waterway dams directly affect a neighbour's water supply. There are many examples that I have seen, including in the electorate of the shadow minister for conservation and environment, that dams built quite legally without a licence directly affect a neighbour where a major investment has been made, and the reliability of and access to that water supply will be eroded and the investment put at risk. That would continue if we accepted these amendments, and of course there would be an increased cost to business. That occurs when, as I said, a landowner immediately upstream faces a risk of reduced supply because of the actions of a neighbour.

We would also see costly disputes between the water authorities and the farmers on waterways continuing over waterway determinations. As we have seen, that leads to the Victorian Civil and Administrative Tribunal and to the courts, resulting in direct costs to the landowner and endless disputes, so we are rejecting that proposal once again.

Undoubtedly we need to resolve the problems caused by waterway determinations, provide security and reliability to potential developers and create satisfactory environmental outcomes as well. So the resolution that we have now agreed to and are able to bring to this house has substantial support from both sides of the house and from the Independents as well. I have had discussions in recent weeks with the Victorian Farmers Federation (VFF) and other honourable members of this house to reach a three-point agreement that proposes a change to the transitional arrangements but a commitment to the principles.

I am aware that the VFF has written to Liberal Party members opposite and in the other house outlining its suggested circuit-breaker. We have considered its suggestions and are prepared to make some concessions to end the stalemate, without compromising the major principle that all water resources in the catchment should come under the management regime. The transitional package changes which the VFF has sought and which we have all agreed with included that the

package proposed by the government be raised from 10 000 megalitres to 12 500 megalitres, and in order to reach agreement we have agreed to increase that limit to 14 500 megalitres.

The second point proposed by the VFF was that the government developer announce exchange rates that would provide equity in trading of water rights between the upper and lower catchments. We have been working on those exchange rates and have agreed as well that the independent audit group established by the Murray-Darling Basin Ministerial Council review those exchange rates. So we have agreed to that point as well. The third matter proposed by the VFF is that the government agree to an issue of unlimited-term registration licences rather than for five-year terms as proposed in the bill. We would prefer five-year terms but in the interests of agreement we will accept that unlimited term.

I look forward to the passage of this bill through both houses of Parliament with the government's principles and substance intact.

**Debate adjourned on motion of Mr McARTHUR (Monbulk).**

**Debate adjourned until later this day.**

## COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

### *Council's amendments*

**Message from Council relating to amendments further considered.**

**Debate resumed from earlier this day; motion of Ms PIKE (Minister for Housing):**

That the amendments be disagreed with.

**Mr MULDER (Polwarth)** — There is no doubt that as a member of Parliament representing a rural electorate I have developed an enormous appreciation of the work carried out by Country Fire Authority (CFA) volunteers in my electorate. I could have been no prouder than when I turned on the television during the horrendous fires in New South Wales last January than to see vehicles and personnel from within my electorate that had been sent to fight those fires. Also, I was able to discuss with a person I classify as a very close friend his experiences after he had spent time fighting horrendous bushfires in the United States of America.

All too often we forget that the CFA volunteers are in a league of their own in that quite often they enter into situations of extreme danger. When they get called out we know and understand that they need to leave their families to go to the fires; and their families know that they, as volunteers, answer the call to fight fires and often put themselves into dangerous situations. When I have attended a number of CFA functions in rural Victoria I have often said that in metropolitan areas career firefighters are called out to fight fires, but in country areas the firefighter who is called out may be your next-door neighbour, your best friend or a family member. Great camaraderie exists within CFA brigades.

I know the Liberal Party has been accused by the government of stalling the legislation to the detriment of CFA volunteers, yet the volunteers I have spoken to in my electorate have said, 'For heaven's sake, don't sell us out to the trade union movement, don't allow the government to push the legislation through and don't allow it to stack the CFA board with union representatives and its hacks'.

The opposition, through the amendments that would change the composition of the CFA board, is trying to have some form of logic take precedence over what the Labor government proposes to do — that is, that a representative from the Victorian Employers Chamber of Commerce and Industry (VECCI) and a representative from the Victorian Farmers Federation (VFF) —

**Mr Vogels** — Rural Victorians.

**Mr MULDER** — Yes, rural Victorians who know and understand some of the situations I have just explained about what volunteers go through. I cannot for the life of me understand, unless there is some underlying mode of deception that the minister wishes to implement, why the government is not prepared to accept the amendments of the Liberal Party to take on board, as I said earlier, representatives nominated by VECCI and the VFF with no affiliations with the Liberal Party, as would be the case in appointments made by the minister.

You can imagine what would happen, particularly in light of what has happened this week with Workcover, when Labor hacks, friends or relatives — you name it! — with close affiliations with ministers and government members have been thrown into highly paid jobs. I ask honourable members to imagine what would happen if the bill as it stands were to pass so that the minister would be placed under pressure from the United Firefighters Union (UFU) and other unions and

mates who would be putting up their hands and saying, 'Bang us on the board, forget that we do not have any connection with rural Victoria or that we do not have any expertise in the area. We want to stack the board and do a final job on volunteers'.

Until now the UFU has given volunteers throughout country Victoria one helluva working over. They see this as being the absolute death knell. What has not been taken into account is the actual cost that would be imposed on the state if the UFU, the minister and the Labor government were successful in what they are trying to do — that is, totally pull apart the volunteer operation that now exists in country areas.

As a member of Parliament representing a rural electorate, last year I was fortunate to have been taken to the Weering fires by a couple of volunteers who operate in that area. It is a situation of comrades getting together to protect each other's properties. You may be able to see it on television or spend as much time as you like reading about it in the newspapers, but you do not appreciate it until you have first-hand experience of a bushfire. I saw volunteers rounding up hundreds of singed or badly burnt sheep and herding them into groups so that very young personnel from the Department of Natural Resources and Environment could shoot the sheep while the volunteer firefighters watched. That was an horrendous experience.

The government continually talks about what a great contribution the CFA volunteers make, but when it has an opportunity, as it has today, to back up its supposed support by bringing on board a member of a farming organisation from rural Victoria, as the honourable member for Warrnambool said earlier, and somebody from VECCI to support and take on board the cause of the volunteers — and generally to understand how rural Victoria works, how the CFA volunteer organisation shapes up and the type of support they require, knowing very well what it would do for them and their morale to know they had board representatives on the CFA who understood their plight, what happens with their families and homes whenever a major fire breaks out — it resists.

The families see their loved ones go off to fight those fires. There is always that sense of, 'How bad is this fire, will these people come home again?'. The Liberal Party's amendment is nothing more than a recognition of the fantastic work that CFA volunteers do.

As to how the two vacancies occurred on the CFA board, the Insurance Council of Australia has differing positions on how levies are collected. It believes fire levies should not be collected on fire insurance

premiums, thereby allowing certain sections of the community to avoid paying the levies yet enjoy the protection afforded by the CFA. They would prefer that the municipalities collected the levies on a rate basis so that each person who has a property would end up contributing to the CFA levy. That would expand the levy and more money would be available to be spent on fire protection services.

I am amazed that from time to time the minister appears on television and attacks the Liberal Party by suggesting it is holding up legislation that will endanger volunteers, whereas in fact the Liberal Party has said time and time again that it is more than prepared to support the legislation that provides CFA volunteers greater protection in their day-to-day operations.

But the Liberal Party is not prepared to hand the CFA board to the trade union movement or to one of the minister's mates, whom he decides to prop up by having him on the CFA board, to sway the board heavily and give the minister full control of the board. Then the minister would be able to work with his mates in the trade union movement, and we know what would happen then — chaos, with a history of CFA volunteers being done over time and time again. The Liberal Party is not prepared to stand by and let that happen.

**Mr STENSHOLT** (Burwood) — I rise to support the minister and the minister's motion that these amendments to the Country Fire Authority (Miscellaneous Amendments) Bill be disagreed with. I regard the Country Fire Authority as a very important organisation in Victoria. While I have a city electorate and there are no CFA units in my electorate, I well and truly understand the importance of the CFA and the 63 000 volunteers who are working there. After all, I am a Victorian, and the Bracks Labor government is here to govern for all Victorians. It is very important that all Victorians understand and pull together, particularly since the last few weeks have been very dry and we saw some larger fires last weekend, although I understand there are always fires and incidents the CFA is looking out for. I was listening to the radio the other day and heard someone from the CFA pointing out that these marvellous volunteers that we have throughout Victoria are called out to work on smaller fires or spills virtually every day or every weekend.

I came to appreciate them when I spent some time out in rural Victoria both as a student and later as a teacher in the Western District and I very much appreciated the work of the units out there. Of course, as many people from suburban Melbourne do, I have relatives in the country. They work with these units, understand the work these volunteers do and the training they

undertake, and go off with their units to other parts of Australia when there is a problem to help out there, as we saw earlier this year with the problems in New South Wales, where the response by Victorian units was absolutely magnificent.

As Victorians, we appreciate just how dangerous this particular form of volunteering is. It can, as we have seen, lead to very sad situations of loss of life, because there is such dedication among the volunteers of the CFA out there fighting the fires and coping with whatever situation arises at the local level. On behalf of my constituents in Burwood, I appreciate the work these thousands of volunteers do throughout Victoria in making sure this fundamental aspect of safety is covered throughout the state.

I have some experience in this area work wise: I have worked for many years on Australia's overseas aid program.

It might seem a little remote from Victoria, but at one stage I was working on programs in Indonesia. Some honourable members would probably remember the enormous forest fires in Kalimantan in Indonesia, where literally thousands of square miles were under fire, with an enormous smoke haze right throughout the region. Australian firefighters were there providing advice and assistance. I came to very much appreciate the techniques and systems that were used by Australian firefighters from the rural brigades — the CFA here in Victoria — which could be applied in other countries and other environments. We very much appreciated the work they performed in Indonesia.

Here in Victoria problems can come very close to home. I hope that over the next few months we do not have these sort of problems, because we are now starting to have an extended dry spell.

This bill provides for a range of necessary changes. It provides, for example, for the banning of gas-fired scatterguns in times of high fire risk. It aims to provide for the strength and enforceability of municipal fire prevention plans and to clarify the availability of compensation to all volunteers injured while firefighting. These are all very important provisions, which this bill aims to put into state legislation.

I know CFA volunteers have been very much looking forward to the introduction of this bill, but unfortunately we have struck a bit of a problem. It has been stalled by the Liberal Party and the National Party, particularly in the Legislative Council. Indeed, they have sent back six amendments, asking that these be considered by the Assembly. As the minister has

foreshadowed, he has already moved that these amendments be disagreed with. I find it very unfortunate that the Council has yet again shown that it is not an engine of change but an engine of obstruction. It has shown once again that it is willing to use its particular power in the other place to hold up a whole raft of necessary changes which are desired by CFA members, and indeed the authority itself, and which will improve their conditions and their ability to fight fires and respond to emergencies.

Rather than that, the opposition is playing politics with the board of the Country Fire Authority, seeking to suggest changes as to who should be on the particular panel and coming up with a range of proposals. Having somebody from the Victorian Farmers Federation, for example, is one of its suggestions, as well as somebody, interestingly enough, from the Victorian Employers Chamber of Commerce and Industry. I must admit I find the VECCI proposal particularly interesting. I have not examined the membership list of VECCI lately, but it does not seem to be necessarily one which is out there among the volunteer units. VECCI certainly plays a very important role in the field of commerce here in Victoria, but I wonder what role it might play in the volunteer units of the CFA. A number of other suggestions have been made as to who might be on the CFA board.

When this was discussed previously in the Assembly, my understanding was that the minister had already made some suggestions about how it should be handled and even suggested some amendments, but they were rejected out of hand by the Legislative Council. The Council has now added a further three-month delay to the possible passing of this bill and therefore the passing into law of the necessary changes that this bill aims to implement.

I find it very unfortunate that the Council, half of which, as we know, was elected a long time ago, seems, under the sway of the Liberal Party and the National Party, to be very much a force for obstruction, for doing nothing, for having no policies and for stopping necessary change and the legislative reform that this bill, for example, is offering. Indeed, in playing around the margins of organisations like the CFA — and there are others — the Liberal and National parties in the Council have proved to be quite obstructionist — and the same is true of other bills that have come and are coming before us this week.

This shows that the Liberal and National Party members of the Council do not seem to have the concerns and needs of the 63 000 volunteers in the CFA at heart. They are looking to play games with the board

and the structure on the management side — it is more than the management side; it is really the top political structure — rather than looking at what needs to be done at the operational level.

As we know with any sort of organisation or operation, doing things on the ground is the most important thing — actually getting things done, getting services to operate most efficiently and providing the people who work in those services with the necessary means, processes and organisational structure. Making sure they have the right milieu in terms of regulations to avoid problems is very important. In other words, these are very much the practical and commonsense sorts of activities which are very much needed.

We have a bill which seeks to put these things into effect. It aims to enhance public safety, to simplify, for example, evidentiary provisions regarding total fire bans, and to ensure that municipal councils approve their fire prevention plans and the CFA is allowed to audit them. There are very practical, organisational matters which have to be put in place.

What are the Liberal Party and the National Party seeking to do about this? Instead of giving 63 000 volunteers the wherewithal to conduct their business, to enhance fire safety in rural and regional Victoria and the outskirts of Melbourne — there are many CFAs within metropolitan Melbourne — and to run their operations effectively, they are basically putting a stop to this for many months while they say, ‘We want so-and-so on the board’, or ‘We want so-and-so represented from somewhere else on the board’, rather than looking at the heart of the matter, which is the operations of the Country Fire Authority.

They seem to be more concerned about the umbrella structure of the organisation than about the on-the-ground application of procedures and ensuring that the actual operating mechanisms run efficiently.

The bill also, for example, seeks to clarify the fire protection responsibilities of local councils and the Department of Natural Resources and Environment. It is very important to clarify such responsibilities so that when it comes to the on-the-ground activities, the people who are out there — the 63 000 volunteers — know what they are doing, know what their responsibilities are and know what the responsibilities of other organisations are. This bill seeks to clarify what has to be done.

What have we seen from the Liberal and National parties in the Legislative Council? We have seen them do nothing and stand for nothing. They just want to

play politics with the board — and playing board politics is pretty typical of them. Here they are from the top end of town, used to being on the boards of corporations, handling the 63 000 CFA volunteers as if they were BHP!

We are dealing with the lives of volunteers who work hard on the ground. We are not dealing with the boardrooms in Collins Street, we are dealing with people out there in the bush — and we are looking to make these things work for them. We are also aiming through this bill to look after all CFA volunteers and to clarify their entitlements to compensation. Don't the Liberal Party and the National Party care about looking after the 63 000 volunteers? Don't they want to look after volunteers who happen to get injured? What are the opposition parties doing? If they were really concerned about volunteers who are injured they would have passed this bill, and issues about the board's composition could have been looked at later on. But no, here we are, still talking about the very important issue of volunteer compensation.

The CFA regards this issue as very important, because it affects the wellbeing of its 63 000 volunteers and their families; and although many volunteers come from the same families, we are talking about many thousands of families. It is important that we make sure that the procedures for compensating injured CFA volunteers are clarified and that any doubt about the availability of such compensation is removed.

The Labor Party fundamentally looks after the small people, and that is what we are doing with this bill — looking after ordinary people. We are not looking after the boardrooms of Collins Street; we are out there looking after the 63 000 volunteers and their families. We want to make sure the CFA organisation works well on the ground, which is why it is important that the provisions in this bill are passed.

What would happen if it were dry for another month or two and problems sprang up around Easter time? We do not want this to happen, of course, but what would happen if we had another Good Friday incident and this bill had not been passed by the Liberal Party or the National Party? These things would be left in abeyance, and the 63 000 volunteers would not be looked after. The Liberal Party and the National Party would once again have failed in their duty of care to all Victorians, in particular to rural and regional Victorians. We know they have failed rural and regional Victorians often in the past, and they are still failing them by proposing these amendments and not passing this bill.

The people in rural and regional Australia know who stands for them, and the people in rural and regional Victoria know that in putting forward this particular bill the Labor Party stands for them, beside them, with them and as them. Rural and regional Victorians know that the Labor Party supports them through this bill as it does through so many activities in rural and regional Victoria.

This bill is a litmus test of support for the 63 000 CFA volunteers. The Liberal and National Party members of the Legislative Council have failed that test and, once again, failed it very badly. Insofar as the Liberal and National parties continue to pursue these amendments in this house, they are again failing rural and regional Victoria and the 63 000 volunteers of the Country Fire Authority. The sad and sorry Liberal and National parties are continuing to fail Victorians.

**Mr MACLELLAN** (Pakenham) — We have just heard from the honourable member for Burwood the suggestion that Liberal and National Party members do not really care for volunteers. I suppose we should at first glance accept that that was a serious comment, that he was not just making a political comment, that he really believes what he says in the house and that all the concern for volunteers rests with the honourable member for Burwood, who I imagine does not have a Country Fire Authority (CFA) group in his electorate.

**Ms Gillett** interjected.

**Mr MACLELLAN** — As the honourable member for Werribee says so tellingly, that is — to quote her — beside the point. In other words, according to the honourable member for Werribee, it is beside the point whether you have a CFA group in your electorate, and it is an unfair criticism to make of the honourable member for Burwood that he alone exemplifies the understanding of and the care and concern for the 63 000 volunteers who make the CFA an effective firefighting force in the outer suburbs of Melbourne and in rural and regional Victoria.

His deep and abiding knowledge of the work of the CFA was compounded by the fact that he decided to refer to the tragedy of Ash Wednesday, which, as you know, Mr Acting Speaker, was concentrated not only in the Macedon area but also in the area that I represent — in particular Cockatoo and Beaconsfield Upper — where hundreds of homes were destroyed and where, but for the volunteers, even more lives would have been lost.

Apparently the honourable member for Burwood is the only one who understands these issues. He is the only

one who cares about the volunteers. He is the only one who has the sensitivity and the understanding to know what the volunteers of the CFA really want. Apparently as a member of the opposition and as a member of the Liberal Party — and if our National Party friends were involved in the debate at the moment they would have to do the same — I have to hang my head in shame and say, ‘Here we are merely playing politics with this sensitive and creative issue’.

What we want to do is to get the message across to members of the government after a couple of years that the way forward is by discussion and compromise. Apparently they are under the misapprehension that the Legislative Council will not amend bills and that the Legislative Council will not take a stance on an issue and send amendments to us in the Legislative Assembly. It is quite clear from the debate both today and earlier in the week that many parts of this bill are agreeable to all sides of the house.

I do not think there is any reason why we should not see those parts of the bill advance. The difficulty we have is that the government is proposing to reject some amendments made by the Legislative Council and is making some pathetic effort to blame somebody else. The minister did that before the end of last year when he issued his press releases saying the Liberal and National parties were holding up the bill and it would make all the difference in the coming fire season. Late last year we had the scare campaign, the effort to try and unsettle the members of the Country Fire Authority by saying that because the bill was being amended the fire season would be more difficult to deal with.

Now, as we are on the brink of Easter and hopefully an autumn break — if we are lucky enough to have one — there will be less fire danger, so the government is trying to think of new reasons why amending the bill is an absolute affront to CFA volunteers. They have come up with the idea that they alone are the caring, sharing Labor Party with respect to volunteers.

I would have thought that with the imminent departure from the Labor Party of Mr Marshall, the secretary of the firefighters union, they might have had a rather more refreshed attitude about the matter. But apparently because he has not yet resigned they are still stuck in the mode of, ‘You do what we say or nothing’. I suppose if that is the case it is time the government was given a rather bloodied nose over the matter by the Legislative Council. What the other place should do is insist on its amendments and see if it can make some advisory moves to give the government an understanding that it takes two houses to pass legislation; it takes compromise and discussion.

Unfortunately, as the honourable member for Werribee would be well aware, the Minister for Police and Emergency Services is a minister with whom it is intensely difficult to have a rational discussion. I am sure she would have found how difficult it is to have a rational discussion with the Minister for Police and Emergency Services, as would many other members of this house. He does not seem to understand that he can have 90 per cent of the bill but he cannot have the bit that would give him control of the CFA board. That is the understanding that is missing. The honourable member for Burwood does not understand that he can have all the bill excepting the bit about the minister having control of the CFA board. It is something which CFA volunteers understand. They understand that the opposition and the National Party together have taken the stand that they are not prepared to allow the CFA board to be appointed by the minister.

We heard from the honourable member for Burwood what I suppose was his view about the inappropriateness of the involvement of the Victorian Employers Chamber of Commerce and Industry. Apparently he also has some view that the distance from Melbourne, the attempt to get representatives from broader rural and regional Victoria rather than simply having a couple of outer suburban representatives, is an inappropriate move. I suppose he is, in effect, rejecting the Legislative Council and rejecting the idea that a Labor government cannot do exactly what it wants.

Perhaps he is used to a more authoritarian tradition in which a single leader gives directions down the line and everybody snaps to, but that is not the parliamentary tradition. The parliamentary tradition is that inevitably there are compromises to be made. If you want your bill and you want to get the provisions of the bill, you seek accommodation with those who might have a different view. You do not just say that all the good is on one side and all the evil on another. You do not say that the Legislative Council ought not to be there. Wishing it away will not see it go.

As a former Labor Premier of this state said to me at the Caulfield races, ‘The government seems not to know what power is about. It doesn’t seem to know that you will only get constitutional reform in Victoria by compromise — discussion first and compromise’. This was the Premier who conducted an eight-month discussion with the National and Liberal parties and achieved a constitutional settlement which the present government now wants to change.

He was intensely proud of his willingness to be flexible and his willingness to argue — and it was not always

positive. It did not always go in just one direction. Sometimes for internal reasons there was backtracking by one party or the other but, in the end, goodwill, good sense and compromise won out.

It seems that at the two-year mark this government still has not learnt compromise. I can only suggest that its members read that former Premier's biography. So many of them seem not to have read John Cain's book because they seem to have missed the lesson it contains.

**Ms Allan** interjected.

**Mr MACLELLAN** — There is one uneducated one. She probably thinks I am recommending the senior John Cain's book, but I am not. I mean the most recent John Cain, the one you might have met.

Ask him for a copy of his book. Just borrow one and read it and see the messages that are there for you, because the messages are all about how Labor governments get derailed. There are also messages to be learnt about how progress can be made, how we can evolve reasonable steps forward which do not include giving the Minister for Police and Emergency Services the power to stack the CFA board. If that means that the scatterguns and the other provisions do not go forward, I suppose that is what happens.

If the government wants to be stubborn and silly about it, that will be the outcome. It looks to me as if the honourable member for Burwood was telling us, if I read him correctly — and of course he does not have any CFA services in his electorate — that that is just the silly sort of thing the government intends to do. It would rather not have the bill if it cannot have the power to stack the CFA board. That is its choice. It is the government. What the government cannot expect is that the opposition and the National Party are going to fall in a heap and say: to get the scattergun provisions we will let you stack the board. It is not going to happen.

**Mr Spry** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Pakenham should ignore interjections.

**Mr MACLELLAN** — Not only ignore interjections, but ignore the people making them, I suppose. Because the honourable member for Bellarine is such a distinguished member of this house I naturally paused to listen very carefully — —

**The ACTING SPEAKER (Mr Kilgour)** — Order! He is also out of his place and disorderly.

**Mr MACLELLAN** — I think it is all the more important that we should listen because, as I was saying, we must listen, we must discuss and we must compromise. There is no real chance, I think, that by listening, discussing and compromising, we are going to find a mechanism for giving the Minister for Police and Emergency Services, of all people, the power to make appointments to the CFA board and expect that 63 000 volunteers are going to be happy with that. The signal we are getting from the volunteers is that they would prefer not to have the minister appoint the board. They would prefer to have a board which is independent of the government and which reflects that.

