

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**26 September 2001**

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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The Hon. LOUISE ASHER

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Mr P. J. RYAN

**Deputy Leader of the Parliamentary National Party:**

Mr B. E. H. STEGGALL

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Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
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Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	MacLellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John <sup>3</sup>	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
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Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar <sup>2</sup>	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb <sup>1</sup>	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Treize, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

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

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

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



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**Wednesday, 26 September 2001**

**The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.38 a.m. and read the prayer.**

**Mr McArthur** — On a point of order, Mr Speaker, the issue I wish to raise with you concerns at the very least a grave discourtesy to the house and possibly something more serious. I refer you to the soon-to-be-tabled report on the electoral redivision, which I understand will be presented to this house this morning. I refer you to section 12(1) of the Electoral Boundaries Commission Act 1982, which says:

- (1) Within fourteen days after receiving any statement, particulars, and maps referred to in section 11 the Minister shall cause a copy thereof—

...

- (c) to be laid before each House of Parliament if Parliament is then sitting ...

Clearly the Parliament is sitting; therefore the minister has a requirement to table the document before the house. Mr Speaker, I seek your advice on and investigation of whether that means the document must be tabled in the house prior to being made publicly available. It is very clear that this document has become publicly available. The media at the back door have a copy of it and are freely showing it around. I ask you, Sir, to investigate whether that is a breach of the customs and traditions of this house and is a discourtesy to the house, or whether it is a matter of privilege. If it is a matter of privilege I ask you to investigate how the media obtained this copy, who made it available to and gave it to them, and report back to this house on those matters.

**The SPEAKER** — Order! The honourable member for Monbulk has raised on a point of order the question of the tabling of the Electoral Boundaries Commission of Victoria report. This matter was raised with me in chambers by the honourable member for Pakenham this morning, which has allowed me the opportunity to investigate and examine the circumstances of this morning.

The honourable member for Monbulk correctly referred to the section of the act that requires the report to be tabled in the house, as well as to be circulated to each member of Parliament, upon receipt of the report by the Clerk of the Parliaments. The advice I have received this morning is that the report arrived at this Parliament at 9.10 a.m. and was delivered by the secretary to the Electoral Boundaries Commission, Debra Byrne. Copies of that report, as is traditional when a report is brought to this Parliament, were then placed in the

parliamentary library at approximately 9.12 a.m. and were available to all honourable members to examine. Individual copies of the report went to the papers office so they could be handed to each member as they asked for them.

Unfortunately the papers office was under the impression that it would not be able to hand out copies of the report to each member as they asked for them, and that did not occur until I gave the instruction at exactly 9.30 this morning. Those are the circumstances in regard to that matter.

**Dr Naphthine** — On a further point of order, Mr Speaker, I recall from what you said that they were delivered at 9.10 a.m. I can assure you and assure the house that I was doorstopped well before 9 o'clock, and that a member of the media had a copy of the maps before 9 o'clock this morning. Mr Speaker, the point of order raised by the honourable member for Monbulk therefore warrants further investigation, because the information you have presented to the house is inconsistent with the facts in terms of the media having access to these documents before 9 o'clock and showing them to me before 9 o'clock this morning.

**The SPEAKER** — Order! On the point of order raised by the Leader of the Opposition, I will make further inquiries of the electoral commission in regard to the matter.

**PETITIONS**

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

**Porepunkah: sewerage scheme**

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

The humble petition of the Porepunkah sewerage plan working party and the undersigned Porepunkah community water board ratepayers, citizens of the state of Victoria sheweth that we have an unacceptable Bright waste water treatment plant in Porepunkah which leaks at up to 24 per cent.

The Bright treatment plant is inferior to the existing septic tank systems in Porepunkah. It is detrimental to the environment, pollutes our underground streams which flow into the Ovens River and poses a threat to public health.

Your petitioners therefore pray that the proposed Porepunkah sewerage connection scheme which is still in the planning stages not proceed because of the significant community opposition to it.

The minimum criteria for future consideration of such a scheme being that the three existing Bright ponds be lined to

conform with present-day standards or that a new treatment system is located away from the growth area of Porepunkah. The new or relined system to be odour free and produce A-class water or better.

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

**By Mr McARTHUR (Monbulk) (254 signatures)**

### **Housing: home 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 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 Ms LINDELL (Carrum) (10 signatures)**

**Laid on table.**

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

## **PAPERS**

### **Laid on table by Clerk:**

*Electoral Boundaries Commission Act 1982* — Report of the Commissioner, together with maps showing the name and boundaries of each Province and District

*National Parks Act 1975* — Notice of Consent of the Minister for Environment and Conservation pursuant to s 40(5), to the grant of search permit No 158 under the Extractive Industries Development Act 1995

*Parliamentary Officers Act 1975:*

Statement of Appointments and Alterations of Classifications during the year 2000–2001 in the:

Department of the Legislative Council  
Department of the Legislative Assembly  
Department of the Parliamentary Library  
Department of the Parliamentary Debates  
Joint Services Department.

Statement of Persons Temporarily employed during the year 2000–2001 in the:

Department of the Legislative Council  
Department of the Legislative Assembly  
Department of the Parliamentary Library  
Department of the Parliamentary Debates  
Joint Services Department.

## **VICTORIAN AUDITOR-GENERAL'S OFFICE**

### **Financial audits**

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

That pursuant to section 17 of the Audit Act 1994 —

1. Mr Christopher Lewis of KPMG be discharged from his appointment to conduct financial audits of the Victorian Auditor-General's Office;
2. Mr Graeme Ross of Day Neilson be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the 2000–01 financial year in accordance with the conditions of appointment and remuneration contained in the report of the Public Accounts and Estimates Committee on the appointment of a replacement auditor to conduct financial audits of the Victorian Auditor-General's Office (parliamentary paper no. 92, session 1999–2001);
3. The level of remuneration for the financial audit be \$19 800 inclusive of GST; and
4. Mr Ross be appointed for the 2001–02 and 2002–03 audits, subject to negotiation of suitable levels of

remuneration for such audits with the Public Accounts and Estimates Committee and approval by the Treasurer.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Police: industrial dispute

**Mr ROWE** (Cranbourne) — I raise the issue of why the government is picking on members of the Victorian police force. Why has it chosen to attempt to make a political statement by standing against Victoria Police and not giving them the same fair shake and fair deal that the nurses and teachers got? Certainly the cave-in to the nurses and teachers meant an unprecedented blow-out in wages in the state government's budget, and the government is choosing to make a point to the community by picking on Victoria Police.

Of all Victoria's public servants Victorian police deserve to get the pay rise they are applying for. I suggest that the only reason the government is picking on them is that they do not have a strong enough presence at the Victorian Trades Hall Council or the Australian Council of Trade Unions. They are being victimised because they have a weak union.

I believe the government should immediately give the police a fair shake, stop making an example of them and stop trying to score political points, because the public does not have as much sympathy for police as it does for nurses. Victorian police are being treated by this Labor government in the same way that Bob Hawke treated the airline pilots. They are being picked on by a Labor government that supposedly stands up for workers.

### Essendon: Italian community

**Mrs MADDIGAN** (Essendon) — On Sunday at the Clocktower Centre in Moonee Ponds a book was launched entitled *Solid Brick Homes and Vegie Patches — A History of Italian Migration to Moonee Ponds*. The book resulted from a centenary of Federation grant from the federal electorate of Wills, which is held by Kelvin Thomson. From that grant a community committee was set up to provide a history of the Italian population in Moonee Ponds.

Moonee Ponds, in the Essendon area, has a high Italian population but its stories have not been told or recorded in local history collections. A committee was set up that included Alan Mayne from the University of Melbourne; Cr Don Cornish, the mayor of the City of Moonee Valley; Robyn Luczynski from the

Hume-Moonee Valley Regional Library; Bob Mackay from the Essendon Historical Society; and Elisa Attard and Armando DiSipio from the Circolo Pensionati di Moonee Ponds. The process allowed the senior Italian citizens of Moonee Ponds to share with the community what life was like for them when they arrived here. Most arrived after the Second World War, but some were early settlers in the area.

The stories, which are written in both English and Italian, provide a great understanding of how difficult it was for those people to come to a country with not only a different language but different cultures. The book reveals stories of separation and hard work, and shows why the Italian population in Essendon has become such a valued part of our community.

### Fishing: licences

**Mr JASPER** (Murray Valley) — For those of us living along the border between Victoria and New South Wales there is a continuing problem of border anomalies. Since the establishment of the Border Anomalies Committee in 1979 many border anomalies have been addressed and corrective action has been taken by successive New South Wales and Victorian governments. However, a continuing concern is the anomaly of fishing licences. At present no reciprocity is provided for Victorian people fishing in New South Wales waters and for New South Wales people fishing in Victorian waters.

The ridiculous situation is highlighted at Lake Mulwala at Yarrowonga, where potentially two licences are required. It must be remembered that the border between Victoria and New South Wales is the high-water mark on the Victorian river bank; however, at Lake Mulwala the original river is somewhere in the middle of the lake. That is replicated on many of the lakes and weirs along the Murray River. The water authorities use some discretion, but there are certainly problems with the situation; it is untenable and needs to be addressed immediately.

Action by the Victorian government is required to immediately negotiate with the New South Wales government to provide for reciprocal fishing licences to overcome the ridiculous situation of requiring two fishing licences for people fishing in streams along the border between Victoria and New South Wales.

### Marika McMahon

**Ms ALLAN** (Bendigo East) — I ask this house to acknowledge the outstanding achievement of a young Bendigo woman lawyer, Marika McMahon, who was

recently named the Telstra Young Businesswoman of the Year for Victoria. This is a fantastic achievement for a young woman from Bendigo.

At the age of 28 Marika became the youngest lawyer in Victoria to become a partner in a law firm. Her achievement is recognition not just for her career but also for her boundless community involvements, which include: board member of the Bendigo Health Care Group and Loddon Mallee Women's Health; director of the Bendigo Trust; member of the ethics committee of the La Trobe University in Bendigo; and member of the Bendigo mining reference group. Marika was also the first woman to be voted in as president of the Bendigo law association in its 103-year history.

The award comes on top of local recognition when in 1998 Marika was named the Business and Professional Women's Young Businesswoman of the Year. I wish her well for the national finals in Melbourne next month. This award is a great acknowledgment of her hard work and dedication to the community and is a fine achievement for a young woman from country Victoria who will continue to be a role model for many women, not only in country Victoria but throughout the state.

### **Pakenham bypass**

**Mr MACLELLAN** (Pakenham) — I wish to make a statement regarding the need for the Pakenham bypass and for a commitment to the bypass. The bypass proposal is supported by all Gippsland municipalities. They are united in their prioritising of this project as a no. 1 road project for the whole of Gippsland. The commonwealth government at the previous federal election committed itself to the project and funding for the project, announcing a preliminary amount of \$30 million towards it. That commitment has not yet been matched by the state government, which has not yet completed the acquisition of land for the project.

The previous government acquired the Greenhills estate, an area of some 400 acres south of Pakenham, including a major section of the bypass route. But there are remaining sections of privately owned land which the government has not moved to acquire. Without that acquisition — and of course prices in the area are increasing — it looks as if the state Labor government lacks a commitment to this project.

This has become a local issue. The local municipality, the Shire of Cardinia, and the local community are insisting on commitments to the project from members of Parliament and their political candidates. I believe we need this project immediately.

### **Baw Baw: funding**

**Mr MAXFIELD** (Narracan) — I rise today to express my grave concern at the complete and utter neglect of the Shire of Baw Baw by the federal government. Very sadly, the Howard government has shown complete disregard for regional Victoria. The federal government recently announced \$12 million of special assistance within the Gippsland area. When compared with the \$100 million rescue package made to the Latrobe Valley alone, it is a small and piffling amount.

If we look at the figures we discover that the Baw Baw shire, which is well within Gippsland, did not get one cent of that \$12 million. Yet in the towns of Drouin and Longwarry the Bonlac factories were closed and 300 jobs were lost as a result. What has the government done by way of providing special assistance? Not 1 cent is coming to the Baw Baw shire. Why has the federal government shown its complete disregard for the people who live in the Baw Baw shire?

I have lived in Baw Baw my entire life. It is a wonderful area. The federal government stands condemned for its disregard and appalling behaviour. I call on the federal government to have a heart and start delivering rural funding, which we deserve and need.

### **Gaming: revenue**

**Mr BAILLIEU** (Hawthorn) — The Premier misleads Victorians; he misleads this house: he does it often and he knows he does. Last Thursday in this house the Premier answered a dorothy dix question on gambling and tried to tell the house that the government's dependence on gambling taxes had reduced. How did he do that? He included the GST receipts in total government receipts, and then he deliberately left the GST out of the gambling taxes — he excluded a total of over \$350 million. The claim was that gambling taxes in Victoria were only \$1.2 billion.

What are the facts? In the last year of the Kennett government total gambling taxes were \$1.4 billion. For the year 2000–01 gambling taxes total over \$1.6 billion, rising to over \$2.1 billion in just three years time. The Premier knows he misleads. On 13 February he told Neil Mitchell that gambling taxes were around \$1.5 billion and that they included the GST, which he said was returned to Victoria. Gambling in Victoria has expanded by 20 per cent under this government. The government's promises have been shown to be a sham, and recently we have seen that half the government's budget surplus is funded by an increase in gambling taxes.

### **Gisborne: community cabinet visit**

**Ms DUNCAN** (Gisborne) — It is interesting to speculate about what the gambling revenue would have been under the previous government had it not lost office. But that is not what I am here to speak on this morning. I wish to announce that on Monday, 1 October I will have great pleasure in welcoming the Victorian community cabinet to the wonderful electorate of Gisborne, where it will see first hand the sheer wonders of this place.

The Victorian community cabinet provides a wonderful opportunity for groups in my community to have direct and indirect access to government ministers. A government could not be more open and accessible than this government.

*Honourable members interjecting.*

**Ms DUNCAN** — I note the interjections from the opposite side saying 'selected groups'. We have a very open program for the day, which will have the cabinet in Gisborne all day, starting off with a cabinet meeting followed by meetings with local government and a community luncheon open to the community, where constituents will have informal access to ministers and enjoy a cup of coffee and a sandwich. This will be followed by formal and informal submissions from a wide variety of groups, who will have one-on-one access to ministers. That is unprecedented. The electorate of Gisborne has not seen government ministers since forever — it has never occurred. This is historic, and I welcome them all.

### **Hospitals: *Hospital Services Report***

**Mr WILSON** (Bennettswood) — During the adjournment debate last Thursday, I called on the Minister for Health to release the *Hospital Services Report* for the June quarter. Lo and behold, the minister was inspired to release the report on the following day. That was a timely decision by the minister. It is always better for ministers to release their own reports. The June report must be yet another embarrassment for the minister and those who work for him. Ambulance bypass figures increased from 503 in June 2000 to 756 in June 2001 — an increase of 50 per cent in that 12-month period. In the same period, the number of patients waiting on trolleys for more than 12 hours in emergency departments increased from 3706 in June 2000 to 6802 in June 2001 — a staggering increase of 83 per cent. This report is for the June quarter — a period of mild weather and before the main industrial action took place in Victoria's hospitals.

The June *Hospital Services Report* is an indictment of the administration of Victoria's public health system by the Bracks government. I wait to see how the government will change the reporting system to avoid an even more disastrous September quarterly report.

### **Clayton: multicultural banquet**

**Mr LIM** (Clayton) — This Saturday, 29 September, I will be celebrating the ninth annual Clayton multicultural banquet. The event has now become an institution in the electorate of Clayton — it has become so big that for the past three years we have had to turn away nearly 100 people. It is completely booked out for 500 people. It has become a rallying point for the ethnic community in the area, and between 20 and 30 nationalities representing some 50 to 60 community organisations turn up. I am very proud to say that although the banquet started small, now in its ninth year it is so big that it has become an institution.

This year the banquet will feature a special guest speaker, the federal shadow minister for immigration and ethnic affairs, the Honourable Con Sciacca. In this day and age when race politics — the politics of hate and fear — are being played in Canberra, it is important to know that a banquet like this will provide a sense of security and encouragement and a rallying point for the ethnic community. This year is the International Year — —

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

### **MATTER OF PUBLIC IMPORTANCE**

#### **Attorney-General: conduct**

**The SPEAKER** — Order! I have accepted the following matter of public importance submitted by the honourable member for Berwick for discussion:

That this house notes with concern and condemns the Premier for not requiring the Attorney-General to step down while the Attorney-General is the subject of a federal police investigation.

