

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

18 March 2003

(extract from Book 2)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Tuesday, 18 March 2003

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

SWEARING IN OF MEMBER

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

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

IRAQ: CONFLICT

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

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

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

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

I am sure all members of the Parliament will unite with me in wishing the men and women of the defence forces a safe mission and a speedy return. This is a very difficult time for them and their families. The troops have no choice in this matter: they are simply undertaking their duties as members of the Australian Defence Force. The decision to commit them to war is a decision of the commonwealth government. Any

argument with this decision should be directed at the federal government, not at our troops. I believe they go with the best wishes of the Victorian community, and we hope and pray for their safe return.

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

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

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

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

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

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

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

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

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

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

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

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

I recognise that there are divisions in our community about this. There are divisions in this Parliament about this. There are divisions among National Party supporters beyond the walls of this Parliament in relation to this issue. But I say again that the views expressed by the Premier and the Leader of the Opposition are fully endorsed by me, and they reflect what has been said today by the Prime Minister himself

in that those differences of view ought to be taken up with the government of the day at a federal level and should not under any circumstances reflect upon our troops who are there, who are now committed to this apparently inevitable conflict.

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

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

RULINGS BY THE CHAIR

Members: breastfeeding

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

QUESTIONS WITHOUT NOTICE

Bushfires: inquiry

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

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

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

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

Computershare: global operations centre

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

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

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

An Honourable Member — Just!

Mr BRACKS — Well, he has been re-elected. If he were able to comment on this matter I am sure he

would wholeheartedly support the government in what it has achieved.

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

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

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

Bushfires: timber salvage

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

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

An honourable member interjected.

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

Mr Plowman interjected.

Mr THWAITES — I will know? Right!

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

Mr Ryan — The Greens?

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

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

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

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

Employment: government performance

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

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

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

Mr Batchelor — How many?

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

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

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

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

Victoria and to provide job opportunities across all of Victoria.

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

Point Nepean: army land

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

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

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

sold at commercial rates. That is something we totally and utterly oppose.

Melbourne Fashion Festival

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

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

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

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

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

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

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

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

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

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

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

Point Nepean: army land

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

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

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

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

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

Ned Kelly

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

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

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

Honourable members interjecting.

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

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

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

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

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

Bridges: Echuca–Moama

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

minister announce her decision, and will the report be made publicly available at that time?

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

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

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

Australian Formula One Grand Prix: economic benefits

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

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

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

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

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

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

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

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

NOTICES OF MOTION

Mr WELLS having given notice of motion:

Mr Maxfield interjected.

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

Mr Maxfield — I withdraw.

Further notices of motion given.

SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL

Introduction and first reading

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

Read first time.

MAJOR EVENTS (CROWD MANAGEMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) — I move:

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

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

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

Motion agreed to.

Read first time.

MELBOURNE CRICKET GROUND (AMENDMENT) BILL

Introduction and first reading

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

Read first time.

COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL

Introduction and first reading

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

Read first time.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Introduction and first reading

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

Read first time.

BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL

Introduction and first reading

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

Read first time.

SENTENCING (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Sentencing Act 1991 so as to empower the Court of Appeal to give guideline judgments and to

establish a Sentencing Advisory Council, to make a minor amendment to the Sentencing (Amendment) Act 2002 and for other purposes.

Read first time.

SEAFOOD SAFETY BILL

Introduction and first reading

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

Read first time.

PETITIONS

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

Housing: loan schemes

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

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

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

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised: 'affordable home loans specially structured to suit your purse';
2. the home ownership be achieved within 25 to 30 years from date of approval;
3. the payments to be set at an affordable level — i.e., 20–25 per cent of income for the duration of the term for all the loan types;
4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;
5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;

6. the interest rate will be at an affordable rate — i.e., flat rate of 3 per cent per annum or less for the length of the term of the loan geared to income;
7. capital indexed loans be made illegal in this state to protect prospective loan recipients.

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

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

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

Laid on table.

DRUG PREVENTION COUNCIL

Annual report

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

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

Motion agreed to.

Laid on table.

CHILDREN'S COURT OF VICTORIA

Annual report

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

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

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

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

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

Financial Management Act 1994:

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

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

Falls Creek Alpine Resort Management Board

Lake Mountain Alpine Resort Management Board

Mt Baw Baw Alpine Resort Management Board

Mt Buller Alpine Resort Management Board

Mt Hotham Alpine Resort Management Board

Mt Stirling Alpine Resort Management Board

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

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

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

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

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

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

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

Ballarat Planning Scheme — No. C47

Campaspe Planning Scheme — Nos C14 Part 1, C23

Darebin Planning Scheme — Nos C39, C44

Delatite Planning Scheme — No. C16

Golden Plains Planning Scheme — Nos C11, C13

Hobsons Bay Planning Scheme — No. C30

Kingston Planning Scheme — No. C30

Knox Planning Scheme — Nos C16, C29

Maribymong Planning Scheme — No. C36

Melbourne Planning Scheme — No. C67

Mitchell Planning Scheme — No. C15 Part 1

Monash Planning Scheme — No. C34

Moreland Planning Scheme — No. C26

South Gippsland Planning Scheme — Nos C14, C15

Stonnington Planning Scheme — No. C34

Wellington Planning Scheme — No. C17

West Wimmera Planning Scheme — No. C2

Wodonga Planning Scheme — No. C15

Wyndham Planning Scheme — No. C40

Yarra Planning Scheme — No. C56

Yarra Ranges Planning Scheme — No. C22

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

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

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

Statutory Rules under the following Acts:

Fisheries Act 1995 — SR No. 22

Legal Practice Act 1996 — SR No. 20

Meat Industry Act 1993 — SR No. 18

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

Water Industry Act 1994 — SR No. 21

Subordinate Legislation Act 1994:

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

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

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

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

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

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

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

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

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

BUSINESS OF THE HOUSE

Grievances

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

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

Motion agreed to.

Standing and sessional orders

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

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

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

Motion agreed to.

PARLIAMENTARY COMMITTEES (AMENDMENT) BILL

Instruction to committee

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

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

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

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

Constitution (Parliamentary Reform) Bill
 Parliamentary Committees (Amendment) Bill
 Terrorism (Community Protection) Bill
 Firearms (Trafficking and Handgun Control) Bill
 Retail Leases Bill
 Small Business Commissioner Bill

Motion agreed to.

MEMBERS STATEMENTS

Macedon: public transport

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

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

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

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

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

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

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

Crime: incidence

Mr WELLS (Scoresby) — This statement condemns the Bracks Labor government and the Minister for Police and Emergency Services for

deceiving the Victorian community during last year's election campaign into believing that violent crime had significantly fallen under Labor.