**Ms Duncan** interjected.

**Mr MACLELLAN** — Do you have a problem? I thought you might have a problem with an independent board. I thought you might have a problem with CFA members expressing — —

**Ms Duncan** interjected.

**Mr MACLELLAN** — It has been independent.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The contribution in this debate is supposedly coming from the honourable member for Pakenham. The member on my right has had her opportunity on a previous occasion. I ask the honourable member to ignore interjections from across the chamber. The honourable member for Pakenham, without assistance!

**Ms Duncan** interjected.

**Mr MACLELLAN** — I am sure the honourable member for Gisborne, who is still interjecting, Mr Acting Speaker, does not need to have the answer to the question, but the answer is that it was introduced so that if an organisation refused or failed to make appointments, then the minister could make appointments.

**Ms Duncan** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! I remind the honourable member for Gisborne that she has made her contribution to this debate and I would ask her to cease interjecting.

**Mr MACLELLAN** — She makes such wonderful and intelligent contributions to the debate that I think she should be encouraged. She is another one of the only people in the house that have a grasp of the

situation! She is one of these rare creatures that has this deep and penetrating understanding of things. Not only that, she has this wonderful ability to point out the shallowness of other people, how they do not understand as deeply and intuitively as she does.

**Ms Duncan** interjected.

**Mr MACLELLAN** — The honourable member now says that I choose to mislead. I was not misleading the honourable member. I was simply saying that in my view the opposition does not wish the minister to make the appointments; that if the government wants the other parts of the bill there is a need to compromise; and that the bill is unlikely to proceed with a power for the minister to make appointments, because this particular minister does not have the confidence of the CFA volunteers to enable him to make the appointments while leaving them with the feeling that it is their organisation.

In other words, putting it frankly, neither the opposition nor the National Party trusts this government. Too many appointments reflect untalented people who come from the right faction, branch or background and are not associated with independence. I think the CFA and its volunteers are looking to the opposition to take a stand on the matter. I see the bill disappearing, because there seem to be signals from the government that if it does not get what it wants it would rather lose it.

If I asked the CFA volunteers in my area whether they wanted a board appointed by the minister the answer would be no. It would be no, whether it was a Liberal Party minister or a Labor Party minister.

**Ms Duncan** interjected.

**Mr MACLELLAN** — The honourable member for Gisborne is again saying, ‘Rubbish!’, because she does not believe the CFA volunteers in my area would say they do not want a Liberal Party minister appointing the CFA board. I suggest she might one day go and ask them. When asked the direct question, ‘Would you like either a Liberal Party minister or a Labor Party minister to appoint the CFA board?’, the answer from the CFA volunteers is, ‘No, we would like an independent board’. The honourable member for Gisborne has trouble with that concept, because she is used to the idea that she is in government and that what she wants happens. She has no appreciation or understanding that compromise, let alone compromise with another place, is essential for the progress of the bill.

All I can say is that the honourable members for Gisborne and Burwood and the minister will have to learn that one of the things that is needed as part of the

parliamentary process is that the Legislative Assembly and the Legislative Council agree. On this occasion there is strong disagreement. There does not seem to be any effort to try to reach the middle ground, and it seems that a stance will be made on both sides — from the government, saying no to the bill; and from the opposition, saying no to the minister’s power to stack the CFA board.

**Ms GILLETT** (Werribee) — It is my distinct and unique pleasure to follow my colleague the honourable member for Pakenham in this debate on the Country Fire Authority (Miscellaneous Amendments) Bill. I knew that if I lived long enough I would hear members on the other side who had been part of the Kennett government lecture this government on discussion and compromise being the only ways to get what you want. It is beyond belief their saying that only by discussion and compromise is a government able to achieve its agenda!

We cannot afford to lose our sense of humour in this place, so I guess there was discussion and compromise when 100 000 unionists marched up Bourke Street and the Kennett government listened to them. It compromised and discussed? No! I guess it was discussion and compromise that came from the previous Premier when he decided that the best place to put a toxic dump was in Werribee. Of course he listened and he compromised — not one iota! So to hear my colleague the honourable member for Pakenham talk about discussion and compromise being the only ways for a government to achieve its objectives I find remarkable and laudable, as well as the most dramatic conversion on the road to Damascus I have ever seen or read about anywhere in my entire life. I applaud him for the life-changing approach that has overcome him.

I only wish it could also overcome some of his colleagues in the upper house, who, on the contrary, are not interested in discussion and compromise. Indeed they criticise this government roundly for its capacity to discuss, listen and engage with the Victorian community. The upper house is not interested in discussion or compromise. It is interested in having its own way. Upper house opposition members are interested in asserting their rights — some strange notion of a born-to-rule right — to dictate to a government what it can and cannot do.

The Country Fire Authority (Miscellaneous Amendments) Bill is a terrific piece of legislation. As my colleague, the honourable member for Burwood, indicated before the honourable member for Pakenham

made his contribution, some 63 000 volunteers are affected by various aspects of it.

I think I have recovered sufficiently from the discourse of the honourable member for Pakenham on discussion and compromise being the road to success to talk a little about the bill, why it is so important and why the issue that seems to be obsessing opposition members of the upper house is really trivial and minor and ought to be forgotten about.

The board as it is now constituted is not being changed in any massive or sinister way. The Attorney-General appoints judges and the judiciary remains independent, and there is no reason that the same principle cannot flow to appointments to the board of the Country Fire Authority (CFA). I find the argument that the minister will directly interfere and put his or her own people into positions a bit difficult to cope with. For seven years the Kennett government had no checks and balances attached to it and had no imperative to discuss or compromise with anybody — and as a consequence it did not.

On the other hand, this government has a powerful set of disciplines that require it — even if by nature it was not inclined — to discuss and compromise, which it is. But even if it was not, it operates in an environment where it has a hostile upper house, where it must cooperate, listen, discuss, compromise and meet the needs of three important Independent members of Parliament. So I reject the notion that the government is somehow untrustworthy and cannot be trusted to make appropriate appointments. The Attorney-General has made some fine appointments to the judiciary, and the judiciary remains independent.

The bill does a number of important things. One major aspect is that it is designed to enhance public safety. It is designed to simplify the evidentiary provisions regarding total fire ban days for court proceedings. The CFA regards this as an important amendment to assist with total fire ban prosecutions. The amendments will allow the chief executive officer of the CFA to sign a certificate certifying that a total fire ban day was declared on a particular day. That certificate will then be taken as evidence in a court that there was a total fire ban on the day recorded on it. It is simple and straightforward and is an important improvement. At present the original declaration of a total fire ban day is required, and this gives rise to difficulties when prosecutions are occurring simultaneously at different locations in the state. In the past some prosecutions for lighting fires on a total fire ban day have failed because of the unavailability of the original certificate.

The second major aspect of the reforms in the bill requires municipal councils to approve their municipal fire prevention plans and allow the CFA to audit such plans. The legislation takes a proactive approach to give councils and the CFA a better set of working arrangements one with other. The CFA regards this as an important amendment to promote and prioritise fire prevention planning in local councils. The amendment will further expand the importance of the municipal fire prevention plan by requiring councils to formally approve such plans and any amendments to them. The amendment is seen as an important community safety action by raising the status of rapid community response plans and ensuring that preparedness of the local community for events involving fire are given a high priority.

The third aspect of the bill is its capacity to clarify the fire protection responsibilities between councils and the Department of Natural Resources and Environment. The CFA regards this as an important amendment to ensure that the act is clear on these areas of responsibility for municipal councils and DNRE. At present the act is unclear on the power of councils to develop fire prevention plans which cover land which DNRE is responsible for managing. The amendment will provide clarification of a council's power by clearly stating that councils are only empowered to develop fire prevention plans in areas which are not controlled by DNRE. The act already requires municipal fire prevention committees which are responsible for land adjacent to DNRE land to have a DNRE representative on their committees.

One of the most important aspects of the bill deals with provisions for volunteer compensation. This part of the bill attempts to clarify the entitlement of all CFA volunteers to compensation. The amendment is needed to ensure that all CFA members, including applicants, have access to compensation if they are injured while acting as a CFA member. Obviously the CFA regards this as a critical amendment because the wellbeing of volunteers and their families is fundamental to the ongoing success of CFA operations. This amendment will address any doubt that may remain about the availability of compensation to applicant volunteers and members, those who have newly joined the CFA but have yet to have their applications officially accepted but who may suffer injury or damage while they are fighting fires. The act is currently unclear on the status of applicant members and this amendment will provide certainty that applicant volunteers, often young people, and members are afforded the same compensation protection as other fully appointed members.

One of the final aspects of the bill is to make provision for improved fire safety regulation. The bill aims to provide extra regulation-making powers to prescribe and impose restrictions on certain devices like gas scatterguns in times of high fire danger. These gas-powered scatterguns are frequently used to scare birds in orchards, vineyards or other rural or regional areas. In times of extreme fire danger these devices can pose a significant fire risk. This amendment will allow regulations to be made that may require certain safety measures to be taken if these appliances are used during a fire danger period. The provision will allow for various farm devices to be prescribed in the regulations and their use in a restricted manner that will minimise any potential fire risk in times of high fire danger. The devices will be prescribed only after consultation with industry groups and the wider farming community. It is further testament to the capacity of this government to discuss, compromise and get things right by talking to people who are directly involved.

The bill originally proposed to replace two Insurance Council of Australia members on the CFA board with ministerial nominees. This appointment method would have been completely consistent with current practice and was provided at the request of the Insurance Council of Australia (ICA). The opposition opposed the proposal and, as a result, the bill was amended by the government in the lower house to reinstate the status quo.

However, the opposition then opposed the amended bill in the upper house after the Assembly had risen. It reintroduced the board structure issues and amended the bill to delete the two existing ICA positions from the board and replace them with one from the Victorian Employers Chamber of Commerce and Industry and the other from the Victorian Farmers Federation. This delayed the required public safety improvements and volunteer compensation changes, creating completely unnecessary delays and problems with the CFA, and more importantly, unnecessary and totally unacceptable risks for the community and Country Fire Authority volunteers.

The five aspects of the bill that I have just covered are important matters for the CFA. They have significant implications for its operational effectiveness, and importantly, for public safety. Debate about the board is really best addressed as a separate issue because of the inevitable controversy it involves across a broad cross-section of community stakeholders. This issue should not be allowed to hold up the five important changes that the CFA needs through this current piece of legislation.

It is important for me to pay tribute to our volunteer brigades, as the honourable member for Pakenham did because he looks after a growth corridor just as I do. This piece of legislation is actually trying to look after those volunteer brigades, care for them and indicate that we want them protected in every sort of way.

I am privileged to have five CFA brigades operating within the boundaries of the current state seat of Werribee — the Truganina fire brigade; the Little River fire brigade; the Werribee CFA brigade, which is the oldest in my area; the Hoppers Crossing fire brigade, amongst the newest and the most dynamic; and a little CFA brigade at Wyndam Vale, which is growing very quickly.

We are privileged to have waiting lists in each of those brigades for volunteers. We are also privileged as a community to have young people, women and members of all cultural and ethnic backgrounds represented in those brigades.

People need to know and understand, and probably have it publicly said, that CFA brigades do much more for a community than look after it in times of fire danger. CFA brigades, certainly in Melbourne's outer metropolitan ring and into rural and regional areas of Victoria, are important community structures as well. They are part of a community-building infrastructure that is invaluable in growing communities, because skills are learnt in a CFA brigade and friendships are made not just between individuals but between families. I know that in the Werribee and Hoppers Crossing brigades there are families whose children and grandchildren are in the same brigade as their mums and dads or grandmas and grandpas, and it is a fantastic thing to see.

I would find it a terrible waste and a great shame if the obsession of the upper house members with some bizarre view that the minister is trying to rule the universe through making two appointments to the CFA board rendered them incapable of seeing the enormous benefit that this piece of legislation will have for our communities that are served by CFA brigades. The legislation also gives important recognition to CFA volunteers, who heaven only knows do a fantastic job for us every day of the week, even if there are not fires to be put out.

With those few remarks I commend the bill in this chamber and wish it a safe and speedy passage in the other place, where I hope that good sense and commonsense will prevail.

**Mr RICHARDSON** (Forest Hill) — It seems to me that we have been down this path before. The Labor Party has always been trumpeting its view that the Legislative Council should act as a house of review, that it does not and because it does not it should be abolished, reconstructed or changed in some way. But the reality is that when the Legislative Council does act as a house of review the Labor Party hates the whole idea, calls it obstructionist and regards it as unrepresentative because it is not dominated by the Labor Party. The reason the Legislative Council is not dominated by the Labor Party is that the Labor Party did not get enough votes!

**Ms Beattie** — Who has your seat?

**Mr RICHARDSON** — It is not the Labor Party that has my seat, I will tell you! The fact is that in the case of this bill the Legislative Council has acted as the Labor Party says it should, as a house of review.

I am so pleased the honourable member for Gisborne is here. I will be looking forward to this. This will be nice; this will be lovely. If I flag at all, will the honourable member say something, and get me — —

**Ms Duncan** interjected.

**Mr RICHARDSON** — Yes, just crank it up.

The Labor Party is now upset because the Legislative Council has acted as it has always said it should — that is, as a house of review. It has reviewed the flawed legislation that has come forward from the Labor government and has found there is one component of it with which it does not agree. It does not agree with that component which would enable the Minister for Police and Emergency Services to appoint two members of the Country Fire Authority (CFA) board, because quite frankly it does not trust this government. We do not trust that minister to act in the best interests of the Country Fire Authority. Rather, we believe he will act in the best interests of the United Firefighters Union.

It is curious that the minister has this link with the UFU when the secretary of the union has just given the Labor Party the flick. He is going to leave and has threatened to take the whole union with him, along with Dean Mighell and the Electrical Trades Union. So it is all starting to get a bit schizophrenic over there, and you have to work out what you are going to do with the United Firefighters Union. That is the problem.

With all of the other components of the legislation we have no objection. They are eminently sensible, and there is just that one component. The honourable member for Burwood — that charismatic and imposing

figure — suggested there was something curious about the view that the Victorian Employers Chamber of Commerce and Industry should be approached to provide a member of the board, along with the Victorian Farmers Federation, and he spoke as if the Victorian Employers Chamber of Commerce and Industry only inhabited the boardrooms of Collins Street and the big end of town, which shows that he has not been out of town much himself. There are businesses operating, there are shops and factories and there are people who belong to the Victorian Employers Chamber of Commerce and Industry in rural and regional Victoria — the very place where the Country Fire Authority has the responsibility of protecting their communities.

So it is eminently sensible that the Victorian Employers Chamber of Commerce and Industry should be involved in the board activities of the Country Fire Authority. And since the Country Fire Authority fights most of its fires on farmland, it also seems to me eminently sensible for the Victorian Farmers Federation to have a representative on the board.

We are talking here about representatives on the board of the CFA. We are opposed to a suspect minister in a suspect government having the power to appoint people he chooses to an important board of this kind. We believe the board should be representative and take into account the interests of all the players who have a stake in the reason for the Country Fire Authority's existence. It should not be something a Labor minister can manipulate to serve his own interests or those of particular trade union groups.

Let it be made quite clear that the United Firefighters Union has been trying to knock off the volunteers for years and years. The UFU sees this as its great opportunity. With a suspect minister and a suspect government stumbling from day to day, this is the chance! And the minister, of course, said, 'We've got a problem with the United Firefighters Union. This is my chance to try and stitch something up with them'. It is all starting to fall into place. The outcome, of course, would be the domination of the CFA board by people whose interest is in changing forever the structure of the Country Fire Authority, because to them the volunteers are the enemy.

Just as we found during the previous Labor government — those disgraceful years of Cain and Kirner — volunteers of any kind were the enemy. Those two Labor governments during the 1980s and 1990s did everything they could to undermine volunteerism. It was very curious during the International Year of Volunteers that we had the Labor

Party jumping up and down saying what great work volunteers were doing and wasn't volunteerism such a wonderful thing when during the Cain and Kirner years the union-dominated Labor government did everything it could to undermine volunteerism and put in its place paid union members to do the jobs that volunteers had been doing so willingly and effectively for so many years.

Not surprisingly during that period the public service, the people on the public payroll, increased at a rate greater than the increase for the entire nation. That is what they are after. That is what is really behind the proposition now before the house and which was before the Legislative Council. The Legislative Council saw through it and said yes, the bill as a whole is fine, except for that bit that allows this minister in this government to appoint two people to the board of the Country Fire Authority. The authority is too special and too precious to become the plaything of somebody like André Haermeyer. It has served the community too long for us to allow this to happen. The 63 000 volunteers who risk their lives and sometimes lose their lives are too special to be placed in jeopardy of this kind.

So the government has a choice. It can follow the advice of the honourable member for Pakenham, who has served in this place for slightly longer than I have and has seen governments and ministers come and go. He has seen change and continuity, and he gave some sensible advice to the government — that is, that you cannot achieve your objectives by bluff and bluster and confrontation all the time. If you want to achieve an objective when there is some disagreement, you need to talk about it with the person who is disagreeing. But all this government has done is to shout 'Obstructionism!'. It appears it has chosen to lose all its legislation unless it can have all that it wants. It appears that it is not prepared to engage in further discussion on the sticking point, which is the unacceptability of a suspect minister and a suspect government having the power to appoint members to the Country Fire Authority board. That is what it is about. If there can be some movement on that, there is every possibility of the entire thing being agreed to.

Unless the government is prepared to follow the wise counsel of the honourable member for Pakenham it will not achieve its objective. It will do a great disservice to the CFA; and it will do a great disservice to people in rural and regional Victoria.

I remind the government that its responsibility is not to do disservice to the people, but to serve, and serve well, the people it was elected to serve. If it persists on its

present course it will be doing a grave disservice rather than providing good and faithful service.

**Ms LINDELL** (Carrum) — It gives me great pleasure to contribute to debate on the Country Fire Authority (Miscellaneous Amendments) Bill. It is an important piece of legislation for my constituents in Carrum, who have been serviced over many decades by fine Country Fire Authority units at Edithvale, Chelsea and Carrum. I certainly would like recorded my appreciation and the appreciation of the community I have the honour to represent of the volunteers in the CFA units who are so much a part of my local community and who give many hours of their leisure time and the time of their families to provide the most excellent service possible.

The responsibility of those of us who legislate is to ensure as much as possible that we provide for the CFA the very safest conditions possible. The legislation attempts to do that by banning the use of gas-fired scatterguns at times of high fire risk; by strengthening the enforceability of municipal fire prevention plans; and by clarifying the availability of compensation to all volunteers injured while firefighting.

We have a grave responsibility. In my electorate the municipal reorganisation left quite a complex arrangement, where the northern part of the City of Kingston is covered by the Metropolitan Fire Brigade while the southern part is covered by the CFA. When the commissioners came into office they had no ideas about a municipal fire plan. South of the Mordialloc Creek we still struggle to have the municipal authority react and be responsive to the needs of the CFA; it is a very difficult area. The bill was to be passed to help the CFA and to promote and prioritise its fire prevention plans in local council.

My contribution will be brief. As I said, I particularly express my appreciation and that of my local community to the CFA units at Edithvale, Carrum and Chelsea.

**Debate adjourned on motion of Mr ROWE (Cranbourne).**

**Debate adjourned until later this day.**

## SELECT COMMITTEE ON THE URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR

### Assembly ministers

#### Message received from Council seeking concurrence with resolution.

##### *Council's resolution:*

The Legislative Council requests that the Legislative Assembly grant leave to the Honourable S. P. Bracks, MP, Premier of Victoria, the Honourable J. W. Thwaites, MP, Deputy Premier of Victoria and Minister for Health, and the Honourable J. M. Brumby, MP, Treasurer, to attend, if they think fit, to be examined as witnesses, and give evidence before the Select Committee of the Legislative Council on the Urban and Regional Land Corporation managing director and answer questions in relation to the committee's terms of reference.

#### **Mr HULLS (Attorney-General) —** By leave, I move:

That this house refuses to consent to the honourable ministers appearing before the select committee of the Legislative Council on the Urban and Regional Land Corporation managing director.

This upper house inquiry is a sham. It is a Star Chamber and it already has a predetermined outcome because, as we well know, in January last the Leader of the Opposition gave to this inquiry its riding instructions. He made it clear that the upper house inquiry had to find somebody guilty of something; in fact, on the Neil Mitchell program the Leader of the Opposition said that the process was dodgy: it showed that the Premier lied to the people of Victoria. He said, 'Let's have an inquiry to find out if that is the case'. The fact is he has already indicated what the predetermined outcome of any inquiry is and has decided to set up a sham inquiry to try to give some cover of credence to his outrageous accusations.

Not only is the upper house inquiry a sham, but the process to set it up was without precedent and totally inappropriate. As we know, when normal inquiries are set up — if they are fair dinkum — they will have a member of one party as the chair and a member of another party as the deputy chair. What has happened with this inquiry is that it is being chaired by the Honourable Neil Lucas, a member of the Liberal Party, and the deputy chair — despite the fact that the Labor Party nominated members to be deputy chair of the committee — is the Honourable Roger Hallam. They have breached all relevant precedents in relation to the setting up of this particular inquiry.

Further, and it is already on the public record, statements have been made by me and others in relation to the fitness of the chair of this inquiry to be in that position.

**Mr Perton** — On a point of order, Mr Speaker, I note you already have the standing orders in your hands; I am sure you have been listening to the Attorney-General's speech and are having the same thoughts — that is, there is a prohibition on any member of this house casting aspersions on a member of the other house. As you would have heard, the Attorney-General has commenced to go down that path. I ask you to bring him back to order and prevent him flouting standing orders in that way.

**The SPEAKER** — Order! I do not uphold the point of order raised by the honourable member for Doncaster but I bring to the attention of the house standing order 97, which states:

No member shall use offensive words against either house of Parliament; nor against any statute, unless for the purpose of moving for its repeal.

I ask the Attorney-General not to offend against that standing order.

**Mr HULLS** — I certainly will not cast any aspersions on any individual members of the upper house, save to say that the entire upper house is an absolute blight on democracy in this state. For goodness' sake — in what other job in Australia do you only have a performance review every eight years!

So what we now have is an unrepresentative upper house conducting a mickey mouse witch-hunt into an appointment that never went ahead. The establishment of this select committee is an abuse of the power of the Legislative Council, a place that has become a retirement village for village idiots! Talking about cryogenics, one might describe it as a cryogenic chamber — —

**Mr Maclellan** — On a point of order, Mr Speaker, there is a possibility that you were distracted by seeking a book to find a precedent, but I rely on the fact that you would have at least heard in part the Attorney-General describe the other place as a place of village idiots. I suggest to you that he has breached standing orders applicable in relation to references to the other place, and that you should bring him to order.

**The SPEAKER** — Order! I am of the opinion that the Attorney-General is using offensive words against the upper house, and I ask him to withdraw those particular words and refrain from doing so.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the honourable member for Doncaster to cooperate by not interjecting.

**Mr HULLS** — I certainly withdraw the comment that the upper house is a retirement village for village idiots, because I was actually referring only to coalition members!

**The SPEAKER** — Order! It has to be an unequivocal withdrawal.

**Mr HULLS** — I withdraw, Mr Speaker.

Proof of the fact that this inquiry is nothing other than a political witch-hunt is not only that the comments already made by the Leader of the Opposition pre-empt the outcome of this inquiry, but also the fact that the upper house did not conduct an inquiry in seven years under the Kennett regime. Worse than that, it did not amend any legislation in seven years. It was nothing more than a rubber stamp under the Kennett regime!