**Dr DEAN** (Berwick) — An important place to start in this debate is to remove some of the humbug, dust and nonsense that was put around yesterday by the government in an attempt to ensure that the straightforward facts and the simple situation that occurred were hidden. I would like today to start off firstly with the basic principle of the Westminster system which has operated in the Parliament in the past in relation to when a minister should step aside and when he should not.

That simple principle is embedded in the history of this place. It has been exercised by the Labor and Liberal parties in the past, at both federal and state levels, and it is clear and straightforward. The principle is based on the fact that a minister of the Crown is part of what is called responsible government. That means that a minister who has the power of government in a legislature is responsible to the people and must at all times be seen to be above any form of reproach. Why is the Westminster system of responsible government so important to this house? Why is it so important, if there is an allegation made against a minister who is then investigated by the police, that he must step aside?

The first principle is that the minister must be seen by the people of Victoria to be beyond reproach, because he is responsible to them. He is not responsible to parliamentarians in opposition and those on the back benches; he is responsible to the people of Victoria.

The second principle is that, if a minister who is being investigated by the police does not step aside, he is in a position of conflict. Because he is in a position of power and because the police are to some extent subservient to him, if he does not step aside and allow them a free rein in their investigation he will be seen in effect to be saying to them, 'Don't you dare put the finger on me because I am a minister of the Crown'. As Attorney-General — that is, as the first legal officer of the state who is responsible for law and order and all the law related to prosecutions — how could he possibly remain in office while he is being investigated by the police?

If a minister decides that he does not want to step aside, then the responsibility flows over to the Premier. The ultimate person in deciding whether a minister who is under investigation should step aside — if that minister will not do so of his own accord — has to be the Premier.

There have been many examples of this in the federal Parliament. One of the reasons why John Howard is regarded so highly in respect of parliamentary responsibility is that when allegations of the same type were made against his ministers he ensured that they stepped aside — as did, and I hear laughter from the other side, Mr Beazley, the Leader of the Opposition. Former New South Wales premiers Mr Wran and Mr Greiner did the same thing when allegations were made against them.

Maybe this Premier has a different view of his responsibility in relation to a minister under investigation. That is what puzzled me until I read the Premier's own words as printed in the *Herald Sun* on

June 16 this year, when he was commenting about a matter concerning Geoff Clark, the chairman of the Aboriginal and Torres Strait Islander Commission (ATSIC). His comments were that Mr Clark should step aside when allegations were made against him. This is what he said:

Premier Steve Bracks said unlike government ministers, who are required to stand down from portfolios pending the outcome of a criminal investigation, the viability of Mr Clark's position was a matter for ATSIC.

So now we find out that the Premier has stated his position absolutely clearly. He understands the position that a minister who is under investigation must step aside. In this situation why is it that the Premier has said that he will not ask the Attorney-General to step aside? He has given two reasons. The first is that he does not believe the allegations are correct, and the second is that it is not an investigation and is only looking at allegations.

What I need to ask — and what the Parliament needs to ask today — is whether he really believes that. Does he really believe that if he does not believe the allegations are correct it overrides his necessity to ask a minister to step aside while the police are investigating him? That cannot be correct. It would be absolute nonsense for a premier to say, 'The only time that comes in is if either the minister or I believe the allegations are correct'. The whole reason for the rule is so a premier is never in a position — even if he did believe the allegations were correct — to dump one of his ministers in it. Of course the Premier cannot go out and say, 'I believe these allegations are correct'. The person who is the suspect would hardly come out and say, 'Hands up! Yes, those allegations are correct'.

If we look at the character of the Attorney-General, he would be the last man to do that. That is why the rule is there. However, the Premier can say, 'Look! I do not have to say anything about whether or not the allegations are true'. The rule says he must stand aside. The first reason the Premier has given is totally incorrect, and it strikes me as unbelievable that he would put forward such a reason.

The Premier then went on to say that this is not really an investigation. Let us look at what has happened to find out whether or not it is. Before I do so I want to make one thing absolutely clear. Yesterday I think it was suggested by the Premier that this was not a criminal investigation. When I mentioned it he looked at me with bewilderment as if to say, 'Criminal? You've used the word "criminal"'. This can't be a criminal investigation'. I suspect that the Attorney-General — our wonderful

Attorney-General — has put a spin on this to the Premier and actually has the Premier believing that this is not a criminal investigation.

Well, Mr Premier, I want to point something out to you. The police only investigate criminal matters. The police do not investigate civil matters. They do not sue, they prosecute. And when they prosecute it is because it is a criminal matter. What they are looking at now is a criminal investigation, not civil fraud, where someone decides to sue someone else at civil law for damages. It is in relation to an allegation of criminal fraud that has been made with respect to public moneys. That is the allegation.

Let us look at the facts. The complaint was made in February 2000 to the commissioner of the Australian Federal Police, who then nominated federal agent Tom O'Bryan to be assigned to the case. On 21 February the Attorney-General, Mr Hulls, made certain statements in the press to the effect that the reason for his travel was that he was a member of several parliamentary committees, and that he would release all documents in relation to this matter, and he admitted that he did attend one of the football matches that was the subject of the inquiry. That is step two. The complaint has been made, a federal agent has been assigned, and the Attorney-General has given an explanation — I suspect an explanation that he will rue the day giving, but nevertheless that is what he gave.

In April 2000 the federal parliamentary library service and the federal parliamentary House of Representatives investigative chamber — that is, the body responsible for the House of Representatives — wrote to the complainant and said it had investigated the query and found that Mr Hulls was never on any parliamentary committee during the entire period he was in Parliament. Consequently the federal police started to take the matter seriously.

On 30 November 2000 Mr Leigh was advised — —

**Honourable Members — Who?**

**Dr DEAN** — The complainant was advised that federal agent Charmaine Quade had been allotted to the case as well, and she and another federal agent flew to Melbourne and spoke to the honourable member for Mordialloc. They then obtained a statement from him which was signed.

During the period from November onwards, Charmaine Quade confirmed that she was investigating the matter as a possible breach of the law in relation to fraud on public funds.

In February 2001 the Federal Police contacted the Attorney-General. They told him that they were investigating him. He then surrendered all his documents to them, including his diaries. He elected not to make a statement, and I assume that was because his legal advisers told him, 'You do not have to make a statement and under these circumstances we suggest you don't'.

In February this year the Attorney-General knew he was being investigated. He handed over his documents and said he would not give a statement, probably under legal advice. We now also understand, because of the answers given to the *Herald Sun* by the Premier, that he did not notify the Premier at that time. It is our belief that he did not notify the Premier that he had been contacted by the Federal Police in February this year and advised that he was under investigation.

In September this year Charmaine Quade, the agent handling this matter, advised the complainant that she had now completed her investigation and that it would go to the federal Director of Public Prosecutions for him to determine what should happen. It was only then that we asked the minister to stand aside. It is unbelievably ridiculous for the Premier or the Attorney-General to say that we have been premature in any request for the Attorney-General to step aside. We have waited not only while the investigation took place, not only while the Attorney-General was notified he was being investigated, but until the agent told us that she had completed the investigation and it was going to the Director of Public Prosecutions. That is when we said, 'For heaven's sake, you are being investigated. The principle in this house is that you must step aside', and he did not.

How hypocritical is it for this Attorney-General, who has now been the subject of a 17-month inquiry, who has been told he is the subject of an inquiry and that it has now gone to the Director of Public Prosecutions, not to stand aside, and to maintain his pressure on the police who know that as he is the Victorian Attorney-General as if to say they had better not push this too hard! That is the very reason he has to stand aside. This is the man who has asked for almost everybody else to stand aside.

When he was the shadow Attorney-General, on the basis of allegations of misuse of public money, the very allegations now being investigated, he said on 4 March to the then Attorney-General, Jan Wade, 'You must resign'. Then on 16 October he said to the Premier, 'You must resign'. Then on 3 December he said to the Solicitor-General, 'You must stand down'. Then on 26 February he said to the Minister for Finance, 'You

must stand down'. Then on 2 March he said again to Jan Wade, 'You must stand down'. I do not believe there has been any member of Parliament in this house who has not been told to stand down or resign by the Attorney-General.

Yet this is the man who now knows he is under investigation and who the Premier knows is under investigation, and he has not got the guts to stand by the principle that he has recounted for us, that he should stand aside. What an absolute nonsense. I refer to a quote from the Attorney-General when he was shadow Attorney-General in this house. He is reported as saying on 31 October 1996:

That issue goes to the integrity of the system of justice in this state because if you have a chief law officer, the Attorney-General, who does not understand the concept of conflict of interest —

then she must stand aside.

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

**Mr WYNNE** (Richmond) — What an embarrassing performance by the shadow Attorney-General, who stands with the alleged accuser in this matter, the honourable member for Mordialloc. It must be an embarrassment for the honourable member for Berwick to defend the actions of the honourable member for Mordialloc.

In opening my contribution today I indicate, as the Attorney-General indicated yesterday, that all travel undertaken by the Attorney-General when he was federal member for Kennedy was done within the relevant guidelines. The allegations against the Attorney-General have been made by a member of Parliament who I think both sides of the house would agree has virtually no credibility. He is a member with a reputation for making allegations, smears and innuendo against government members. Indeed, there have been some extraordinary allegations made by the honourable member for Mordialloc. I refer particularly to an infamous case in relation to extraordinary allegations that were made by the honourable member for Mordialloc, then the honourable member for Malvern, against the then town clerk of the City of Footscray. The honourable member is reported in *Hansard* of 13 September 1989 as saying:

The matter ... involves nothing short of what could be regarded as extortion, blackmail and, indeed, it is bordering on corruption ...

Those are the sorts of allegations that have been made and are consistently made by the honourable member

for Mordialloc, who seeks to smear people on this side of the house and to smear people in the community who are defenceless.

The then City of Footscray took action against the honourable member at that stage in relation to this matter. The matter went to court and the honourable member for Mordialloc was forced to make a public apology in the local newspapers for those smears and innuendoes. I understand that damages were exacted against the honourable member for the extraordinary allegations that were made at the time against defenceless people out there in the community. That is the sort of person whom the shadow Attorney-General is seeking to defend. He should be embarrassed to be standing here seeking to defend the honourable member for Mordialloc for making these smears and allegations which are utterly unfounded!

**Mr Perton** — On a point of order on the question of relevance, Mr Speaker, this matter of public importance condemns the Premier for not requiring the Attorney-General to step down while the Attorney-General is the subject of a federal police investigation. The two relevant issues that the honourable member can address are the commitment by the Premier to stand down a minister and the federal police investigation. The current line of attack on the honourable member for Mordialloc is irrelevant to the questions concerned in this debate.

**Mr WYNNE** — On the point of order, Mr Speaker, my contribution goes to the veracity of the claims made by the honourable member for Mordialloc.

**The SPEAKER** — Order! The honourable member for Doncaster has raised a point of order asserting that the honourable member for Richmond was not being relevant in his contribution. I am not prepared to uphold the point of order at this point. However, I remind the honourable member for Richmond that he must confine his comments to the matters contained in the motion.

**Mr WYNNE** — The question here is: why do the Leader of the Opposition and Deputy Leader of the Opposition allow the honourable member for Mordialloc to make these accusations and allegations, which they know to be false? If the Attorney-General has said it once he has said it a thousand times: all travel as a federal member of Parliament was undertaken according to the relevant guidelines. I say two words in defence of the Attorney-General: Geoff Leigh!

The history of the matter is important, and the shadow Attorney-General referred to some aspects of that in his

contribution. Several years ago when certain material was requested under a freedom of information application by the Deputy Leader of the Opposition, the Attorney-General freely provided all that information because he had nothing to hide then and he has nothing to hide now.

When the police receive a complaint — even from a person like the honourable member for Mordialloc — they are duty bound to investigate as a routine matter. The great strength of our justice system is that a person can make allegations against anybody — whether they be a politician, a business person or someone in the street — and expect that those allegations will be independently investigated. The great weakness of our justice system is that people with the sorts of standards of the honourable member for Mordialloc — clearly with the approval of his leadership group — will often abuse the system to their own ends.

A number of suggestions have been peddled around in the media seeking to establish some sort of relationship between the travel of the Attorney-General when he was a federal member of Parliament and various events that were happening in Melbourne at that time. Those suggestions include reference to things like a major golf tournament being held here in Melbourne. Anyone would know that the only club the Attorney-General needs is a club to beat the people opposite around the head with for making this outrageous attack upon him!

Another linkage that is sought to be made is that the Attorney-General travelled to Melbourne on that very sad day of the resignation of the Honourable John Cain as Premier of Victoria. I am sure that in the maelstrom of all the events surrounding the resignation on that day, the then Premier, John Cain, would have said, 'Who are all the people I need to make sure will be here today? This is a very serious day in the life of the Labor Party and I just want to check off my list of people. I have my cabinet members. Yes, I have everybody here. Oh, heavens above, I haven't got Rob Hulls here! I had better ring him up and make sure he comes down here from Mount Isa to be present on the day I resign'. It beggars belief that he would say to this humble backbencher up there in Mount Isa, 'Yes, you had better come on down to make sure you are present on the day I resign as Premier of Victoria'. Give us a break! This absolutely beggars belief.

**Mr Wilson** interjected.

**The DEPUTY SPEAKER** — Order! The honourable member for Bennettswood!

**Mr WYNNE** — Since February 2000, when these frivolous allegations were made, what has the Attorney-General been doing? He has been getting on with the job of governing and reforming within the justice area. For example, it is worth putting on the public record that the Attorney-General has introduced over 40 pieces of legislation.

**Mr Wilson** interjected.

**The DEPUTY SPEAKER** — Order! I ask the honourable member for Bennettswood to stop interjecting ceaselessly.

**Mr WYNNE** — The Attorney-General has introduced over 40 pieces of legislation reinstating compensation for pain and suffering for victims of crime, reinstating freedom of information, reinstating the powers of the Director of Public Prosecutions, re-establishing the Law Reform Commission and ending discrimination against same-sex couples. I notice the shadow Attorney-General does not want to be here to hear that.

**An Honourable Member** — He is out on the back balcony!

**Mr WYNNE** — He may well be out on the back balcony. He was out on the back balcony again last night talking to a couple of his colleagues about how well this was all going, how good the news reports were and how the issue was travelling beautifully. This is an absolute joke! I could go on and on listing the Attorney-General's 40 pieces of legislation and achievements: introducing the Whistleblowers Protection Bill; improving court facilities; appointing more women to the Victorian judiciary, which is a concept that is alien to the other side of the house; establishing a judicial college; and securing the independence of community legal centres. He has been a reforming Attorney-General. Government members are not going to be stuck in the mud with the people over there; we are getting on with the reform agenda led by the Attorney-General.

This issue goes to the question of standards: where was the shadow Attorney-General when the former Attorney-General conspired to undermine the Director of Public Prosecutions? Did he put up his hand in the party room and say no to Premier Kennett? No, he did nothing! Where was he when the scandal about the casino tendering process emerged? Did he want that issue referred to the police? No. Where was the shadow Attorney-General when the former Premier's office was under investigation by the fraud squad? Did he

stand up in the party room or in the Parliament and say no? He did nothing. He sat on his hands.

Did the honourable member for Berwick say anything about the former Premier's share dealings? No. Yet he comes in here and asks the Attorney-General to stand aside while an investigation is held into false allegations about events more than a decade ago.

The honourable member for Mordialloc, who is the accuser, has absolutely no credibility in this house. While the honourable member for Mordialloc has been on the telephone harassing the Australian Federal Police, the Attorney-General has been getting on with the job and turning things around in our courts and our legal system.

The Attorney-General has made an extraordinary contribution to public life; that is widely recognised by this side of the house. We will not sit here and allow the opposition to pedal this smear and innuendo put forward by an honourable member who, as we all know, has no credibility regarding these matters. Indeed, I venture to say it is an embarrassment to have this motion before the house. Members of the opposition are frightened when the honourable member for Mordialloc gets to his feet. They say, 'What is he getting up to next?' Members opposite say, 'Oh my God, the loose cannon is out there again'.

The matter of public importance has no credibility. Honourable members on this side of the house absolutely stand by the Attorney-General, who is a person of integrity. The honourable member for Mordialloc has raised baseless allegations. We repudiate them absolutely.