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

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

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

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

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

Lakeside Secondary College: Visy Cares

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

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

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

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

Members: departmental access

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

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

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

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

Victorian School of Languages

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

their dedicated staff for the opportunity to participate in this wonderful event.

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

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

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

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

Emergency services: Warrnambool rescue helicopter

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

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

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

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

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

Clean Up Australia Day

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

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

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

Mornington Peninsula: councillors

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

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

Mount Martha community to have somebody like that representing them on the Mornington Peninsula shire council.

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

Housing: Frankston

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

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

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

Bushfires: Gippsland

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

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

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

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

Whittlesea Country Music Festival

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

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

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

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

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

Emil Braun

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

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

Alex Hangan

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

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

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

Country Fire Authority: volunteers

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

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

Venezuela Social Club of Victoria

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

Since 1960, when Australia relaxed its immigration laws, many South American born immigrants have settled in this country. They came here to escape political unrest and for economic reasons, as well as to begin new lives for their families in a country far, far away. The Venezuelan community is an important part of the Spanish-speaking community of Victoria. There

are more than 21 500 people in Victoria from 18 different Spanish-speaking nations. In the 2001 census, 214 Victorians identified that they were born in Venezuela, up from 165 in 1996. This makes for a growing, dynamic and close-knit community.

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

Thompsons Road, Templestowe Lower: upgrade

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

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

The action committee have collected 1143 signatures from the local community in support of the proposed upgrade to a safe ... standard.

It is significant that almost 30 per cent of the community have responded to the survey in only four weeks. The number of signatures clearly indicates how strongly the community supports the works completion.

... The committee are concerned that the recent allocation of funds by Vicroads for temporary works may be considered to be a full fix — the committee is not prepared to accept this as anything other than a short-term fix to areas of major concern. The proposed works are essentially inadequate, concentrating on road users with little regard for pedestrian and cyclists that use the road.

We will continue to lobby all government departments and officers until we achieve our goal and will actively involve the media where appropriate.

Please continue to support our efforts.

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

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

Blackwood community emergency response team: volunteers

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

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

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

Pako Festa

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

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

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

Thorpdale Potato Festival

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

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

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

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

Keilor: market gardens

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

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

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

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

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

Surrey Hills: community activities

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

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

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

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Second reading

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

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

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

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

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

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

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

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

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

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

Honourable members interjecting.

Mr Hulls — You are joking!

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

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

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

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

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

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

Mr Hulls — Yes — it was awful!

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

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

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

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

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

The second-reading speech also says:

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

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

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

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

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

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

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

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

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

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

Mr Ryan interjected.

Mr DOYLE — I am sure he could.

Mr Hulls — Fire away.

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

The second-reading speech says later:

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

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

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

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

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

Mr Hulls — That's democracy.

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

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

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

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

I would argue that what it is arguing there is that one Parliament cannot bind another Parliament. It makes a very clear distinction there between constitutional matters that are within the purview of the Parliament — things like the numbers in the house, the process of election and the boundaries. I would argue that all of those things could be entrenched, and the federal constitution argues that case. But I suggest there is also a question raised here about elements which are not contained in the constitution of the powers and procedures of this house — for instance, matters like local government, the Director of Public Prosecutions

(DPP), and in particular the Supreme Court. It may well be that that provision of the federal constitution does not allow entrenching of matters concerning those areas in legislation such as this. I ask the Attorney-General and the Premier to look very closely at that question of entrenchment, particularly at that section of the federal constitution and particularly at those elements of the Australia Act 1986 which are not within the intent of this Parliament, such as the DPP.

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

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

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

Mr Hulls — This is a specious argument.

Mr DOYLE — Why are you doing it then?

Mr Hulls — Your argument is circular.

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

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

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

Mr Hulls interjected.

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

Mr Hulls interjected.

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

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

great moment out there, and I would hardly call that a legitimisation of the commission's conclusions.

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

Mr Hulls — Now you're talking!

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

Mr Hulls — What was the result?

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

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

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

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

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

Ms Beattie interjected.

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

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

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

Mr Hulls interjected.

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

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

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

members think they could not live with, it has not sought to bring amendments into the house. Having said that, I repeat that the opposition will oppose this bill.

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

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

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

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

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

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

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

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

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

The pivotal argument mounted by the Premier over the years was around the use of the word 'undemocratic'. How often did we hear the Premier stand at the podium and say that changes were needed in the Legislative

Council because of the undemocratic system that applied in the state of Victoria? Of course the answer was always that there is nothing undemocratic about it. The system works very simply, as it has for 150 years — if you attract the votes you win the seats. That is how the system has always worked; there is nothing complex about it.

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

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

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

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

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

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

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

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

because of the fact of having to satisfy this quota. Again, it is a joke.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For more than a century, well into Victoria’s post-colonial statehood, the upper house behaved with upper crust arrogance, tossing out legislation and governments at will.

...

The most important change will be four-year fixed term parliaments.

...

A Premier will no longer be able to call an early election simply because the timing happens to be politically favourable.

...

The most courageous (in the *Yes, Minister* sense) will be the adoption of Senate-style proportional representation for the Legislative Council.

...

In principle, multimember electorates are more democratic in two ways: most citizens will be represented by one or more MPs for whom they actually voted; and candidates of minority parties will have a better chance of winning a seat.

...

... the National Party will lose its former built-in electoral advantage, [and] it will be harder for either the Liberals to regain, or Labor to retain, control in the upper house.

It is a great day. This comprehensive range of reforms includes four-year fixed terms of Parliament; restructuring the upper house; proportional representation with optional preferential voting for the

upper house; a process for filling casual vacancies; the President having a deliberative vote; recognising the principle of a government mandate; removing the power of the upper house to block supply; the dispute resolution process; and entrenching in the constitution some of those key features of our democracy, which include freedom of information, the Ombudsman, the Victorian Electoral Commissioner, the Auditor-General, the Director of Public Prosecutions, the Supreme Court, and local government. It is a great day.

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

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

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

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

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

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

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

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

come is that their grandfather was an entrenched conservative.

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

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

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

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

Ms Beattie — Never!

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

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

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

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

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

Mr Kotsiras — A good result.

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

Mr Mildenhall — So you would abolish the upper house.

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

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

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

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

Honourable members interjecting.

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

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

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

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

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

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

I will touch briefly on a couple of matters that were addressed in contributions by speakers for the opposition parties. The Leader of the Opposition called proportional representation an anathema and said he has deep concerns. He was followed by the Deputy Leader of the Opposition arguing the case in relation to

entrenchment. Proportional representation is the only fair and reasonable voting system to operate in elections of members of the upper house. It is echoed in the commonwealth sphere in voting for members of the Senate.

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

Mr McIntosh interjected.

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

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

Mr Nardella — That is very conservative.

Mr WYNNE — That is extraordinarily conservative!

An Honourable Member — Dangerously conservative!