**Mr Perton** — On a point of order on the question of relevance, Mr Speaker, this is a debate on a motion moved by the Attorney-General himself that this house refuses to consent to ministers appearing before the select committee of the Legislative Council on the appointment of the Urban and Regional Land Corporation's managing director. It is not a debate on the Attorney-General's views on the upper house, upper house reform or the performance of the upper house — the question is whether these ministers should appear before an upper house committee to answer very serious allegations. The Attorney-General should be confined to debating the question of why this house should refuse to consent to having these ministers appear and not using it as an excuse for a general diatribe against the upper house.

**Mr HULLS** — On the point of order, Mr Speaker, my comments are directly related to the motion, because what I am setting out are reasons why the Premier, the Deputy Premier and the Treasurer ought not to appear before the upper house committee. I am going into the history of the upper house and its history in relation to inquiries, and how this inquiry is unprecedented — and that is one of the bases under which there is no merit at all in those ministers appearing before the upper house committee. My comments about the upper house and its inactivity under the Kennett regime are absolutely on point.

**The SPEAKER** — Order! I am not prepared to uphold the point of order at this stage of proceedings. However, I warn the Attorney-General that he does not

have free reign: he must relate his terms to the context in which he has framed his motion.

**Mr HULLS** — The fact is that after seven years of cryovac inaction, the upper house has now decided that they ought to have an inquiry. They have now conducted or at least commenced two inquiries so far, both inquiries being no more than political witch-hunts.

The Premier should not, and nor should the Deputy Premier or the Treasurer, involve themselves in what is an abuse of process by the upper house in what is no more than a kangaroo court. When you look at not only the way this inquiry was set up but the processes that have been undertaken since the inquiry was set up, you can only come to one conclusion, and that is all relevant conventions and precedents have been breached, and indeed the inquiry itself is an absolute and utter abuse of process.

Further to that, if anyone has taken any notice of what has occurred in the upper house inquiry and of the evidence that has been given before that inquiry — and I am sure certain members on that side of the house have, not the least of whom is the honourable member for Hawthorn, who is now entering the house; I am sure he has taken great note of what has been happening in that upper house inquiry because he actually got a mention — they would know the only evidence that has come out in this upper house inquiry is the fact that one of the key witnesses admitted they are a friend of, in fact a golfing partner of, the former Treasurer, Alan Stockdale, and that the other key witness has admitted they are a friend of the honourable member for Hawthorn. They are the only key witnesses who have given any evidence to support the allegations made by the Leader of the Opposition.

But it is a bit more disturbing than that. I say that as the honourable member for Hawthorn leaves the chamber, and now comes back. He realises he may well have a case to answer himself, because evidence that was given by one particular witness before the upper house inquiry indicated that the honourable member for Hawthorn had indeed spoken to her prior to her giving evidence. That is the evidence that has come out in the inquiry.

**Mr Perton** — On a point of order, Mr Speaker, the Attorney-General has just flouted the rules against casting an aspersion against another member of this house in using the words that the honourable member for Hawthorn might have a case to answer, and the route that he is travelling along now would clearly flout the rules of this house.

**The SPEAKER** — Order! I caution the Attorney-General that he must not cast aspersions in the comments he makes in relation to any other member. However, I am of the opinion that that was not in fact the case with the remark made by the Attorney-General. Therefore, I am not prepared to uphold the point of order.

**Mr HULLS** — Sensitive little flower.

**Mr Robinson** interjected.

**The SPEAKER** — Order! The honourable member for Mitcham!

**Mr HULLS** — I will not take up the interjection of the honourable member for Mitcham, who said he is more like a weed than a flower.

**The SPEAKER** — Order! It would be most disorderly to take up the interjection. The honourable member for Mitcham should not be interjecting.

**Mr HULLS** — We have had evidence given by a friend of Alan Stockdale, a golfing partner, and we have also had evidence given by a friend of the honourable member for Hawthorn. So as you can see, this is earth-shattering stuff. What we have now is an invitation being issued purely as a political stunt. This inquiry has absolutely backfired on the opposition and it is trying to breathe more air into it by pulling this political stunt and suggesting that the Premier, the Deputy Premier and the Treasurer ought dignify the upper house, ought dignify this mickey mouse witch-hunt by giving evidence before — —

**The SPEAKER** — Order! I ask the Attorney-General not to use such terminology in describing the upper house.

**Mr McArthur** — On a point of order, Mr Speaker, in rising on this, can I point out to the Attorney-General that this invitation is entirely in accord with the procedures and customs between the houses. It is in accord with the practices advised by *May*. There is nothing unusual about it. It is in the best traditions of both places.

**The SPEAKER** — Order! It seems to me that the honourable member for Monbulk is making a point in debate. He will get the call at the appropriate time. There is no point of order.

**Mr HULLS** — So it would be totally inappropriate for any member of this place, let alone the Premier, the Deputy Premier and the Treasurer, to dignify the upper house inquiry by attending before it.

The other point that needs to be made is that since we have come back in this sitting of Parliament there have been something like 25 opportunities given to the opposition to ask questions of members of the government. I do not recall — and I have been here at question time each day — one question being asked about this particular matter that is so earth-shattering — not one question. The opposition now says the fact that it has not asked any questions about this matter should not be relevant, and that despite that the Premier should waste his time, the Treasurer should waste his time and the Deputy Premier should waste his time by going before an inquiry that, as I have said, is nothing more than a political witch-hunt. It would be totally inappropriate for the Premier or any other member of this place to dignify this inquiry by so doing, particularly when you take into account — —

**Dr Dean** — On a point of order, Mr Speaker, as I understand it this committee is made up of members on both sides of the upper house and is a committee that has been put together by that upper house. To therefore say that the upper house would put together a witch-hunt when referring to a committee that has been duly and appropriately put together — to suggest that the upper house committee legally and appropriately constituted from both sides of the house would be a witch-hunt — is to cast aspersions on the upper house. I ask you to ask the minister to withdraw the allegation that the upper house would create a witch-hunt.

**The SPEAKER** — Order! I do not uphold the point of order. I indicated earlier that an honourable member in participating in this debate should not use offensive words. I deem those not to be offensive words.

**Mr Perton** interjected.

**The SPEAKER** — Order! The honourable member for Doncaster!

**Mr HULLS** — I recall being in this place — —

**Mr Perton** interjected.

**Mr HULLS** — Good! I'm glad you do. I will take up that interjection.

**The SPEAKER** — Order! It is disorderly to take up an interjection.

**Mr HULLS** — The honourable member says he recalls when I was in opposition, and so do I, and I recall — —

**Mr Perton** interjected.

**The SPEAKER** — Order! It is also disorderly to interject. I ask the honourable member for Doncaster to cooperate with the Chair by not interjecting.

**Mr HULLS** — I very well recall the KNF scandal. I very well recall the casino tender process scandal. I very well recall the nobbling of the Director of Public Prosecutions. I well recall the Intergraph scandal. I well recall the share deals scandal. I well recall the credit card scandal. I well recall the dirty, rotten privatisation deals. How many upper house inquiries were there at that time into those dirty rotten stinking deals? Not one!

**The SPEAKER** — Order! The Attorney-General is now straying far and wide from the motion he has moved. I ask him to come back to within the confines of the motion.

**Mr HULLS** — I would like to say they were the good old days, but they were the rotten old days. There was not one inquiry into any of those matters, yet now we have a political witch-hunt conducted by the upper house into the appointment of the chairman of the Urban and Regional Land Corporation. What we are now expected to do is dignify this witch-hunt by allowing the Premier and other ministers to appear before that upper house inquiry. Not on your life! Absolutely not at all!

The upper house inquiry also wants to have ministerial advisers appear before it. So not only is the inquiry attempting to breach all relevant precedents and protocols in relation to ministers, but also it wants ministerial advisers — indeed it has attempted to subpoena ministerial advisers — to give evidence in relation to this matter.

**Mr Perton** interjected.

**Mr HULLS** — The honourable member would know that it is a well-established —

**Mr Perton** interjected.

**The SPEAKER** — Order! The honourable member for Doncaster!

**Mr HULLS** — It is a well-established parliamentary principle and a well-established parliamentary rule that a house of Parliament cannot compel a member of another house to appear before it. Of course this rule reflects the relevant House of Commons practice.

Clearly it would be a breach of privilege for a committee of the Legislative Council — or the Legislative Council itself — to use any coercive powers

against a member of the Legislative Assembly. That is a longstanding principle.

I remind honourable members that ministerial advisers are actually engaged to advise ministers in their political and not their executive capacity. Indeed, if a minister is protected then that protection should not be able to be circumvented by the summoning of ministerial advisers.

The criticism that is spewing across from the other side of the chamber will start to become a little bit quieter when I quote none other than the Prime Minister to support my argument. None other than Honest John Howard fully supports what I am saying. Honourable members will recall the recent media headline, ‘Howard gags key figures in boat row’. Some would say that Honest John is a man of precedent, and he has decided that the proper precedents and the proper principles ought be followed. As a result, he has said that it is inappropriate, unprecedented and a breach of all practices for ministerial advisers to appear before the Senate inquiry. Not only that, he has the full support of his entire cabinet.

Honourable members may recall the article in the *Age* of 12 March, which states:

Cabinet yesterday decided to block the Senate’s request to question key ministerial staff ...

You will notice the difference between what that Senate inquiry did and what the inquiry of the upper house of this Parliament has done. The Senate inquiry actually invited people to appear. That is the precedent that has been followed, and that is the practice. Despite the fact that these ministerial advisers have been invited, the Prime Minister has said, ‘No, they are not coming along because it is a breach of precedent. They are not members of the executive, they are political advisers; therefore, they are not going to appear’.

That practice has not been followed here. This mob in the upper house — these opposition party members conducting this upper house inquiry — have decided to chuck all precedents and all normal practices out the window and go straight for the subpoena, without giving any invitation not just to ministerial advisers but to any witnesses at all. That is a total breach of practice and a total breach of procedure, and if anyone disagrees with me I am happy to receive any correspondence from them and I will send it on to John Howard and we will send them a joint opinion.

The other issue that has been raised is the request, ‘Give us your legal advice’. There are some lawyers over on the other side of the house. They well know that legal

advice is covered by legal professional privilege. All lawyers worth their salt — all lawyers who did not get their qualifications out of a Weeties packet — understand that.

**Dr Dean** interjected.

**The SPEAKER** — Order! The honourable member for Berwick!

**Mr HULLS** — I recall — and I have to say, to be honest — —

**Mr Perton** interjected.

**The SPEAKER** — Order! The honourable member for Doncaster!

**Mr HULLS** — I now fess up that from time to time when we were in opposition, and this is a true confession, I used to ask for — nay, demand! — that the government of the day release legal advice. I used to do it because I knew that when it did not release it I could go out to the media and say, ‘Look, they are covering up! They are not releasing the legal advice’, but I well knew that that legal advice was covered by legal professional privilege.

**Mr Perton** interjected.

**The SPEAKER** — Order! I ask the honourable member for Doncaster to desist.

**Mr HULLS** — We all play these political games from time to time. It would have been nice had the government released its advice but I knew it would not release it, and I knew that by asking for the advice I would probably get a bit of a political run.

There is a whole range of examples of the former Kennett government refusing to release legal advice because it was covered by legal professional privilege. There is a plethora of examples in the Victorian Civil and Administrative Tribunal and in other areas where legal advice was sought and where the government refused on the ground that it could not be released because it was covered by legal professional privilege. The legal advice was not released and the former Premier claimed legal professional privilege; I am sure the former Attorney-General claimed legal professional privilege; and the relevant parliamentary secretary probably claimed legal professional privilege as well. The fact is that legal advice is so covered and will not be released.

Can I conclude by saying that — —

*Honourable members interjecting.*

**Mr HULLS** — I am happy to!

**Ms Beattie** interjected.

**The SPEAKER** — Order! The honourable member for Tullamarine!

**Mr Maclellan** interjected.

**The SPEAKER** — Order! The honourable member for Pakenham!

**Mr HULLS** — When I say conclude, I mean that I will be concluding some time tonight!

**Mr Perton** interjected.

**The SPEAKER** — Order! The honourable member for Doncaster is trying the patience of the Chair.

**Mr HULLS** — Government is great, but this is like the good old days. Some of the evidence that has come out before this inquiry — I hope the honourable member for Hawthorn speaks on this motion and gives some explanation in relation to some of the evidence that has been given, particularly the evidence in relation to his speaking to one of the witnesses prior to their giving evidence, and I am sure he will explain himself in relation to that — shows how clearly inappropriate this inquiry is. A former head of the Urban and Regional Land Corporation, a Mr Des Glynn, made some statements before the inquiry that certain people — and he named them — had told him about certain things that had occurred and certain conversations that had taken place in relation to a gentleman by the name of Jim Reeves. All the subsequent evidence shows quite clearly that that did not occur at all — and that is evidence given by people on oath in relation to that matter.

The questions that were not allowed to be asked, the questions that were not answered and, in fact, the questions that really go to the credibility — —

**Dr Dean** interjected.

**Mr HULLS** — Absolutely! The question that goes to the credibility of this inquiry and why there were no inquiries made under the former government is how Des Glynn himself came to be appointed as head of the Urban and Regional Land Corporation. The fact is that the committee, despite — —

*Honourable members interjecting.*

**Mr HULLS** — I will tell you where it is coming from. If you had taken time to read the evidence of the inquiry and read what has happened in that inquiry, you

would know. If you are conducting an inquiry into the Urban and Regional Land Corporation and you are making complaints about how a person was appointed, you have to make comparisons with how other people were appointed. The only way you can do that is by ensuring that those who were involved in previous appointments come before that inquiry. Moves were made to have those people give evidence. Moves were made to have former Premier Jeff Kennett come before that inquiry; moves were made to have former Treasurer Alan Stockdale come before that inquiry; and I understand that some moves were made to have the former Minister for Planning come before that inquiry.

However, those requests were refused.

**Mr Maclellan** — On a point of order, Mr Speaker, you will have heard the Attorney-General say that moves were made to have me appear before an upper house committee. I am perfectly willing to appear before an upper house committee if the Attorney-General will amend his motion to allow this house to give me authority to do so.

**The SPEAKER** — Order! The honourable member for Pakenham well knows that that is not a point of order but rather a point in debate which he might care to make when he is called to participate in the debate. There is no point of order.

**Mr HULLS** — The way this inquiry was constituted, the way the numbers were stacked and the way the positions of chair and deputy chair were taken in an unprecedented way by members of the coalition make this upper house inquiry at best a joke and at worst no more than a political witch-hunt.

Having said that, I have written to the inquiry on a number of occasions. I hope honourable members have taken the time to look at its first interim report, which was handed down today. If they read it, it is important that they also read some of the dissenting views that were put and ignored by the majority on the committee.

All the interim report has done is quote letters. We have this great inquiry which has been set up to do the dirty work of the Leader of the Opposition and to give some sort of umbrella of credence to his outrageous accusations. All it has done is quote from letters I have written to it, which make it quite clear that proper process has not been followed. As Attorney-General I must oversight proper process in this state — including proper process in relation to inquiries.

Proper process has not been followed by this mickey mouse political witch-hunt. I have attempted to alert the members of the upper house inquiry to that fact by

writing to them on numerous occasions. As we know, all relevant documents have now been released, and they have shown nothing. All the relevant senior public servants have given evidence which has shown nothing. What else does the opposition have up its sleeve? There are no rabbits up there! They have nothing up there except attempts to get further political mileage. The way they do that is by having a message come down to this house suggesting that the Premier of this state, the Deputy Premier and the Treasurer ought to give evidence before this mickey mouse political witch-hunt.

The fact is that they are not going to do it, and this motion makes it clear that they ought not do it. It would be a breach of relevant precedent and a breach of practice. The government will not be a party to this political witch-hunt, this mickey mouse inquiry. I suggest that all honourable members in this place support the motion now before the house.

**Mr BAILLIEU** (Hawthorn) — There is every reason for Victorians to be deeply concerned at what — —

**Mr Holding** — Are they holding your table at the Naval and Military Club?

**The SPEAKER** — Order! The honourable member for Springvale!

**Mr Perton** (to Mr Holding) — They wouldn't keep one for you at the Ararat pub, would they?

**The SPEAKER** — Order! The honourable member for Doncaster has been warned a number of times.

**Mr BAILLIEU** — There is every reason for Victorians to be deeply concerned at what the Attorney-General has just said. What we have witnessed here is the Attorney-General reverting to form. The Attorney-General, who made his name as a bully in opposition, has sat passively in this house for months but is now returning to form.

Victorians have every reason to be concerned. An upper house inquiry that has been formally and properly established has today delivered an interim report. Who has sought to interfere in the proper conduct of that inquiry? None other than the Attorney-General. The extraordinary thing is that the Attorney-General would have no role to play in this appointment, no role at all. But he has sought to interfere in the proper conduct of the upper house inquiry, which the government did not wish to proceed but which every newspaper in this state believed should proceed and when every commentator in this state believed there were questions to be answered.

Let me quote from the conclusions of the interim report released today. Item 37 of the committee's interim report, which is headed 'Conclusion', reads:

Delays in the provision of information, the placement of conditions on the release of information, the breach of summonses by ministers and ministerial staff, the failure to provide the committee with any tangible legal advice in support of the many assertions made in the correspondence of the Attorney-General, the failure to provide typewritten transcripts of illegible material, and the responses of the Premier that pre-empt the deliberations both of the Legislative Council and the Legislative Assembly, are evidence of a systematic attempt to divert the Select Committee on the Urban and Regional Land Corporation managing director from meeting its obligations under the terms of reference given to it by the Legislative Council.

Item 38 states:

The committee believes that such responses represent direct executive interference in the affairs of one house of the Parliament of Victoria.

Item 39 states:

The committee therefore formally reports to the Legislative Council its dissatisfaction at these matters and seeks direction from the house on how the committee might now fully discharge the responsibilities conferred on it under the terms of reference.

**Mr Holding** interjected.

**The SPEAKER** — Order! The honourable member for Springvale is being disorderly by interjecting.

**Mr BAILLIEU** — Why would the select committee conclude that? The committee concluded that because the Attorney-General himself has sought to intervene — and the Minister for Local Government as Acting Attorney-General — and has written to the committee on seven occasions in an attempt to circumvent the committee's proper conduct. It is an extraordinary thing that we have had the Attorney-General on his feet, not the Premier. Where is the Premier to answer this proposition? Where is the Deputy Premier, the former Minister for Planning, who was intimately involved in the improper activities of this appointment. Where is the Treasurer, whose involvement in this extraordinary course of events has yet to be revealed?

**Mr Hulls** — Did you speak to a witness?

**The SPEAKER** — Order! The Attorney-General!

**Mr BAILLIEU** — In his contribution, which was interestingly brief, the Attorney-General sought to continue what has occurred with the upper house inquiry, which is a deliberate and calculated attack on

witnesses by slurring them and misrepresenting the statements they have made. The Attorney-General has repeated and made even worse the misrepresentations which have occurred. It is extraordinary that the chief law officer of Victoria should stoop to such conduct. This is the Attorney-General — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr BAILLIEU** — The Attorney-General is in charge of the proper conduct of the law in Victoria, yet he has by his actions in relation to the inquiry and here this evening demonstrated his contempt for proper conduct. He has demonstrated his contempt for Victorians, demonstrated his contempt for the Parliament and demonstrated yet again that he is unfit to be the Attorney-General. On how many occasions has that been demonstrated over the last two and a half years? We have an Attorney-General who has sought to interfere and intervene in so many cases, which we have seen demonstrated in this house. We have an Attorney-General who, as I have said, is not fit to hold the office.

*Honourable members interjecting.*

**Mr BAILLIEU** — His intervention in this inquiry is extraordinary. It is an extraordinary thing for the no. 1 chief law officer in this state to behave in this way.

*Honourable members interjecting.*

**Mr BAILLIEU** — The Attorney-General continues at the table — —

**Mr Loney** interjected.

**The SPEAKER** — Order! The honourable member for Geelong North!

**Mr BAILLIEU** — He continues to misrepresent evidence given at the inquiry. I am more than happy to go through the evidence in detail. But the reality is — and I intend to continue this discussion — —

**Mr Hulls** interjected.

**Mr BAILLIEU** — The reality is — and the Attorney-General laughs because he has contempt for the people of Victoria — that there are serious unanswered questions which only the Premier, the Treasurer and the former Minister for Planning, the Deputy Premier, can answer.

**Mr Hulls** interjected.

**The SPEAKER** — Order! The Attorney-General!

**Mr BAILLIEU** — Once again the Attorney-General displays his contempt for the house and his contempt for this Parliament. As I said, the former Minister for Planning, the Deputy Premier — —

*Honourable members interjecting.*

**Dr Dean** — I know where the Premier is. He is talking to his past friends.

**The SPEAKER** — Order! The honourable member for Berwick!

**Mr BAILLIEU** — The Attorney-General has chosen to be the lead speaker on this item in lieu of the Premier, who has perhaps the most serious questions to answer, together with the Treasurer and the former Minister for Planning. There is a pattern here involving ministers who have done everything they possibly can to block the uncovering of the truth in this sordid affair. It is being made clear by witnesses to the inquiry that the Urban and Regional Land Corporation was coerced into appointing Jim Reeves — and they were coerced against the provisions of the Urban and Regional Land Corporation Act.

**Sitting suspended 6.30 p.m. until 8.03 p.m.**

**Mr BAILLIEU** — As I was saying before the dinner break, the manner and the undertakings of the Attorney-General are a great concern to me and ought be a great concern to all Victorians — —

*Honourable members interjecting.*

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

**Mr BAILLIEU** — This state has an Attorney-General who has become renowned for stuffing things up, for bullying, for getting it wrong and for conducting stunts instead of substance. On so many occasions he has delivered the opportunity to describe the government as a complete failure in the area of governance and the conduct of the law.

To have an Attorney-General who can abuse the processes as this Attorney-General has done, whom the upper house inquiry has condemned in its interim report for what it describes as ‘executive interference’ in the conduct of the inquiry — and that is a direct quote from the conclusion of the interim report of the inquiry — is an extraordinary indictment on the government that promised the people standards far in excess of any that

the Attorney-General could ever meet — and he has not met them. He has become, as the government has become, famous for stunts and spin. That is all we see. In the course of this very tawdry Reeves affair, the Premier was very aptly described in the media as Slippery Steve.

**The SPEAKER** — Order! I caution the honourable member about referring to honourable members in the way he does. He must use their correct titles.

**Mr BAILLIEU** — Mr Speaker, I referred to the Premier, but I referred to a tag given to him by the media not by me. That is not to say necessarily that I do not agree with the tag.

**The SPEAKER** — Order! It is still disorderly when debating in this chamber to refer to honourable members other than by their correct titles.

**Mr BAILLIEU** — Indeed the Premier has been described in the media, and properly so, as slippery, and we have seen countless occasions when that has been the case — when the Premier has sought to evade the truth and to stand in the way of the truth. We only have to refer to the infamous donation issue. I am sure honourable members would recall the Premier denying that he had ever discussed the possibility of donations. In fact he said he absolutely had not, yet only the day after, the Premier’s own chief of staff was forced to admit that maybe it had been discussed and ‘absolutely’ does not mean ‘absolutely’ when it comes to the Premier. Sadly, that has been the case in this tawdry Jim Reeves affair.

From the very first day it was established the government sought to obfuscate the inquiry, and I am happy to provide evidence of that as we go through. The government has also sought to divert attention from the inquiry.