**Mr RYAN** (Leader of the National Party) — Either by design or ignorance — I am not sure which — the honourable member for Richmond has completely misconstrued the nature of the matter of public importance and the subject to which it relates. I make it clear from the start that I do not make any allegations against the Attorney-General of the state Victoria. Far be it from me to say he is guilty of any offence. They are not allegations I make. What I do say is that in circumstances where there is in train a criminal investigation regarding the conduct of a member of the house, and a member who, in this instance, holds the position of the Attorney-General of the state, that member should stand aside pending the outcome of the investigation. That is not to say the guilt, innocence or otherwise of the Attorney-General is relevant to the issue now before the house. Such being the case, the Attorney-General should stand aside.

I say that on a number of bases. Firstly, the Attorney-General is a minister of the Crown. That is an extraordinary position in the operation of any government and the appropriate protocols should be observed. Secondly, as he often reminds us, the Attorney-General is the first law officer of the state, so the position he occupies has to be absolutely beyond reproach in all senses of the word. A third factor is the police investigation regarding his conduct. Whether it is right, wrong or indifferent, the fact that a police investigation is being undertaken means that the Attorney-General should stand aside.

Issues regarding the honourable member for Mordialloc are a complete red herring. They are irrelevant to the issues now the subject of investigation by the police. The police are investigating a series of allegations. Whether a prosecution is undertaken will be a matter that will go through the usual processes arising from a police investigation, but in the meantime the Attorney-General should stand aside.

It is an issue not just for the Attorney-General but also for the Premier. I understand and recognise that the notion of standards on these issues is fluid and that different interpretations apply depending on what Parliament you may be in and what are the prevailing circumstances at a particular time. However, in this instance we do not have to wrestle with that problem to the extent that we may otherwise have to do because the Premier has laid the ground rules for us.

It is almost two years to the day since the three Independent members of this place created the famous charter. On 1 October 1999 a document signed by the three Independent members of this Parliament was delivered to the then government and the then opposition. In that document the Independent members set out what they regarded as being their charter — the matters that were absolutely fundamental to whether they would support one side or the other of politics. I quote from the document:

The aim of this charter is to provide for stable, open and accountable government, which is able to work productively for the people of Victoria.

...

We will not support any government, and will remove our support from a government which:

...

Is shown to be corrupt, which support any practices which are corrupt or which violates any standards of public probity.

Abuses the spirit of democratic parliamentary practice and procedure.

We are willing to support a government, which publicly undertakes to:

1. Promote open and accountable government.

That first point is one of the four pillars, if I may term them, of the support the three Independents sought from whomever it may have been they were going to support.

In a letter dated 12 October 1999 the Premier responded to the charter produced by the three Independent members of Parliament and directed his response to the honourable member for Gippsland West. After the salutation, and insofar as this issue is concerned, the letter states:

I join with you in expressing a commitment to providing stable, open and accountable government which is able to work productively for the people of Victoria.

The Premier goes on to talk about the four points listed in the charter. The letter says specifically that a Bracks government would operate so as to promote open and accountable government, and:

This formal response will detail my position on the charter and how I intend to implement both its detail and its spirit in the event of your support.

Under the heading 'Promoting open and accountable government', which is one of the primary considerations of the document, the Premier's letter states:

I have campaigned and fought for the creation of open and accountable government in Victoria for many years. It is my greatest priority to ensure that the Victorian community has its respect for our democratic institutions and system of government restored. I believe that if a Bracks Labor government were in a position to implement this charter that we would see a transformation of our government and the community's relationship with it.

That is what the Premier said to the three Independents when he wrote to them in response to their charter requirements. The Premier should honour his word. The Premier should honour the benchmarks which he set out, which were requested of him specifically by the three Independent members and which he, by his own hand on 12 October, undertook to do. Here we have a classic example of what he needs to do to satisfy the benchmarks that he set in place.

From the first time the Premier walked into this place — and over the succeeding two years — he has on occasions too numerous to mention highlighted the importance of openness, honesty and accountability of government.

An article in the *Herald Sun* of 16 June reports:

Premier Steve Bracks said unlike government ministers who are required to stand down from portfolios pending the outcome of a criminal investigation, the viability of Mr Clark's position was a matter for ATSIC.

When the Premier said those words he was providing a specific example of how he thought it appropriate that the very benchmarks which he established when he wrote to the three Independents in 1999 should be carried out.

The moment is nigh for the Attorney-General of the state of Victoria, who on any basis is presently the subject of a criminal investigation by the police with regard to his past conduct. I say again that I make no judgment at all as to whether it is right or wrong, but criminal investigation is being undertaken. As to how it came to be undertaken is entirely a matter for the police. How it occurred is something that the police will deal with in the fullness of time — but it is happening, and that is the fact.

The Premier laid it down in writing by his own hand on 12 October 1999, and he reiterated in the course of his reported comments on 16 June that the very issue which is at the heart of this matter before the Parliament should be acted upon — in this instance by the Attorney-General of the state of Victoria standing aside. Therein lies the essence of what is being put to the house this day.

That is so not only from the perspective of all the general principles that lie with this issue and the way it is approached in various parliaments in our system but more particularly because of the way in which the Premier has established the basis of his government and its operation over the past two years. Further that is so because of the way in which he stipulated specifically those sorts of criteria by his own hand on 12 October 1999. And finally that is so for the way in which he specifically defined what should happen in his reported comments on 16 June. For all those reasons the Premier should ask his Attorney-General to stand aside.

**Mr HOLDING** (Springvale) — The honourable member for Berwick commenced his contribution on this matter of public importance by making reference to the Prime Minister's code on ministerial conduct, which, as honourable members would remember, John Howard tabled with great fanfare at the commencement of his term in 1996.

The honourable member for Berwick attempted to draw some conclusions about what the standards on ministerial conduct should be, when a minister or any member of Parliament ought to resign or stand down pending investigation, and what the circumstances that

would bring about such a resignation or standing down would be. Several times he made reference to the Prime Minister's code on ministerial conduct, which is probably one of the most comprehensive codes on ministerial conduct ever produced in an Australian Parliament. It is worth reflecting on the context in which the code was introduced and how it worked in practice, because some of those matters have a direct bearing on the matters that the Parliament is debating this morning.

Honourable members would recall that the question of travel allowances and travel expenses became a matter of public controversy in the federal Parliament after a series of very serious allegations made against then Senator Mal Colston following his defection from the Labor Party in 1996. Senator Colston was accused of misusing a variety of allowances, including not only the overnight travel allowance amount itself but also his frequent flyer points. Allegations were also made about travel allowances claimed by members of his staff and their access and entitlement to travel allowances, the cars allocated to him at the commonwealth's expense and a variety of other matters.

These events led to a substantial investigation of the commonwealth travel allowance system, the way in which it operated and the various checks and balances that existed to ensure that it did so with full propriety and was above dispute.

Honourable members would recall that allegations were later made against other members of federal Parliament. The Department of the House of Representatives, the Department of the Senate and the then Department of Administrative Services, which was also one of the government agencies charged with responsibility for managing the system of members' travelling entitlements and allowances, conducted a series of investigations which sought to establish where members of Parliament might have either deliberately or possibly inadvertently made claims for allowances and entitlements that they were not entitled to. As a consequence, various members and former members were required to make repayments. In some instances members were paid amounts that they had been entitled to claim but had not claimed earlier.

Further allegations were made against the then minister for transport, the Honourable John Sharp, and he was forced to resign. The minister responsible for administering the system of members' entitlements, the Honourable David Jull, was forced to stand down because of his lack of stewardship at the time. Senior members of the Prime Minister's staff, including his chief of staff, Grahame Morris, were forced to resign

because of their role in not properly managing the system and keeping the Prime Minister informed of developments.

Serious allegations were made against the Honourable Peter McGauran, who would be known to honourable members opposite, and who was one of the wealthiest members of the federal Parliament. He was seen to be misusing and abusing his travel allowances on a massive scale, claiming an overnight allowance in Melbourne when he had a residence in Melbourne and claiming tax-free overnight allowance instance after instance when they bore no relationship to his parliamentary service.

Honourable members would recall all these instances. When the honourable member for Berwick comes in here and makes claims about things the Attorney-General might have done, he must understand that these things have been exhaustively investigated by the Department of Administrative Services and now the Department of Finance and Administration, as well as the Department of House of Representatives. The claims have been thoroughly investigated, not only for current members but also for former members.

So what is the basis of the allegations the honourable member for Berwick chooses to make against the Attorney-General? The basis of these allegations is not the investigation implemented by the Department of Administrative Services and the Department of Finance and Administration at the time; not the investigations by the House of Representatives. No, he wants to base his claims and his call for the Attorney-General to be stood aside, on the claims of the honourable member for Mordialloc. That is the judge and jury that is sufficient for the honourable member for Berwick.

So what do we know about the honourable member for Mordialloc? We know he came into this place once and made sexist remarks against victims of crime who were in the chamber at the time. He said, 'Throw them out, Mr Speaker, they are nothing but trash'. Honourable members on both sides of the chamber heard him at the time. On another occasion we know the then Premier, Mr Kennett, was forced to write to the South Eastern Region (Dandenong) Migrant Resource Centre and apologise because of the racist remarks the honourable member for Mordialloc had made to members of that organisation when they visited his office. He swore at them. He said, 'The trouble with you migrants is you come out here and try and wreck the country'. That is what the honourable member for Mordialloc said to migrants when they came into his office.

What else do we know about the honourable member for Mordialloc? We know that — —

**Dr Dean** — On a point of order on the matter of relevance, Madam Deputy Speaker, the honourable member seems to be making much of the fact that the honourable member for Mordialloc has made some statements. This whole matter is to do with documents that were provided by the Attorney-General. They were his documents — documents that he provided under freedom of information. It has nothing to do with anything the honourable member for Mordialloc has said or done. They are the documents which have been forwarded to the police. So what he is saying is entirely irrelevant. This matter is based on documents provided by the Attorney-General which have gone to the federal police.

**The DEPUTY SPEAKER** — Order! On the point of order, Mr Speaker has ruled earlier in a similar matter to this. Members may refer to the complainant in a passing way, but the complainant should not be the subject of their response.

**Mr HOLDING** — The matter goes to the question of parliamentary entitlements and how they are administered. How does the honourable member for Mordialloc administer his parliamentary entitlements? I can provide to the house some documents under the letterhead of the Honourable Geoff Leigh inviting people to fundraisers for — —

**Mr Perton** — On a point of order, given the previous ruling by Mr Speaker this debate is quite narrow. It relates to the Premier's commitment to stand down a minister and relates to the investigation of the Attorney-General. Whatever any other honourable member of this house has done, whether Liberal, Labor, National or Independent, is irrelevant to this debate. The honourable member is confined to the question of whether this minister should stand down given the police investigation.

**Mr Pandazopoulos** — On the point of order, the fact of the matter is that the debate is very relevant in relation to the credibility of the person making the offensive claims. It is entirely appropriate for the honourable member for Springvale to raise these matters because they come down to what the motion is about.

**The DEPUTY SPEAKER** — Order! The honourable member may refer to the complainant in passing, as I have already ruled.

**Mr HOLDING** — So when we are talking about parliamentary resources honourable members will be

well advised to have reference to the following documents which I will table in the house which make it quite clear that the honourable member for Mordialloc has no interest in administering his parliamentary entitlements in a way consistent with the requirements of the guide that relates to entitlements of members of Parliament. We know that it was a fundraiser for the Mordialloc electorate council. That is where cheques were to be made payable to — —

**The DEPUTY SPEAKER** — Order! The honourable member for Springvale will not make imputations against other members of Parliament. He is breaching standing order 108.

**Mr HOLDING** — And what about the honourable member for Berwick? What do we know about him? We know that when he was a backbencher in this place — —

**Mr Smith** — On the same point of order as before, Madam Deputy Speaker, the honourable member for Springvale is completely ignoring your rulings. I suggest you bring him back to the matter before the house and stop him from defying your rulings.

**The DEPUTY SPEAKER** — Order! The honourable member for Springvale has hardly had a chance to make passing reference because of the number of points of order.

**Mr HOLDING** — Honourable members can make their own judgments about the standards that would be upheld by members of the opposition. We know the standards they had when they were in government. We know the hypocritical way they try to double up and create a different set of standards — —

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

**Mr COOPER (Mornington)** — I support the motion moved by the honourable member for Berwick. I have to say right at the outset that I believe the Premier, as was established by the Leader of the National Party, has backtracked on his specific commitments in regard to ministerial accountability.

In response to the matter raised, the Attorney-General has offered a response that one can only say is questionable and has, in fact, opened up the debate even more in regard to his activities. In opening the debate his counsel for the defence, the honourable member for Richmond, who in his speech appeared to be offering a plea bargain or a plea for clemency rather than actually addressing the issues, backed him up. As has been established, the Attorney-General was quoted in

February 2000 in the *Herald Sun* as saying he had served on various parliamentary committees and often travelled to Melbourne to meet with federal ministers. Then, in this house yesterday, in answer to a question without notice, he said that all of those committees were federal parliamentary caucus committees. He concluded by saying that any travel undertaken by him as the member for Kennedy was absolutely legitimate.

So we have the claim from the Attorney-General that when he was a federal member of Parliament all of his travel was legitimate. If that is correct there must have been a really fabulous family event held in Mornington at Christmas 1992 between 24 December and 28 December, because not only would it be apparent that the Christmas party — his stay in Mornington on federal taxpayers' travel funds took place over Christmas — involved not only members of the immediate Hulls family — I assume they would have all got together for Christmas — but if you believe the Attorney-General and that all his trips were related to parliamentary business and to meeting federal ministers, I assume it also involved members of federal Labor Party caucus committees and some federal ministers. So Christmas in the Hulls family in 1992 must have been a pretty big event. It opens up the question, 'Who paid for the catering?', because it certainly went beyond a normal family event.

The Attorney-General says that every trip had a relationship to federal parliamentary business and to meeting federal government ministers. We could also ask, 'What does a Geelong Football Club supporter who is geographically challenged do?'. If you are the member for Kennedy in the federal Parliament, as the current Attorney-General was from March 1990 to March 1993, the solution is clearly very simple.

**Mr Viney** — On a point of order, Mr Acting Speaker, my understanding of the procedures in this house is that a member should speak from his place.

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Frankston East is quite correct. However, the honourable member for Mornington is a former minister of this place and therefore is entitled to stand at the centre table. There is no point of order.

**Mr COOPER** — It is good to know that the honourable member for Frankston East still has his training wheels on, otherwise he would fall over in embarrassment!

The solution for the Attorney-General when he was the member for Kennedy was pretty simple. What he did

was use taxpayer-funded air travel and taxpayer-funded commonwealth limousines to travel to and from Victoria to watch his favourite football team, his favourite horseracing events — —

**Mr Maxfield** — I would just like to say — —

**The ACTING SPEAKER (Mr Lupton)** — Order! What is your point of order?

**Mr Maxfield** — My point of order, Mr Acting Speaker, is that the tack the honourable member for Mornington is taking is inappropriate. He is making scurrilous allegations which are clearly not true, and it is quite appalling that he should mislead the house in this way.

**The ACTING SPEAKER (Mr Lupton)** — Order! I am sorry, what is the point of order?

**Mr COOPER** — On the point of order, Mr Acting Speaker, I make no scurrilous allegations; I make no allegations at all. I am depending on documents that were released by the Attorney-General himself in regard to his travel arrangements. I am not making any allegations at all. That is up to the federal police and the — —

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

**Mr COOPER** — The Director of Public Prosecutions can take up the matter if he so wishes. The fact is that in the documents released by the Attorney-General himself we can see a fabulous series of fortuitous coincidences. I have to say that if I ever go to the races and find the Attorney-General there, I am going to back every horse that he backs. I am certainly going to find out what numbers he takes in Tattsлото, because I want those too. This man is an absolute winner when it comes to coincidences. For example, on 15 and 16 December 1990 he just happened to fly from Sydney to Melbourne and back to Canberra when the Phillip Island grand prix was on — he just happened to be here at the same time! He was here for the Melbourne Cup in 1990 — he flew from Brisbane to Melbourne to be here for the Melbourne Cup carnival!