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

Mr Nardella — It's just lazy.

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

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

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

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

Clearly that is not the case at the moment. I repeat that it is only the Labor Party that has been prepared to

undertake this fundamental reform. I wish this bill a speedy passage.

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

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

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

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

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

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

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

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

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

It is legitimate therefore to entrench the provisions, if the government so chooses to do it, by way of a referendum. As much as we object to the notion we all know it will go through both houses. The government will do it by using its absolute majority in both houses, not by way of referendum, and because of the history of referendums in this country it will be almost impossible

to change the number of members, how long they are elected for or the electoral districts and boundaries. All of those things will be locked into place once this bill goes through.

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

Mr Wynne interjected.

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

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

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

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

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

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

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

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

Ms Beattie interjected.

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

A number of shopkeepers were very firmly of the view that one of the reasons retail trade was down in that area

at that time was the uncertainty of the election. It was a very high profile by-election, and these things do make an impact on consumers and their spending patterns.

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

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

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

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

Ms Asher interjected.

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

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

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

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

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

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

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

upper house province of Eumemmerring it does not have great communities of interest.

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

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

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

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

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

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

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

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

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

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

Mr Smith interjected.

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

What it says is that there is little chance of the Democrats being elected. There is also little chance of

parties that may establish themselves over the coming years and decades having representation in the upper house. If the government were sincerely committed to proportional representation, then it would have looked at the Tasmanian model, for instance. It could have looked as close as New Zealand, with its multimember — —

Ms Asher — Preserve us!

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And that has not changed.

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

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

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

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

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

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

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

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

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

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

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

In Victoria the Parliament is supposed to provide the main checks and balances on the actions of the executive, and the constitution should provide the means by which Parliament operates, but this clearly does not occur with the current arrangements. With an

electoral system which allows a party to unfairly dominate both houses, executive dominance poses the risk of government becoming corrupt and Parliament degenerating further into an arbitrary institution, as it was between 1992 and 1999.

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

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

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

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

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

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

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

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

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

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

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

By-elections can have profound repercussions. I believe the Mitcham by-election will result in a culture change in this state.

...

My words will be recorded in *Hansard* and they will stand up to scrutiny in the future. This is a five-year turning point. It is the right seat, the right by-election, the right issues and the right time.

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

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

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

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

In the past these positions have been determined in accordance with the principles of proportional representation. In other words, all the groupings in the party are represented in accordance to their size as would be demonstrated by a PR ballot of admin.

However, the inherent fairness of such a long-held party principle is lost on Kim Carr and Greg Sword.

Not only do they not accept this principle, in making this decision they have rejected all previous admin recommendations, all of which have been passed by state conference, which call for the principles of PR to apply to all appointments to head office.

All the more remarkable when you contrast the Carr/Sword position against that of the parliamentary party, which is about a mandate PR as part of its welcome reforms of the upper house. In other words, we will have one rule as dictated by Carr/Sword — —

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

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

Mr KOTSIRAS — The article continues:

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

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

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

Clause 1 also says the bill aims:

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

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

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

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

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

That is especially so in Tasmania.

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

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

You have no guts and no backbone — absolutely none. You just sit there. When you were on this side you argued about that with our backbenchers. You are much

worse: you sit there and accept everything the Premier tells you.

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

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

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

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

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

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

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

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

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

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

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

There is some interest in the position the opposition takes about binding referendums. One could point out that in seven years of government the Liberal Party never saw the need to introduce a binding referendum

provision into our constitution. During that period the former government did a few things that will not be possible after the passage of this bill. The changes the former government made to the Auditor-General will not be possible after the passage of this bill. We have not heard much discussion about that particular aspect of this debate.

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

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

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

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

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

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

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

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

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

The size of the country regions will be enormous. The area that I represent and live in will be part of region 5, the northern region. That region will comprise almost

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

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

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

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

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

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

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

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

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

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

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

On 22 August 2000 Premier Bracks visited Shepparton and then travelled to Wodonga to give the annual Michael Joseph Savage lecture at the local campus of La Trobe University. The topic was 'Revitalising Victoria's democracy'. The program started at 7.30 p.m. and was supposed to go until 9.00 o'clock.

The Premier was introduced at 7.30; he spent 5 minutes talking about Mr Savage and 10 minutes talking about the government's proposed upper house reform. He spoke for 10 minutes about the reform to the upper house! Worse than that, at the end of the evening the audience was told there would be no questions. No questions on something so important as upper house reform! So much for open and accountable government.

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

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

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

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

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

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

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

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

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

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

Ms ASHER (Brighton) — I will leave it to my National Party colleagues to rebut the position taken by

the minister. I congratulate her on her appointment. I hope she handles her portfolio with more dexterity than she handled that contribution.

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

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

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

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

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

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

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

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

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

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

I also want to touch on the removal of the power of the upper house to block supply, and again there will be varying views on that. We have picked up the model

that exists in other states whereby budgets must be passed in the Council within one month of their being passed in the Assembly. I seek an assurance from the government — because with this provision it is technically possible to have no debate at all in the upper house — that upper house debate on the budget will always be allowed.

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

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

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

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

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

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

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

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

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

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

An Honourable Member — Are they enjoying it, though?

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

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

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

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

Honourable members interjecting.

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

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

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

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

Mr Delahunty interjected.

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

Mr Walsh — Where is the train?

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

Honourable members interjecting.

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

Sitting suspended 6:30 p.m. until 8:03 p.m.

Mr SAVAGE — Prior to the dinner break it was my pleasure to be endorsing the parliamentary reform bill. I do not support the National Party amendments on postal voting, the reason being that it is a clear ploy. I noticed that at the last election the National Party had great trouble putting men on the ground. The greatest way of avoiding that responsibility is having postal

voting, so you do not have to put people on polling booths and you do not have to put them outside for pre-polling. It is a great time saver and a great manpower saver.

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

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

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

Mr Smith interjected.

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

Mr Maughan interjected.

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

Mr Maughan interjected.

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

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

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

Mr Smith — You said that, nobody else did!

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

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

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

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

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

The first thing that needs to be said and directed to the opposition, the National Party and the Liberal Party is that we do have a mandate. The Victorian people expressed themselves at the last election. There was broad debate. There was a lot of consultation. The

media expressed its view and there were articles left right and centre. The community took an enormous amount of pride in being part of the process and constitutional reform was debated at length in this state. We do have a mandate. We are able to bring about this reform with political and moral authority. We must do it, we will do it, and we will do it the Labor way.

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

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

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

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

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

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

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

The requirement for a referendum;

Regions, number of members and the quorum of the Council and to the President;

Districts, duration of, quorum of and number of members of, the Assembly and to the Speaker;

A session of Parliament each year —

et cetera. I refer members to the bill itself.