On day one of the inquiry in open sitting with witnesses the government deliberately chose to arrange three press conferences at great distance — and forgive me and forgive the media for knowing exactly what the stunt was. Each day since the stunts have continued, and the government has sought to ensure that minimum attention is given to this inquiry. The fact is that the inquiry will not go away and the issue will not go away, and the ministers and the Premier must face up to accounting to the people and accounting to this Parliament. They cannot run.

It amuses me that the Attorney-General would come into this house shortly before the dinner break, without warning, and bring on this debate — and good for him; we are happy to have the debate — thinking that in the

course of doing so the government could avoid scrutiny by putting on this debate at short notice. We are comfortable about having the debate, but once again this government has sought to do something after the media has disappeared, when there is minimal attention. It will not wash because the scrutiny is on this government, on this Premier and on the ministers who have failed dismally in all of their responsibilities in this tawdry Reeves affair.

I quote from an editorial in the *Australian* entitled 'Bracks blunders on mate's job':

For a man leading a minority government, he has had a dream run ... Mr Bracks has fair warning that nothing can be taken for granted. If he wants another term, he will need to earn it.

He has not earned it here! I turn to a lead editorial from the *Age* of Friday, 30 November 2001 entitled, 'A sad advertisement for open government'. It is subtitled, 'Inept answers about the job for a friend called both competence and integrity into question'. I will come back to the editorial, but there are some particular items I will quote now:

The circumstances —

that is the circumstances of the Jim Reeves affair —

demand a parliamentary inquiry ...

The editorial continues:

Nonetheless, he —

being Dr Napthine —

is on firm ground in demanding that Mr Bracks and Mr Thwaites answer to an inquiry. The maintenance of open and accountable government requires no less.

That was the clarion call of the Premier, who promised us a new style of leadership. What we have is all style and no substance, because we have a Premier who has continued to be evasive; we have an Attorney-General who sought to interfere in proper process; we have a former Minister for Planning, and now Deputy Premier and Minister for Health, who sought to evade due process; and we have a Treasurer who has been complicit in the evasion of due process. That is the reality — the sorry reality — of this Jim Reeves affair.

I quote from another editorial, this time from the *Herald Sun* of Friday, 30 November 2001, entitled 'A very messy affair' — and I will come back to the substance of the editorial later:

Unfortunately, a parliamentary inquiry is now necessary to arrive at the whole truth of the Reeves affair.

There we have leading newspapers publishing editorials strongly in favour of an upper house inquiry. An upper house inquiry was convened, and has been conducted properly and carefully. It has called witnesses, and those witnesses began to be heard in February.

The interesting thing is that we heard from the Attorney-General, and we hear it constantly from the Premier and other members of the government, that somehow the upper house is and has been a rubber stamp, and yet we also hear from them that the upper house ought to be a house of review.

**An Honourable Member** — They do not want to get rid of it. They say they want to make it stronger.

**Mr BAILLIEU** — No, the Premier is on the record as saying that he does not want the upper house to go, and that has always amused me, given his history; but he is on the record as saying the upper house should be there and it should be a house of review. What has occurred from 1992 to 1998 is that some 50 bills have been amended by the upper house, not as the Attorney-General said as a rubber stamp but as a valid, legitimate, properly conducted house of review. In this very case the upper house is doing exactly what this government and the Premier have for years called upon it to do — to effect its review capacity — and that is what has been happening in this inquiry.

The reality is that the inquiry has been established by the upper house, conducted under the rules of the upper house and under the rules of parliamentary procedure established in the Westminster system through hundreds of years. It has been established in perfect alliance with all the precedents we have seen in this house, in the federal Parliament and in other Westminster-style parliaments around the world. This inquiry has been called for the purpose of clearing the air, of getting to the truth and of allowing the people of Victoria to hear what involvement the Premier had in this shallow appointment of his best mate, Jim Reeves, to a very highly paid government position when Mr Reeves clearly had dubious qualifications to do the job, and what role in that matter the Deputy Premier had when he was Minister for Planning, and what role the Treasurer had in that matter — and he did have a responsibility. Interestingly we now have an Attorney-General involved as well, because the Attorney-General has sought actively to intervene in this matter.

Lest honourable members be in any doubt about the responsibilities here, I want to turn briefly to the act which governs the Urban and Regional Land Corporation (URLC). It was the appointment of a chief

executive officer and a managing director to replace the corporation's previous chief executive and managing director, Mr Des Glynn, that gave rise to this affair and to this appointment, and obviously, eventually, to the inquiry.

I will go through in turn the processes of appointment. Clause 6 in schedule 1 of the Urban and Regional Land Corporation Act 1997 deals with the appointment of the chief executive officer and other staff. I want to go through this carefully, because honourable members need to understand what is involved here. Two factors are involved — the appointment of a chief executive officer and the appointment of a managing director. Mr Glynn, who was the previous chief executive, was also appointed as a managing director, and as the managing director he became a member of the board.

The URLC, as it is now known, is an independent statutory body. It has a board. It conducts commercial activity, which involves the development of land for residential use and for a variety of activities, and it has been very successful over the years. But when it comes to appointing the chief executive officer the process is set out clearly in clause 6 of schedule 1 of the act. Clause 6(1) states:

The board of the URLC, after consultation with the Minister and the Treasurer, may appoint a person as the chief executive officer of the URLC.

Subclause (1) has been there for many years, although it was amended last year by an act of Parliament to include the letter 'R'.

I want to stress that that was the only change to that clause. So the clause essentially says that the board may appoint a person as chief executive officer after consultation with the minister and the Treasurer, the minister being the Minister for Planning, who is the responsible minister for the Urban and Regional Land Corporation Act. But it includes the Treasurer, and the Treasurer has been included in this appointment process for many, many years. The purpose of that inclusion is to ensure that the Department of Treasury and Finance maintains an interest and a role in the conduct of commercial enterprises and government, and it is about a sensible, dual responsibility of government.

I now go to clause 6(2) of schedule 1:

The chief executive officer of the URLC holds office on a full-time basis and on such terms and conditions as are determined by the board, after consultation with the minister and the Treasurer, and specified in the instrument of appointment.

Clause 6 (3) of schedule 1 says:

The board, after consultation with the minister and the Treasurer, may remove the chief executive officer of URLC ...

That deals with the appointment of a chief executive officer. I want to stress that it is the board's responsibility. We have heard an awful lot of evidence to the inquiry which confirms that that is both the view of the board and the interpretation of the act by departmental officers. Despite the actual conduct of the ministers involved, the responsibility lies with the board after consultation. The reality is that the chief executive officer may also be a director of the board. As for becoming a director of the board, we go to clause 3 (1) of schedule 1 of the act, which indicates that:

... the chairperson, deputy chairperson and other directors of URLC shall be appointed by the Governor in Council.

That is a government appointment. So becoming a director of the board is by government appointment. The two are separate: it is a separate process and a separate responsibility. But the essential responsibility of the board here was to appoint a chief executive officer and then, if it saw fit, to move on to appoint a managing director of the board. There were two processes.

I want to stress, and honourable members should clearly understand, that in the appointment of a chief executive officer the board had to consult with the Minister for Planning, at the time Mr Thwaites, and the Treasurer. It is interesting to contemplate who was not to be consulted and who was not required to be consulted. There is no requirement for the Premier to be consulted, and there is no requirement for the Attorney-General to be consulted. But here we have a straightforward appointment. It is not difficult; it has been done a number of times in the last 15 years. But somehow or other in the course of this Reeves affair we have the Premier on a hook, we have the Deputy Premier and former Minister for Planning on a hook, and we have the Attorney-General on a hook. How did this happen? How did they all get involved? Is it just possible that they are all involved because the Premier wanted his mate appointed?

*Honourable members interjecting.*

**Mr BAILLIEU** — I am sorry, his past mate. Let's very simply review what happened. In the first place the board appointed a consultancy firm of some renown called Heidrick and Struggles, which has experience in government appointments despite the government members of the inquiry suggesting that it did not. It does have experience in government appointments, and it is a well-respected international firm.

Heidrick and Struggles conducted a search and delivered to the board a short list of possible candidates. The process for doing so was cleared with the Minister for Planning — and I can tell you that the Minister for Planning has overall responsibility for the act. The board appointed a subcommittee to interview the candidates. The subcommittee then conducted interviews, which process included the head of the Department of Infrastructure, Professor Lyndsay Neilson. The interesting thing that has emerged from the evidence is that Professor Neilson asked to be included in those interviews — and as I said, that was done.

The subcommittee then prepared recommendations and commentaries on the candidates. The selection committee, which comprised board members Ms Dickschen and Mr Davis, then reviewed the commentaries on the candidates and made a recommendation to the board, which the board accepted. We have been told in the inquiry that after some discussion, including reference checks, confirmation of information and questions, the board recommended by way of a letter to the Minister for Planning and the Treasurer that the relevant ministers give consideration to the appointment of Mr Mark Hensy-Smith as the chief executive officer of the URLC.

All that is very straightforward and the evidence given to the inquiry, despite the best efforts of the government members on the inquiry, is clear. From the conduct of that process everything went according to Hoyle.

Then, somehow or other, something hit the fan because there was a change in the government ranks. Suddenly the process was being condemned by Professor Neilson, even though he had actively participated. Suddenly the former Minister for Planning, the Deputy Premier, became involved. The evidence in the inquiry already suggests that it was the Deputy Premier who instructed that a second round of interviews be conducted — quite contrary to the provisions of the act. The head of the Department of Infrastructure, Professor Neilson, gathered together two colleagues to conduct the second round of interviews.

Who did he gather together? One was the acting head of the Department of Treasury and Finance, Mr Grant Hehir, and I guess you could say there was some sense in that because the Treasurer's office had a role under the act to be involved. Who else did he assemble in his little trio to conduct the second round of interviews? He dragged in Mr Terry Moran, the head of the Department of Premier and Cabinet.

One would have to ask why did the head of the Department of Infrastructure, in making his position clear, decide to gather up the head of the Department of Premier and Cabinet when clearly, any responsibility for consultation rested just with the Department of Treasury and Finance and the Department of Infrastructure under the Minister for Planning? It would seem the Department of Treasury and Finance did not agree with the Department of Infrastructure about Mr Reeves. That is a fact.

How, then, could one bridge that gap? By dragging in the head of the Department of Premier and Cabinet. But why go to the Premier's department? Because the Premier wanted Jim Reeves from the start; Jim Reeves was or is the Premier's best mate. I will turn to Jim Reeves in a minute.

The net result was that despite the proper, rigorous and express protests of the board, a second round of interviews was conducted. The chairman of the board agreed to attend those interviews only as an observer and only after express protests in writing to the Treasurer and the then Minister for Planning. Who was included in the interviews?

At least six candidates were short-listed by the board and the search consultants. The extraordinary thing is that Mr Reeves, on the evidence presented to the inquiry, was not in the top three. If you intended to run a second round of interviews and interview only 3 of the 6 or 7 candidates short-listed by the board, you would have thought you would choose the top three — but, no! Who did the department heads decide to short-list? They decided to short-list Mr Reeves. It comes as a shock to us that that could possibly happen. Suffice to say, Mr Reeves was short-listed. Who else was short-listed? Mr Hensy-Smith —

**Mr Doyle** — Mr Glynn?

**Mr BAILLIEU** — His name was submitted, but Mr Glynn was not short-listed because he had said he was intending to retire. As early as the middle of May 2001 at an administrative executive conference weekend retreat Mr Glynn had said he would not continue his appointment. Why? Because he had been told that the Premier wanted Mr Reeves. I will return later to that evidence. The Treasurer had written to Mr Glynn, saying what a great job he had done. I thank the honourable member for Malvern for reminding me.

Mr Mark Hensy-Smith was included and had been the board's choice; it had written about him to the government. Then there was a third candidate. Who? It is important to understand who the third candidate was

as it was Mr Bryce Moore who, after Mr Glynn left the office as managing director and chief executive, became the acting chief executive; apparently he was selected internally.

So the three candidates — not the top three — were allegedly chosen by Professor Neilson. But there is some dispute about that because the Deputy Premier was also involved. Those interviews proceeded, and I will turn to the evidence of that as presented to the inquiry. Despite the indication at those interviews on the evidence that Mr Reeves had significant shortcomings and despite the protestations of the board, the government then wrote to the board recommending that the board appoint Mr Reeves. That is an example of consultation Bracks-style, Thwaites-style and Treasury-style! It is called simple coercion of the board.

There is no doubt that the board felt coerced and pressured to make that decision. There is no doubt that the chairman was pressured to correspond accordingly to the extent that letters were written on his behalf and he was asked to sign them. That evidence has been led to the inquiry.

Mr Reeves was appointed against the will of the board, against the conduct of due process, against the recommendation of the executive search consultants, and contrary to the professed aspirations of the government that it was open, honest and accountable. In the process hundreds of thousands of dollars were spent on a sham selection process which the government concocted to appoint Mr Reeves. It did so at the behest of a Premier who was and is — or perhaps is no longer — the best mate of Mr Reeves.

The extraordinary thing is that when the matter was first raised in this house the Premier went into classic evasion mode. A succession of pathetic defences has been put up by the government. The very first line issued by the Premier in defence of the appointment was when, in this house, he described Jim Reeves as the best person for the job. There is plenty of evidence led by the executive search consultants, by the board members and by those in the industry to say Mr Reeves was far from the best person for the job.

Then the Premier changed tack a little. Mr Reeves was no longer the best person for the job; instead he was well qualified for the job. The Premier then began to refer to Mr Reeves's work on what he called the SEQ 2000 project — the South-East Queensland 2000 project. The Premier indicated that Mr Reeves had managed, planned and developed that area. That brings me to Mr Reeves, but I will come back to this defensive chain of the Premier's.

But who is Mr Reeves? What do we know about him?

**Mr Cameron** — He was well qualified for the job.

**Mr BAILLIEU** — The Minister for Local Government still says he was well qualified for the job.

**Mr Cameron** — No, that's what you just said 2 minutes ago.

**Mr BAILLIEU** — No, I said that the Premier had claimed he was well qualified for the job when the evidence is not to that effect.

Let me quote some material about Mr Reeves. The *Herald Sun* of Saturday, 29 May 1999, ran a generous article about the now Premier, the then Leader of the Opposition. It referred, I believe, to a Ballarat identity named Wacka McKay and an army of young blokes that he had assembled at some stage in the past in Ballarat. I quote:

One of them was Steve Bracks. Another was his mate, Jim Reeves. With a couple of friends in tow they decided to take on Wacka and the conservative forces on the city council ... But the young blokes learnt quickly, a little too quickly for Wacka.

Bracks helped to run Reeves's campaign, dropping pamphlets into hundreds of letterboxes, running off flyers and networking Reeves's way into the town hall. The campaign worked so well that Reeves sent Wacka packing. Easily. Reeves built on that success and became mayor himself in 1986–87. Reeves went from Ballarat mayor to assistant federal secretary of the ALP —

hello, assistant federal secretary to the ALP; there's a little signal to us! —

and is now chief of staff to Brisbane lord mayor Jim Soorley.

That is in 1999. The reality is that Jim Reeves had been, until this recent move, the chief of staff to the Lord Mayor of Brisbane for seven and a half years. Prior to that Mr Reeves spent barely two years, perhaps less than that, with an organisation called the South-East Queensland 2000 project, which was established to look at growth in the south-east Queensland corridor. Prior to that he was mayor of Ballarat and he ran a brewery. The fascinating thing about the brewery, and I will come back to that later, is that it went bust with up to \$4 million worth of funds squandered. Shareholders' funds, taxpayers' funds and creditor's funds — including the Australian Taxation Office and workers entitlements — were squandered. That is the reality of Jim Reeves's commercial experience.

**Mr Thompson** interjected.

**Mr BAILLIEU** — Yes, employee entitlements.

**Mrs Fyffe** — Total catastrophe!

**Mr BAILLIEU** — A catastrophe indeed. That is Jim Reeves's commercial experience. His urban renewal experience was as part of a project which started early in the 1990s, I believe, to look at the south-east Queensland corridor. And where did he go after that? He became the chief of staff to the Lord Mayor of Brisbane. That is Mr Reeves's snapshot history.

I go again to a quote from the *Age* of Saturday, 23 October 1999, in an article about Mr Bracks, the then new Premier, who is quoted as referring to the true believers:

Jim Reeves becomes, at 25, one of the youngest people elected to Ballarat council. Soon after, he becomes its mayor. He goes on to work for the party in Canberra. Today he is chief of staff to Brisbane's ALP lord mayor, Jim Soorley.

Mr Reeves is quoted in the article about the now Premier:

Jim Reeves, earthier but equally committed to the party, remembers first meeting Bracks in the mid-70s 'when we were courting sheilas on the opposite sides of the same street'.

So Jim Reeves and the Premier chased babes around Ballarat together. They are mates. Jim is further quoted:

He liked him right off. 'There's a sort of straightness about Steve, but it's not dourness', he says. 'There's a sort of boyishness. He's fun, he's humorous, but at the same time quite strong, quite devout in his convictions and values'.

We have seen those values diminish over the last two and a half years. The article further states:

Bracks's politics, he ventures —

this is Reeves venturing —

were formed in the counter-culture of the '60s: 'I suppose he's a sort of Vietnam-era hippy-left amalgam'.

That is Mr Reeves's view of the Premier. The reality is that Jim Reeves is a close mate and close confidant of the Premier.

**Mr Bracks** interjected.

**Mr BAILLIEU** — The Premier is in the chamber, and he has interjected, 'Yes, that's right'. Goodness me, how time has changed. Only recently he was described by the Premier as an historic friend and a past friend — a shameless, shameless abandonment. The cock was crowing there, Premier, and you abandoned your own friends in the pursuit. The Premier abandoned his friends to save his own skin because he knew he had been caught out.

It is fascinating to do a search of Mr Reeves's experience in urban renewal and to search for his qualifications in this area. When you do you find he has next to none. It comes as no surprise that those who interviewed Mr Reeves and those who considered his credentials found that he had significant shortcomings when he was being considered for the position of chief executive officer and managing director of the URLC.

Perhaps the only person who has spoken out on his behalf is Trevor Reddacliff. I will come back to him, but Trevor Reddacliff has been a strong supporter of Mr Reeves, and there is plenty of evidence to suggest that there are strong links. There is also plenty of evidence to suggest that Mr Reddacliff is a strong supporter of Mr Soorley, and that is admirable. I have no problem with that, but no-one else has spoken out to say that Jim Reeves was amply qualified for this position. That is extraordinary and a reminder that what we had was a Premier trying to impose his choice on the people of Victoria and on the URLC.

I come back to the catalogue of defences. After the Premier had moved from describing him as being the best person for the job to describing him as well qualified for the job, he told this house that the appointment had been welcomed by the Urban and Regional Land Corporation — an extraordinary statement. The interesting thing is that in making that claim the Premier quoted from a news release from the Urban and Regional Land Corporation, but no-one has yet seen a copy of that release.

There was no release from the Minister for Planning, there was no release from the Premier, and there was no release from the Treasurer. The only copy that exists of that release is at the Urban and Regional Land Corporation stamped 'Draft', and the only public notice of Mr Reeves's appointment went out in a small brief to the *Age* — four lines — in the middle of a federal election campaign in the hope, I suspect, that no-one would notice.

One would imagine that at some stage the Minister for Planning, who had responsibility for the act, might have put out a media release. The media never received the release, but a select journalist obviously did, and the position was quietly mentioned. But the Premier has said to this house that the appointment had been welcomed by the board. He wanted this house to believe that everything was hunky-dory. He wanted this house to believe that the board approved the appointment, that everything had gone according to Hoyle, but we now know that the contrary was the case. In fact, the board was so outraged that a longstanding member — someone well qualified in the property

industry with 20 years experience, someone with an intense legal background and someone who is highly professional — resigned from the board in protest. That was the welcome the board gave the appointment.

So here we have the Premier being evasive from the start. Then the Premier moved on to another defence — that due process had been observed in the selection. In fact the Premier in this house used the words ‘proper’ and ‘appropriate’, saying it was a proper and appropriate process. This was at a time when the people of Victoria did not even know the half truth of this. All they knew was what the Premier was telling them, and the Premier thought, ‘This won’t come out. I can swan around here and say it was proper and appropriate and hopefully get away with it’. The Premier went on to say that it had been done absolutely according to due process.

The reality is as we know. The inquiry has been explicit about it, and even the select documents that have been released indicate that due process was far from observed in this exercise. In fact, this was a total distortion of due process. It is an outrage that the Premier could claim that due process had been observed.

Then there was the Premier’s delightful next defence, that somehow or other this was an old story. Members of the house will recall that when he was asked in November he said, ‘Gosh, this occurred in October. Gosh, you are behind the times. This is an old story’. Well, it was true — the appointment was made in October — and the Premier had hoped it would be hidden and that no-one would pick it up. Anyway, we know the truth, that it was picked up, and we have seen the flow ever since.

What did the Premier do then? The next question came, and the Premier moved on to his next defence, which was that Jim Reeves was no special mate. When the Leader of the Opposition quizzed him on this and described Jim Reeves as a best mate, the Premier retorted, ‘That’s interesting. I must have tons and tons of best mates’. That is when the Premier started the desertion of his friend. We know the cock crowed twice more for the Premier, because in a doorstep press conference which the Premier called himself, he was asked about Jim Reeves and their relationship. He said of Jim Reeves that he was a past friend, and then he went on to say that he was an historic friend. The reality is, as we have seen, that Reeves and the Premier grew up in Ballarat. The Premier ran Jim Reeves’s campaign for mayor of Ballarat. Jim Reeves was extensively quoted in the media profiles of the Premier before and after the election, and he has hosted fundraising

functions in Brisbane for the Premier. They have a long history together. They are best mates.

Then, on the very day that the Premier described Jim Reeves as a past friend, the Premier was forced to concede that, yes, they had holidayed together in January of last year — 10 days in the sun, Stradbroke Island, pandanus palms, Jim and the family upstairs and Steve and the family downstairs. And do you know what was never mentioned in 10 days? According to the Premier, he never, ever mentioned the Urban and Regional Land Corporation. Well, why would you? You are having a holiday with your best mate for 10 days — a past friend, an historic friend — and you would not mention it. You would not mention the fact that just a couple of months before, the Minister for Planning had spent two days in Brisbane with Mr Reeves and Mr Soorley.

**Mr Perton** — That is not news. That is old news.

**Mr BAILLIEU** — Old news, yes.

**Mr Perton** — According to Bracks.

**Mr BAILLIEU** — According to Bracks, yes; old news.

**Dr Dean** — It is still bad news!

**Mr BAILLIEU** — It is still bad news. Just two months before they holidayed together, the Minister for Planning spent two days with Mr Soorley, Mr Reeves and Mr Reddacliff in Brisbane, and in that time Mr Thwaites, the Minister for Planning, had conceded the possibility that a job in the planning area in Victoria was available. We are encouraged by the Premier to believe that two months later, no, he and Mr Reeves did not discuss the possibility over a 10-day holiday. Once again we have seen the evasion of the Premier on this issue and the denial of his own mate.

The extraordinary thing is that when the Premier was first confronted with the notion that he might have had a holiday with Mr Reeves, you might have thought that a man confident in his friends and confident in his own actions — —

**Mr Spry** — A past friend.

**Mr BAILLIEU** — A past friend, whatever. You might have thought a Premier in control of the situation, a Premier confident in his own mates and confident in the procedures undertaken by the government, would have said, ‘Yes, I holidayed with Jim Reeves. Yes, I mentioned the job. Yes, he is a good person for the job’.

But no, no mention of the holiday. He did not mention it at all and he sat down.