For the Geelong versus North Melbourne game in May 1991, he flew from Canberra to Melbourne and back to Canberra. In May 1991 — this must have been an important game, Geelong versus Fitzroy — the Attorney-General, then the member for Kennedy, flew from Mount Isa to Melbourne and then back to Canberra to see that match. On the weekend of 30 August to 2 September, when the Geelong versus Collingwood game was played, he flew from Brisbane

to Melbourne and back to Canberra. The Geelong versus St Kilda finals match was played in 1991. He flew from Canberra and back to Canberra — —

**Mr Pandazopoulos** — On a point of order, Mr Acting Speaker, it is quite clear now that the honourable member for Mornington is making accusations by implying that travel tended to coincide with certain events. He is implying that the Attorney-General was at every football match and at the motorcycle grand prix. He should make sure that he does not mislead the house by making that implication. That is drawing a very fine line regarding standing order 108, which provides that a member should not be allowed to leave a perception in this house that the member in question flew to Melbourne to attend those events. That is clearly what he is implying, and it is a breach of standing order 108.

**Mr COOPER** — On the point of order, Mr Acting Speaker, again I make no allegations. I am reading — —

**Mr Maxfield** interjected.

**The ACTING SPEAKER (Mr Lupton)** — Order! I warn the honourable member for Narracan!

**Mr COOPER** — I am reading from documents supplied by the Attorney-General himself. They just happen to coincide. I am making the point — —

**Mr Pandazopoulos** interjected.

**Mr COOPER** — Stop shouting at me, you poor little man!

**Mr Pandazopoulos** interjected.

**The ACTING SPEAKER (Mr Lupton)** — Order! The Minister for Gaming!

**Mr COOPER** — I am simply saying that this is a fortuitous set of coincidences — he was here at the time. The Attorney-General has actually admitted that at some stages he did attend football matches, so where does that leave you? Down the creek, mate!

Do you want to rule on the point of order before I finish my contribution, Sir?

**Mr Wynne** — On the point of order, Mr Acting Speaker, the implication in the honourable member for Mornington's contribution is that there is some linkage with the appropriate travel by the Attorney-General to Melbourne. In my own contribution I said that it has been peddled around that there was some linkage between one of the trips to Melbourne and the

resignation of a former Premier, John Cain. This is just an absolute nonsense, and you should direct the honourable member to come back to the subject of this debate.

**The ACTING SPEAKER (Mr Lupton)** — Order! There is no point of order. The honourable member for Mornington has made no assumptions at all in relation to the resignation. I do not believe there is sufficient to uphold the point of order raised by the Minister for Gaming.

**Mr COOPER** — The honourable member for Richmond was out of the chamber. Obviously he is hearing things he would have liked to hear rather than things I actually said.

There have been numerous other trips authorised by the Attorney-General using Comcars for himself and his family for trips between Tullamarine airport and Mornington and return. If the Attorney-General had stood up here yesterday and said, 'Look, I made a mistake; I'm going to reimburse the costs; I've obviously been caught out', then this matter would have ended. Now we have a 17-month investigation into allegations by — —

**Mr Holding** — On a point of order, Mr Acting Speaker, I distinctly heard the honourable member for Mornington say that if the Attorney-General had come in here and said, 'I've been caught out'. That is a direct reflection on the Attorney-General. Under standing order 108 it is a direct impugning of a member's conduct, and I ask you to ask him to withdraw it.

**Mr COOPER** — On the point of order, Mr Acting Speaker, I thank the honourable member for Springvale for taking the point of order. He will learn one day. Mr Acting Speaker, I again have to say that I actually made no allegations. The Attorney-General has made some admissions and he has also supplied documents. People are entitled to draw their conclusions from those. But on the point of order raised by the honourable member for Springvale, honourable members on this side of the house are saying that we want this matter to be concluded in the spirit in which this government came into office and on the basis of the commitments made by the Premier, and that is that the Attorney-General — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Mornington is straying from the point of order.

**Mr COOPER** — I am sorry, Mr Acting Speaker, I did not mean to stray. Can I get back to the point of order?

**The ACTING SPEAKER (Mr Lupton)** — Order! No. I am prepared to rule on the point of order. There is no point of order in the matter raised by the honourable member for Springvale because what the honourable member for Mornington said was, ‘Had the Attorney-General said so and so, nothing would have happened’.

**Mr Pandazopoulos** — On another point of order — —

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Monbulk was on his feet first. The honourable member for Monbulk, on a point of order.

**Mr McArthur** — No, I was taking the call, Mr Acting Speaker.

**The ACTING SPEAKER (Mr Lupton)** — Order! No, you are not. The Minister for Gaming, on a point of order.

**Mr Pandazopoulos** — On a separate point of order, Mr Acting Speaker, you have just ruled that the honourable member for Mornington was correct in what he said. What I am seeking advice on is this: if tomorrow *Hansard* shows that the honourable member for Mornington impugned the Attorney-General by saying he was caught out, what action will the Speaker be prepared to take in correcting that *Hansard* record? The honourable member for Mornington says he did not say ‘caught out’ when members on the government side of the house clearly heard him say that.

**Mr COOPER** — On the point of order, Mr Acting Speaker, if in any way members on the government side want to interpret my remarks as impugning the Attorney-General, I would certainly withdraw them. I said on several points of order that my object here is to get the Premier to meet his commitment when he came to office, that there would be open and accountable government, which would include standing down ministers who were under police investigation.

I have made it quite clear in response to the point of order raised by the Minister for Gaming that this matter should be handled by the police, and if there is a case to be answered it would be made by the Director of Public Prosecutions. The point needs to be made that under no circumstances do I regard myself as judge and jury.

**The ACTING SPEAKER (Mr Lupton)** — Order! I have heard sufficient on the point of order. In relation to what the minister raised, what I believe I heard is, ‘If the Attorney-General had said, “I have been caught out”’. The honourable member for Mornington said ‘if the Attorney-General had said that. If I am wrong, then I will stand by what I believe I heard.’

The honourable member for Mornington’s time has expired.

**Mr NARDELLA (Melton)** — The honourable member for Berwick, the Maxwell Smart of the Victorian Parliament, sat down under the cone of silence with the Chief — the honourable member for Mordialloc — and cooked up this matter of public importance (MPI) today. It is an outrage that this Parliament is being used in such a manner by Maxwell Smart and his Chief. And then we have Hymie — the Leader of the Opposition — in the background, who is manipulating everything and seeing that it all goes through. Maxwell Smart has proposed this MPI. The opposition is defending the rantings and ravings of the honourable member for Mordialloc, who has made allegations through press releases and written a letter to the police to have them investigate matters that he alleges occurred back in 1991–92.

**Mr Smith** — On a point of order, Mr Acting Speaker, this debate has gone on with about 14 points of order having been ruled on in favour of the matter before the house. In other words, what the honourable member for Mordialloc has done or said has nothing to do with what is before the house. I ask you, Sir, to bring the honourable member back to the matter that he should be addressing.

**Mr NARDELLA** — On the point of order, Mr Acting Speaker, the matter is about the federal police investigation, which is based on allegations made by the honourable member for Mordialloc. Therefore, it is absolutely relevant to the debate now before the Chair.

**The ACTING SPEAKER (Mr Lupton)** — Order! Rulings by previous speakers in similar matters indicate that honourable members may make passing reference to various other honourable members, in this case the honourable member for Mordialloc. However, I warn the honourable member for Melton that I do not expect his whole contribution to the debate to turn into a description of what the honourable member for Mordialloc has done. It is my understanding that the honourable member for Mordialloc has presented documents to the Australian Federal Police, and that is as far as it goes.

The matter is quite clear: it relates to requiring the Attorney-General to stand down. I am prepared to listen to the honourable member for Melton talking about and discussing the honourable member for Mordialloc, however, I do not expect the whole debate to proceed in that vein.

**Mr NARDELLA** — The honourable member for Berwick has proposed a matter of public importance which says that the Attorney-General should stand down from Parliament because of allegations that have been made. Those allegations have not been substantiated. It is very easy for a member of Parliament to make allegations against another member or minister, and the police are then duty bound to investigate those allegations. If what the honourable member for Berwick suggests were to occur, no minister or member of Parliament could operate in this house. It would be very easy for a member of Parliament to make allegations and refer them to the police. All they would have to do would be to write a letter to the police and the police would then have to investigate the allegations.

What the opposition is saying through this MPI is that when the police investigate and refer a matter to the Director of Public Prosecutions the minister or member of Parliament concerned should stand down. What nonsense! The actions of this opposition and the honourable members making the allegations — like the honourable member for Berwick — are disgraceful. These people on the opposition side do not have any principles. They do not understand the Westminster system. The reason why they are on the opposition benches is that for seven years they never understood the Westminster system and the principles of ministerial accountability. And yet they have the gall and the audacity to come in here today with this matter of public importance, calling for and requiring the Attorney-General to resign from his position pending these investigations.

In their term in government opposition members never brought to account their Premier, who had to use section 62 of the Constitution Act to save his seat and his skin in the midst of the KNF allegations relating to using his office under the Crown for profit. Where were the calls by the now opposition and the Leader of the National Party when people were abusing their positions and taking kickbacks for being premiers and ministers of the Crown? Where were they? They were silent.

**Mr Honeywood** — On a point of order, Mr Acting Speaker, it is quite apparent that the honourable member for Melton is casting aspersions on former

Premiers, whom he is not prepared to name, taking kickbacks and bribes. That is nothing to do with the motion before you. He has spent some 3 minutes doing it now. The point of order is that this mob claim to have raised the high-jump bar — but they have fallen under it. They cannot live up to any standard they set with the Independents, who have run away from them. On this whole issue they were meant to be open and transparent, and they cannot handle it when the heat is on them.

**The ACTING SPEAKER (Mr Lupton)** — Order! On the point of order I refer to standing order 108, which states:

No member shall use offensive or unbecoming words in reference to any member of the house and ... imputations ...

What the honourable member for Melton is doing is referring to a former member of the house by saying he has taken kickbacks. I uphold the point of order.

**Mr NARDELLA** — Here we have a situation where — and I'll name the person — Premier Kennett took kickbacks in his term in office. So it is on the record. If you wanted it on the record, it is on the record! He had to use section 62 of the Victorian Constitution to safeguard his position.

**Mr McArthur** — On a point of order, Mr Acting Speaker, I do not seek to inflame this matter any further: however, you have already ruled that the line the honourable member was pursuing was a breach of standing order 108. He has now flouted that ruling and has deliberately and succinctly put the allegation that he was implying. I ask you, Mr Acting Speaker, to remind him of your earlier ruling.

**The ACTING SPEAKER (Mr Lupton)** — Order! As I said, standing order 108 refers to members of Parliament. However, I am of the belief — I stand to be corrected — that it would also refer to former members of Parliament. It is quite obvious that a ruling would refer to former members, and the accusation being made by the honourable member for Melton is quite specific in relation to a particular person. I uphold the point of order.

**Mr NARDELLA** — I will deal with the specific matters before the house.

*Honourable members interjecting.*

**Mr NARDELLA** — I will not withdraw, because it is true. The Attorney-General was on caucus committees at that time, and yesterday he outlined quite specifically the responsibilities he had while in the

federal Parliament. He was a member of the Northern Australian Social Justice Strategy Working Group, the National Tobacco Industry Taskforce, the Prime Minister's Country Taskforce, the Primary Industries and Energy Committee, the Transport and Communications Committee and the Aboriginal and Torres Strait Islander Affairs Committee.

We have a situation here today where the allegations made by the honourable member for Mordialloc are being supported by the Liberal and National parties. They are unsubstantiated allegations, and they should not have been made in the first place. Certainly this side of the house believes in the integrity of the Attorney-General and does not believe the ranting and raving of the honourable member for Mordialloc.

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

**Mr McARTHUR (Monbulk)** — I remind honourable members of the matter that is before the house at the moment. It is a particularly sad day in this house when we are forced to discuss this matter:

This house notes with concern and condemns the Premier for not requiring the Attorney-General to step down while the Attorney-General is the subject of a federal police investigation.

I will not go into any of the details of that investigation at all. What I want to talk about this morning is the subject of this motion — that is, the Premier and his actions or lack of actions. In dealing with this I want to refer to history, to the traditions of the Westminster system of Parliament, to the Independents charter, to the Premier's response to that charter when he was the leader of the Labor Party prior to coming to government, and to *May* and other democratic standards.

The issue we are discussing is very serious. There have been many examples of ministers who have fallen foul of the traditions of the Westminster system and lost their positions as a result. Some of them have gone voluntarily and have thereby upheld the standards of accountability; others have been forced from their positions. I have a sneaking suspicion that this particular minister, the Attorney-General, will never go voluntarily and will never uphold the traditions of the Westminster system.

We can see from the way the government has defended this issue how seriously it takes it. None of the ministers have come in here to defend the Attorney-General. The Premier has not come in here to defend the Attorney-General. He has been defended by

the minnows of the backbench — we have seen the honourable members for Richmond, Springvale and Melton leaping to an inadequate defence of the Attorney-General. They make up the mushroom club and have no intimate or inside knowledge of what has actually occurred.

We need to consider what are the traditions of this place. I refer honourable members to the 22nd edition of *May*, the bible on parliamentary practice and process. At page 63 of the 22nd edition of *May*, which deals with ministerial accountability, it states:

... it is of paramount importance that ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister; ministers should be as open as possible with Parliament, refusing to provide information only when disclosure would not be in the public interest ...

*May* is very clear on this — very high standards are expected of ministers. They are higher than the standards expected of ordinary members, even though the standards expected of ordinary members are themselves high, and the public is entitled to expect that they remain high. The standard expected of a minister by the tradition of the Westminster system is higher than that of a member of the public or an ordinary member of Parliament. The standard expected of a minister by the Premier himself is higher than that expected of an ordinary member.

I refer to the *Herald Sun* of Saturday, 16 June, which quotes the Premier on an issue involving Mr Geoff Clark of the Aboriginal and Torres Strait Islander Commission as saying:

... unlike government ministers who are required to stand down from portfolios pending the outcome of a criminal investigation ...

He then went on to talk about Mr Clark. The important thing is that the Premier has clearly stated that his ministers are expected to stand down pending the outcome of any criminal investigation. It is a fact that there is currently a federal police investigation into the actions of the Attorney-General prior to him becoming a member of this place.

Let us have a look at the Independents charter, which was referred to earlier by the Leader of the National Party. In the response to the Independents charter the Premier said that a Bracks Labor government would promote open and accountable government. It was on the basis of that promise that the three Independent members of Parliament decided to support him and thereby make him Premier. They then went on to say in their reasons for the charter that they would withdraw

support from any government if it was shown to be involved in corrupt practice.

That is a very important thing for honourable members to remember. I am sure that the Independent members of this place are well aware of it and are watching the actions of the Attorney-General and the Premier carefully.

Let us look at what has happened in other parliaments at other times in relation to this matter. I refer honourable members to no less a Labor figure than the Honourable Neville Wran, who was at one time Premier of New South Wales. I refer to an article in the Melbourne *Herald* of Saturday, 11 June 1983:

Mr Wran has stepped aside as NSW Premier while a royal commission investigates allegations that he may have tried to influence the outcome of committal proceedings in 1977 ...

...

The allegations were first made on the ABC television program, *Four Corners*.

Mr Wran has described the allegations as 'totally false' and is suing the ABC ...

The point is that, despite the fact the allegations were unproven and were disputed, the Labor Premier of New South Wales stood aside while an investigation took place.

The issue before us today is what the Premier should do. Should this Premier show leadership? Should this Premier take control? Should this Premier uphold the traditions of the democratic system? Should this Premier uphold the history and the customs of the Parliament? Clearly, he should. The precedents and rules are clearly there. His own commitment says that he will stand aside any minister who is the subject of a criminal investigation. These things are established and clear. What is not clear is the Premier's commitment to his own statement. What is not clear is the Premier's commitment to principles that he has promised to uphold.

I also refer honourable members to a statement that the Premier made on the question of the Independents charter in the house on 3 November 1999:

I can give an absolute assurance ... that every clause of the charter will be adhered to. Unlike the opposition, the government will stick to its promises.

Premier, here is your chance. You have talked big and pretended to piety and probity, and you have pretended that you uphold the democratic system. Here is your chance to deliver.

This minister is and has been under investigation for a criminal offence for some 17 months. The Premier promised that any minister in those circumstances would be stood aside. Parliamentary procedures and practices are very clear on this issue. This minister should be stood aside. The Premier has a responsibility to the Parliament and the people of Victoria, as well as to Westminster traditions.

There is a clear path here. This Premier can show that he is honest, open and accountable, that he is in control and that he is a leader, or he can duck the issue. It is clear. It is a test of leadership, honesty and decency. The Premier should not fail it.