The government is proud of these reforms. They are Labor reforms, and they are democratic reforms. They are reforms which will see this institution working in a

better way. They are reforms which will see greater sections of the Victorian community represented politically in the upper house.

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

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

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

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

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

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

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

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

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

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

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

After all, this government has proudly boasted that it will act on behalf of all Victorians, including country

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

Mr Nardella interjected.

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

Mr Nardella — It's wrong!

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

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

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

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

The strange thing was that the guillotine was never needed.

Mr Stensholt — It never sat!

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dr NAPTHINE (South-West Coast) — The Constitution (Parliamentary Reform) Bill covers a wide range of fundamental changes to the Victorian constitution and therefore needs to be treated very

seriously. It is a sad indictment of our democracy, of the Victorian Parliament, and indeed of this Bracks Labor government that MPs are restricted by the recent changes introduced by the government to sessional orders which will effectively prevent individuals from fully and properly debating these important issues. That in itself says much about the lack of real commitment of this government and the Labor Party to the proper democratic processes in Victoria.

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

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

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

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

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

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

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

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

Mr Nardella — Rockbank is country.

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

Mr Nardella — I have been to Portland.

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

Region 6 includes Sunbury which is an outer metropolitan area.

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

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

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

Mr Mildenhall — They were squatters.

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

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

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

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

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

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

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

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

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

We have an incredibly diverse culture and a range of views in our population that cannot necessarily be

represented by just two parties in this place. The government is normally formed in the lower house and that is done by establishing the districts around the state. Normally it is very difficult for others — members of third parties and Independents — to be elected to this place; normally they are elected to the second chamber. It is only when democracy breaks down that Independents and third parties are elected to Parliament — that is, when there is no access through the second chamber, Independents and members of other parties are elected.

Mr Smith interjected.

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

Mr Smith interjected.

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

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

Ms Lindell interjected.

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

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

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

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

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

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

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

from the population being represented in the upper house so their views can be heard.

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

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

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

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

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

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

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

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

Mr Smith — Because of people like you!

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

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

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

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

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

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

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

An honourable member interjected.

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

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

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

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

Mr Nardella — Zippo.

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

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

An honourable member interjected.

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

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

Mr Cameron interjected.

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

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

proposed amendments to provide for three of those regions representing rural Victoria.

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

The member for Yuroke, I think it is — —

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

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

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

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

Mr Nardella — And Melton!

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

West Wimmera Shire Council is concerned that the proposal to change the structure of the Legislative Council would lead to huge electorates with loss of local accountability ...

The chance of electing a member from a small country community within the rural area would be as remote as the preponderance of votes would be in the provincial cities such as Ballarat or Geelong.

The letter went on to say:

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

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

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

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

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

change. Let us wait and see what the Labor government does in the upper house about changing legislation.

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

Honourable members interjecting.

Mr DELAHUNTY — You are probably right.

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

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

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

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

Do Victorians really want to import Senate frustrations into Spring Street?

The Bracks government does ...

I think that is not what people want.

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

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

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

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

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

house should be brought into line with the lower house, with members elected every four years.

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

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

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

Honourable members interjecting.

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

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

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

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

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

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

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

Another concern at having five-member electorates — and it might be noted that in the last century there were larger numbers of members who represented parliamentary provinces and it was a case of everyone

and no-one being responsible for particular issues — is that there may not be the opportunity for people to have issues taken up on their behalf when five members are theoretically responsible or not responsible for a particular matter.

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

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

or in this case read ‘upper house’ —

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

The paper continues:

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

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

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

The paper goes on:

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

Rather:

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

The paper continues:

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

At the end of his speech Senator Murphy tabled a list of 169 occasions when Labor oppositions had attempted to do, unsuccessfully, what the Liberal-National Party opposition were to succeed in doing five years later.

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

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

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

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

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

Mr Cameron — Everybody gets a go!

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

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

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

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

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

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

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

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

Victorian public does as well. I commend the bill to the house.

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

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

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

Mr Stensholt interjected.

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

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

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

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

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

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

But what is the justification for this zone-based system, other than that the Labor Party's hard number crunchers have been through the mechanics and have figured out that it gives them the best possible odds of maybe getting control in their own right if they get enough votes in enough seats? They also hope it will be just enough to buy off some of the minor parties by giving

them some hope that they may get elected from time to time. But they have not properly embraced the full principles of proportional representation, and they are enshrining their model in the constitution in a way that means that anybody else who in future might want a more thorough implementation of proportional representation will not be able to do so without going through a very difficult process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Honourable members interjecting.

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

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

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

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

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

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

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

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

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

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

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

entrench fundamental parts of the constitution. That committee included the current members for Doncaster and Murray Valley.

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

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

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

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

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

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

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

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

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

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

I listened to the member for Mildura. I was disappointed with his cynical comments. The

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

Mr Cameron interjected.

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

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

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

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

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

Business interrupted pursuant to sessional orders.

ADJOURNMENT

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

Wongabeena Association: funding

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

Given that background it is very disturbing that the government refuses to support its own disability plan by providing funding for only 46 weeks per year, despite the fact that services are provided for 50 weeks per year in accordance with that plan. I am asking for the government to put its money where its mouth is and to stop short-changing Wongabeena. I am talking about an additional service at a cost of \$90 000 per year; that is all we are talking about each year for the government to support its own disability plan and for that money not to have to be dragged out of the pockets of volunteers

and the families of the clients at Wongabeena. I do not think that is too much for this government to shell out to keep its commitment to people with a disability. The government proudly proclaims that it is very strongly in favour of doing a lot more for people with disabilities, yet Wongabeena is seeking \$90 000 extra per year and not receiving it from the government.

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

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

Police: Preston station

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

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

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

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

The article goes on to state:

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

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

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

Bridges: Corowa

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

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

Mr Cooper — How's your health, Ken?

Mr JASPER — It's going okay.

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

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

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

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

It is imperative that this bridge construction is commenced as quickly as possible and that we do not get held up because of the election in New South Wales or any other action which may hold up the letting of this particular contract.

Multicultural affairs: racial and religious tolerance

Mr CARLI (Brunswick) — I raise a matter for the Minister assisting the Premier on Multicultural Affairs that concerns today's announcements that Australian troops have been committed to a war against Iraq. My electorate has the highest number of people from the Middle East, particularly from the Arabic countries, of any electorate in Victoria. I am concerned about the likely reactions of the community to the war. I call on the government to take action to promote racial and religious harmony in this state, especially in communities with large numbers of Arabic people or people with Arabic backgrounds.

After the 11 September incident in the United States of America we saw many instances of people of Arabic origin being discriminated against. We have seen hostility, taunting and a whole series of things, as if these people were somehow connected to the acts of terrorism. My concern is that terrorism, hatred and ignorance will raise their ugly head again in the context of this new Iraq war. Peace-loving people who live in our community and who happen to be of Middle

Eastern origin may again find themselves the victims of discrimination and racial and religious abuse.