Then the Premier moved on to another defence. He is reported in the *Age* of 24 November as saying:

I didn't have a role. This was a process undertaken by the board itself, by the department involved and ultimately, of course under the legislation by the ministers.

It was not the ministers' responsibility at all, it was the board's responsibility, but the Premier had just moved on into another defensive position.

Then the government chose to question details of the salary involved, and it chose to be a bit slippery with the truth about the salary, but that has since evolved as well.

What was the next defence? The next defence was that the board had somehow failed to comply with changes to the act and that was why it had done the wrong thing in the process. So suddenly we have gone from the Premier saying it was due and proper process to saying, 'Oh, no, the board failed to comply with changes to the act'. How do we know that? Because the planning minister's spokeswoman, former *Age* journalist Sandra McKay, told the *Age*. A former *Age* journalist telling the *Age* something; you would imagine that would be a very truthful thing in the pursuit of truth. The *Age* states:

Mr Thwaites's spokeswoman said the board had failed to comply with recent changes to the legislation governing the corporation requiring it to consult the government, particularly Mr Thwaites and Treasurer John Brumby, about the appointment.

As I said before, the only change to that portion of the act about the appointment process was the addition of the letter 'R'. That was the only change to that clause, and the consultation had been undertaken, but that was the defence that then went out — that somehow the letter 'R' had made such difference. Perhaps it ought to have been the Urban and Reeves Land Corporation rather than the Urban and Regional Land Corporation.

The next defence was that the board had not consulted, but all the evidence that has since emerged has been that the board did indeed consult. It consulted to the point of complying with the act and to the extent that even the head of the Department of Infrastructure himself, as revealed in evidence and in documents led to the inquiry, had indicated to the minister that the actions of the board had complied with the legislation.

The interesting thing about the consultation was that the former managing director and chief executive of the organisation, Des Glynn, was quoted in the *Herald Sun*

of 27 November as volunteering the following remarks when asked what he knew about the process:

Everyone knew it was a done deal.

And further:

The whole recruitment process was a sham.

It was an expensive, disgraceful, deceptive and coercive sham, and the Premier has been complicit, the Treasurer has been complicit, the Minister for Planning has been complicit, the Attorney-General has been complicit and the heart of this government has been involved in this sham. Every senior minister has been involved. The Minister for Transport is the only minister here, apart from the Minister for Local Government. All I can say is that on the evidence currently before the inquiry, the Minister for Transport has not been involved. That in itself, perhaps, comes as a surprise to us, given some of his experience.

Then what was the defence? The defence was that no-one would speak. None of the ministers would speak. What did the opposition have? The government went to ground, hoping this would go away. But it did not go away. Then what was trotted out? It was trotted out that somehow or other no pressure had been applied to the board. In fact, the government found a board member to say, 'No, no pressure was applied'. Every piece of evidence led before the inquiry suggested that, in fact, yes, there was great pressure applied, sufficient to ensure that Ms Dickschen resigned from the board in protest and sufficient for the chairman of the board to indicate that it had no option but to make the decision to appoint Mr Reeves because effectively the board had been threatened by the government.

By this stage the government was on the run and somehow or other Mr Glynn was targeted and somehow or other it was suggested that Mr Glynn had an axe to grind.

The attack got personal and somehow it was all Des Glynn's fault. The managing director accepted the fact that he was going on the notion that the Premier was going to appoint a mate. He went happily, but somehow he is now to be pilloried. That disgraceful exercise has continued in the inquiry.

They were the initial defences of the government. As I said, three ministers are involved in this disgraceful affair. There are a lot of questions for those ministers to answer, and that is the basis of this inquiry.

The reason we are having this debate this evening is that the Attorney-General thought it would be a clever stunt to bring it straight on out of the glare of the media

and in the hope that the opposition would somehow or other be caught short, but we are more than happy to have the debate. In bringing it on the Attorney-General has moved a motion:

That this house refuses to consent to the honourable ministers appearing before the select committee of the Legislative Council on the Urban and Regional Land Corporation managing director.

This is the motion of an Attorney-General — perhaps the only Attorney-General in the history of the Westminster system who has instructed potential witnesses to ignore subpoenas and summonses from a house of Parliament. It is an extraordinary step. It is interesting that in my understanding the process is not correct. In fact procedurally the Attorney-General has this process quite wrong. That would not surprise because the Attorney-General has got nearly everything he has done in this house wrong. From my recollection he has got wrong his dealing with the Chief Magistrate.

**Mr Dean** — Two constitution acts in the house at the one time.

**Mr BAILLIEU** — Two constitution acts in the house at the one time. There is very little that this Attorney-General has got right. One of the reasons he has sat passively on the front bench since this government came to office is that he has become a liability to the government because he got there only as the chief bully. To have an Attorney-General who has contempt for the law and due process and who is a bully is an extraordinary proposition. The reality is that everything he has done has been a shambles.

In saying that I want to move an amendment to the motion before the house, which I will read. I move:

That all the words after 'house' be omitted with a view to inserting in place thereof the words 'consents to the honourable ministers appearing before the select committee of the Legislative Council on the Urban and Regional Land Corporation managing director if they think fit'.

That, I understand, is the proper form of motion that should have come before this house. The Attorney-General has rushed off on his own account, and once again he has pulled up short.

Some interesting questions arise out of this affair and I want to go to the heart of some of them. There are interesting questions for the Independents. They cast their lot with this government on the basis of a charter which dealt with the issue of governance, honesty, openness and accountability. That charter sought for the upper house to be an activist house of review.

There is now an opportunity for the Independents to stand by their charter. When this affair broke in late November last year the Independents got the shock of their lives because they started to see the Premier for what he really was — someone who was evasive, someone who was deceptive, someone who was seeking to place due process on the backburner and someone who was seeking to advance his mates.

The honourable member for Gippsland East was much quoted on the subject. I refer to an article in the *Australian* on Friday, 30 November 2001, under the heading 'Independent MP accuses Bracks of losing touch'. I quote the lead paragraph:

Independent MP Craig Ingram has attacked the man he helped make Victoria's Premier, saying Steve Bracks's handling of the 'jobs-for-mates' affair is evidence the government has lost touch with the community.

Lost touch with the community! It goes on:

Mr Ingram said yesterday the Premier's squeaky-clean image and electorate popularity would suffer from the controversy.

That was not the only reference. An article in the *Age* of 30 November headed 'Ingram in warning to Bracks' states:

Key MP says he cannot be taken for granted.

The honourable member for Gippsland East went on to put the Premier on notice. Again, Ewin Hannan wrote a compelling summary of the events to that stage in an article in the *Age* of 1 December 2001, and I quote:

But it has been Craig Ingram, the Gippsland East Independent, who has been the most scathing, describing Labor's handling of the controversy as stupid and very, very poor.

Another article appeared in the *Age* of 1 December 2001 headed 'Ingram says Thwaites got off lightly' with a subtitle 'An Independent wants more communication from the government'. In material published by the *Herald Sun* it was revealed that the honourable member for Gippsland East had put the Premier on notice and then had walked away from it.

The article by John Ferguson in the *Herald Sun* of 1 December 2001 quotes Mr Ingram as saying:

I stand by my charter, and there are some people within the government who seem to have forgotten they are in a minority government.

This is a very compelling opportunity for the Independents to stand by their charter and ensure that the government is held to account. The reality is that an upper house inquiry is being conducted and witnesses have been called. The Attorney-General has, against all

precedent, instructed potential witnesses to ignore summonses — an extraordinary step by the Attorney-General — but the upper house inquiry is continuing. Parliamentary procedure, Westminster tradition and all the precedents suggest that ministers cannot be compelled to appear before an inquiry.

What this motion, which was moved and passed in the upper house today, as I understand it, seeks to do is ask the Assembly to give the ministers consent to appear. That is the procedurally correct thing to do. They may choose to appear, but the option exists for the ministers not to appear. So they can ignore that request. All we in this chamber are seeking to do by moving this amendment, and all the upper house sought to do in making its request, which the Attorney-General then sought to distort with his own motion, is to invite the Assembly to consider relieving the ministers of an obligation to the Assembly not to appear. As the obligation currently stands they should not appear, but the Assembly can give the ministers the option of appearing. That is barely an onerous proposition, and it would be extraordinary not to give the ministers that option.

If the Premier, the Deputy Premier and the Treasurer choose not to appear, then so be it — that is their choice — but it would be extraordinary to stand in the way of a fair and reasonable process by not giving the ministers the opportunity.

I had what I suppose you would call the distinct pleasure, early in my term as a member of this house, of dealing with a privileges matter. In dealing with that matter, the Speaker found a prima facie case of a minister having misled the Parliament. In accordance with tradition that matter was referred to this house, and a debate proceeded. But nowhere in accordance with tradition — in fact nowhere in Westminster parliamentary history — had it occurred before. The government used its numbers and the Independents to vote down a motion of privilege reference even where the Speaker had found a prima facie case of misleading the house. It had not happened before — it was a parliamentary first — and I am sure it will become a tragic precedent.

The fascinating thing is that it was a tragic step for the Independents to take too, because it was the first haul on due process and the first haul on open, honest and accountable government. It was fascinating that it occurred within six months of the government coming into office. The Independents in good faith said that they would give the government the benefit of the doubt, and as I said they voted with the government in

an unprecedented motion to vote down the privilege reference.

This is the second occasion on which the Independents can take up their own charter because there are serious questions to be answered — and I am going to go through those questions.

There are questions for the Premier, the Minister for Planning and the Treasurer. I also believe there are questions for the Attorney-General, but that is a separate matter.

I hope and trust that the Independents are listening at present in their offices, because I want to draw the attention of the house to one set of documents which provides a snapshot of the deception that has gone on here. The deception is deep, and I intend to go through a range of issues where I think there are questions that the ministers and the Premier have to answer. This snapshot is sequence of letters which betrays absolutely what has gone on here. It betrays the fact that, somehow or other, the Treasurer has been complicit in an abuse of process, in non-compliance with the act, and in deceiving the people of Victoria and the Urban and Regional Land Corporation. In that — I am pleased to see the honourable member for Gippsland East is here — the Minister for Planning has been directly involved.

In the first instance I refer the house to an email from Grant Hehir, who was acting head of the Department of Treasury and Finance. It is in response to an email from Professor Lyndsay Neilson, who had emailed him with an attached briefing note. The email from Lyndsay Neilson went to Grant Hehir saying:

I attach a copy of my draft briefing note to the Minister for Planning in relation to the appointment of a managing director for the Urban and Regional Land Corporation. I have provided the minister with a copy of the report of our interview panel, and will draft a letter for him to send to the chairman, URLC.

There are a lot of letters that Lyndsay Neilson drafted for the chairman. Grant Hehir responded to the email on 18 September 2001 in the following fashion — this was after the second round of interviews and after the three heads of department had discussed the appointment of Mr Reeves. The email reads:

Lyndsay —

that is, Professor Neilson —

this looks OK, however, should there be a process of bringing the Treasurer into the loop prior to the minister writing. If so, I suggest that the minister write to the Treasurer and I will ensure it gets a quick turnaround.

I am away for the next two days, if you want to progress something through the Treasurer Jillian Wyatt in my office will facilitate it.

A pretty reasonable email written on 18 September.

On 20 September, just two days later, the then Minister for Planning, the Deputy Premier, wrote to the chairman of the Urban and Regional Land Corporation, Mr Petrovs. He said:

I refer to the correspondence from the URLC of 4 July, 30 July and 17 August variously signed by the deputy chairman and you relating to the appointment of a new chief executive officer for the corporation.

I will quickly explain that the 4 July letter was from the board suggesting the appointment of Mr Henesy-Smith and that there be consultation. The letter of 30 July was a further letter from Mr Petrovs suggesting in a more fulsome way what had gone on. A further letter from Mr Petrovs on 17 August protested about the second round of interviews.

On 18 September Grant Hehir wrote to Professor Neilson and indicated there should be a process of bringing the Treasurer into the loop.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Nardella)** — Order! I ask both sides of the house to quieten down. I am having difficulty hearing.

**Mr BAILLIEU** — Two days later in this correspondence the Minister for Planning wrote:

Together with the Treasurer, I have given careful consideration to this highly significant appointment.

Then there are several paragraphs. The then Minister for Planning further wrote:

... it is the firm view of both myself and the Treasurer that the URLC board should now consider the appointment of Mr Jim Reeves as managing director ...

So, on 18 September the head of the Department of Treasury and Finance indicates it is time for the Treasurer to be involved because he had to be consulted under the act. Two days later the then Minister for Planning says that he and the Treasurer have already formed a firm view and they have both given careful consideration to this highly significant appointment. Well, they were moving quickly, inside two days, but there is a bit of a flaw in the proposition. These documents were not released in the initial release by the government. It hoped they would never come out.

Five days after Minister Thwaites wrote to the chairman of the board, the Treasurer wrote to the chairman of the board. He wrote to Mr Petrovs on 25 September and said:

Thank you for your letter of 17 August ...

This is the letter where the board is expressly protesting about the second round of interviews.

Thank you for your letter of 17 August 2001 regarding the process of selection for the appointment of a new chief executive officer and managing director for the Urban and Regional Land Corporation.

As previously advised by the Department of Treasury and Finance, responsibility for the Urban and Regional Land Corporation Act 1997 rests with the Minister for Planning. I have noted the concerns of your board, and will consult with the Minister for Planning on this matter.

He says 'will consult', so the Treasurer had not consulted with the Minister for Planning. That goes to the core of the issue — —

*Honourable members interjecting.*

**Mr BAILLIEU** — The core of this issue — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Nardella)** — Order! I ask both sides of the house to allow the honourable member on his feet to continue his address.

**Mr BAILLIEU** — The core of this issue is that this piece of correspondence — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Nardella)** — Order! It also means the honourable members on the opposition benches.

**Mr BAILLIEU** — It is dated 25 September and is from the Treasurer to Marek Petrovs, the chairman of the Urban and Regional Land Corporation. It is the only document where the Treasurer has signed off or even been involved in the process. He says that he will consult with the Minister for Planning on these matters and on the concerns of the board. That was five days after the Minister for Planning had already told the board that they had had their consultations and had formed a firm view. The interesting thing about that is that all the evidence suggests that either the Treasurer chose not to be consulted because he was uncomfortable with the appointment of Mr Reeves or that he was not consulted, because the reality is that the Department of Treasury and Finance did not support Mr Reeves.

That brings me to some of the key revelations of the inquiry, but those letters set up the very clear questions that the former planning minister and the Treasurer have to answer about how that consultation took place and whether in fact the Treasurer ever approved of the appointment as he was required to do in order for the minister to write as he did.

The upper house inquiry, which the ministers have so roundly chosen to condemn, had before it evidence of two Treasury officials, Mr Geoff Tabe and Alan Hawkes, two of the most senior bureaucrats from the Department of Treasury and Finance. They wrote an email, not to the Treasurer but to the Treasurer's chief of staff, Craig Cook. The draft was dated 7 August. In it they noted:

Mr Reeves lacked experience in a profit-and-loss environment to support his appointment.

It further states:

The memorandum raised the concerns held by the governance branch of commercial division about the suitability of James Reeves to be appointed as CEO of a government business enterprise required by statute to operate on a commercial basis.

The URLC is required to operate on a commercial basis, that is why the Treasurer is involved. Specifically the memorandum reads in part:

It would not be possible for CD governance to support a recommendation to appoint Mr James Reeves to the position of chief executive officer and managing director of this business.

Senior office-holders of the Department of Treasury and Finance briefed the Treasurer's chief of staff that they could not support a recommendation that Mr Reeves be appointed. It is an extraordinary email from the Department of Treasury and Finance, concealed, as is all the documentation, in the first release of documents from the government in November–December. The government has sought to hide this.

The extraordinary thing is that that was not the only reservation expressed by officers of the Department of Treasury and Finance. In fact the acting head of the department, Grant Hehir, conducted the second round of interviews and expressed grave concerns about the suitability of Mr Reeves. He expressed those concerns to such an extent that when Professor Neilson wrote to him with a view to making a recommendation that Mr Reeves be appointed and that the three department heads agree on this recommendation to go to the ministers, the acting head of the department said that he could not support that recommendation unless it

included a further appointment. That further appointment was to be that of Mr Bryce Moore — the other candidate, interestingly, in the final three selected — as a director of the board and as the chief operating officer. It was to overcome Mr Reeves's deficiencies. Those were Mr Hehir's reservations.

But it is fascinating to go through the transcripts and ask yourself: was the Treasurer advised of the memorandum from the two senior bureaucrats of this department? The bureaucrats cannot answer that question, or they say that he was not advised. The adviser, Mr Cook, has been instructed by the Attorney-General not to appear. Did Grant Hehir provide that information to the Treasurer? On his own evidence to the inquiry he did not. Did Grant Hehir brief the Treasurer? On his own evidence to the inquiry he did not. Did Professor Neilson brief the Treasurer? On his own evidence to the inquiry he did not. But we know from the evidence to the inquiry that Mr Hehir and Mr Cook discussed the memorandum from the Department of Treasury and Finance. We know that the memorandum from the two senior bureaucrats was received by the Treasurer's chief of staff.

There is no evidence of any briefing given to the Treasurer. There is no evidence of the Treasurer ever signing off on any correspondence to the Minister for Planning authorising him to write the letter that he wrote saying they had formed a firm view.

**Mr Rowe** interjected.

**Mr BAILLIEU** — Isn't it convenient, as the honourable member for Cranbourne says. How convenient! There is no record of the Treasurer being involved. The question the Treasurer has to answer is: is that because he did not support the appointment or because he was ignored in the process, was never briefed and has had to go along with the sham process the whole way? The Treasurer's embarrassment when the question was asked in this house was extraordinary. Those three letters give the indication of serious questions that both the Minister for Planning and the former Minister for Planning have to answer and the Treasurer has to answer.

That is only one of the many revelations that have been brought out by this inquiry. As I said, we know that the only briefing that went to the Treasurer was a letter that was passed to him by the Department of Treasury and Finance officer — the 17 August letter protesting the conduct of the interviews — and a very short ministerial brief went from the officers to the Treasurer, and that is the brief that he responded to in the letter of 25 September.

Interestingly the upper house inquiry has been told of ample suggestions that it was the clear intent of the government to appoint Mr Reeves all along. In evidence led by Mr Hawkes, the senior bureaucrat, in August of last year he told Geoff Tabe, the other senior DTF bureaucrat:

I had learned that the Minister for Planning was involved in the appointment process and might be supporting James Reeves.

Further, Mr Hawkes states:

It appeared to us that the Minister for Planning had a view.

Mr Hawkes states:

It was our understanding that the Minister for Planning was supportive of another candidate, which was Mr Reeves.

Mr Carr of Heidrick and Struggles, the consultants, states:

They —

being the board —

at a subsequent date indicated that there was an individual on that list that the government wished us to consider.

Board member Mr Davis states:

There had been, I think, discussion that Mr Reeves was government's preferred candidate —

'scuttlebutt' I think he referred to —

that he was the preferred candidate of the government.

Mr Petrovs in the inquiry said:

There had been discussions about rumours rife throughout the industry, throughout the corporation, throughout the government about the government having a preferred candidate.

And there is plenty of other evidence from witnesses to the inquiry that rumours were rife. The rumours were so rife that on 14 April last year the *Courier Mail* in an article by Matthew Franklin about Jim Soorley and his potential resignation as mayor of Brisbane had this to say about Mr Reeves.

With Tim Quinn and David Hinchcliffe already declared candidates another possible contender is Jim Reeves, Soorley's right-hand man in city hall and a former mayor of Ballarat. Reeves is widely respected in city hall circles as an A-grade fix-it man whose skills are a significant reason for Soorley's political and administrative success. Reeves refused to discuss his plans with the *Courier Mail* or to comment on claims that he had ruled himself out of the race by accepting a new job with the Victorian government of his close friend Steve Bracks.

Fascinating! The *Courier Mail* had the mail as early as mid-April of last year, long before the process began. When it comes to the process it is timely to recall a number of meetings that were held. Evidence led to the inquiry suggests that Mr Reeves met with Mr Thwaites, the then Minister for Planning, on 11 May, and that evidence is explicit. Indeed Mr Thwaites is on the record as having said that he suggested to Mr Reeves that he take the job. That leads obviously to questions about when Mr Thwaites decided that Mr Reeves was the appropriate person for the job and how he then went about it.

There was a further revelation at the inquiry. When it comes to the Department of Treasury and Finance, why did it not act? Why did it not act to brief the Treasurer? Why did it not act to brief its minister? Why did it not ensure that its minister was fully apprised of the information which had been made available to it and to the Department of Infrastructure?

**An Honourable Member** — He just did not want to know.

**Mr BAILLIEU** — He did not want to know — or he was not allowed to. As I said earlier, perhaps that is why the head of the Department of Premier and Cabinet was brought in, to roll the Department of Treasury and Finance.

Interestingly Mr Tabe gave evidence to the inquiry, and I quote:

I consulted with the Department of Infrastructure, Mr Ray O'Halloran, who advised me that similar letters had come to the Minister for Planning and that the matter was being dealt with within the DOI and that we should hold off on any action at that time.

And that went on until they were to get back to him.

Plenty of evidence was led to the inquiry. The Department of Infrastructure told the Department of Treasury and Finance officials to do nothing. Goodness me — to do nothing! It rings a bell with this government. They were advised to do nothing, and the consequence of that is that they did nothing. No briefing whatever went to the Treasurer on the shortcomings of Mr Reeves. There is no evidence that the Treasurer was consulted, and in fact the evidence suggests that contrary to the claim by the Minister for Planning there was no consultation between them. The suggestion is clear that either the Treasurer knew Mr Reeves's shortcomings of his own account and did not want anything to do with this sham appointment or that he was kept out of the loop.

The reality is that Mr Reeves's deficiencies were ample. They were noted in the Heidrick and Struggles report. I quote:

Does not have first-hand operational experience.

... has not been responsible for profit and loss.

... this was evident from his responses to financially oriented questions during interviews.

... had some difficulty demonstrating the relevance of his experience for the role compared with other candidates.

... gave responses to specific questions which tended to be general and hence lacked depth.

Interesting reports came back from the second round of interviews, where similar sorts of comments were made.

There is the revelation at the inquiry from Mr Glynn, who suggested that Mr Bryce Moore had told him — and I concede that is contended by Mr Moore, but contended in an interesting way, I would suggest, if the transcript is read — when Mr Glynn departed as managing director:

I had one of my general managers come to me, Bryce Moore, ... to tell me that Mr Bracks had offered my position to Mr Reeves.

... Yes, I understand that Mr Bracks had offered the position ... two or three weeks before 17 May, some time in the middle of April.

**An honourable member** interjected.

**Mr BAILLIEU** — Around the time that the *Courier Mail* printed the article, indeed.

Interestingly we have on the record that the then Minister for Planning met with Mr Reeves on 15 May, and it was on 17 May according to Mr Glynn that he advised his staff that he would not be continuing. And the scuttlebutt that was around — and there is plenty of evidence, including from Mr Bryce Moore, that, yes, there was scuttlebutt around and that rumours were around — that the government wanted Mr Reeves. But that is just one of the many revelations. I have already mentioned the coincidence of the *Courier Mail* article of 14 April.

I also mentioned before that the Premier had suggested that the appointment was welcomed by the board. It is interesting to contemplate the evidence of Mr Glynn, who told the inquiry of Mr Reeves:

I think he was flown down from Brisbane, and having met with Mr Reeves, Mr Petrovs rang me and said, 'Look, Des, I know of your decision —

this was his decision to not continue —

I was wondering whether you might reconsider'. I said, 'Why is that?' and he —

he being Mr Petrovs —

said, 'Well, I don't think he is up to it'.