**The ACTING SPEAKER (Mr Lupton) — Order!**

In reference to the points of order raised against the honourable member for Melton in relation to the allegations he made about the former Premier, I gave a ruling that I believed former members would come into a similar category as members. We are unable to find any ruling on that matter, so I stand corrected. The point of order should not be upheld.

However, I remind honourable members that when they come into this place and use parliamentary privilege to make allegations about any former member or any member of the public, they must do so with care. There is a facility open to members of the public and former members of this house to write to the Speaker and for the matter to be heard and dealt with by the Privileges Committee. I apologise for that; I was incorrect in my ruling. That is the situation, and I intend to enforce it from now on.

**Mr VINEY (Frankston East) —** These people sitting across the chamber are a joke. Despite all the things we are facing on an international, federal and state level, what do they choose to do? They waste the time of this house and the resources of this Parliament by making spurious allegations against the Attorney-General that were first brought into this place by such people as the honourable members for Mordialloc and Berwick. We will deal with their credibility as witnesses for the prosecution in just a moment. But despite all the issues that are facing us as members of this house — including the issues we discussed in the matter of public importance last week in relation to Ansett and the problems in tourism, the issues facing this state in employment and the issues facing the country — opposition members are using about 3 hours of this Parliament's time to debate a set of spurious allegations against the Attorney-General.

What kind of credible witness would the honourable member for Mordialloc present in this place? The

honourable member for Springvale has already dealt with the fact that the previous Premier had to discipline him over his remarks to migrants in his electorate office. The honourable member for Springvale has already raised other matters that go to the credibility of this witness. Of course it is the honourable member for Mordialloc who has been involved consistently in mailing things out to members of his own political party under parliamentary letterhead, using the resources of the Parliament — —

**Ms McCall** — On a point of order, Mr Acting Speaker, previous Acting Speakers or Madam Deputy Speaker have ruled that we may make only passing reference to people such as the honourable member for Mordialloc. My understanding is that it is not an opportunity for the honourable member for Frankston East to aim a few kicks directly at the head of the honourable member for Mordialloc.

**The ACTING SPEAKER (Mr Lupton)** — Order! On the point of order, as I said earlier, the Deputy Speaker referred to passing references being made to members of this place. The honourable member for Frankston East has been doing that only for the last 2 minutes, but I draw his attention back to the matter before the Chair. A different motion is being discussed and not who raised the matter with the federal police.

**Mr VINEY** — It was material that included a survey of party members on whether or not they were able to do letter boxing and other electioneering in the election campaign and proposing they contact his electorate officer if they wanted to assist in the campaign. This is the man who is making the allegations against the Attorney-General.

**Mr McIntosh** — On a point of order, Mr Acting Speaker, again we see the honourable member for Frankston East abusing the Chair's ruling in the sense that he is doing anything but making a passing reference to the honourable member for Mordialloc. I ask that he be brought back to the point of the debate.

**The ACTING SPEAKER (Mr Lupton)** — Order! The Chair's patience is running out on this point of order. I ask the honourable member for Frankston East to come back to the motion before the Chair.

**Mr VINEY** — Given the allegations made against the Attorney-General, it is worth looking at his record and at some of the things he has introduced. He has reinstated pain and suffering compensation for victims of crime, freedom of information laws, the powers of the Director of Public Prosecutions (DPP) and the Law Reform Commission. He has ended discrimination

against same-sex couples, reformed the national Corporations Law, introduced whistleblower legislation and improved court facilities in the County Court and at Warrnambool, Mildura, Wodonga and the Latrobe Valley. The allegations are being made against an Attorney-General who in two years has introduced enormous reform into the justice system in this state.

I contrast that with the record of the shadow Attorney-General, the moonlighting shadow Attorney-General, who had to take legal work after being elected as a member of Parliament. He was reported in the *Examiner* in 1995 as saying that he had to take legal work while he was a member of Parliament because:

Quite frankly, if I didn't I wouldn't survive.

He found the salary of a member of Parliament of more than \$80 000 a year not enough to live on and he had to actually take legal — —

**Mr McIntosh** — On a point of order, Mr Acting Speaker, again the honourable member for Frankston East is defying the Chair's ruling. If the honourable member does not have anything credible to say he should cease and allow me the call. The honourable member should be brought back to the point of the debate, which relates to the topic of the matter of public importance.

**The ACTING SPEAKER (Mr Lupton)** — Order! Previous Speakers, as I have already indicated, have made mention of the fact that honourable members can refer to other members. I believe the honourable member for Frankston East is doing that, but what he is saying has little relevance to the matter before the Chair. I do not uphold the point of order at this stage.

**Mr VINEY** — The point is the credibility of the witness for the prosecution, the honourable member for Berwick, the man who took a case before a court against one of his own constituents. The legal fee he took was for representing Pacific Dunlop against one of his own constituents. What a member for Berwick he is! This is the same honourable member who was pushing through the sex discrimination reform without any consultation with his colleagues, and of course that resulted in the love-in on the balcony — —

**The ACTING SPEAKER (Mr Lupton)** — Order! I have been patient with the honourable member for Frankston East. So far his contribution has only denigrated members of this Parliament. I ask the honourable member to come back to the matter of public importance, otherwise I will no longer hear him.

**Mr VINEY** — During the debate opposition members have been talking continually about standards and about the imposition of standards, which is why I am drawing the attention of the house to these matters. I have not taken any other opportunity when I have spoken in this place to make comments about the honourable member for Mordialloc or the honourable member for Berwick, but they have raised matters about standards regarding the Attorney-General. It is relevant and important for us on this side to be able to look at the witnesses for the prosecution in this case and to be able to try to deal with the facts.

**Mr McArthur** — On a point of order, Mr Acting Speaker, the Chair has just ruled on this matter and the honourable member for Frankston East is now debating that ruling and seeking to have that overturned. I suggest it is not in order for him to do so.

**The ACTING SPEAKER (Mr Lupton)** — Order! I do not uphold the point of order. The honourable member for Frankston East has been talking about the opposition in general.

**Mr VINEY** — If opposition members want to come into this Parliament and start throwing stones, then we had better have a look at the quality of the glass in their houses. A set of allegations have been made against the Attorney-General which are baseless and have no substance, and which two years on have been brought to the attention of the honourable member for Berwick, who has quickly latched onto them in some sort of leadership re-establishment after his balcony performance — —

**Dr Dean** — On a point of order on relevance, Mr Acting Speaker, the honourable member has been constantly referring to allegations that have been made by either myself or the honourable member for Mordialloc. The fact is, as has been stated again and again during this debate, no allegations have been made. The point is that there is a federal investigation into matters, such as papers that have been provided by the Attorney-General. The whole point is that no allegations have been made and therefore the matters that the honourable member is now raising are irrelevant.

**The ACTING SPEAKER (Mr Lupton)** — Order! What the honourable member for Berwick has said is basically correct. However, it is a wide-ranging reference, so I will allow the honourable member to continue in the 9 seconds left to him.

**Mr VINEY** — I am proud to stand here and support the Attorney-General in this place — a man who has introduced enormous reforms into this Parliament.

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

**Mr McINTOSH (Kew)** — It is incredible that by implication the various counsel who have appeared on behalf of the Attorney-General — —

**Mr Holding** interjected.

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Springvale is just about flaunting section 108 with those comments. I will not tolerate them.

**Mr McINTOSH** — It is regrettable that members on the government benches are trying to defend the Attorney-General. The debate should be about the integrity of government and government ministers, and particularly the minister known as the Attorney-General.

The Attorney-General in any jurisdiction in Australia has a very special role which is probably a little bit different from those of most other government ministers. Most importantly, the government minister known as the Attorney-General is probably the oldest political office that we have in this house. It is much older than the office of Prime Minister and much older than the office of Premier. It is a very old office. It dates back to medieval times, when an attorney-general would appear on behalf of the monarch or the sovereign in the sovereign's own cause. Since that time a political dimension has been added, because the attorney-general is a minister of the Crown in a place such as this. That role of being a politician as well as the first law officer of this state has to be finely balanced.

I know the current Attorney-General addresses himself by that title and revels in the title of the first officer of the state of Victoria, but it brings with it one hell of an obligation — that is, to balance the political reality, and I understand that, but also to stand up for the integrity of our system, the integrity which he has pledged to advocate on behalf of all Victorians. Sometimes that distinction is a little blurred.

I will refer briefly to an article in the *Australian Law Journal* last year written by a former Chief Justice and Attorney-General of South Australia, in which he wrote this about the distinction between politics and the need to stand up for the integrity of the system:

The distinction essentially is that the Attorney-General as law minister has, beyond the political responsibilities of a ministerial portfolio of the same nature as the responsibilities of other ministers, a special responsibility for the rule of law and the integrity of the legal system which transcends, and may at times be in conflict with, the legal exigencies.

The Attorney-General has the unique role in government of being the political guardian of the administration of justice. It is the special role of the Attorney-General to be the voice within government and to the public which articulates, and insists upon observance of, the enduring principles of legal justice, and upon respect for the judicial and other legal institutions through which they are applied.

Importantly, the role of Attorney-General has to balance that fine distinction. This government has a high-jump bar which has been set by the Premier and which requires that any minister under any investigation will be forced to stand aside. That requirement, which applies to government ministers, may not apply to others — for example, Geoff Clark, the head of the Aboriginal and Torres Strait Islander Commission. However, the Premier has set the high-jump bar in relation to ministers, and most importantly, the Premier should understand the critical and distinct role the Attorney-General has in maintaining the integrity of our system of justice.

Honourable members hear repeatedly from the Attorney-General about his love of the system of justice, the separation of powers and the notion of judicial independence. He advocates it here and he advocates it elsewhere, but if he does not understand that system then he should necessarily — —

**Mr Maxfield** — On a point of order, Mr Acting Speaker, I heard the honourable member opposite saying that if there is any investigation into anything, the Premier would effectively force everyone involved to stand aside. It is quite clear that the statements made are totally and utterly incorrect and are a deliberate misinterpretation and misreading of what the Premier actually said. When the *Hansard* report on this is examined the honourable member will stand exposed as somebody who has shown the truth to be something that is completely disregarded in this matter.

**Mr McINTOSH** — On the point of order, Mr Acting Speaker, I am looking at an article that appeared in the *Herald Sun* of 16 June this year, in which the Premier is reported as saying in reference to allegations made against the head of ATSIC that ‘unlike government ministers who are required to stand down from portfolios pending the outcome of a criminal investigations’ the same should not apply to Geoff Clark.

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

**Mr McINTOSH** — The Premier of this state has set the high-jump bar. It may be low or it may be high, but he is the Premier and the government benches should adhere to that. To plead for the Attorney-General by saying he is a great man — he has done this and he has done that, he supports the separation of powers and he has an understanding of the independence of the judiciary — is fine, but they should save the plea for the judge, if it goes that far.

This is a simple debate on a simple fact: the Attorney-General is under criminal investigation. That is a fact, and nobody is denying it. The government has tried to shoot the messenger and anybody who supports the messenger. What the government is doing is like pleading for the Attorney-General in a criminal trial, but it has not gone that far. The Attorney-General of this state is under criminal investigation. We all know that the investigation relates to a travel rort which could amount to imposing on the commonwealth or could amount to a fraud; we do not know what the outcome of those investigations may or may not be. The most important thing is that the Attorney-General is under criminal investigation.

It seems incredible to me that a man who purports to understand the historic role of attorneys-general does not understand his special role as the person responsible for the administration of justice in this state. The Attorney-General is pledged to support the integrity of that system and to uphold it and advocate it in this place and outside this place.

If he does not have integrity then our system is diminished as a result. When the Attorney-General is brought to account here in this place, where is he? He is not here to answer the allegations, but he is here to answer the proposition — —

**Mr Wynne** — On a point of order relating to standing order 108, Mr Acting Speaker, I believe the honourable member for Kew has made quite serious accusations in relation to the integrity — that was the word used — of the Attorney-General. That is completely unacceptable, Mr Acting Speaker, and I ask you to direct the honourable member for Kew to draw his contribution back to the matter at hand.

**Dr Dean** — On the point of order, Mr Acting Speaker, it was quite clear what the honourable member for Kew was saying: he was drawing attention to the fact that the Attorney-General is not in the house. There is no reason why a member cannot draw

attention to the fact that someone is not in the house; it happens all the time. If a point of order is taken under standing order 108 every time attention is drawn to the fact that someone is not in the house, it will be a very busy place!

**The ACTING SPEAKER (Mr Lupton)** — Order! Unfortunately the Chair was having a discussion with the honourable member for Narracan at the time and so is not aware of what was said. I will not uphold the point of order. I ask the honourable member for Kew to be careful.

**Mr McINTOSH** — As I said, if the Attorney-General is not in the house to hear this debate, then I ask the Premier as the principal minister in this government to consider the historic role and function of an attorney-general and to uphold his own standard, which is that if there is a criminal investigation into a minister's conduct, that minister should stand aside. That standard should be applied to all ministers, but in particular to an Attorney-General who is duty bound to uphold the administration of justice in this state. The Premier should intervene and unashamedly dismiss the Attorney-General or stand him aside pending the outcome of this investigation.

**Ms GILLETT (Werribee)** — I commence my contribution on this matter of public importance submitted by the honourable member for Berwick by remarking that at a time when there are so many matters of vital public importance to Victoria, to Australia and to the world as a whole it seems the opposition is finding it difficult to come to grips with its role as an appropriate opposition. If this is the best matter of public importance it can come up with in these times, the whole of Victoria ought to be seriously concerned.

This debate needs to be seen for what it clearly and truly is — that is, the opposition seizing upon an opportunity to demonstrate in some way that it can achieve a headline, some notoriety and some relevance as an opposition. The sad fact is that while it may be able to get 5 minutes worth of heat and light by burning something as precious as an individual's integrity, it will last for only 5 minutes. The integrity of our Premier and the integrity of our Attorney-General are beyond doubt, unlike the integrity of others in the opposition who have formed the most unholy of alliances to create a set of circumstances in an attempt to have a subject like this dealt with in this house. The matter, which is ludicrous, was created by the honourable member for Mordialloc.

**Mr Helper** — The grub from Mordialloc!

**Ms GILLETT** — Yes, that is probably more accurate; I stand corrected by my colleague the honourable member for Ripon. The matter was created by the grub from Mordialloc, who has absolutely no credibility in this place or anywhere else. I am mindful of your rulings, Mr Acting Speaker, having sat here and listened to this entire debate, and I will be careful.

Because the issue started with the honourable member for Mordialloc it inherently lacks credibility. In opening the debate the honourable member for Berwick said the matter of public importance was about character, and had something to do with the character of the Attorney-General. I suggest it has something to do with all our characters — the characters of the honourable member for Berwick, the honourable member for Mordialloc, the Premier and the Attorney-General.

It is because it is so fundamental to our system of justice that any citizen can raise issues against another where they feel some inappropriate behaviour has taken place. That is a strength in our system of democratic government, but the weak link in that fundamental foundation is the honourable member for Mordialloc. He has made spurious, unbelievable allegations, and it is obvious that all he wants to do is create a fuss. He needs that fuss. Everybody outside this chamber can see that. It is an obvious attempt at having a whack at somebody who is vulnerable. How easy it would be to shut down the operation of Parliament! Each of us on this side of the chamber could write a letter to the federal police about somebody on that side of the chamber.

**Mr Leigh** interjected.

**Ms GILLETT** — The honourable member for Mordialloc interjects suggesting that all we would need is documents. When the Labor Party was in opposition it was supplied with so much documentary evidence about issues concerning the then government, but honour and integrity was applied before it was used, if it ever was used. That characterises the difference between the Labor Party in opposition and this particular opposition we have now. It is obviously tacky. This is the most tacky move an opposition could display and it will be held accountable for it. Everybody can see what is patently obvious — that this is a political attack orchestrated by a group of incompetents on the other side, but, sadly, supported by the leadership of the opposition. I assume the Leader of the Opposition must have supported the likes of the honourable member for Berwick, who is desperately trying to be relevant and who thought he was Attorney-General of the state for a short period between

September and October 1999 and actually said so, or he would not have raised this issue.

If this matter of public importance is about character and integrity I think that is drawing a long bow, because it is plainly an attempt to make the opposition appear relevant and to get it into the papers for a little while; that will work in the short term but I suggest the character of the opposition overall will be damaged by it.