It is clearly important in this difficult time that Victorians stand by the state's proud record of racial and religious tolerance and harmony. It is incumbent on the state government to assist communities where there is likely to be a backlash and where people could be victimised to ensure that those communities are able to respond appropriately through various programs which promote racial and religious harmony and through which we can observe and assess reactions.

I seek from the Minister assisting the Premier on Multicultural Affairs a commitment that the government will work with local communities, particularly minority groups that include people of the Islamic faith and people from Middle Eastern backgrounds, to ensure we have a sense of solidarity and harmony and that we promote racial and religious tolerance. This is a very difficult time. I know from my own community the amount of tension that has built up over the last months. It is important that we, as leaders in this community, demonstrate the sort of tolerance that really marks multicultural Victoria.

Port of Portland: slipways

Dr NAPHTHINE (South-West Coast) — The issue I raise is for the minister responsible for ports, and the action I seek is that the government stop procrastinating and get on with its election promise to fix the slipways at the port of Portland, which closed its slipways in July 2002. There are two slipways in Portland: a 100-tonne slipway which was opened in 1952, and a 300-tonne slipway which was opened in 1963. These slipways are extensively used by the local commercial fishing industry, including cray fishermen, squid fishermen, trawl fishers and recreational fishers. They are also used by Portland Ocean Steel and other local firms. Portland Ocean Steel is a local boat builder which provides very good employment and does a good job making vessels that are sold around the world.

As I said, the slipways are important for the local fishing industry and local jobs, and they provide a good service to the local community. A study by a respected and experienced engineering firm, TGM Pty Ltd, together with Bay Lifting and Testing Pty Ltd, has identified both short and longer term works that are needed for the safe operational return of the slipways, because there are concerns about safety from a Workcover angle. But that could be fixed in the short term, which is what we are seeking, as well as a longer term commitment.

I remind the house that in 2002 the then Minister for Ports, Ms Candy Broad in the other place, was reported in the Warrnambool *Standard* of 18 November as saying:

... \$2 million from the Regional Infrastructure Development Fund would go towards urgent maintenance works, rationalisation of facilities and ongoing funding.

That was under a heading which quite rightly said '\$2m vow to fix up slipways'.

Further she is reported in the *Portland Observer* as saying:

The time frame for action, if re-elected, would be very quick, according to Ms Broad.

'The advice to me is we are 99 per cent there in putting into place this model for public control'.

We had a bipartisan commitment from the then Minister for Ports for a \$2 million commitment to fix the slipways and deal with the issues affecting the commercial fishing area. Indeed the Liberal Party made similar commitments to resume control of the slipways and the commercial fishing area. Since then we have had ongoing procrastination and indecision.

We want the minister and the government to back up the rhetoric they were happy to use at election time to commit funding, saying it would be done very quickly. Months later the fishing industry in Portland is still waiting for the slipways to be fixed and still waiting for the commercial fishing precinct to be repaired. Indeed Portland Ocean Steel is losing business opportunities and investment. I call on the minister to back up the government's promises and to get into action.

Education: early school leavers

Mr ANDREWS (Mulgrave) — I raise a matter with the Minister for Education and Training. I ask the minister to take action to ensure that young people in my community who are leaving school early can be catered for within current education programs. As one of the younger members of this Parliament — and it is a great honour to serve in this place — I have an appreciation of the issues facing younger people, and that is very important. Obviously education is an important issue for my local community and for younger people more broadly.

While this government has been able to achieve significant improvements in the number of people completing year 12, there are still those who for one reason or another choose to leave school early. I am seeking action from the minister and the government to ensure that those young people are adequately provided

for and are not allowed to slip through the net, as it were.

My electorate is a vibrant one. It is ethnically diverse, with a great mix of industry. It is also a centre for high-tech and value-adding industries. Local suburbs are filled with families who want only the best education and training opportunities for their kids. Part of that is about establishing pathways to secure meaningful employment.

Sadly under the previous Liberal government many young people lost faith in the public education system after savage cuts to resources and the sacking of scores of teachers across the southern and eastern metropolitan regions of Melbourne. The TAFE sector was left in an absolute financial crisis, with Chisholm TAFE, one of our local providers, on the verge of financial ruin.

Things have got better by virtue of this government's investment. Some \$4.9 million has been spent on capital works in our local schools. Just today students from Wheelers Hill Secondary College, which is in my electorate, visited the Parliament. Wheelers Hill is a fine local school, and last year it received \$2.29 million for an upgrade of its technology library and administration facility. This represents the largest upgrade in the school's 23-year history.

Further, as I mentioned earlier this government has made real improvements in the school retention rate, with an increase across Victoria from 76.2 per cent in 1999 to 80.9 per cent at the end of the 2002 school year. Similar improvements have been achieved in my local region as well.

Despite these improvements and Labor's investment and the real results that investment has bought, there remain a number of students who for one reason or another leave school. I call on the government and the minister to make sure those kids are appropriately catered for and that education programs delivered by this government cater for their needs and provide them with appropriate pathways to meaningful and worthwhile employment, giving them the opportunity to be as good as they can be.

I am only too aware of these issues, and I am happy to raise them. It is for these reasons that I seek the minister's continued support for those who leave school early, particularly with their pathways towards meaningful employment.

Motorcycles: wire rope barriers

Mr KOTSIRAS (Bulleen) — I raise for the attention of the Minister for Transport a matter to do

with the wire rope barriers that are placed on roads throughout Victoria. I ask the minister to set up an independent committee to look at the major problems associated with wire rope barriers. It is good to see that two ALP members support my concern — one a former member of Parliament and one a current member. The former member is Eddie Micallef, who was the member for Springvale — a good man whom the Minister for Manufacturing and Export knows.

In a letter to the Motorcycle Riders Association of Australia dated Tuesday, 23 July 1996, Eddie said:

I would like to take this opportunity to commend the Motorcycle Riders Association of Australia on its fight to have wire rope barriers removed as their presence is clearly a danger to motorcyclists.

This was reinforced by the member for Essendon, now the Speaker, in a letter dated 21 March:

In response to your letter of 18 March 1996 ... I make the following observations:

...

3. Wire rope barriers are dangerous and should not be erected.

In light of the fact that one former member and one current member of Parliament believe the wire rope barriers are a danger, I urge the minister to set up an independent committee to look into the problems associated with this issue.

As a former bike rider I also see the dangers in these barriers, and I do not believe they offer any security for bike riders or passengers. The Motorcycle Riders Association of Australia agrees. It has sent me an article which I would like to read into *Hansard* regarding the death of a young gentleman. It reads:

Ferntree Gully motorcyclist, Toby Noble, who died on 21 November 2002 after losing control of his bike and ploughing into a wire rope barrier on the Burwood Highway, was a young P-plater who had a reputation for being careful.