The interesting thing is that that was not all that has been revealed as to the views of the chairman of the URLC on Mr Reeves. Let me quote from the evidence led to the inquiry, which was an email from Mr Petrovs, the chairman of the URLC, to Angie Dickschen, who was the deputy chair of the URLC and the chairman of the subcommittee considering the recommendation for the appointment of a new chief executive. It was an email sent on 17 August from Mr Petrovs to Ms Dickschen. As I said, this evidence led to the inquiry, and I shall just quote part of it:

Reeves, on reflection, would be incapable of doing the job unless he had a 24-hour-a-day nursemaid.

This was an email from the chairman of the URLC to the chairman of the subcommittee on 17 August. The date is significant because that was the day the department heads conducted their interviews and also the day Mr Petrovs attended, under protest, as an observer of those interviews. Those interviews were of only the three candidates chosen by the department heads, allegedly, and not the three best candidates from the board list. That was also the day when the acting head of the Department of Treasury and Finance made it clear that Mr Reeves had ample shortcomings that could only be overcome by the appointment of someone else to a senior position to compensate for his shortcomings. Mr Petrovs's comments are quite consistent with the evidence led about the conduct of those interviews.

I also said earlier that the government claimed there had been no pressure on the board to change its selection. Evidence given to the inquiry is quite to the contrary. In fact the chairman of the URLC, in a message to the headhunters after the second round of the process, wrote an email, and I quote:

We won't win.

And I further quote Mr Carr from Heidrick and Struggles:

Frank Davis called 26 September to say that the board was not able to make an appointment of the preferred candidate, Mark Hensy-Smith, and that we were to close him out (government pressure too great).

Another email from Petrovs to the headhunters states:

I have a sneaking feeling we will not win this one.

That was on 24 September, and then there is Ms Dickschen. She told the inquiry:

I felt it was a direction, and I felt that Henesy-Smith was the best person for the job and that I was being directed to consider and appoint somebody else who I think was not the best person for the job.

Mr Petrovs told the inquiry:

We had no choice, I guess.

The interesting thing is the further revelation of the inquiry which again raises questions for the ministers, and that is that the headhunters' report was changed at the direction of the department head, Professor Neilson, to favour Mr Reeves. Professor Neilson chose not to change the report that went to other department heads or to the ministers on account of any other candidates, but only on Mr Reeves.

Regarding Mr Reeves's assessment that went to the minister, according to the evidence of Mr Carr from Heidrick and Struggles, Professor Neilson:

... requested we delete: 'At times he seemed to talk around the difficult questions rather than address them directly' and also delete: 'Did not seem to recognise his lack of engagement'. There was also a deletion in the final sentence taking out: 'Although his lack of operational experience'.

And then there were some additions directed by Professor Neilson, and those directions were:

His role had been to work with government and the private sector to formulate, develop, rather than direct project delivery ...

Mr Carr of Heidrick and Struggles was quoted as saying:

I was surprised because it wasn't standard procedure for an individual on a selection committee to request changes to a document that we prepared.

There is no doubt that the headhunters regarded the second process as inappropriate, and they have told the inquiry that. They have said it was absolutely inappropriate and untoward, and clearly other members of the board thought so as well. Mr Davis, quoted in the inquiry, said he thought it was quite wrong and said the board supported the chairman and going back and conducting the second round of interviews was not regarded as appropriate.

As I said before, it has been made patently obvious to the inquiry that Mr Reeves was not in the top three preferred selection of candidates by the board, and there have been other revelations to the inquiry. Interestingly

it has been firmly put to the inquiry that Professor Neilson originally agreed that Henesy-Smith was the strongest candidate. In fact Mr Carr of Heidrick and Struggles said of Professor Neilson:

In the discussions and interviews we had where Mr Neilson was present, he certainly agreed that he —

Henesy-Smith —

was the strongest candidate.

Further:

The view of the group of individuals, including Professor Neilson, was that certainly Mr Henesy-Smith was the strongest of all the candidates.

That happened on the first round of interviews. Mr Davis, who was on the board committee, told the inquiry:

You know, he (Neilson) went with every information factor. My belief is that he tacitly — he certainly did not specifically, but I thought he tacitly supported it — knew what the board was going to propose and supported it.

Mr Davis also told the inquiry:

... it was my own impression from discussions after the interviews that he, Professor Neilson, knew what the board was going to recommend. He did know that and he tacitly supported it.

It is clear from evidence led to the inquiry that Professor Neilson was happy with the first interview process, and said so himself. But somewhere along the line there was a watershed. Somewhere along the line the instruction was given to Professor Neilson to go back to the board and conduct a second round of interviews to include the Department of Premier and Cabinet, when it had no role to play, and to include Grant Hehir from the Department of Treasury and Finance. The instruction was to conduct a second round of interviews that did not include preferred candidates but somebody who was clearly the government's preferred choice, and to conduct a further sham process.

As I said earlier, Mr Reeves's lack of commercial success during his experience with the brewery was clearly evident to all those who participated in the process, as the consultants Heidrick and Struggles told the inquiry.

A range of revelations have been made at the inquiry. I note Mr Davis was quoted on his views of Mr Reeves:

No specific capabilities for brief, no strong feel for managing economic change, focus on policy not outcomes, never managed anything, did not impress greatly at interview on his own terms.

That, from a board member of the URLC, is hardly a compelling recommendation. In further commenting that Mr Reeves lacked depth, Mr Davis had handwritten on a note that he also lacked conviction. Further, Mr Davis said:

He did not in my view have the sharp end of the knowledge needed to run the URLC business ... he did not capture or engage my support at the meeting. I found him a little bit lacking in precision and airy-fairy and sort of diffident — quite different to what I thought he would be like ... he did not come across to me as the sort of candidate I wanted.

... he was rather diffident and it did not seem to come across that he had great conviction in his answers.

As I said earlier, the chairman of the board is quoted in an email as having said:

Reeves, on reflection, would be incapable of doing the job unless he had a 24-hour-a-day nursemaid.

Documentary evidence led to the inquiry reveals that an undated letter was sent from the chairman to the minister, but it seems the letter was rejected and rewritten for the chairman. I quote part of it:

I refer to my recent meeting with Lyndsay Neilson, who informed me that to ensure that due process was observed in selecting an appropriate candidate for the position of chief executive officer and managing director you had instructed him to undertake a further series of interviews with some of the candidates previously interviewed.

That letter was prepared to go from the chairman to the minister. However, the evidence suggests that somebody decided that that letter be amended and not sent. At that stage Professor Neilson started to take the rap for changing the process. There is a dramatic contention as to who ordered the second round of interviews — whether it was the Deputy Premier or Professor Neilson acting independently or on account of the minister. As I said earlier, it is clear from the evidence that Professor Neilson did not have a problem with the first process, as he said in evidence.

Another fascinating revelation made to the inquiry was that after the first round of interviews Mr Reeves was advised by the search consultants that he had not been successful. If you were a candidate for an executive position but were not successful, you would have every right to be disappointed — and you probably would have every right to utter a few profanities and wonder what went wrong. But Mr Reeves rang Professor Neilson. In evidence led to the inquiry Mr Petrovs, chairman of the board, said:

... I received a phone call from Lyndsay Neilson sometime after that date — I think the 25th, I can't recall the date — advising me that he had received notice from Jim Reeves that he had been advised that he was no longer a candidate.

From that flowed the decision in a letter, whether from the Deputy Premier or Professor Neilson, to conduct another round of interviews. One of the candidates rang somebody in government to say, 'Hang on, I didn't get the job. You've done me in. You promised me the job, but I haven't got it. You said I'd get this job'.

How did Mr Reeves come to apply for the job in the first place? The former Minister for Planning, the Deputy Premier, is on the record as having been with him in November 2000 and having talked about the job. We have evidence that Mr Reeves had a Brisbane holiday with the Premier for 10 days in January last year. We have evidence that Mr Reeves met with the minister — presumably in Melbourne, because there is no record of the minister having flown to Brisbane to meet him — on 11 May last year.

The house should be aware of the fact that this is not the only job that the government has offered Mr Reeves. In evidence led to the inquiry the head of the Department of Premier and Cabinet, Mr Moran, when asked whether Mr Reeves had been offered a job in the department immediately after the election, said yes. The job was then called head of the cabinet office, which was advertised following the departure of the previous head. Mr Moran told the inquiry:

Yes, it was the job then called 'head of the cabinet office', which was advertised following the departure of Mr Jamie Carstairs ... That position was advertised. As is usual, a significant number of people applied, and I am told that James Reeves ... was one of them.

At the time Mr Scales was the head of the Department of Premier and Cabinet and Mr Moran took over at a later date. Mr Moran further states:

Secondly, I was presented with a list of applicants for the head of cabinet office position, which as a result of Mr Blacher's review changed as to its scope of responsibilities. It certainly changed as to its responsibilities because of what I did in the department.

At that stage Jim Reeves was not on the list, because as I found out later he had withdrawn his application.

The fascinating thing about that is there is the Premier's best mate being encouraged to apply for the head of the cabinet office only some few months before the then Minister for Planning met with Mr Reeves and Mr Soorley in Brisbane and spent two wonderful days there.

The interesting thing is that I put in a freedom of information (FOI) application to the Premier's office on that particular issue, and you would imagine that, given that the head of the department knew that Mr Reeves was on a list, knew that Mr Reeves withdrew his

application and knew that the position was available, there would be some evidence of that. In a lovely twist, it is clear that the Premier had instructed bureaucrats to provide me with no FOI material, because I got a blank FOI response back saying no such documents exist. How did the department head know these details without there being any documents? I look forward to the further review of those documents.

There are issues for the Premier to address about whether discussion took place with Mr Reeves in Queensland as to the discussions with Mr Moran that he has conceded he had about Mr Reeves's application for the head of cabinet office and as to his discussions with the former Minister for Planning. There are issues for the minister to answer as to the Brisbane trip and the discussions he had with Mr Reeves about: who offered Mr Reeves's name; what was discussed with Mr Reeves at the 11 May meeting; the private meeting which only he and Mr Petrovs attended prior to Mr Reeves's name being advanced to the board; how he advised the Treasurer of his determinations; where the evidence of consultation is; and why there was no written record of the references being sought by the department heads being assigned. These are questions for the Treasurer to answer in terms of his knowledge of the DTF officials. Clearly there are —

**Mr Ingram** — On a point of order, Mr Acting Speaker, I have been listening to the speech for a while and it appears to be extremely repetitious in nature. I would like to —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Seitz)** — Order! Every honourable member is entitled to present their point of order. I ask the honourable member for Gippsland East to repeat his point of order. With all the interjections the Chair was not able to hear it clearly, apart from the words 'repetitive comments'.

**Mr Ingram** — I have been listening to the speech for a while, and it appears to be very repetitious in nature. I believe that as the honourable member has nothing new to offer you should call him to order.

**Mr Perton** — On the point of order, Mr Acting Speaker, I have actually sat through the entire speech sitting next to my colleague, and I assure you there has been no repetition. I seriously doubt the honourable member for Gippsland East has been awake or in the chamber during the course of the contribution.

**Mr Kotsiras** — He wasn't here!

**Mr Perton** — In fact, as the honourable member for Bulleen confirms, the honourable member for Gippsland East was not even in the chamber. He was probably napping in his office or having a cup of coffee. So I ask you to rule against this spurious point of order. As the Speaker often says, spurious points of order sometimes merit a suspension from the service of the house, and I certainly suggest that to you, Sir.

**The ACTING SPEAKER (Mr Seitz)** — Order! I have heard sufficient on the point of order. There is no point of order. Under sessional orders it is time for me to interrupt the business of the house.

**Sitting continued on motion of Mr BATCHELOR (Minister for Transport).**

**Mr BAILLIEU (Hawthorn)** — As I was saying, there are questions for the Treasurer to answer as to whether he received advice from Craig Cook, his chief of staff, written by his senior bureaucrats; whether he received a briefing from Professor Neilson; whether he received a briefing from the department head; and whether he undertook his obligations under the act as Treasurer.

Where is the evidence of his support for the proposal put by the then Minister for Planning? Where is the evidence to show whether he was aware of Mr Reeves's commercial shortcomings, whether there was an Australian Securities and Investments Commission search done on Mr Reeves — and it is not hard to do — and whether the Treasurer was aware that his own department head had recommended that he would only support the Reeves recommendation if a second position was created in the knowledge that the board had not been consulted about the creation of that second position and the elevation of Mr Bryce Moore as chief operating officer. As the honourable member for Bentleigh asked, did the Treasurer know that the department head was filling the need observed by the chairman, that Mr Reeves would require a 24-hour-a-day nursemaid? Was the Treasurer aware of the shortcomings of Mr Reeves, including the shortcomings noticed at the interviews?

There are a range of questions for the Treasurer to answer, there are a range of questions for the Premier to answer, and there are a range of questions for the former Minister for Planning to answer. Those ministers have the option of appearing before the inquiry, but they only have the option if this Assembly relieves them of the obligation they have to not appear before it.

The honourable member for Gippsland East was here, but he has gone yet again. The Independents have the

opportunity to stand and deliver on their charter, which was their undertaking to ensure that good governance prevailed in the state and that things would be open, honest and accountable. It is their opportunity to stand by their own promises and their own values — not, as I said before, as they did on the privileges issue with the former Minister for Post Compulsory Education and Training, when they set a parliamentary precedent by voting down a reference to the privileges committee.

This is the second opportunity of a significant parliamentary nature that the Independents have had to show their commitment to good governance. They have the opportunity here, not to compel the ministers to attend but to relieve those ministers of the Westminster parliamentary obligation they have of not attending. There are precedents, which my colleagues will go into in the debate. There are ample precedents for that to occur.

The Independents have a choice — and the government has a choice, for that matter. They can accept the amendments, which reflect the true motion of the upper house that was passed today, and in so doing they can simply hand the ministers a choice. The ministers then can exercise that choice in a way they think fit. There is no obligation for them to attend, but for the government and the Independents to say, ‘We are sorry, we are not even going to give them the choice’ would be to fly in the face of good governance. It would be to fly in the face of the interests of the people of Victoria and to accept the thuggery of an Attorney-General who has a contempt for due process. There is plenty of evidence of that. It would be to accept the contempt of a government that brought this motion on at a time of least possible scrutiny, and it would be to accept the total abandonment of the government’s integrity and the abandonment of its commitment to the charter that it has with the Independents.

It would be a very easy thing for the government and the Independents to simply pass this motion or support the amendments and for the ministers to say, ‘All right, but we won’t attend’. Where is the problem? What is it? What is it that these ministers fear? Is it that they fear that the Premier actually set this whole scam up and that the then Minister for Planning, the Deputy Premier, was complicit in it? Do they fear the fact that the Treasurer was either complicit or was ignored? If he was complicit, then he is just as culpable, because he clearly ignored the opportunity to be briefed on the shortcomings of Mr Reeves; and if he was ignored, then he has to take issue with his colleagues.

There we have at the head of the government four senior ministers — the Premier, the Treasurer, the

Deputy Premier and the Attorney-General. All have been involved in this shameful affair, and the Attorney-General has tonight brought it to a head.

The opportunity is there for the Independents to do the right thing. The people of Victoria expect, the people of Victoria want and the people of Victoria need this government to provide more than a new style of leadership. They expect this government to be open, honest and accountable, and unless this house gives those ministers the opportunity to be open, honest and accountable their integrity will be shot for good, and we will be able to well and truly say that Slippery Steve is in control.

**Mr RYAN** (Leader of the National Party) — I come to this debate from a different perspective, I must say, in that, as I suspect is the case with many other Victorians, I am not fully au fait with all the facts and circumstances of this sorry saga. It has become known of course as the Sweet Lips affair, because Jim Reeves had one famous hit song which concluded with the expression, ‘He’ll have to go’. In the end he did — although of course he went before he even arrived. In that sense I suppose he will look back upon this whole business as one of the lesser parts of an otherwise perhaps illustrious career.

The thing that has interested me about it from a relative distance is the government’s approach to it, and that is the issue I want to concentrate on. As I say, I am not au fait with all the facts. They have been traced very carefully in the debate in another place and in this house tonight very fulsomely and very ably by the honourable member for Hawthorn.

**Mr Perton** — Fully or fulsomely?

**Mr RYAN** — Fully and fulsomely, but there is a difference.

I do not intend to retrace all of that, because it has been dealt with in a way that does not require repetition. Indeed, I would hate the honourable member for Gippsland East to accuse me of being repetitious, because some might think that he had been sent in here as a government ploy to try to bring this whole thing to an end, and we would hate that sort of aspersion to be cast on him.

I will deal with a couple of issues, and the first is the issue upon which the honourable member for Hawthorn concluded — that is, the position of the three Independents. It is an important issue in the context of this whole debate, because this government was not elected in the ordinary sense, and it does not govern in the usual sense. It was appointed, if you like, by the

three Independent members of the Parliament. That occurred after a period of anguish on the part of all concerned — not only those who occupy this chamber, but all Victorians.

Victorians had a period of vacuum where there was uncertainty as to who would govern the state, and discussions ensued between the three Independents, the then coalition and the current government. The toing-and-froing went on — I was directly involved in that because there were discussions going on with the Independents — and ultimately resolution was achieved on the basis of what became known as ‘the charter’.

This document was the pillar of the appointment of the Labor Party to the government of Victoria. At the time it was flagged as such there was no attempt on the part of the three Independents to say other than that the arrangements as set out in the charter — this document, which was created by their own hands — were absolutely pivotal to the decision they ultimately made. That was so as a matter of logic, because they got to a point where, in determining what they would do in the sense of to which side of politics they would accord their support, they needed to have something in writing that in their view reflected the bases upon which people generally could make the judgment as to why they had decided as they did. So the charter came about.

On 1 October 1999 the honourable member for Gippsland West, the honourable member for Gippsland East and the honourable member for Mildura signed off on a letter that was sent to the leaders of the three parties, who were at the time the Honourable Jeff Kennett and the Honourable Pat McNamara, who jointly formed what was then the coalition, and the Honourable Steve Bracks. I will refer to the charter, which was an enclosure to that letter of 1 October 1999. I do not want to go through it all, but it is pertinent to refer to it in part in the context of this debate. It says:

The aim of this charter is to provide for stable, open and accountable government, which is able to work productively for the people of Victoria.

...

We will not support any government, and will remove our support from a government which:

...

Is shown to be corrupt, which supports any practices which are corrupt or which violates accepted standards of public probity.

Abuses the spirit of democratic parliamentary practice and procedure.

We are willing to support a government which publicly undertakes to:

1. Promote open and accountable government
2. Improve the democratic operation of Parliament.

I pause to say that I am reading from sections of the charter, and should anyone wish me to I would be prepared to table the document.

It goes on further under the heading ‘Promoting open and accountable government’ to say in relation to provisions regarding freedom of information:

- (a) Reducing the restrictions on access to documents on the grounds of ‘cabinet confidentiality’.

It says further that it seeks the government to adhere to the ideals of freedom of speech by:

- (a) affirming the principles that debate and dissent are legitimate aspects of a democratic political system;
- (b) removing restrictions on the freedom of speech of those employed under government contract or as public servants.

It also says:

... Establish a judicial inquiry into the ambulance contracts/Intergraph issue.

The terms of reference to be agreed to by the Independents after consultation with government, opposition and other interested groups.

I pause to say that it is interesting that there was a preparedness on the part of the three Independents to have a judicial inquiry into the ambulance contracts and the Intergraph affair, which is in marked contrast to the sort of position they have exhibited so far in this whole sorry saga surrounding Jim Reeves. Still, we will all know the final view they take when the Parliament and the public at large have the benefit of seeing the way they vote on the motion now before the house.

The document says under the heading ‘Improving the democratic operation of Parliament’:

- (c) Establish standing committees to review legislation and the operation of government (similar to the operation of the Senate).

That, of course, is very pertinent to the process that we now have before the house, because what we have is a committee which has been established by the Legislative Council and which is performing the role of a standing committee. It is not in this instance reviewing legislation, but it is certainly reviewing the operation of government and it is certainly similar to the operation of the Senate, so in all those senses the

aspects of the charter which were sought by the three Independents are established in the course of what is now going on in the Legislative Council.

The document goes on further to conclude:

Above all, we hope that the current situation of a very finely balanced Parliament of Victoria can be utilised to improve the democratic principles and practice of our state as well as providing a framework to move us all forward in the spirit of balance and cooperation.

That is what was sent to the leaders of the parties by the three Independents on 1 October 1999.

On 12 October 1999 Steve Bracks responded by a letter in his own hand directed to the honourable member for Gippsland West, and it commenced by being identified as a formal response to the letter of 1 October incorporating the amended copy of the Independents Charter Victoria 1999. The letter states:

I am pleased to indicate that I support the charter in its entirety and seek to outline in detail how a Bracks Labor government could implement it in full.

It states further — and this is always an interesting quote to be able to read back, of course:

I join with you in expressing a commitment to providing stable, open and accountable government which is able to work productively for the people of Victoria.

The letter goes on to say:

At the broader level I am pleased to say that the four points listed in the charter formed the basis of Labor's election campaign —

and it specifies two of those as being to:

- Promote open and accountable government;
- Improve the democratic operation of Parliament ...

It says further:

This formal response will detail my position on the charter and how I intend to implement both its detail and its spirit in the event of your support.

It continues under the heading '1. Promoting open and accountable government':

I have campaigned and fought for the creation of open and accountable government in Victoria for many years. It is my greatest priority to ensure that the Victorian community has its respect for our democratic institutions and system of government restored. I believe that if a Bracks Labor government were in a position to implement this charter we would see a transformation of our government and the community's relationship with it.

That is what the Premier said. There are further aspects of the document which bear consideration in the context of this debate. A little further on under the subheading 'Removing restrictions on the freedom of speech of those employed under government contract', the Premier states:

I commit a Bracks Labor government to the following:

abolition of teaching standing orders that silence teachers on matters of education policy;

abolition of clauses in funding contracts that limit public comment by community organisations to enable free debate and ensure the community is confident of the adequacy of existing services; and

introduce legislation to protect whistleblowers in the public service.

I make reference to all of those, and as the honourable member for Richmond quite rightly observes, that has all been done. With his able assistance — rhetorically of course, Mr Acting Speaker — I ask why it should be that these standards, which the Premier set out as being applicable in the instances which the honourable member for Richmond now agrees have been accommodated, do not equally apply to the three ministers, including the Premier, to whom this current motion refers? Why should it be that the Premier is prepared to undertake a course of action referable to those instances with which the honourable member for Richmond so roundly and readily agrees, yet when he, the Minister for Health and the Treasurer are asked to participate he abandons those standards upon which he has so relied?

The document goes on to talk about the establishment of a judicial inquiry and further improving the democratic operation of Parliament. Under the various commitments of his government, the Premier says that he is prepared to:

Establish standing committees to review legislation and the operation of government similar to the operation of the Senate.

In so saying, what the Premier did was repeat word for word the position which had been put to him by the three Independents in their letter of 1 October 1999, when they enclosed the draft of the charter with which they wanted him to agree. The Premier unequivocally committed to establishing standing committees to review legislation and the operation of government, 'similar to the operation of the Senate'. He went on to say:

I commit a Bracks Labor government to the establishment of properly resourced standing committees to review legislation

and the operation of government on behalf of the Victorian Parliament.

That is what the Premier told the world on 12 October 1999. Under the paragraphs that relate to what he expects of the three Independents, he said:

I acknowledge and respect your right to vote on all legislation in accordance with the needs of your electorates.