The honourable member for Berwick constantly refers to his respected former employer, Sir Reginald Smithers, a former federal court judge, who repeatedly cautioned his former associate that knowledge is power, and it is. I concur with Sir Reginald on this matter, but I suggest that Sir Reginald would be rapidly revolving in his grave at the breathtaking inconsistency — —

**Dr Dean** — On a point of order, Mr Acting Speaker, apart from the fact that the deceased judge was probably one of the foremost judicial officers this country has ever seen, what possible relevance can the statements by Sir Reginald Smithers or whether he is turning in his grave — the disgusting statement just made by the honourable member — have to the motion before the house as to whether or not the Premier should ask the Attorney-General to stand aside?

**The ACTING SPEAKER (Mr Kilgour)** — Order! I do not uphold the point of order.

**Ms GILLETT** — Sir Reginald Smithers would be revolving rapidly in his grave at the breathtaking inconsistency, the awe-inspiring ignorance and the smear tactics of his former associate since he assumed the position of shadow Attorney-General. ‘Disgraceful’ is indeed a fine word to use. I wonder what Sir Reginald would think about a former parliamentary secretary who — —

**Mr Holding** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Springvale! It is hard enough to hear the honourable member for Werribee without the honourable member causing trouble in the house. The honourable member for Werribee, without assistance.

**Ms GILLETT** — I wonder what Sir Reginald would think about a shadow Attorney-General who makes inaccurate public statements about drug sentencing laws in Victoria because he does not understand them? What would Sir Reginald think about a shadow Attorney-General who does not understand that the minimum sentences he is proposing — —

**Dr Dean** — On a point of order, Mr Acting Speaker, previous rulings have been made during the debate that while passing references can be made to other honourable members, this debate is essentially about whether or not the Premier should have removed the Attorney-General. It has been quite clear that references to other members should be passing. If this is now going to be a debate on what Sir Reginald Smithers, now deceased, may or may not have thought about particular conduct of mine, that has gone way beyond passing references to honourable members.

**The ACTING SPEAKER (Mr Kilgour)** — Order! I uphold the point of order. I was hoping the honourable member would not go down that path. I ask the honourable member for Werribee to note that in the few minutes she has left.

**Ms GILLETT** — I do take note; thank you, Honourable Acting Speaker. But it has been a wide-ranging debate, and it does go to character — to all of our characters, particularly the character of opposition members who have introduced the motion. I think it is entirely appropriate that we think about how the rest of the community would view the action of an opposition and particularly people whom the honourable member for Berwick says he regards highly and he has said that he regards Sir Reginald Smithers highly. That regard is similarly held on this side of the house.

One cannot help but wonder what sort of impression is created when a motion like this is moved in this chamber for overt political reasons and the cost is paid by an honourable man, the Attorney-General, and another honourable man, the Premier of Victoria. At least we on this side of the house can say we were not in a caucus room with the former Premier! We did not contribute to the damage that was caused by the then government.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member’s time has expired

**Ms McCALL (Frankston)** — It is a pleasure to follow the honourable member for Werribee in the sense that we have reduced the level of hysteria and testosterone that seems to have been revolving around this chamber, but let us begin by making one thing very clear: nobody on this side of the chamber this morning has made allegations against the Attorney-General. That is an inference made by the government benches alone. Let me read the wording of the matter of public importance just in case members of the government have not got it right:

That this house notes with concern and condemns the Premier for not requiring the Attorney-General to step down while the Attorney-General is the subject of a federal police investigation.

Unless honourable members opposite have trouble with the language, nowhere in the wording of the matter of public importance does it say we believe he is guilty or that anyone else believes he is guilty. The purpose of the MPI is to discuss and debate in as logical and sensible a manner as is humanly possible the fact that there is certainly an issue of integrity, not against the individual who is the Attorney-General, but more likely the role of the Attorney-General. Methinks the government doth protect too much when its backbench grizzles too much.

*Honourable members interjecting.*

**Ms McCALL** — Protest and protect: I said ‘protect’ deliberately. I say it on the basis that honourable members opposite feel they can throw their slings and arrows at the honourable member for Mordialloc to deflect the matter of public importance. There is no question that, according to a headline in yesterday’s *Herald Sun*, ‘Inquiry not over, say investigators’. Without any overt interpretation it means that the federal police have chosen to proceed on the basis of documents given to them by the Attorney-General himself.

If as a result of their decision to proceed they need further information and they choose to take interviews — there is a whole series in the legal process — it seems to make perfectly good sense for the Attorney-General, who is the subject of this investigation, to stand aside while that investigation goes on. It is perfectly reasonable to assume that he has an enormous workload as the Attorney-General and enormous responsibilities as a minister of the Crown. Would it not be reasonable therefore for him to stand aside if, as the government suggests, he is innocent of these allegations to enable them to be fully investigated, and that he have the time to be investigated and be part of that investigation?

The government has thrown about lines such as, ‘Oh well, you did this’, and, ‘Oh well, when you were in government that happened’. That does not mean that what any of us on this side did when we were on that side or vice versa was right or wrong. There are precedents world wide for an understanding of the appropriate action to be taken when an investigation involves an attorney-general, who is the first legal officer of a state. Given that the current government came in to be open and accountable and raised the bar high by its own choice and with the support of the

Independents charter, would it therefore not be a good move for the Attorney-General, as the first law officer of our state, to lead by example?

As the Attorney-General was critical of us when we were in government — he investigated everything and anything and threw stones at us with alarming regularity — would it not therefore be a wonderful example to the community of Victoria if, having thrown those stones while in opposition, he now stood in government and said, ‘I will not be judged by the standards by which I misjudged others. I will stand aside until the investigation is over’? Perhaps if he did that there would be a level of respect within the community for Parliamentarians. Let me remind every single honourable member that we may only be human beings but the view of us in the public arena is that we rank well below real estate salesmen and second-hand-car salesmen. Is that necessarily the fault of any individual within this chamber? Perhaps it should be incumbent upon the first law officer of this state to lead by example.

The Premier’s actions in declining to ask his first legal officer to stand aside is a sign of weakness. The Premier is the captain of the team — he is its leader. If, as was demonstrated in articles quoted by my colleagues, the Premier believes that ministerial standards must and will be higher than the standards to be expected of other members of the community he is failing in his role as Premier by not asking his first legal officer to stand aside.

Let me make this very clear: we are not making any assumptions of guilt. We will uphold and defend to the line the Westminster system of law that says you are innocent until you are proven guilty. There is no suggestion that we believe the Attorney-General to be guilty of any allegations that may or may not be investigated. However, the bottom line is that for the sake of all members of parliaments in any part of the Westminster system I call on the Premier to ask his Attorney-General as the first law officer — the defender of our law, the man who supposedly has the answers to the law, who defends the right of the law — to do the decent thing and stand aside. If he does not, then this government has grossly misled the Parliament about its beliefs in true and accountable government and has deceived the community and the minimal number of people who voted it into power.

**Mr SAVAGE** (Mildura) — The front page of today’s *Herald Sun* features an article headed ‘Our fight for jobs’ relating to Daimaru, Coles Myer and Ansett Australia. I would have thought that it would be incumbent on this Parliament to be discussing the

thousands of jobs which are in jeopardy in Victoria — with the collapse of Ansett we could have a small recession Australia wide — but instead we are locked into this incredible matter of public importance (MPI), which has a credibility problem. The parliamentary process is being abused by this matter, and we should be working more clearly towards some fundamental change in Victoria that will benefit everybody.

Unfortunately politics in Victoria tends to be driven by an element of vindictiveness, and this MPI is driven in that way. It is an agenda of politics by punishment, and I think it has something to do with the fact that a federal election is coming up soon. One has to be cynical of the objectives. I am interested on the basis that this MPI is driven by the allegation of the honourable member for Mordialloc to the federal police. That in itself causes me significant concern. The credibility of the honourable member for Mordialloc is below zero, yet we are expected to support the removal of the Attorney-General because of an allegation made by the honourable member for Mordialloc 17 months ago. That would mean every minister would be in jeopardy if a letter were written to the Australian Federal Police by an opposition member making spurious allegations.

**Mr Baillieu** — You'll regret this, Russell.

**Mr SAVAGE** — I do not regret anything that I have done in this place, and I certainly do not regret supporting the Bracks Labor government. Since I have been in this place the mean-spirited behaviour that has been exhibited to all sides of politics, specifically to the Independents, is reaching new lows. The recent incident in the parliamentary dining room with the Leader of the National Party of South Australia is a good example of how the opposition has lost its focus.

A sign should be erected on the door of the opposition rooms saying 'Abandon hope all ye who enter here', because the opposition is not focusing on the real game — that is, making the government of Victoria accountable.

The honourable member for Warrandyte said earlier today that the Independents had run away from the government. Well I can assure him we have not run away. We have a charter document we are proud of, and we have no regrets about that document. It is quite clear that the intention of that document is to provide stable, open and accountable government for Victoria. An allegation by the honourable member for Mordialloc does not, in my eyes, create any form of jeopardy in that regard. The charter is quite clear. Perhaps we should have put a clause in there specifically to delete things the honourable member for

Mordialloc might put up; but at the time we did not know what an idiot he was going to be.

I am proud to have been part of the process of changing the government of Victoria and of stimulating a renaissance as part of which regional Victoria has been returned to the fold. That is an important thing, and there have been a number of others, such as returning the powers of the Auditor-General. A whole raft of changes was brought back in so that the people of Victoria could benefit from good government.

On many occasions I disagree with the current government on policy, and I disagreed on many occasions with the previous government. But that is not to say that I do not support this government on the fundamentals — that is, on motions of no confidence — on the basis that it is open and accountable. I believe it has not diverted from that.

We need to look at the sessional orders to come up with some more productive ways in which to spend our time debating matters of public importance. This is not a productive way of spending a morning or in any way a method of making this government more accountable.

**Mr McArthur** — On a point of order, Mr Acting Speaker, I suggest to you that in the line he is taking the honourable member for Mildura is running the risk of reflecting on the Chair, because, after all, it is the Chair that made the decision that this was an appropriate matter of public importance for debate. Under sessional orders the decision in this matter is the Chair's.

**The ACTING SPEAKER (Mr Kilgour)** — Order! I do not uphold the point of order. The honourable member for Mildura is explaining the issues behind what he is on about, and I ask him to continue with the debate.

**Mr SAVAGE** — I can understand the concern of the opposition on matters like this, but if there are issues of probity in relation to these allegations, action should be taken at that time and not pre-emptively, as it has been in introducing this into the Parliament at this time. It is reasonable to criticise the process and the credibility of this matter of public importance, which I do. There are issues that Victoria should face and this Parliament should face. As I have indicated, the ones I think are more important include the acute problems the economic environment of Victoria is experiencing.

I am going to continue to support this government on the basis of its track record of honesty and accountability, qualities which I believe have not been put in jeopardy. I believe this MPI is a disgraceful personal attack based on a vindictive agenda.

**Mr MULDER** (Polwarth) — I often put myself in the position of other honourable members with regard to the situations they find themselves in, both positive and negative. Irrespective of what people may think of me, I believe most honourable members have a human side. I cannot possibly imagine a worse week for the Attorney-General, who is also the Minister for Manufacturing Industry and the Minister for Racing. I wonder how on earth he can leave this place and not just bury his head in the sand and say, ‘For hell’s sake, I hope this week goes by very quickly’.

Nobody on this side of the house is making allegations or accusations or apportioning blame or guilt on the matter. The fact is that the Attorney-General is being investigated for criminal fraud based on information that he provided. It is his information that is being investigated. For the honourable member for Mildura to say that the matter has come about simply through a letter is simply not true, and you know it. You know there is other information. It is not simply a letter that has generated this inquiry; it is information that has been provided by the Attorney-General himself. For you to stand up there and say that this whole process has been instigated purely by a letter from the shadow minister is simply and totally not true, and you know it.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Kilgour)** — Order! Through the Chair.

**Mr MULDER** — I would have thought more of the honourable member for Mildura.

**Mr Savage** — On a point of order, Mr Acting Speaker, the honourable member for Polwarth is making a suggestion that my character is in some way suspect as a result of my former career. I ask him to withdraw.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Mildura has found offence in some of the comments from the honourable member for Polwarth. Is he prepared to withdraw those comments?

**Mr MULDER** — I withdraw. The issue is, as we all know and understand the Attorney-General had every chance to clear this matter up at question time yesterday. Instead, he was given the full protection of the Premier and the ministers around him to ensure that he did not have to answer the questions. He could have cleared it up. We would not be here today debating a matter of public importance (MPI) if the matter had been cleaned up at question time yesterday.

The simple fact is he must stand down. Precedents have been set in other states where leaders have found themselves in similar positions and have been prepared to stand down. But the Premier is prepared to stand by the Attorney-General while he is under investigation for criminal fraud. That is very poor leadership, given the fact that the Premier himself has said that anyone in his government who finds himself in this position must stand down. The Premier has clearly backed away from his obligation and his public comment, and on day-to-day basis he is appearing weaker and weaker as the leader of the state.

I ask honourable members to place themselves in the position of considering what would happen if this scenario unfolded in the real corporate world. For instance, if the head of a banking corporation were investigated for fraud, do honourable members think the board and the investors would be happy enough to sit there while the investigation went on? Of course not — the person would stand down and someone else would step in while it was going on.

**Mr Wynne** — Mr Acting Speaker, my point of order goes to standing order 108 yet again. In his contribution the honourable member for Polwarth is making an allusion that in this instance there has been a charge of fraud. That is clearly wrong, and I ask you to get him to withdraw that accusation. In making his contribution he stated at the outset that he was not making any accusations, but clearly in this part of his contribution he has made it clear that there is a charge. There is no charge whatsoever — —

**The ACTING SPEAKER (Mr Kilgour)** — Order! I have heard enough on the point of order. I do not uphold the point of order.

**Mr MULDER** — Honourable members could imagine the issue, too, of what the public expectation would be if someone such as the person heading up a police force or the head of a school, a college or a municipality were being investigated in relation to criminal fraud. I say to you, Mr Acting Speaker, and to all honourable members present, that the expectation would be that the person would do the right thing and stand aside while the investigation was being completed. The protection given by the parliamentary secretary has been pretty shallow — because you can smell the seat; you’ve got your running shoes on already!

**The ACTING SPEAKER (Mr Kilgour)** — Order! Remarks should be addressed through the Chair. I do not want the honourable member for Polwarth speaking to members in the second person. I want to make sure

that the honourable member for Polwarth speaks through the Chair.

**Mr MULDER** — Through you, Mr Acting Speaking, the defence, assistance and support offered by the Attorney-General's parliamentary secretary has been very, very shallow and very, very ordinary, with not much strength in it whatsoever, because he can smell a role coming up for him, don't you worry about that! There will not be much support offered by the honourable member for Richmond in this particular case, because he can smell a job coming up. You only have to look at him. He is like a half-starved labrador looking in a butcher's shop window: he can see the meat in front of him! The job is there for the honourable member for Richmond, there is no doubt about it!

The situation today is quite extraordinary. The government's old head kicker, the ankle tapper and kneecapper, the person who has insulted nearly every parliamentarian and their family, is about to get a little bit of his own. He does not like it, does he? The Goliath of the Labor Party is about to be downed. The honourable member for Mordialloc is about to down him. What an extraordinary event that the honourable member for Mordialloc, to whom ministers often make degrading comments across the floor, is about to down the government's no. 1 head kicker! What an absolute joke!

I commend the honourable member for Mordialloc for the solid performance he has put up in this whole matter. He has not accused. He has simply gathered the information and given it to the federal police, who are following the task, as they should. The honourable member for Mordialloc has done an absolutely solid job in this whole affair.

**An honourable member** interjected.

**Mr MULDER** — It is amazing, isn't it? As I said, there are implications. Honourable members are not considering just the Attorney-General's role, because he is also the Minister for Racing. In both roles he has had a top week — he has turned both industries upside down. He has members of the law community wondering who the hell they have as Attorney-General, and members of the racing community cannot understand a word he says or a thing that he is doing. He has people affected by both portfolios turned completely and totally against him.

I think that when members of the racing industry looked at the documentation headed 'Hulls travel while member for Kennedy' they would be starting to have a

few doubts about his commitment to the industry. Of all his trips he has made only one to the races; with the rest of them he was at the football all the time! He is supposed to be the Minister for Racing, yet all the supposed trips he has made — —

**Mr Wynne** — On a point of order, Mr Acting Speaker, on a number of occasions members of the government have raised points of order about contributions from members of the opposition which alluded to a suggestion of inappropriateness in the travel of the Attorney-General. The suggestion made here is that trips were being made to the races. Clearly this is a false accusation being peddled around by the opposition. I ask you to get the honourable member for Polwarth to withdraw that accusation.