Toby, 23, was coming home from work early in the morning, riding slowly ... The road is a savage left-hand down-sloping curve that appears to have a camber problem. There are two lanes and Toby was in the inner one.

We are not sure why Toby dropped his bike and we know that he and his bike slid at a fairly shallow angle across both lanes ... across a small median before he hit the WRB. By the time Toby hit the post he would have lost most of his ... speed. This accident clearly illustrates that even at slow speeds roadside posts are dangerous.

...

The latest offering from transport minister Peter Batchelor in this saga is to put WRBs down the centre of high-risk

dual-lane roads in the country. This will just lead to more motorcycle fatalities.

I ask the minister to set up a committee to examine once and for all the danger of these barriers.

Police: Coburg station

Ms CAMPBELL (Pascoe Vale) — I raise for the Minister for Police and Emergency Services a matter relating to the Coburg police station. I ask the minister to provide my constituents, local businesses and our local community with some indication of where the site of the announced Coburg police station will be.

It is very important for the Moreland police district that the site be announced so that infrastructure and planning matters can commence. Our local police provide an outstanding service from a rather antiquated building. The Minister for Police and Emergency Services, after hearing strong words from our local police and also from business and from me, announced in the May budget of last year that there would be a new 24-hour, \$9 million Coburg police station rebuild. The local community is very keen to have the minister come out to our area and make an announcement — or he might care to do it here tonight — about where the actual site will be.

I assure the minister that our local community appreciates our local police. When I last visited that police station the police were referring to people who dropped in to say thank you after the police had looked after them following burglaries. Some of these people had been traumatised as a result of various incidents, and the police are highly acclaimed and really appreciated by them.

We want to make sure that our local police have a great piece of infrastructure from which to operate — a piece of infrastructure that will allow the uniform branch, the criminal investigation unit, the traffic management unit and the sexual offences and child abuse unit to provide first-class services in the Moreland police district.

Currently the police station is located physically well down towards the southern boundary of the police district. People from all parts of my electorate want the police station built in their particular patch, but they are happy to have it in Hadfield, Glenroy, Fawkner or Pascoe Vale. What we would like now is for the minister to give us the site so that the police can be more centrally located for all parts of the Moreland police district and not tucked down in the southern end.

Mr Nardella interjected.

Ms CAMPBELL — We would be delighted to have one 24-hour police station, because as a result of the great work the Bracks government has undertaken with local communities many members want new police stations. I ask the minister to promptly give advice on where the station will be.

Aquatic facilities: Frankston

Mr HARKNESS (Frankston) — I request through the Minister for Manufacturing and Export that the Minister for Sport and Recreation in another place address the need for an aquatic centre in Frankston. The findings of the Frankston City Council aquatic centre feasibility study indicated that people living in the area of Frankston make less use of public swimming facilities than people in other Melbourne metropolitan areas that have been surveyed. A key constraint to aquatic participation in the area is the lack of a suitable facility that provides for a broad range of interests.

Mr Honeywood — On a point of order, Acting Speaker, the member on his feet is a new member, but he should realise by now that members should not read word for word their contributions to this debate.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Frankston will refer to notes but not read from them.

Mr HARKNESS — Thank you, Acting Speaker, I am just referring to copious notes. The long-term aquatic facility strategic direction in Frankston should support the development of a major regional aquatic centre to service the large potential catchment area. Such a complex should incorporate multi-use aquatic areas, a 50-metre pool with regional spectator facilities, health and fitness areas, secondary spend areas, leased areas for health services, social and relaxation areas, amenities and plant and car parking and outdoor surrounds to complement the venue.

Such a development should be at a high-profile site with main road access and suitable land area for proposed and future extensions located close to other complementary activities. The development of such a facility should be undertaken, and, as I said at the outset, I ask the minister to provide advice on plans to address this need in Frankston.

The regional catchment population in Frankston is expected to continue to increase over the next 10 to 20 years — for example, by 2011 the population of the Frankston City Council area is expected to increase by 24 000 people to 133 000 residents. Similar population growth is expected in surrounding municipal areas that

may use a regional aquatic centre in Frankston. There is a clear need for hydrotherapy services for older people and activities for younger people in the Frankston area. Over the coming weeks I will be distributing a survey to people around Frankston seeking their feedback on the possibilities of an aquatic centre in Frankston.

Wilmot Road Primary School: speech therapy

Mrs POWELL (Shepparton) — I raise an issue with the Minister for Education Services. I was recently contacted by a Mr John Byrnes, who is the assistant principal at Wilmot Road Primary School in Shepparton, about a grade 1 student, Jason Cooper, who has a very severe speech disorder called dyspraxia.

John has taken a particular interest in this boy. He told me that he was a teacher in the secondary school section for 18 years and knows that if there is not a significant improvement in Jason's expressive language before he reaches secondary school he will have a very tough time when he gets there. John therefore believes he has five years, while Jason is at the primary school, to find some improvement in Jason's speech pattern. He also believes Jason will be socially isolated in a secondary school environment and is at genuine risk of dropping out and becoming a problem in the community if he does not get support now.

This Wilmot Road Primary School in Shepparton has a very strong reputation for getting the most and the best out of its students, and it has come to me with a very strong concern about this little boy. I visited the school and met Jason. He is a lovely, bright, happy little boy, but he is also very lonely. He is hard to understand, and this makes him very frustrated. The principal, Barbara O'Brien, told me that when Jason first came to school at the beginning of the school year he was happy, confident and bright. But now he has no friends, and he does not like to play in the school ground because, as he said, the other kids bash him up. He spends a lot of time with the school nurse or by himself. Jason's speech impediment is so severe that he is a safety concern. He explains what is wrong with him if he gets hurt or he falls over in the school ground or somebody bashes him up, but he cannot be understood.

The school applied for support from the students with disabilities program and was rejected. Jason has a severe language disorder, but it can be improved. We were told by a speech therapist that Jason's language can be improved. I ask the minister to review Jason's case urgently and provide the necessary assistance to give this lovely young boy the best chance in life.

Responses

Ms GARBUTT (Minister for Community Services) — The honourable member for Mornington raised with me the issue of Wongabeena, which provides day services to people with a disability and has done so for many years. I must say that we on this side of the house are very proud indeed of our record of improving disability services. After seven years of neglect and cuts by the Kennett government we have increased funding to disability services by around 35 per cent. We have put a lot of priority and effort into improving those services.

Wongabeena has moved to providing day services to its clients across 50 weeks rather than the 46 weeks it used to provide them for. It has done that to allow the people that use those services to better and more flexibly plan for their annual leave. They still get only the 46 weeks of service, but they can choose when to take their annual leave. That is certainly in line with the government's policies, but it is regrettable that in making that move the financial implications and the sustainability of the changes were not fully considered before those changes were set in motion.