By extension I presume that to mean that he also respects the right of the Independents to vote in accordance with what they think are appropriate principles, as set out in their charter, and to make determinations on behalf of their electorates in accordance with the charter, having regard to the general conduct of government. The Premier continues:

I have a personal view that, if Labor were to form government with the support of Independent members, power in Victoria would be firmly placed back into the hands of our community. I have an absolute commitment to restore pride back in Victoria and provide stable, open and honest government.

That is what the Premier said in his document. In the course of this whole sorry affair I believe the charter assumes enormous proportions. Despite the things that have happened before and the things that have happened after, apart from those instances where it could truly be claimed by the three Independent members of this place that there were areas of grey about what they should or should not do in accordance with their charter, there is surely no uncertainty about what is contemplated by this. I am sure the Victorian community will be interested to see how the three Independents vote in terms of dealing with the matters now before the house.

Moving on from the charter, there is a key question which is pertinent to all this. What is the problem that concerns the government? Why is it that the government is worried about three of its members giving evidence before the committee which has been established in the Legislative Council if they choose to? It is not compulsory, it is only if they choose to. I want to work through a number of issues pertinent to that matter.

I see in some of the material which has come from the Legislative Council that Mr Theophanous, who is a member of the committee, refers to it as a Star Chamber. I went to the *Concise Oxford Dictionary* to find the definition of 'Star Chamber', which it says is:

A court of civil and criminal jurisdiction primarily concerned with offences affecting Crown interests, noted for summary and arbitrary procedure; abolished in 1640.

Figuratively speaking, the dictionary definition refers to an arbitrary or oppressive tribunal. In each instance the committee established in the Legislative Council simply does not fit the definition. It is not to do with a civil or criminal jurisdiction. It is not primarily concerned with offences affecting Crown interests. It is not noted for summary and arbitrary procedures, and it was not abolished in 1640. It certainly is not an arbitrary or oppressive tribunal, and I do not think anybody would assert that. On any definition, it is not a Star Chamber.

Its actual conduct also gives the lie to that assertion, because a Star Chamber carries with it, apart from the dictionary definition, the notion that there are things happening in its general conduct which are out of sight, out of mind and done by sleight of hand and not in an open, honest and accountable manner.

To deal with that aspect one needs to have proper regard to the way in which the committee functions. The fact is that it is open to the public. When the witnesses are called anybody who wants to be there can be. The television cameras are there unless, as has been their wont in recent times, the government has arranged stunts in other parts of the city or out of the city to attract the general media's attention.

**An honourable member** interjected.

**Mr RYAN** — There has been an attempt by the government to keep the cameras out of it, but nevertheless there has been general media coverage. The reporters come along, take notes and report as they see fit; they do radio broadcasts; if they are there for television they film it and we see the clips on television at night; so there is very broad media coverage. There is also a transcript, I understand. Every word so far, as one would expect, has been faithfully recorded by the ever-able services of Hansard. There are now 310 pages of evidence. That evidence is on the Internet and anybody who wants to read it is able to do so. It is there for everybody to see.

A number of witnesses have been called at this stage of the committee's work. I am not sure how many — about a dozen or something of that order. They have been called from all sectors of the community; they have been subpoenaed on the basis of their being able to assist the committee in relation to its work. Questions are asked by members of the committee and witnesses are able to answer in their own good time. They are not even in a court environment and are not pressed in a way that would happen in the judicial system. They are not subject to badgering or any other such thing, as is sometimes the case in the courts. None of that goes on.

The government is of course represented on the committee. Mr Theophanous and Mr Jennings, honourable members for Jika Jika and Melbourne provinces respectively in the upper house, are on the committee. It seems to me that makes all the more remarkable the assertion that the committee, on which the government has two members, is in some way not conducting itself appropriately. These are two senior members of the government who are, they would say, competent and who the government would say are competent, who I am sure would be registering loud and long complaint in the course of the committee's functioning if it were felt that the functioning of the committee was not in accord with standing orders.

**Mr Wynne** interjected.

**Mr RYAN** — The honourable member for Richmond says he will come to that. I will be interested to hear what he has to say, because the two members of the committee are there for the government, there are two members of the Liberal Party, and the Honourable Roger Hallam is on the committee from the National Party. It is an all-party parliamentary committee, of which there are many in this Parliament comprising members of both houses. It is said that this is some sort of a beat-up. That assertion interests me because the implication is that if the government had control of it, it would somehow be a 'beat-down', that the work of the committee would be tackled in a different way from the way in which it is being conducted.

The committee is properly constituted. I understand that the standing orders in the Legislative Council provide for the establishment of committees, and that pursuant to the standing orders the committee has been duly established. It is not a royal commission or anything of that sort, as I have already said, and so the persons who appear before it and who are involved in its work are able to pursue their respective roles in a way that does not have about that function the sorts of weighty aspects of practice that go with activities such as those involved in a royal commission.

You have to ask at the end of it what is the risk to the Premier, the Deputy Premier and the Treasurer if they give evidence. When you look at the logic of this, what is the problem?

**An honourable member** interjected.

**Mr RYAN** — The comment comes from across the chamber that it is a Star Chamber. I might need to go through the definition of Star Chamber again; it was obviously not heard.

**An Honourable Member** — Certainly no stars on that side.

**The ACTING SPEAKER (Mr Seitz)** — Order! Interjections are disorderly. The Leader of the National Party shall ignore them and address his remarks through the Chair.

**Mr RYAN** — What is the risk? Why would they not go? What are the options going through their minds as to why they would not go?

**An honourable member** interjected.

**Mr RYAN** — I will deal with the interjection first, which was, 'Why would they go?'. The answer is because they are the three people best in possession of all the material facts pertinent to this sequence of events. I see the nod of agreement from the other side of the chamber. Let us establish that as an accepted fact on the part of the government, if I may be so bold as to elevate the honourable member for Werribee accordingly. It is accepted therefore, and the honourable member agrees, that the Premier — —

**Ms Gillett** interjected.

**Mr RYAN** — The honourable member just agreed with me that the Premier, the Deputy Premier and the Treasurer are the three people who are in possession of the facts as they are best known. These are the three people who can say most about what eventuated. So what is the risk? One of the issues that does arise in court cases is that as a matter of general evidentiary principles if there are people who are available to be called to give evidence, and if those people are in possession of the facts in a manner which others are not, and if there is a power on the part of one of the parties to enable those witnesses to give evidence, if they do not come along and give that evidence then the law says that an implication can reasonably be drawn against their interests. In this instance I think it is a fair implication.

The three people who know most about this can go across to the chamber and give evidence; by the terms of the motion they are being offered that opportunity. What is being offered to them is the same as what was offered in years gone by when in 1976 or 1977 the Honourable Haddon Storey and the Honourable Vance Dickie were given permission by the Legislative Council to come across to this chamber, to the Legislative Assembly, to give evidence. What is being offered to the three of them is the prospect to go across to tell their stories — these three people being the three who know most about all of this. Why would they not go over and do that? What implication could reasonably

be drawn from the fact that they are not prepared to go over and do that?

Is it an issue of the famed right to silence? Do they feel that by going across there and appearing they would in some way, shape or form be in breach of the right to silence? I emphasise that right has no application in the matters under consideration now — this is not the criminal jurisdiction. However, the general principle might be troubling them. There are two answers to that.

**Mr Delahunty** interjected.

**Mr RYAN** — I take up the interjection from the honourable member for Wimmera — an open, honest and accountable government surely would not be troubled by this. These are the three people who know most about it. Why would the three people who know most about it — three of the senior members of the current government — not go across under the banner of open, honest and accountable government, as reflected in the charter, and tell the world what they know about all this? That is one answer to the question.

The other answer is they do not have to say anything. They do not have to say a word. They can go across to the chamber if they so choose and not say a thing. If they want to go across there and not answer that is entirely a matter for them. Why they would not want to go across — —

**Ms Kosky** interjected.

**Mr RYAN** — The Minister for Education and Training says, 'I am above this'. The minister has been a minister in the house for the past two and a half years as we have all sat here. I remember the early days, going back a couple of years, when questions were being asked in question time about the levels and the standards of the government and its honesty, openness and accountability. Time and again we were assured by all members sitting opposite that the words set out in the charter, which was the biblical reason for attendance, would be adhered to. Day after day they have talked about being honest, open and accountable, and here they are in a circumstance where they can go across and be open, honest and accountable, or if they so choose for whatever reason they do not have to say a thing. That is entirely within the ambit of the capacity that lies in the motion — there is a clear understanding they do not have to say anything.

The fact of the matter is that there is a committee established by the Legislative Council. All this has happened in an environment where there is a constant drive from the current government that the Legislative Council should perform a role more extensive than has

been the case historically. We have heard about that ad nauseam. We have got to the position now where this properly established committee is in the throes of its work and is calling upon these three witnesses to come across and give the committee the benefit of the factual material which they have and no others have — which they alone have before them.

The committee structure is entirely in accord with that which applies in the Senate, where, as the members of the government know, the Senate committees are not controlled by the government. So it is that this government might say, whether it be the children overboard affair, as it has come to be known, or whatever else might be spoken of, those events have unfolded because a committee which is not under the control of the government but nevertheless comprises membership of the government of the day is able to go about its work. Those Senate committees do that.

On the three Independents' part the charter calls for the establishment of committees that perform exactly this sort of function and are structured in exactly the same way as this committee. The Victorian government agreed under the hand of the Premier that it would accept the work of those committees and adhere to the practice for the purpose of honouring its undertaking to Victorians to provide open, honest and accountable government.

The chooks have come home to roost, because the committee — which is performing precisely the function which this government surely must have contemplated when the Premier put his hand to the document — is calling for the Premier to attend. There is a lovely irony in it, I grant you, but exactly the sort of structure that is happening in the Senate is happening here in Victoria. What is the difference? Three ministers are being offered the opportunity to go across and contribute to this committee's work. I have little doubt that what has happened here is doing this government enormous damage, because the issue itself — the comings and goings of Jim Reeves, just like the Watergate affair or its equivalents over the years — has ceased to be the issue.

The issue has now become the fact that the government has been hoist on its own petard. Just as all these promises were made by the government in response to the assurances which were sought by the Independents, and just as that process resulted in the Labor Party becoming the government with the coalescence of the three Independents, so it is that this chamber, the Legislative Assembly, now offers the government and by definition the three Independents the prospect of

living up to the undertakings upon which this government now rules in Victoria!

I have no doubt that people will watch this sorry chapter of events very closely over the next days and weeks. I am speaking in this debate at 10.45 p.m. in circumstances where the government has moved the continuance of business. It has done so because it wants to get this issue out of the way so it is not running in the Victorian Parliament tomorrow when the dawn rises, the media returns and the cameras are back. It wants this whole sorry saga out of the way before tomorrow comes.

I see a winsome smile on the Attorney-General's face. The shake of the head is not nearly as good as the winsome smile, even from a man who is about to get married! I can tell by his look that he knows I am absolutely right. Two weeks to go!

**Mr Brumby** interjected.

**Mr RYAN** — I am delighted to see that the Treasurer has joined in, too. I am pleased to see him here at least. More's the pity that he is not going to that inquiry to tell the world what it wants to know in answer to reasonable questions about his activities surrounding this whole sorry affair.

**Mr Brumby** — How many inquiries did you have in seven years? What about all the dirt — —

**The ACTING SPEAKER (Mr Seitz)** — Order! Interjections are disorderly! The Leader of the National Party will address his remarks through the Chair and will ignore interjections.

**Mr RYAN** — Lions 10; Christians 0!

**The ACTING SPEAKER (Mr Seitz)** — Order! I have called on the Leader of the Opposition to address his remarks through the Chair and to ignore interjections.

**Mr RYAN** — I will, Mr Acting Speaker. The honourable member for Gippsland East is back in, too, making another cameo appearance.

**Mr Perton** — Yes, but sitting on the right side of the house!

**Mr RYAN** — Sitting where he would say he probably best belongs, smack in the middle of the front bench of the government! So I think it is incumbent upon the Premier — —

**Ms Kosky** — That is insulting!

**Mr RYAN** — Oh, 'insulting'! The honourable member for Gippsland West and the Treasurer are in earnest conversation at the moment. What a lovely duo! I might say this about those three ministers, together with the honourable members for Gippsland East and Gippsland West: it will very interesting to see what unfolds in the course of the next little while and to see if those three are prepared to contribute their knowledge to the important work of this committee so that we might at long last get as close as we can to the bottom of what has become known as the Sweet Lips affair.

**Mr WYNNE (Richmond)** — I rise to support the motion moved by the Attorney-General. Having listened to near enough to 3 hours of debate from the honourable member for Hawthorn and the Leader of the Opposition, I can only say that this has been a pathetic attempt to breathe some life into the so-called upper house inquiry. What we have is a report that has been tabled in the — —

**Mr Perton** — On a point of order, Mr Acting Speaker, this was a matter of such great import to the government that it needed to be brought on today and we have had to have an extended sitting, so I draw your attention to the state of the house.

**Quorum formed.**

**Mr WYNNE** — This is a pathetic attempt by the opposition to breathe life into this inquiry. Frankly, if you go through the interim report that was tabled in the other place you see that it essentially runs to about eight pages and that virtually the rest of the report is correspondence which was generated by the Attorney-General! The crux of the issue is whether there are any precedents for summoning members from one house to appear before the committee of another house.

I draw upon *Odgers' Australian Senate Practice* (eighth edition), which clearly elucidates on this matter. I will quote from it because it is important. Odgers states in part at page 417:

The committee sought advice from the Clerk of the Senate on whether the Senate could compel members of the House of Representative and members of state Parliament to appear.

The Clerk's advice was that the Senate did not possess this power. Two bases for this advice were given. The first is that it is a parliamentary rule that a house of Parliament does not seek to compel the attendance of members of the other house, as a matter of comity between the houses and out of respect for the equality of their powers.

It goes on to deal with the standing orders:

Secondly, it was advised that, should the matter ever be adjudicated by the courts, the courts could find that as a matter of law the Senate does not possess this power. The courts could arrive at such a finding by reading the parliamentary rule as a rule of law, as courts have done with other parliamentary rules in the past, or, more probably, could find in the constitution an implied limitation on the powers of the federal houses in respect of each other and the state houses, on the basis of the doctrine of integrity of state institutions which has been expounded in other judgments.

There is no finer judgment one could find on this matter than *Odgers' Australian Senate Practice*, but the more important question is why this government would agree to go before the kangaroo court in the other place when even prior to this inquiry being established the Leader of the Opposition in a radio interview pre-empted its findings? In his interview with Neil Mitchell on 29 November the Leader of the Opposition tried — rather pathetically in my view — to indicate that a select committee would be established in a bipartisan manner. The inquiry commenced on 5 December.

In this radio interview the Leader of the Opposition, Dr Napthine, said that Mr Reeves was clearly not qualified for the job, so he had basically ruled on the matter prior to this inquiry even commencing. Neil Mitchell went on to ask, 'Would you have the power to require Jim Reeves to give evidence?'. The Leader of the Opposition replied, 'We would have the power under this inquiry to call subpoena witnesses'. Neil Mitchell asked again, 'Would you be able to subpoena the Premier?'. The Leader of the Opposition replied, 'Well, we would be able to subpoena the Premier'.

Before the inquiry even commenced the Leader of the Opposition had gone out on the radio, basically as judge and jury of this inquiry. He suggested in this interview that it would be a bipartisan committee. All I ask of honourable members is to look at the voting in relation to this inquiry. Honourable members will well remember that there are two members of the Liberal Party, two members of the Labor Party and a member of the National Party on this inquiry, and in every single instance where members of the Labor Party have sought to amend any aspect of this inquiry, what have we got? A vote on party lines. So much for bipartisanship, so much for there being a fair and reasonable inquiry. Is that bipartisan? All this is is a kangaroo court and a political exercise by the opposition. That includes this flaccid attempt by the opposition tonight, particularly by the honourable member for Hawthorn, who bored us senseless for nearly 3 hours trying to regurgitate old claims. He has obviously used a media clipping service as the basis of his evidence in relation to this inquiry. Frankly this is an absolute beat-up, and clearly the Attorney-General's

motion should be supported. We will not be going before this kangaroo court.

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

##### Ayes, 46

Allan, Ms	Kosky, Ms
Allen, Ms	Langdon, Mr ( <i>Teller</i> )
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr ( <i>Teller</i> )	Thwaites, Mr
Howard, Mr	Treize, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr

##### Noes, 40

Asher, Ms	Maclellan, Mr
Baillieu, Mr	Maughan, Mr ( <i>Teller</i> )
Burke, Ms	Mulder, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perton, Mr
Delahunty, Mr	Peulich, Mrs
Dixon, Mr	Phillips, Mr
Doyle, Mr	Plowman, Mr
Elliott, Mrs	Richardson, Mr
Fyffe, Mrs	Rowe, Mr
Honeywood, Mr	Ryan, Mr
Jasper, Mr	Shardey, Mrs
Kilgour, Mr	Smith, Mr ( <i>Teller</i> )
Kotsiras, Mr	Spry, Mr
Leigh, Mr	Steggall, Mr
Lupton, Mr	Thompson, Mr
McArthur, Mr	Vogels, Mr
McCall, Ms	Wells, Mr
McIntosh, Mr	Wilson, Mr

#### Amendment negatived.

#### House divided on motion:

##### Ayes, 46

Allan, Ms	Kosky, Ms
Allen, Ms	Langdon, Mr ( <i>Teller</i> )
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr

Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr ( <i>Teller</i> )	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr

*Noes, 41*

Asher, Ms	Maclellan, Mr
Ashley, Mr	Maughan, Mr ( <i>Teller</i> )
Baillieu, Mr	Mulder, Mr
Burke, Ms	Naphine, Dr
Clark, Mr	Paterson, Mr
Cooper, Mr	Perton, Mr
Dean, Dr	Peulich, Mrs
Delahunty, Mr	Phillips, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr ( <i>Teller</i> )
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr
McIntosh, Mr	

**Motion agreed to.**

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

**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.

**Police: communications systems**

**Mr WELLS (Wantirna)** — I ask the Minister for Police and Emergency Services to take immediate action to fix the appalling computer and communications systems in rural and remote police stations, especially one-man stations. I have had a number of phone calls into my office in the last couple of weeks from police who are clearly frustrated about

the computer system that they have to rely upon in remote parts of Victoria. The current situation in some of these police stations is that it is taking up to 30 minutes for police to log in. Last week one of the police officers went to download a special circular from the police, and it took 6¼ hours to download one piece of a circular. It was about a shopping trolley theft at a Safeway store in Mount Waverley, and this was being sent to all police stations across the state. The police have decided that rather than use their own antiquated, out-of-date equipment, it is better for them to drive 50 to 100 kilometres to one of the main police stations to download the information and their emails. That saves time.

This is not what we pay police to do: we pay our police in rural and remote Victoria to get out there, start policing and looking after the general community, not to be stuck behind desks waiting for antiquated computer software to be updated under this government. I call on the minister to use some of that massive surplus this government has to start updating the computers and software of those rural and remote police stations to ensure they are getting efficient and fast communications systems so that our police can start policing rather than being stuck behind desks.

**Housing: at-risk tenants**

**Mr MILDENHALL (Footscray)** — I raise a matter for action by the Minister for Housing that concerns homelessness and at-risk tenancies. No, I am not talking about the shadow Attorney-General and the honourable member for Pakenham, the former Minister for Planning! I want to talk about homelessness and at-risk tenancies in public housing as well, particularly as they affect people in my electorate.

One of the continual sources of complaint in my electorate office comes from people whose public housing tenancies are failing for various reasons. While the government provides affordable accommodation for almost 70 000 low-income householders through the public housing system, some 14 per cent of tenancies in the system fail each year. That is certainly not to deny the enormous achievements and efforts made by the minister and this government in a public housing, which has seen the investment of over \$90 million in new stock and the revision of various policies and practices that were the norm under the former Kennett government.

Many tenants leave voluntarily, and many do not state a reason for doing so, but the ones that I am particularly concerned about are those where tenancies fail as a result of rental arrears, antisocial behaviour or

deteriorating health, and the loss of the ability to live independently without support. After leaving public housing, these householders often fall into unstable housing situations or drift into homelessness. Long-term tenancy is an extremely difficult proposition for these householders without some form of assistance and support.

I ask the minister what steps she can take to help support at-risk tenants in public housing and to help prevent homelessness. I have had a number of examples in my office where people have had mild brain damage, extremely difficult family situations, injuries or split households. These sorts of situations can be unstable. I ask the minister to examine this issue and to take action to rectify it.

### **Schools: Edunet**

**Mr MAUGHAN** (Rodney) — I raise a matter for the attention of the Minister for Education Services in another place through the Minister for Housing that concerns the provision of Edunet services for government schools.

Telstra has provided Internet services to the Victorian Department of Education and Training since May 1997. By providing services to all schools Telstra had a guaranteed customer base, through which it was able to attain economies of scale and spread fixed costs, such as the cost of infrastructure, across all schools in Victoria. Most importantly, those fixed costs were the same for all schools irrespective of size. Telstra maintained a constant price over the whole period of the contract, which expired in May 2001.

At that time the department called for tenders, and those that Telstra and other service providers submitted were considerably higher than the initial one. At that stage the department abandoned the tender process and asked all tenderers to deal directly with schools. Telstra very generously agreed to continue providing services at the same price until February 2002. Since then every school has been on its own, which has severely disadvantaged smaller schools, most of which are in country Victoria.

The Nathalia Secondary College is a case in point. It has 170 students, and its Edunet services went up from \$484 per annum to an estimated \$3564 — a massive increase of 600 per cent. That means that the school has to raise another \$3000 annually to provide that service. The problem is that the department previously averaged subscription costs amongst all schools so that they all paid the same price per student, irrespective of the size of the school.

Now because of the actions of this government smaller schools — and the vast majority of them are in country Victoria — are disadvantaged. In Nathalia's case they are paying \$20 per student per annum. Larger schools would pay \$3 per student per annum.

Education is a universal right irrespective of where students live. I ask the Minister for Education Services to re-examine the provision of Edunet services to Victorian schools with a view to removing the present unacceptable disparity in cost between large schools and smaller schools, the vast majority of which are in country Victoria and the vast majority of which are being disadvantaged by the actions of this government.

### **Sherbourne Primary School**

**Mr PHILLIPS** (Eltham) — I raise with the Minister for Education and Training as the representative in this house of the Minister for Education Services an issue involving one of my local schools. I ask the minister to reassess the letter I wrote to her recently regarding some funding for the Sherbourne Primary School to seal its car park. The reply that I received suggested that the school could allocate some funding for the sealing of the car park from some other means or from another source of funding it received in the 2001 school year.

I ask the minister to have another look at the letter and the project. It is a very worthy project. It is a car park that is very dusty and dirty. It is at the main entrance to the school and is certainly something that warrants a high priority. The school, like all schools, is seeking additional funding to do many of these projects that have not been completed, so I ask the minister to look again at the project for me, for the school and for the local community to see if she can find about \$8000 for Sherbourne Primary School.

### **Housing: innovations program**

**Ms DUNCAN** (Gisborne) — I raise a matter for the attention of the Minister for Housing. We have many excellent community agencies and volunteers working in the Gisborne area to address the issue of affordable housing. I am pleased to say these endeavours have had excellent results since the Bracks government came to office.

Previously it had been the view that because we were in the southern part of our region we were often left out of things. I am pleased to say that situation is changing. Last year the Minister for Housing announced two initiatives in my electorate as part of the first round of the social housing innovations program. These projects totalled almost \$1.2 million and will deliver 16 one and

two-bedroom properties for people with disabilities in Kyneton and for older people in Romsey.