**Mr MULDER** — I withdraw that accusation, Mr Acting Speaker.

The document shows that the Attorney-General and Minister for Racing was given the opportunity to go to the races but it looks as though he may have taken the opportunity to go to the football instead. Looking at that — —

**Mr Lenders** — On a point of order, Mr Acting Speaker, I put it to you that under standing order 108 the honourable member for Polwarth is flouting your ruling. It is an insincere withdrawal. Now he is waving the same document and pointing to the same entries about visits to the city of Melbourne and the races. I put it to you that under standing order 108 that is a blatant disregard of your advice to him, and I urge you to sit him down.

**The ACTING SPEAKER (Mr Kilgour)** — Order! I do not uphold the point of order.

**Mr MULDER** — I think the Attorney-General should resign.

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

**Ms BEATTIE (Tullamarine)** — How extraordinary! The honourable member for Polwarth has yelled himself hoarse and said absolutely nothing in 10 minutes!

This so-called matter of public importance is as phoney as a \$3 bill. When you look behind the words of the matter of public importance, the words that spring to my mind are 'sleaze', 'spite', 'jealousy', 'vendetta' and of course the big A word from that side, 'ambition'.

The Attorney-General, the honourable member for Niddrie, is a great reformer and a man of decency and integrity. The scurrilous accusations made by the shadow Attorney-General and the honourable member for Mordialloc are totally without foundation. Why does the honourable member for Mordialloc make these allegations, why does the shadow Attorney-General support Parliament's serial pest and why does the Leader of the Opposition not rein them in and say, as the honourable member for Mildura has asked, 'Listen, boys, we know these accusations are false, let's get down to some real work and develop some real policy'?

To go back to the first point of why the honourable member for Mordialloc makes these allegations, firstly you must look at the nature of the beast who is making them. This man has absolutely no credibility whatsoever. All honourable members know that he stands up in this Parliament and makes baseless allegations. What he does in that is deflect from his own miserable performance. He does not want the spotlight on him. He does not want the people of Victoria to know about his four-week overseas trip funded by the taxpayers. He does not want to highlight the fact that it cost \$23 000. He does not want — —

**Dr Napthine** — On a point of order, Mr Acting Speaker, various Acting Speakers have ruled on this issue throughout this debate. The subject of this debate is the Premier's responsibility to stand down a minister who is under investigation by the federal police for criminal fraud. The debate is not about the honourable member for Mordialloc. I ask you to direct the honourable member for Tullamarine back to the real issue of the matter of public importance, rather than diverting to whoever alerted the federal police and the subject of the investigations that the federal police are seriously investigating.

**The ACTING SPEAKER (Mr Kilgour)** — Order! I have heard enough on the point of order. I uphold the point of order. I ask the honourable member for Tullamarine to be quite clear in speaking on what is before the Chair today.

**Ms BEATTIE** — It is not surprising that the Leader of the Opposition has leapt to his feet to defend the honourable member for Mordialloc, because in doing so he made clear what his position is: he supports the tactics used by the honourable member for Mordialloc and the shadow Attorney-General.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Tullamarine is clearly flouting the Chair's ruling. I ask her to come back to the

matter before the Chair, not the issue of the honourable member for Mordialloc.

**Ms BEATTIE** — This house has already heard about scurrilous accusations being thrown around, as the shadow Attorney-General and the honourable member for Mordialloc have done. This goes to the heart of the allegations made by the honourable member for Mordialloc. What it does is highlight the fact that those accusations are completely without foundation and completely baseless.

In defending both those honourable members the Leader of the Opposition shows just what the issue is. It is about leadership. If it were not about leadership these accusations and this matter of so-called public importance would never have come before this chamber. It should not be before this chamber, because it is completely without foundation.

I too refer to what the Attorney-General has done in the very short time he has been in Parliament. Since February 2000 he has introduced over 40 pieces of legislation, including those reinstating pain and suffering compensation for victims of crime; reinstating freedom of information; reinstating the powers of the Director of Public Prosecutions; re-establishing the Law Reform Commission; and ending discrimination against same-sex couples — and this hapless opposition was all over the place on that, making personal attacks on same-sex couples. The Attorney-General has reformed the national corporation law and established — —

**Ms Asher** — On a point of order, Mr Acting Speaker, the honourable member for Tullamarine has just made an accusation that is offensive. She said that members of the opposition made personal attacks on same-sex couples. That is an offensive remark, and I ask that she refrain from making offensive remarks.

**Mr Thwaites** — On the point of order, Mr Acting Speaker, there is no point of order. Standing order 108 is clear that the remark must relate to a particular member of the house. This was a statement made in general about the opposition. It is the sort of statement that is made repeatedly on both sides of the house. If opposition members are so sensitive that they cannot withstand any criticism whatsoever — when they are prepared to throw mud like the honourable member for Mordialloc has done — we will never have any debate in this house!

**The ACTING SPEAKER (Mr Kilgour)** — Order! I have heard sufficient on the point of order. There is no point of order.

**Ms BEATTIE** — The Attorney-General has also been improving court facilities, including the County Court and the courts at Warrnambool, Mildura, Wodonga and the Latrobe Valley. He has also appointed more women to the judiciary. He has established the Judicial College of Victoria and is encouraging pro bono work and equality of opportunity within the legal profession. He has secured the independent future of the community legal centres, and he has secured additional legal aid funding for Victoria.

The Attorney-General has released the report of a review of all sentencing laws in Victoria and is encouraging smarter sentencing, including the expansion of diversionary programs to break the cycle of crime.

We are tackling the hard issues, along with the Attorney-General, and have established an advisory group on street prostitution. We have established, along with the Attorney-General, new processes for the provision of legal services to government. That has all been done in such a very short time.

I turn now to the character of the people who have brought these accusations into Parliament. Many speakers before me have talked about character and integrity, which I think goes to the heart of this matter. The opposition should be developing policies, and the honourable member for Mildura touched on this when he talked about its role as an opposition. The role of an opposition is to call a government to account and to put alternative policies before the people. But what do we see here? We see opposition members trying to deflect from their own miserable performances.

The Leader of the Opposition has a popularity rating of 14 per cent and plummeting — and it will continue to do so while the opposition does not address the important policy issues concerning the people of Victoria. They include the people affected by the tragic events in the United States of America, by the GST, by the globalisation decisions of big department stores like Daimaru, by the cost-cutting exercises of the Coles Myer-type chains of this world, and of course by the collapse of Ansett, which saw the federal government sitting on its hands while that company was brought to its knees.

The Leader of the Opposition should be out there showing leadership on these very issues and working cooperatively with the government to assist the people of Victoria by working towards some common goals, which include getting Victorians up and running after the terrible tragedies that have occurred.

I shall just touch on the material relating to these matters, which was obtained under freedom of information and which the Attorney-General provided free of charge. He had nothing to hide, and he has nothing to hide now. Sir Reginald Smithers said once that knowledge is power. We have the knowledge that the Attorney-General is totally innocent of any wrongdoing and the knowledge that the allegations are completely false. This is a political stunt — nothing more, nothing less.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member's time has expired. The honourable member for Sandringham has approximately 20 seconds.

**Mr THOMPSON (Sandringham)** — The critical issue in this debate is whether the actions of the government are consistent with the public pronouncements of the Premier. On 16 June the Premier said that if a member of Parliament — that is, a minister — were facing a criminal investigation he should stand aside pending the outcome of that investigation. That is the issue.

**Debate interrupted pursuant to sessional orders.**

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member's time has expired. The time for debating matters of public interest has also expired.

## MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL

### *Introduction and first reading*

**Mr BATCHELOR (Minister for Transport)** introduced a bill to rationalise the application of the marine safety legislation of Victoria and New South Wales in Lake Hume and Lake Mulwala on the Murray River border and for other purposes.

**Read first time.**

## BUILDING (AMENDMENT) BILL

### *Introduction and first reading*

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

That I have leave to bring in a bill to amend the Building Act 1993 and for other purposes.

**Mr BAILLIEU (Hawthorn)** — During motions by leave the Speaker yesterday and you today, Mr Acting Speaker, introduced the minister as the Minister for Health in giving him the call to introduce amendments

to the Building Act. I wonder if it could be clarified whether the minister is doing so in his capacity as Minister for Health or as the Minister for Planning. I also ask whether he could give a brief explanation of the bill.

**The ACTING SPEAKER (Mr Kilgour)** — Order! I thank the honourable member for Hawthorn, and I apologise for my mistake.

**Mr THWAITES (Minister for Planning)** (*By leave*) — Mr Acting Speaker, I am sure no reflection on you was intended by the honourable member.

The bill makes amendments to the Building Act, which is my responsibility as Minister for Planning. It relates to a number of matters, including a provision to assist with the introduction of Rescode in relation to the building regulations and building standards that will be applied. It also contains a provision relating to swimming pool regulations and the penalties that apply thereto.

Motion agreed to.

Read first time.

## HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL

### *Introduction and first reading*

**Mr THWAITES (Minister for Health)** introduced a bill to amend the Health Services (Conciliation and Review) (Amendment) Act 1987 to make miscellaneous amendments relating to the operation of the act and for other purposes.

Read first time.

## UNCLAIMED MONEYS AND SUPERANNUATION LEGISLATION (AMENDMENT) BILL

### *Introduction and first reading*

**Ms KOSKY (Minister for Finance)** introduced a bill to amend the Unclaimed Moneys Act 1962 as a result of amendments to commonwealth superannuation legislation, to amend the State Superannuation Act 1988 and the State Employees Retirement Benefits Act 1979 regarding the beneficiary choice program and ongoing commutation entitlements and for other purposes.

Read first time.

## WATER (IRRIGATION FARM DAMS) BILL

### *Introduction and first reading*

**Ms KOSKY (Minister for Finance)** — On behalf of the Minister for Environment and Conservation, I move:

That I have leave to bring in a bill to amend the Water Act 1989 and for other purposes.

**Mr CLARK (Box Hill)** — I ask the minister to give a brief explanation of this bill.

**Ms KOSKY (Minister for Finance)** (*By leave*) — This bill relates to water, and there will be more detail provided tomorrow.

Motion agreed to.

Read first time.

## MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL

### *Introduction and first reading*

**Ms KOSKY (Minister for Finance)** — On behalf of the Minister for Environment and Conservation, I move:

That I have leave to bring in a bill to amend the Mineral Resources Development Act 1990 and the Extractive Industries Development Act 1995 and for other purposes.

**Mr CLARK (Box Hill)** — I ask the minister for a brief explanation of this bill.

**Ms KOSKY (Minister for Finance)** (*By leave*) — The bill relates to peat — that's p-e-a-t, not P-e-t-e!

Motion agreed to.

Read first time.

## COMMONWEALTH GAMES ARRANGEMENTS BILL

### *Second reading*

Debate resumed from 23 August; motion of Mr BRACKS (Premier).

**Dr NAPHTHINE (Leader of the Opposition)** — This bill would be more appropriately named the We Are Hypocrites Bill rather than the Commonwealth Games Arrangements Bill, because it represents the height of hypocrisy by the Labor Party. I have read the bill in

detail, and the more I read it the more I see that it is about the hypocrisy of the Labor Party, which railed long and loud against similar provisions in the grand prix legislation. The grand prix is another major event for Victoria which was attracted and gained by the previous government and which has been of enormous benefit to the people and economy of Victoria.

It was pleasing to note the U-turn Labor Party members made on the grand prix at Albert Park. They were vehemently opposed to it, but in government they did a U-turn and embraced it. They are now seen at the grand prix happily eating oysters and caviar and drinking champagne. This bill is another example of the hypocrisy of the Labor Party and its leadership in Victoria.

Let me make it absolutely clear that the Liberal Party strongly supports the Commonwealth Games for Melbourne and Victoria. The truth of the matter is that the Liberal Party in government initiated the bid for the 2006 Commonwealth Games; it supported and funded the bid and actually won the games for Victoria. I place on record my appreciation and that of the Liberal Party and the people of Victoria for the work of the previous government and the former Premier, Jeff Kennett, and for the enormous personal efforts of Mr Ron Walker, in winning the Commonwealth Games for Melbourne and Victoria. It is important that we pay due recognition to those leaders of Victoria who did something positive for this state.

We support the Commonwealth Games because in March 2006, when these games will be a great success for Melbourne and Victoria, the Liberal Party will again be in government. We look forward to being in government when these games are held. The Liberal Party initiated and successfully obtained the games, and it will be in government when these games are held in Melbourne in 2006.

The Commonwealth Games provide an exciting opportunity for Melbourne and Victoria. They offer a first-class sporting program covering a wide range of sports. I expect we will see thousands of people watching the swimming. It is expected that Australia will once again do well, and that we will see Commonwealth Games and world records broken and individual-best performances by many Australian swimmers.

Athletics events will be held at the Melbourne Cricket Ground (MCG), as they were so successfully at the 1956 Olympic Games, and we expect to see significant crowds watching the athletics program, which will be

comprehensive and of a world standard. I look forward to attending those events — as Premier of the state!

By way of a small aside, I point out that the track that was laid at the MCG for the 1956 Olympics was subsequently taken up and re-laid at Landy Field, Geelong, named after John Landy, a great athlete in his own right who is now doing an excellent job as Governor of Victoria. In my younger days I was pleased to run at Landy Field on the track that was used for the 1956 Olympics.

As well as athletics there will be significant programs in sports such as cycling, shooting, weight-lifting, basketball, badminton and bowls. Lawn bowls is a sport in which there is a peak opportunity for people to represent their country and compete for gold, silver and bronze medals and for the prestige of representing their country at the highest level. Certainly there will be many sports and activities as part of the Commonwealth Games and they will be good for Melbourne and for Victoria.

As I understand it, there will also be Rugby sevens at Colonial Stadium, which is another major project that was supported by the previous government, in contrast to the lack of major projects created under this government. I also highlight the triathlon, which has in recent years emerged as a very popular sport both for participants and for those who watch it. I urge the Commonwealth Games organisers to give serious consideration to holding that event in Geelong. The Geelong community would be greatly supportive of holding the triathlon. There would be thousands of spectators, and it would be a good chance to show off Geelong and its waterfront to viewers across the world. The redevelopment of the waterfront of Geelong over the last few years, particularly under the previous government, has transformed it, and it would be a great achievement if the triathlon were to be held there. I know this proposal has the support of the shadow Minister for Sport and Recreation, the Honourable Ian Cover, who is proud to represent Geelong in the upper house.

The Commonwealth Games also give us an opportunity to highlight the broader aspects of what makes Victoria a great state. These include regional and rural areas where there is significant diversity — from the high country in the north-east to the magnificent coastline of the south-west; from the Gippsland Lakes region to the areas of Sunraysia and the Hattah-Kulkyne National Park; from the Wimmera and the historic goldfields of Bendigo and Ballarat to Phillip Island and Wilsons Promontory. We have an enormous array of tourist attractions in rural and regional areas where there are

boundless economic opportunities. The Commonwealth Games will give an opportunity for this state to showcase these regional and rural strengths and enable Victoria to be marketed to the world in a positive way. Again, for that reason, the holding of the Commonwealth Games is a valuable achievement for Melbourne.

Another aspect I want to highlight for the games — and I understand this thinking is along the lines of that of the games organising committee — is the strength of Victoria as a multicultural state, particularly when today's world climate is taken into consideration. It is important for us to highlight the success of Victoria as a harmonious, multicultural society where people are proud to be Victorians and Australians, but at the same time are proud and understanding of their diverse ethnic and cultural heritages. One of the great strengths in terms of economic and cultural strengths is Victoria's multicultural diversity. These games will give us an opportunity to highlight that to the world.

I understand that the organising committee is seeking to feature our different cultures and our approach in Victoria and Melbourne to enjoying festivals and events and using such assets as Southbank, Federation Square — which hopefully will be completed by that stage; certainly when we are in government it will be completed very quickly — the Melbourne Cricket Ground, the Melbourne Sports and Aquatic Centre, Albert Park and, hopefully, the north bank of the river, which will be opened up significantly by then.