In order to resolve this matter I am told there have been meetings between the representatives of Wongabeena and senior regional disability services staff. They are currently working together trying to identify how they can resolve those issues within the agency's current funding base and still according to policy and the funding plan. Those issues are still being worked through. I am confident that some resolution can be found and that there can be a successful outcome for all those involved.

Mr BATCHELOR (Minister for Transport) — The honourable member for Murray Valley raised with me the issue of a new bridge proposed to be built at Corowa and asked for what in effect might be a status report on this new bridge.

I can assure the honourable member that from the Victorian government's point of view it is doing everything it can to make sure this goes ahead as quickly as possible. The article he referred to in the local paper appears to be a bit of local politicking because of elections on the other side of the border; Liberal Party candidates and members of Parliament up there are trying to exploit the situation. If they were working as hard as the member for Murray Valley, members of this government and I — if the Liberal Party had emulated our hard work — this project would have been built a long time ago.

As the honourable member for Murray Valley knows, the bridge was a designated Federation bridge and was to be funded by the federal government. The funding shortfall was considerable. However, in its 2001–02 budget this government gave a strong commitment and made money available way back then to fund its share of the shortfall. I am advised that it will take about \$18 million, which is the preliminary cost estimate currently being market tested through a tender process. The federal government in announcing this project made only \$12 million available and has left the state governments of New South Wales and Victoria to pick up the shortfall.

This government and the government of New South Wales have made the necessary arrangements. On advice that has been given to me as recently as today I believe the New South Wales government, which has responsibility for delivering and project managing this project on behalf of the three governments associated with the funding of this proposed new bridge, is waiting for sign-off from the federal government, which has to sign off a deed of grant. If the federal government has in fact signed this, it has kept it a secret from everybody else. It has not advised the Victorian government, and it certainly has not advised the New South Wales government. We ask it to simply get on with the job so that New South Wales and Victoria can build this community asset on behalf of the people.

The honourable member for South-West Coast raised with me the issue of a slipway at Portland and a commitment in terms of funding given by the previous minister responsible for ports, Ms Candy Broad in the other place, in November last year. The honourable member for South-West Coast, as I recall, outlined the comments that were made by the then Minister for Ports, who had indicated that an approach would be made to the Regional Infrastructure Development Fund for \$2 million to go towards the funding of the slipway repairs. That is exactly what will happen — an approach will be made to the Regional Infrastructure Development Fund, and we will take that up with the minister responsible for that fund, the Minister for State and Regional Development.

I can assure the honourable member for South-West Coast that this government does deliver on its promises, and that will be one of the commitments it will deliver on during this term. It is an important project for the local Portland fishing and maritime industry and the community, and it directly stems from the failed privatisation of ports that was undertaken by the Kennett government, of which the honourable member for South-West Coast was an important member. When the member was asked to put up his hand to enter into

those sorts of arrangements around the cabinet table, he did that. He is directly responsible for the difficulties this government now faces in trying to fix up a lot of institutional arrangements which have gone belly up, or gone bad, and which have been against community interests right around the state. That is not only with ports; we are spending a lot of our time and energy in transport fixing up the mess left behind by the Kennett government, but we will do it. The problem down at Portland is yet another one of those.

The honourable member for Bulleen raised with me the issue of wire rope barriers and called for me, as I understand it, to implement an independent inquiry. He then went on to try to support his call by highlighting a very tragic accident that occurred out in the eastern suburbs — in Ferntree Gully, as I recall.

Unless I am wrong, the wire rope barriers that were installed at the site of this tragic accident were installed by the previous Liberal government. They were not installed by this government, although it has installed wire rope barriers at a number of locations because they achieve road safety outcomes. It is interesting to note that wire rope barriers have been successfully used for about 30 years around the world and for about 10 years in Victoria. A recent study by Vicroads found that there had been an overall 92 per cent reduction in casualty crashes at major sites where these barriers had been installed.

I have instigated a series of research programs that have already been completed and another one is under way. So in a sense this government has already undertaken the sorts of initiatives the member for Bulleen called for. It is a pity he did not understand or had not been briefed factually by the Motorcycle Riders Association of Australia as to what was happening. I point out to him that the Australian Transport Safety Bureau in 1998 and Monash University Accident Research Centre in 2000 found that wire rope barriers had distinctive advantages over other types of barriers. In May 2001, at my instigation, the Australian Transport Council directed that the Standing Committee on Transport arrange for Austroads to investigate the severity of motorcycle injuries in relation to different types of barriers, and we are awaiting the result of that investigation. Once that is received the government will make it publicly known.

Mr HAERMEYER (Minister for Police and Emergency Services) — The members for Preston and Pascoe Vale raised a matter relating to two police stations which had originally been committed to by the Kirner government under the accelerated infrastructure program — namely, Preston and Coburg police

stations. Upon coming into office the previous government, the Kennett government, cancelled the contracts for the construction of both these police stations. They are both very old police stations which have been neglected for a long time and are well overdue for replacement.

The Preston police station is a 60-year-old building, and I inspected it in opposition and again after I became a minister in this government. I must say that it is the worst police station I have seen in this state, but that is no reflection on the members who serve in it. They do a spectacular job under very difficult circumstances. For example, their document storage is operated out of a container. They are working in very difficult and cramped conditions, yet those police officers still do a very good job for the community.

This government made replacement of the Preston police station a priority. The previous government received numerous reports urging the replacement of that police station and indicated that the Preston station was the no. 1 priority for replacement, yet it kept on being overlooked.

I am very proud to be the minister in a government that is replacing the Preston police station with a new, 24-hour police station at a cost of some \$8 million. The new station will be on the corner of Roseberry Avenue and Kelvin Grove and will initially accommodate some 99 police officers. This government is proud of being able to fulfil that requirement, because it has the police to do it as a result of its policy of employing police rather than sacking them. The police station is designed to accommodate growth in the number of police officers to a further 26 and is expected to be completed around mid-2003.

I want to thank the City of Darebin for its cooperation in helping the government to identify a site and work through the various planning requirements, and I particularly want to congratulate the member for Preston, who has been an assiduous advocate on behalf of his constituents and on behalf of the police officers in his constituency. I have no doubt that law and order in the Preston electorate and particularly within the City of Darebin will be better off for it.

The member for Pascoe Vale raised the issue of Coburg police station, which the government committed to in the last budget. Coburg police station is again a very run-down old station. More importantly, the current location of the police station is inappropriate for the community it services. Given that the government has already committed in this term to provide a new, 24-hour police station for Brunswick, which will be

closer to the Moreland Road area, it is appropriate that the Coburg police station move a bit further north.