The announcement in Kyneton was for \$886 000 for social housing projects at Windarring, which is an adult training facility for people with disabilities. The project was for six two-bedroom properties, with enormous support from the community, from John Fredrickson and his team at the Windarring Central Highlands Association for People with Disabilities, and also from the Macedon Ranges Shire Council. The project at Romsey was for 10 one-bedroom units for older persons, again with enormous support from the community, particularly the Lions Club of Lancefield and Romsey, and again the Macedon Ranges Shire Council.

Part of the Bracks government's innovative social housing program has seen for the first time in a decade a state government investing in social housing. These are wonderful examples of the state government working with local government and the community to secure accommodation for low-income people. I congratulate our local health services, the Lions Club, the shire and all of the magnificent volunteers who work with us and assist our communities. It is recognised that our need is great. I was delighted that the minister acknowledged the needs of this region and my community, which had been so long neglected by the previous government. But affordable housing provision is still an issue in my electorate. There are always people in need, so while these have been terrific projects, the need continues to grow.

Can the minister advise what action she will take through the social housing innovations program to continue to address the housing needs of low-income and disadvantaged people in central Victoria?

#### **Vicroads: Mildura office**

**Mr SAVAGE** (Mildura) — I raise with the Minister for Transport the staffing levels of the Vicroads office in Mildura. I have no complaint about the current competency of the officers at Mildura's Vicroads office, but they are significantly understaffed and are having difficulty providing a decent service to the community that I represent.

Apparently Vicroads has a new computer system that takes twice as long to do data entries on drivers licences, and I think there are some difficulties with registrations. For example, on Friday the 15th there were 29 people waiting at the counter and the average wait was 38 minutes, which is excessive. There are not sufficient staff to deal with the number of counter

inquiries. Staff go from this office down to Ouyen to do licence testing, and they do licence testing locally plus registrations.

I have had complaints from customers from the Mildura community that relate to this issue, and it has been going on for some time. Vicroads has assessed the staffing levels of the office as being oversupplied. There is a person out the back on redeployment, which is a ridiculous situation when people are waiting on average for 38 minutes. If he helps at the counter it affects the statistical numbers of the people working there and could impact on their job futures, so they cut back another staff member.

It is clear that the staffing levels are too low. It is not good economics to have a person on redeployment who cannot be put out on the front counter. I ask the minister to review the staffing level at Vicroads and curtail this ridiculous concept of people getting paid but not doing any work because they are on redeployment. I ask the minister to ensure that taxpayers who pay registrations get a good service for the money they pay. I realise these are problems across the state in Vicroads, but Mildura may be unique in some aspects.

#### **Ragwort**

**Mrs FYFFE** (Evelyn) — I refer the Minister for Environment and Conservation to representations I have received from a large number of constituents re the prevalence and poor management of ragwort in the Yarra Ranges National Park and on private land in the Upper Yarra. Ragwort is a noxious weed that reproduces from crowns, roots and seeds. Ragwort is poison to grazing animals and competes strongly with more desirable native plants by the sheer volume of seed it produces. An average ragwort plant produces 60 000 to 70 000 seeds. A large plant can produce as many as 250 000 seeds. Seeds remain viable for up to eight years and are spread by wind, water, animals, farm implements and agricultural produce, including hay, and on clothing and other equipment.

Seeds that become airborne travel long distances, and they are also carried by water such as the fast-flowing Cement Creek. I was therefore stunned to see the acre on acre of ragwort on Crown land at the top of Mount Donna Buang as far down as Cement Creek. I am further disappointed to find that Landcare groups, such as the group in Don Valley, are now told to move on from ragwort and other weed control and just concentrate on revegetation. They have been told the government does not now fund for weed removal, only revegetation.

This noxious weed has taken over a beautiful tourist area and has taken over grazing land. I urge the minister to restore funding to Landcare groups for weed control. I also urge the minister to immediately provide the leadership and resources to eradicate ragwort on Crown land in the Yarra Ranges National Park.

### **Gippsland: community jobs program**

**Mr MAXFIELD** (Narracan) — I ask the Minister for Employment to take action to ensure further community job programs for the Latrobe Valley and West Gippsland. The community job programs have provided great impetus and community growth in my electorate. More than \$1.8 million has been provided to date, and the programs have delivered real jobs, in that many of the participants have gone on to permanent work. Of course, accredited training is provided for people who participate in the programs.

This delivery of what can only be described as a fantastic project is an outstanding achievement of the Bracks government. Many of the participants I have spoken to at the start and the end of the programs have expressed their great pleasure that those opportunities have been given to them. The community jobs program stands as a stark contrast to the work-for-the-dole program, which is a pathetic and grubby program being used by the federal government to rip off those in the community who are unfortunate enough to be out of work.

Some of the programs in my electorate have achieved real benefits not only for the participants but for the community. They have included a cultural heritage development project involving conservation and land care related to preserving and extending indigenous cultural heritage. We have also seen a variety of community works through the Baw Baw shire as well as the rebuilding of houses in Moe, which have then been sold off to fund further projects.

We have seen the rebuilding of the Narracan hall, which had burnt down. As the honourable member for Narracan it gave me great pleasure to see the community jobs program delivering the new Narracan hall and to see that building literally rise from the ashes. That was another great Bracks government initiative.

We have also seen the building of a replica of the original Walhalla railway station, which the Premier had the pleasure of seeing when he was present at the opening of the railway line into Walhalla last week. The community jobs program has certainly been well utilised in the railway rebuilding project, which has seen the railway line go into Walhalla.

We have also seen the rebuilding of some of our community assets. For example, at Noojee we are trying to develop a great tourist site, and the community jobs program, in combination with other government programs, has delivered fantastic streetscaping work in Noojee, which is something that I am very proud to have as the local member. I congratulate the government on a wonderful community jobs program throughout my electorate.

### **Belle Vue Primary School**

**Mr McINTOSH** (Kew) — The matter I raise for the attention of the Minister for Education and Training relates to the physical condition of the buildings at the Belle Vue Primary School, which happens to be in my electorate. I confess that I also happen to be a former student of that school, having attended it many years ago in the early 1960s.

The condition of the buildings and the surrounding areas of that school is pretty appalling. The staff and the students have a great affection for the school and its heritage. The members of the staff are wonderful, and they recently won a government science prize, which provided some funding for a special science program conducted at that school. The school has a wonderful music program as well as a wonderful sports and academic record.

I pay tribute to the staff and to the principal, Sue Baker. I have been there on a couple of occasions in the past two weeks, and I note that the honourable member for Burwood has also been to that school on one occasion recently. I have spoken to the honourable member for Burwood and we both agree that the physical condition of the school is appalling. The pavement is beginning to lift in areas; the asphalt is beginning to rise; not only is the paint coming off the walls but the roofs are leaking; and the school also has pretty Dickensian toilet facilities. On top of all that it has two very old boilers which are in complete disuse, and we are very concerned about the possibility of the presence of asbestos and those sorts of things in that area.

I ask the minister to review the funding arrangements for this school and deal with the appalling conditions there by providing a much-needed capital upgrade.

### **Harness Racing Victoria: former CEO**

**Mr ROBINSON** (Mitcham) — I raise a very serious issue this evening for the attention of the Minister for Racing concerning the conduct of officers of Harness Racing Victoria. I raise this matter in my capacity as the former parliamentary secretary for

racing. Although I have been transferred from that position, I retain a soft spot for the racing industry and, at the same time, a very soft wallet because of that interest. Nevertheless it is a serious issue and I seek the minister's assurance that inappropriate representations that have been attributed to an officer within Harness Racing Victoria will not be repeated in future.

The circumstances of the case I want to raise for the minister's attention relate to the Mildura Harness Racing Club, which in the past 18 months has successfully gone through a process of enlarging its trotting track. That would have been fine, but the enlargement required the acquisition of neighbouring land which was being used by the Mildura Imperials Football Club. People in the chamber with a better knowledge of country Victorian football than I have might correct me if I am wrong, but I think that was the club that former Richmond captain Dale Weightman came from, so it is a very well known football club.

The acquisition of land for that trotting track enlargement required a planning process and there were various public meetings. I understand that at one of those the representative of Harness Racing Victoria, who I further understand has since departed, made an extraordinary claim — that is, that anyone who objected to the enlargement of that trotting track could potentially be joined to any action subsequently taken in the tort of negligence by a trotting driver who might be injured as a consequence of the cramped conditions on the trotting track. This is an extraordinary claim, and I understand it is an alleged claim — the Ombudsman has since investigated it — but it does give a whole new meaning to the expression 'one out, one back', that's for sure! It is an extraordinary claim that would appear to have been designed to discourage people from exercising their democratic right under the statutory planning procedures and to lodge objections on the merits of the case presented.

The action I am seeking from the minister is, firstly, to consider this matter and, secondly, to take it up with Harness Racing Victoria to ensure that at all times in future officers representing that organisation in discussions with people who have a right to lodge an objection under a statutory planning process are preserved and not effectively dismembered by spurious and fanciful legal claims. I seek that action from the minister as a matter of some priority.

### **Mount Waverley Secondary College**

**Mr WILSON** (Bennettswood) — I raise a matter for the attention of the Minister for Transport. The action I am seeking is that the minister immediately

instruct Vicroads to provide funding under the black spot program for the construction of indented bus bays outside Mount Waverley Secondary College on Stephenson's Road.

It is very unfortunate that I have had to raise this issue, because on two previous occasions I have raised it with the Minister for Transport during the adjournment debate and to date no action has taken place. There has been an agreement by Mount Waverley Secondary College, the City of Monash and the department of education for the construction of these indented bus bays along Stephenson's Road. The only stumbling block in this whole process is Vicroads, which continues to refuse to provide the necessary funding for the construction of the indented bays.

Every single day hundreds of Mount Waverley Secondary College students board buses along Stephenson's Road in a very dangerous setting. The Minister for Transport has been placed on notice on two separate occasions by me and the local community that this is an unacceptable situation for students in my constituency. I implore the minister to immediately instruct Vicroads to provide the necessary funding for the construction of those bays without delay.

### **Insurance: public liability**

**Mr HARDMAN** (Seymour) — I raise for the attention of the Minister for Finance the issue of public liability insurance, which is a matter of great concern to country Victorians. I ask the minister to take swift action to address the issue.

There are many festivals, shows and events held throughout my electorate and across all of country Victoria and the rest of the state that need to continue into the future, and I ask the minister to take action to ensure that that can happen. The Seymour electorate has many small communities whose strengths lie in their ability to have festivals, shows and events that bring people out, bring them together and let them communicate with each other. People then develop a sense of community and promote the products and wares that they produce within those communities, and they often raise needed funds for the volunteer organisations such as the very important Country Fire Authority. Our small communities gather many other advantages from these events.

Public liability insurance premium hikes have so far caused the cancellation of the Broadford Amateur Country Show, because its premium went up from \$900 to \$4000. It is a relatively small event and could not cope with that kind of rise. Other events at risk

include the Seymour Rafting Festival, which took place on the March long weekend this year, when I had the privilege of starting the race. It was reported in the *Sunday Age* that the competitors in that race had to sign indemnity forms because public indemnity insurance cover was not a viable option.

Recently we had the Wandong Music Festival, and I had the pleasure this year of awarding the inaugural ute competition award. That festival had a rise from \$1100 to \$3700 in its premium, and the organisers are now very concerned that if this continues into the future they will eventually have to close the festival down.

I can cite many other examples of important festivals and community events that are being placed at risk throughout my electorate. The Healesville Gateway Festival, the Yea Autumn Fest, the Kilmore Celtic Festival, the Mia Mia Kite Flying Festival and many others are dependent upon this issue being addressed as quickly as possible. Again I ask that the minister take action and provide a long-term solution to this issue, which has the ability to profoundly affect our way of life, especially in Victoria's country towns.

**The ACTING SPEAKER (Mr Seitz)** — Order! The honourable member for Sandringham has 1 minute and 40 seconds.

### **Beaches: Sandringham**

**Mr THOMPSON** (Sandringham) — I wish to raise a matter for the attention of the Minister for Conservation and Environment. Twelve months ago the attention of the people of Victoria was drawn to the fact that the sands off Sandringham Beach were receding faster than the final days in the sands of time hourglass of the current government.

During the years of the former coalition government, over \$15 million was spent on extensive beach renourishment works around Port Phillip Bay. At the present time the beach opposite the Red Bluff Hotel is receding significantly. Since this matter was first drawn to the attention of the minister the sands have further eroded, resulting in very extensive engineering works being required. I ask the minister to advise the house at the earliest opportunity what action can be taken to rectify this situation so that further costs will not be incurred. It is a simple problem that can be solved by appropriate engineering works and an appropriate commitment of government funding.

During the former coalition government's time in office over \$15 million was spent on the important objective of beach renourishment to improve Victoria's coastline which stands as one of the great coastlines of the world.

I ask the minister to take strong action to ensure that this matter is rectified so that people such as Mr Chris Carroll from the Bayside Ratepayers Association can see effective progress.

**The ACTING SPEAKER (Mr Seitz)** — Order! The honourable member for Bulleen has 3 seconds.

### **Bulleen: park-and-ride facility**

**Mr KOTSIRAS** (Bulleen) — I raise a matter with the Minister for Transport to do with the park-and-ride facility in my electorate.

**The ACTING SPEAKER (Mr Seitz)** — Order! The time for raising matters on the adjournment has expired.

### **Responses**

**Mr HULLS** (Minister for Racing) — I thank the honourable member for Mitcham for raising this matter. I understand that a complaint was made by the Imperials Football Club about the former chief executive officer (CEO) of the Harness Racing Board. That person, Bernard Saundry, is a good bloke. He has left the Harness Racing Board now and moved on to be CEO of the Footscray Football Club, so he certainly has a difficult job on his hands.

I understand that nonetheless a complaint was made and the Ombudsman has investigated that complaint and reported on it. On the evidence available to him the Ombudsman concluded that the statement made by Mr Saundry could be interpreted as meaning that any objectors could be subject to legal liability, so he has found that the complaint has been established. Can I say that the response from Neil Busse, who is chairperson of the Harness Racing Board, is that whilst Bernard Saundry has confirmed that he cannot recall the precise words used at the meeting, he is sure he would not have used any potential legal issues against third parties as a bargaining tool.

I am sure the Harness Racing Board is well aware, under the great leadership of Neil Busse, that it is obviously not its role to be putting pressure on groups in relation to any planning issues and the like. Bernard Saundry, on the advice of Neil Busse to the Ombudsman, has indicated that that was never the intention of his words. If they have been interpreted in that way it is certainly unfortunate. I have no doubt that in future, under the leadership of Neil Busse, any such misinterpretation will not occur again.

In relation to the Harness Racing Board, there has been a total change in the structure of the board. The board is

now, as I said, headed up by Neil Busse. We also have a number of women on the board for the first time. We have an innovative board, and harness racing is moving ahead in leaps and bounds. The board has made excellent progress in implementing the new five-year strategic plan for the harness racing industry. That plan is aimed at securing the prosperity and long-term viability of this great industry.

People forget that harness racing is a \$578-million industry in this state, and more than 75 per cent of that occurs in regional and rural Victoria. In addition, harness racing employs 11 000 people, with two-thirds of those jobs in rural Victoria. It is a huge industry which is moving ahead in leaps and bounds. The new board is to be congratulated on the strategic plan. I am sure it will take on board the comments made by the Ombudsman, and I am sure that matter will be relayed to the Imperials Football Club.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — The honourable member for Wantirna raised what he believes is a concern about delays in email facilities at rural police stations. I have to say that under the previous government there were no email facilities in rural police stations — there were no computers in rural police stations. If there were rural police stations, there were no police in them. We have come a long way. We have rural police stations, we have police in them, we have computers in them and we have email facilities in them. However, in trialling the email facilities at these rural police stations we discovered that there was a bit of congestion on the Telstra lines.

As I have advised members opposite previously, Telstra is in fact a federal instrument. At the end of the day there is an issue with the size of the pipeline this information has to be pumped through. The Victorian government will not put itself in the hands of the federal government, because the federal government is trying to fatten up Telstra's profits and maximise the share price it will get when it tries to fully privatise Telstra. Therefore the government will not rely on that. Victoria Police has budgeted \$850 000 to address this issue by setting up a satellite dial-up facility, which will ensure not only that there is a rapid download capacity for email but also that for the first time we will be giving our police direct Internet access.

As I say, the police are getting Internet, they are getting email and they will be getting enhanced transmission speeds. Many of them will be in nice new police stations, and there will be police there. I think that is an enormous improvement on the situation under the previous government. I thank the honourable member

for Wantirna for allowing me to make this announcement.

**Mr LENDERS** (Minister for Finance) — The honourable member for Seymour raised with me the issue of public liability insurance as it affects a number of community groups in his electorate. He specifically mentioned the Seymour rafting event, where there was an issue about indemnity forms. He asked what relief the state government could provide. He also mentioned the Wandong Country Music Festival, the Kilmore Celtic Festival, the Broadford amateur show, the Yea Autumn Festival and a number of other groups.

Regarding the indemnity forms for the Seymour rafting, that is a federal issue under the Trade Practices Act and unfortunately I cannot offer the member any news at this stage. However, the federal government is convening a summit next week, and I will raise that as an issue with the federal minister when we get to that summit.

Regarding some of the other events which fall into the category of not-for-profit organisations, I know the honourable member for Seymour is a tireless worker for the community organisations in his electorate. He is forever working hard on ministers in this place, asking us to deal with issues in his electorate and never ceasing to advocate for the electorate he is very proud of and works hard for.

On these particular issues I can let the honourable member for Seymour know that the Bracks Labor government in conjunction with the Our Community organisation, the Municipal Association of Victoria and Jardines insurance company is working on a group insurance scheme for not-for-profit organisations that will provide relief for some of those organisations in his electorate in two forms: firstly, in making it easier for organisations like the ones he has mentioned to achieve public liability insurance, and secondly — and this will be tested as time goes on — to get it at a lower rate. They are the two objectives the government is working towards.

I commend the honourable member for his advocacy on behalf of the groups which are under duress in his electorate, and that is the government action I hope will assist his groups.

**Mr PANDAZOPOULOS** (Minister for Employment) — I thank the honourable member for Narracan for his great interest in the community jobs program (CJP). He rolled out a whole list of projects in his electorate, and I know he has been active in encouraging local government and local partners in

those projects. There is no doubt they are extremely worthy projects that will provide real jobs, training and opportunities for people who will get paid award wages, which is not what happens with the federal government work-for-the-dole program.

The community jobs program is very popular. Our latest funding round closed on 15 March, and we have had a record number of applications from across the state. I thank the honourable member for those many projects. I have noticed many press clippings from his local area about updates. I saw one about the CJP with the Shire of Baw Baw and Rokeby the other day, and I know the honourable member is known locally as the Minister for the Community Jobs Program. So congratulations to him.

He has asked that there be ongoing support for his region and for Gippsland and the Latrobe Valley. All applications are assessed by a panel and are recommended to me, and if they are as good as the others that have been so successful they will see more funding.

I would like to comment on one of the biggest in the community jobs program, and that is in the Latrobe Valley. It is a partnership to rejuvenate public housing between the Latrobe City Council, the Office of Housing and TRY Youth and Community Services which is about delivering 267 CJP jobs at a cost of \$2.18 million over two years to August 2003.

I am pleased to advise the honourable member that more than \$650 000 has already been spent. The project is about enhancing the appearance of former public housing neighbourhoods, using surplus public housing stock and demonstrating what can be achieved by low-cost renovations. I have seen photos of the projects and I am aware of some of the houses that have been on-sold. It is a great way to convert former public housing stock involving young unemployed people getting real jobs and training and on-selling those homes and moving on to renovating new homes. That is predominantly what the project is about. The project has identified about 20 homes that are suitable for renovation. On completion they are sold and money is poured back into the project.

What are the outcomes? That is the interesting thing about this program. There have been assessments about the outcomes of the federal government's employment programs compared to ours. Ours are more targeted, more intensive and more successful. To date, 39 of the first 67 participants to be employed on the program have already been successful in gaining employment or have moved into further study. That is a very high

success rate, particularly compared to the work-for-the-dole program.

It is a very important project in the Latrobe Valley. Two houses, one in Morwell and another in Moe, have been completely renovated, and I am pleased to advise the honourable member that in terms of the next houses they are working on, the next phase of the project will see 40 people beginning work in Moe for 16 weeks. They will be working on restoring a house in Barbor Court, Traralgon, and one in Amaroo Drive, Churchill. I thank everyone involved in the project. It is the biggest CJP project. It just shows you the type of innovation that can be done locally. It is local communities thinking of applications with a better understanding of their communities. Thanks heaps to the honourable member for the many great projects in his area.

**Ms PIKE** (Minister for Housing) — The honourable member for Footscray correctly identified that there are a handful of public housing tenants in his community who need specialist assistance in ensuring that their tenancies are stable. The tenants may have issues of mental illness, disability or other problems. If they do not have special one-to-one support at sometimes difficult and challenging times of their lives then their tenancy may become unstable and they face the possible risk of eviction and may enter into the spiral of homelessness.

The government has identified this as one of the key factors in its Victorian homelessness strategy, which I recently released. Among one of the \$3 million of strategic initiatives is an initial \$130 000 pilot project, which is tailored at meeting the needs of these at-risk tenancies in public housing. I am pleased to advise the honourable member for Footscray that this particular project will begin in July 2002, where workers will assist those tenants with case management support and referral so that they can have stable tenancies and avoid the risk of homelessness.

The honourable member for Gisborne has been consistent in her advocacy for additional affordable housing in her community. She has identified that her community will deliver \$2.4 million of new housing projects in the central Victoria area, greatly assisted by her ongoing advocacy and hard work in facilitating these applications in her local community.

We think that the social housing innovations project is a fantastic partnership opportunity. It has provided the impetus for many community groups to either get very innovative housing programs up and going or to add to existing housing programs. It also is a program that

creates real jobs and real opportunities, and helps the taxpayer's dollar go further. There are lots of positive outcomes from the program, and that is great news for those communities, for the building industry and for the state as a whole. The government is committed to continuing the whole notion of partnership and will be able to offer more resources in the future in this regard.

The honourable member for Rodney raised a matter for the Minister for Education Services in another place, and he has already provided papers to her regarding increased prices for Internet services in government schools, particularly in the smaller schools in his community. I will ensure that that matter is followed up.

The honourable member for Eltham raised a matter regarding the car park at the Sherbourne Primary School with the Minister for Education Services, and that will be responded to.

The honourable member for Mildura raised a matter regarding the adequacy of staffing in the Vicroads office in his community. The concerns were about the processing of drivers licences and registration. That will be passed on.

The honourable member for Bennettswood requested funding from the Minister for Transport through the black spot program regarding Mount Waverley Secondary College.

The honourable member for Evelyn was concerned about the control of ragwort weed in her community, and has requested that the Minister for Environment and Conservation follow this matter up.

The honourable member for Sandringham is concerned about the receding and eroding sands at Sandringham. The Minister for Environment and Conservation will have the responsibility of following up that matter.

The honourable member for Kew raised a matter regarding the condition of the buildings at Belle Vue Primary School. That matter will be responded to by the Minister for Education Services.

The honourable member for Bulleen raised a matter that I did not hear!

**The ACTING SPEAKER (Mr Seitz)** — Order! It was for the Minister for Transport.

**Motion agreed to.**

**House adjourned 11.56 p.m.**