The police department has identified its preferred site as being on the corner of Boundary Road and Sydney Road, and that is where the police station will be located. This will enable the Coburg police to service their community, which reaches as far as Glenroy, more effectively than they are able to from their current site. The new station will be a \$9 million facility. It is designed to accommodate 86 staff and will initially accommodate around 72. Again I am proud to announce that police are available to fill it.

I also want to commend the member for Pascoe Vale, who lobbied me intensively during our last term of government to have the very old and decrepit police station at Coburg replaced. She certainly succeeded in achieving that. She has been a very effective advocate for her community, and I would be very pleased once the design is in place and the tenders are let to come out and turn the sod with her, because she has done a ton of hard work to ensure that this police station is built.

Ms KOSKY (Minister for Education and Training) — The member for Shepparton raised a matter in relation to Wilmot Road Primary School and a grade 1 student, Jason Cooper, who suffers from dyspraxia. The matter concerned funding for the program for students with disabilities. I will pass the matter on to the Minister for Education Services, and I am sure she will respond very quickly.

The member for Mulgrave raised a matter for my attention in relation to school retention rates in his area. Whilst acknowledging that retention rates for young people within schools in his area have increased, he said we still need to take action. The member asked for action in relation to students who are missing out within the current programs, and he talked about how school retention rates within his area had increased whilst this government has been in office. He also acknowledged that students are still missing out on educational programs and as a result are going into uncertain employment situations.

I can inform the member of the new Victorian certificate of applied learning (VCAL), a new certificate sitting alongside the Victorian certificate of education (VCE). The new certificate is for year 11 and 12 students and focuses more on applied learning. Within the member's electorate Brandon Park and Wellington secondary colleges are both providing VCAL this year, and as I understand it Noble Park Secondary College is looking at implementing it from next year. The government has provided over \$85 000

to assist the first two schools in implementing VCAL programs as well as additional funding for the growth in enrolments.

The new Victorian certificate of applied learning provides another pathway for students who either dropped out before they did VCE or started doing VCE and did not perform well. These students want a pathway through to TAFE or to apprenticeships and traineeships, and this new certificate provides that pathway for them. It will provide them with a very clear credential recognised not only by their schools but by industry as well, and will provide credits towards other endeavours of education in which they may wish to partake.

The government has also provided additional funding for the managing individual pathways plan, which is about providing extra counselling for students and follow-up with students who may be thinking of leaving school early. Within the honourable member's electorate almost \$881 000 has been provided to schools to ensure that students who are thinking of leaving school early are followed up early rather than at the time they decide to leave.

We need to focus on the students who are not currently being picked up within the increasing retention rates in Victoria, good as they might be. We need to focus on those students who are still not getting the advantage. VCAL is one option for them, but we are also looking at how we can apply credit transfers for educational learning across different areas, including TAFEs, so that students have recognition for their learning within schools which they can transfer either to TAFEs or to adult and community education providers and which can work to their benefit in terms of educational credentials and employment opportunities.

The government is constantly looking at new opportunities in those areas. Certainly if the honourable member has ideas for areas within his own electorate, we would be happy to hear about them. There are processes in place to make sure there are additional pathways as well as additional mechanisms so we can be informed of gaps in the education program and new opportunities that can be put in place to make sure we meet our target of 90 per cent of young people successfully completing year 12 or its equivalent by the year 2010.

Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) — The member for Brunswick raised some very serious issues in relation to potential impacts on community harmony in Victoria as a result of the imminent war and conflict in Iraq. In

these times it is important to remember our values about respect and understanding of people. One of the great things about Victorians is that we have been able to build a welcoming and accepting society for all immigrants. It is one of the great success stories for Victoria, and Victoria is a leader in Australia. However, it is at these times that these sorts of things come under some potential challenge, and that is why governments need to take leadership roles and be proactive.

It is ironic that this week Victoria is celebrating Cultural Diversity Week, so I guess if there is going to be a war the timing is about right; it is a good way for us to remind the Victorian community of the strengths of our cultural diversity. I launched Cultural Diversity Week on Monday at Glen Waverley Secondary College, which has been proactively involved. I am pleased that many schools across the state are involved in their own Cultural Diversity Week activities. In addition a number of community festivals have been held over the week and will be held over this forthcoming weekend to highlight cultural diversity.

Cultural Diversity Week comes from an election commitment by this government, and it will be held at this time of the year on an ongoing basis. During the Cultural Diversity Week celebrations not only did we launch the web site produced by Glen Waverley Secondary College as part of the main celebrations, but a variety of schools across Victoria took part in a multimedia competition where young people highlighted what, for them, are the values of diversity. In addition the Premier today launched a multicultural media expo. This coming Friday, 21 March, which is the most likely date of the commencement of war in Iraq, also happens to be the federal government's Harmony Day. On the evening of Harmony Day about 1000 people, including members of Parliament, will attend a great gala dinner. People would, of course, have noticed some of the 56 banners in public locations around the city promoting Cultural Diversity Week. Posters and postcards have also been mailed out.

It is a fitting way to highlight the key issues raised by the member for Brunswick as well as highlighting the potential issues for our Arabic and Islamic communities. The government has been very much aware of — and obviously there is a lot of public debate about — the potential conflict in Iraq. We decided early on to ready ourselves to produce some TV ads as part of our racial and religious tolerance campaign last year. Those ads will commence re-running from today. The key focus of the ads is 'many backgrounds', 'all Victorians' and 'beyond tolerance to respect'. They are starting today and will be running for a period of six months to remind our communities.

I want to thank very much the TV stations involved in this, because a number of TV and radio stations are giving their own air time free as part of community service announcements so these ads can be run. They see the importance of the ads in these potentially troubled times in minimising the impact of this conflict on certain communities. Certainly there has been a lot of discussion between the Arab communities, the government and the Victorian Multicultural Commission about the potential of this conflict, and we will be keeping a close eye on it.

Arabic and Islamic communities have been receiving funding for a range of different programs that highlight the importance of their communities in creating better understanding and bridges between Arabic and Islamic communities and the broader community. The Community Support Fund is funding a two-year building program for the Arabic community's social services. We think that is very timely and very important. We call on all Victorians to exercise caution in their language in these times and to exercise caution in their actions. Of course we also have our racial tolerance laws against vilification, and if members of the community are vilified, they can use them as well.

I thank the member for Brunswick for raising the issue. We will certainly be keeping a very close eye on the situation to ensure that there is minimum harm to our Islamic and Arabic communities, not only in his electorate but across Victoria.

Mr HOLDING (Minister for Manufacturing and Export) — The member for Frankston raised a matter for the Minister for Sport and Recreation in another place concerning the provision of aquatic centre infrastructure in the Frankston area. I will pass that on to the minister, and he can respond to the member for Frankston directly.

House adjourned 10.55 p.m.