Other areas such as Little Bourke Street, Lygon Street and the developing Docklands area will ensure that we will be able to have a Commonwealth Games that is not just a world-class sporting event but also a major opportunity to highlight and feature the strengths of Melbourne and of Victoria, particularly in rural and regional areas. The games will highlight our multicultural base and our great ability to put on events and festivals. In saying that I think that everyone knows that Melbourne is the sporting capital of Australia and probably the sporting capital of the world in terms of the way that Melburnians and Victorians turn out to events in record numbers, particularly to significant sporting events. This is a tribute to our community and is something that the Commonwealth Games organisers will look forward to in terms of making the games an enormously successful event, and it will ensure that Victorians and Melburnians will take the games to the world with great pride and pizzazz.

I am advised that the Commonwealth Games will attract about 4500 athletes, 1500 officials, 3000 technical officials and 3000 media representatives and

will need the assistance of 15 000 volunteers. Those who were fortunate enough to attend the Sydney Olympic Games will recognise the vital role volunteers played in their smooth operation, both in the lead-up to and during the games, and will therefore understand the role to be played by these 15 000 volunteers. I expect that Victorians will rally to the cause and that the organisers will be overwhelmed by the number of people wanting to make a voluntary contribution to ensure the success of the Commonwealth Games.

Many thousands of people will be in Melbourne and Victoria for the games, including many locals and visitors from interstate and regional and rural areas, so Melbourne will be a hive of activity in March 2006. It will be an exciting and significant event for Victoria.

Melbourne and Victoria already are blessed with many of the venues necessary to host a high-quality Commonwealth Games. We can give thanks to previous governments of both persuasions for their contributions to an infrastructure that can host such major sporting events. Clearly more facilities are needed to ensure that these existing facilities meet the requirements of the Commonwealth Games. For example, the northern stand and the member's pavilion at the MCG need to be redeveloped, and that project has the wholehearted support of the Liberal Party.

The Melbourne Sports and Aquatic Centre, which is one of the success stories of the previous government, needs to be expanded. It was a project that received some opposition from the Labor Party, but it is amazing how now that it is in government Labor has embraced it and welcomed it. The centre has been so successful that it requires expansion to cater for normal operations, let alone the requirements of the Commonwealth Games. The games provide the opportunity to expand the facilities for the swimming events and the crowds that are expected to attend them. Not only will a high-quality venue be provided for the Commonwealth Games, but it will be a lasting legacy for the people of Melbourne and Victoria.

The games village is another area where facilities are definitely needed. I urge the government to get on with the job of selecting a site and constructing the village. It is an important issue. I am advised that the Commonwealth Games organising committee has made it clear that its preferred location for the Commonwealth Games athletes village is in Parkville on the site of the former Royal Park psychiatric facility. It is extremely disappointing that some Labor members of Parliament are actively campaigning against that while the selection process is being undertaken. Parkville is clearly the preferred site of the

Commonwealth Games committee and provides real opportunities for development.

As I have said, a number of facilities are already in place for the Commonwealth Games but a number of others need significant upgrading. There is also a need for new facilities. For example, I understand the bowls facilities have to be upgraded. It is disappointing that the political machinations of the Labor Party have stopped a fair and proper process of selecting the venue for the bowls. Political interference has seen that venue ripped away from Melbourne's eastern suburbs and used to shore up Labor members in their own electorates.

**Debate interrupted pursuant to sessional orders.**

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

## QUESTIONS WITHOUT NOTICE

### Payroll tax: government policy

**Dr NAPHTHINE** (Leader of the Opposition) — My question is to the Premier. Given that there is a crisis of confidence emerging in sectors of the Victorian economy, why will the Premier not immediately adopt Liberal Party policy — —

**Mr Brumby** interjected.

**Dr NAPHTHINE** — I am sure the thousands of people who lost their jobs recently are not laughing with the government.

**The SPEAKER** — Order! The Leader of the Opposition will ask his question.

**Dr NAPHTHINE** — Given that there is a crisis of confidence emerging in sectors of the Victorian economy, I ask why the Premier will not immediately adopt Liberal Party policy and cut payroll tax to 4.95 per cent to restore business confidence and stop job losses in Victoria.

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his question. I will go through the so-called Liberal Party policy which was enunciated by the Leader of the Opposition. He said that his plan was to cut payroll tax by 0.5 per cent. That would cost the budget \$1 billion over four years — \$250 million a year. If that is taken in tandem with the other commitments the Liberal Party has undertaken on taxation — that is, to absorb the GST on stamp duty at \$100 million, to absorb the GST on the Transport Accident Commission at \$80 million and to cut petrol

excise by 1.5 cents a litre at \$130 million — the tax cuts the Liberal Party is proposing would total \$560 million a year! That would mean one of two things: either the budget would go into the red — that is what \$560 million of cuts would mean, because the outlook is an average — —

**Ms Asher** interjected.

**Mr BRACKS** — Mr Speaker, the outlook — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the honourable member for Mornington to cease interjecting in that vein, and similarly the honourable member for Wantirna.

**Mr BRACKS** — The average surplus over the coming years — that is, the out years — is \$500 million and the tax cuts the Liberal Party is talking about would cost \$560 million, so the budget would go into the red under the Liberal Party's policies. Otherwise, if it did not go into the red, it would mean the sacking of thousands of teachers, thousands of nurses and thousands of police officers!

**Dr Napthine** — On a point of order, Mr Speaker, the Premier is debating the issue. The Liberal Party has a clear plan to cut payroll tax and to create jobs. The government has no plan to create jobs!

**The SPEAKER** — Order! The Chair is growing weary of points of order being taken in a clear attempt to make a point in debate. The Chair will no longer tolerate such actions. There is no point of order.

**Mr BRACKS** — The Liberal Party plan to cut tax referred to in the question asked by the opposition leader would result in one of two things: it would mean either sending the budget into the red or into deficit, or sacking thousands of teachers, thousands of nurses and thousands of police officers. There would be no other choice.

At the start of this year we took proactive action as a government on business taxes. We have already set about cutting business taxes in this state by \$774 million, which will result in the second-lowest payroll tax in the country and the elimination or reduction of taxes — that is, fewer and lesser taxes. That has been embraced and supported by the employer groups in Victoria, who stand with the government in an economy which is going well and is resurgent. This so-called plan of the Liberal Party would send the budget into the red or would sack teachers, sack nurses and sack police officers.

**Employment: rural and regional Victoria**

**Mr HOWARD** (Ballarat East) — Will the Premier inform the house of the state of employment growth and any new announcements of further investment in country Victoria?

**Mr BRACKS** (Premier) — I thank the honourable member for Ballarat East for his question, and I thank him very much for his support of jobs in country and regional Victoria, particularly in Ballarat. He and the honourable member for Ballarat West have been resolutely trying to get the State Revenue Office jobs placed in Ballarat, and they have been successful. Well done!

Mr Speaker, employment overall in country Victoria has increased by 1.6 per cent over the past 12 months, with 590 000 people being employed. Country Victoria has had a greater rate of increase in employment than metropolitan Melbourne, which had a job growth rate of 1.3 per cent. That means that since this government came to power it has created 29 400 new jobs in country Victoria, which is an increase of 5.2 per cent over the record of the previous government.

I can also announce to the house that new jobs have been created in new areas in Victoria. I can announce that through the government's efforts over the past 12 months it has secured a further investment at the Uncle Toby's plant at Wahgunyah. An investment of \$20 million will lead to the creation of 100 new jobs there, which is very welcome. It is something this government has been working on with the Uncle Toby's company over the past 12 months. This investment comes on top of the \$50 million investment by a South African company in the Bendigo Perseverance Goldmine, which was announced yesterday. This will mean 250 new jobs in Bendigo in 2002–03, and indirectly double that amount — 500 new jobs — in Bendigo.

These are two very good announcements. The investment in Uncle Toby's will mean 100 jobs, and the investment in the goldmine will mean 500 jobs in Bendigo. The government has lifted employment in country Victoria by 5.2 per cent since it came to office. It has more people employed in country Victoria now than when it took office in December 1999.

**Ansett Australia: replacement airlines**

**Mr RYAN** (Leader of the National Party) — I refer the Premier to the federal government's decision yesterday to extend a \$3.5 million dollar loan to get Kendell Airlines flying again, which follows a

\$3 million loan advanced last week to Hazelton Airlines, a move backed by a further \$3 million loan from the New South Wales state government. I ask the Premier to inform the house of what action his government has taken to get these airlines flying again in country Victoria.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order so that I can call the Premier.

**Mr BRACKS** (Premier) — I thank the Leader of the National Party for his question. Traditionally in Queensland, Western Australia and New South Wales subsidies have been provided to regional airlines, but that is not the case in Victoria. We are not going to subsidise regional airlines in this state in the long term. We will facilitate — —

*Honourable members interjecting.*

**Mr BRACKS** — The Leader of the National Party asked a good question and I am happy to answer it. What we are about is ensuring that we work with the administrator of Ansett, who is doing a good job currently to get Ansett back in the air and to be a true competitor in the air. We have not thrown in the towel, as has the federal Minister for Transport and Regional Services, the Honourable John Anderson, who said two days ago that you cannot revive the carcass of Ansett. We are about working with the administrator to get investment and get a Victorian-based airline up and running again as a competitor to Qantas. We are not going to throw in the towel and let Qantas take the pickings.

**Ansett Australia: tourism**

**Mr ROBINSON** (Mitcham) — I refer the Minister for Major Projects and Tourism to the potential impact of the Ansett crisis on Victorian tourism. What is the progress of the government's new \$10 million campaign to assist the tourism industry to promote Victoria as a safe destination?

**Mr PANDAZOPOULOS** (Minister for Major Projects and Tourism) — I thank the honourable member for Mitcham for his question. Last night I met with 60 tourism industry leaders to hear from them their views about the short-term impact on the industry and how the boost from the state government of a \$10 million package, which was announced quickly to create confidence in the tourism industry — no other state in Australia has matched it — could be used to assist the industry. And we heard about the impacts.

The government knows that the tourism industry is very disappointed with the federal government: it has failed with Ansett because it did not support Singapore Airlines, which is why Ansett closed. It is trying to force costs up but it has not given 1 cent to encourage Australians to travel in Australia or to support international tourism. The tourism industry said the Victorian government acted quickly because what it wants to do is preserve jobs in tourism.

In Victoria 250 000 jobs benefit from tourism directly or indirectly. Tourism is not just about accommodation, attractions or tour operations. It is about wineries, the bus industry, hire cars, taxis, cafes and restaurants. Approximately \$1 in every \$10 in the retail industry comes from tourism. It is about a \$10 billion industry. The government has acted quickly to restore confidence and minimise job losses. The good news last night was that there has not been many job losses in tourism so far, except of course with Ansett, because of the confidence generated by the government's swift action in encouraging Victorians and Australians to travel.

*Honourable members interjecting.*

**Mr PANDAZOPOULOS** — What a disgraceful opposition! I am ready to announce Victoria's first package to assist the tourism industry. It is the first of four marketing campaigns that will cost close to \$1 million. The package encompasses two campaigns for regional Victoria and two for Melbourne. The regions can potentially be hurt because of declining forward bookings, and Melbourne can be hurt because of declining forward bookings and cancellations of conferences and conventions.

I am pleased to announce to the house that the government's regional campaign is encapsulated in a booklet entitled 'Victoria's great escapes', which offers discounted accommodation packages across Victoria and shows off our great world-class accommodation. There has never been a better time to travel in Victoria. People who are putting off holidaying interstate or overseas should take the opportunity of travelling in this state. That is something they probably want to do, and this great escape program of quality discounted accommodation is a great opportunity.

The second part of the campaign that I am pleased to announce involves Touring in Victoria advertisements that will be screened from today for the rest of the year in Victoria, South Australia and southern New South Wales so that people who cannot get on a plane can hop in their cars and tour around the state to visit our wineries, other attractions and great towns. They are the two campaigns for the regions.

Of course we need to support Melbourne, its hotels and other attractions, of which there are many. Of the two campaigns in Melbourne the first is the Melbourne in Spring campaign and the second is the Melbourne in Summer campaign. The Melbourne in Spring campaign is important to encourage Victorians and Australians to visit our city for the Spring Racing Carnival and to support the events. It includes discounted quality accommodation in Melbourne. The other part of the campaign is the Romantic Melbourne campaign, which is part of the Jigsaw program funded by the government that will be shown in other states and New Zealand, as well as across regional Victoria, to encourage people to take up the opportunity to visit Melbourne.

This is a great short-term package for the industry. It will encourage people to travel, keep people in jobs and support tourism across Victoria. It is welcomed by the industry, but there is more to come, with a further \$9 million to be allocated. The government is working with the industry to ascertain ways to best support tourism in Victoria.

### **Workcover: premiums**

**Ms ASHER** (Brighton) — I refer the Minister for Workcover to Australian Bureau of Statistics data showing that a net 36 300 full-time jobs were lost in Victoria this year, including 24 000 in the manufacturing sector and 11 000 in construction. I ask the minister why he will not take immediate action to cut Workcover premiums that are hurting businesses and costing jobs.

**Mr CAMERON** (Minister for Workcover) — It is very regrettable that the honourable member does not know that you have to compare year against year. It is a very basic thing to do when looking at employment — you compare one month compared with 12 months ago. The honourable member for Brighton does not know that, which is why she has been moved from her portfolio.

Victorian employers pay the second-lowest premiums for Workcover in Australia. Small business premiums this year have stabilised. Honourable members may be aware that one of the leading employer associations, the Victorian Employers Chamber of Commerce and Industry, has welcomed what we did.

**Dr Napthine** interjected.

**Mr CAMERON** — You can reduce Workcover by slashing benefits. You can slash Workcover benefits, but there is legislation to comply with! In Victoria we now have a scheme that is running well. For the first time ever in the history of compulsory Workcover,

Victoria has had an actuarial release, and is the best performing Workcover scheme in the nation.

**Housing: investment**

**Mr WYNNE** (Richmond) — Will the Minister for Housing indicate what action she is taking to update Victoria's public high-rise housing and how this new investment will build on the record levels of investment for public housing in this state?

**Ms PIKE** (Minister for Housing) — I thank the honourable member for Richmond for his question. Today the Real Estate Institute of Australia survey reported that Victoria's property boom is continuing. The median price for Melbourne rose 9 per cent in the June quarter and 15 per cent over the past year.

The Bracks government is turning this state around by investing and improving Victoria's \$8 billion public housing asset. This increased investment creates new jobs and raises the standard of public housing. It also tackles the problem of housing affordability for low-income Victorians.

Last year the Bracks government spent \$150 million upgrading public housing. This year, it is going to spend \$154 million upgrading public housing, including \$54 million on high-rise estates alone, which will be money well spent. It will mean 2300 direct jobs for working Victorians — builders, electricians, painters, cleaners and other tradespeople — and over 4600 jobs created indirectly.

The previous government totally failed to recognise the economic and social value of investing and creating jobs in this part of our housing sector. It deliberately and intentionally ran our \$8 billion housing asset into the ground, and it did absolutely nothing about reinvesting in it, sustaining it and building it for the future.

The regeneration of public housing estates will help local businesses provide jobs to local communities. A number of important cross-government initiatives — for example, the community jobs program, which we have developed with the Minister for Post Compulsory Education, Training and Employment — are already putting new jobs and opportunities on the ground, particularly in regional Victoria.

We have also embarked on the redevelopment of 13 estates across Victoria in Kensington, Ashburton, Bendigo, East Geelong, Richmond, the Latrobe Valley and many others places. This comes on top of nearly \$100 million of additional money for innovative social

housing that has already seen the development of 50 new housing projects across the state.

Honourable members opposite have no interest in investing in public housing. They are not concerned about the potential for providing jobs and a sustainable future, particularly for low-income Victorians. The Bracks government is concerned about that, which is why it is investing these resources. It knows that enormous economic and social benefit can come through sustaining and developing our state assets in public housing, and that is why the government is getting on with the job.

**Attorney-General: conduct**

**Dr DEAN** (Berwick) — When the Attorney-General was contacted by members of the federal police this year and decided not to give a statement to them, did he receive legal advice; and if so, was that advice paid for by Victorian taxpayers?

**Mr HULLS** (Attorney-General) — It is pretty obvious what the mental set of the opposition is in relation to this, because it was drawn to my attention that a doorstep interview was conducted by the honourable member for Mordialloc on this very matter yesterday. He was asked a number of questions, and it is my understanding that he said, 'We all know that everyone is innocent until proven guilty. Consequently Mr Hulls has to prove his innocence'. That says a lot about the opposition, particularly the honourable member for Mordialloc.

As the shadow Attorney-General would know, I have personally supplied all the relevant material to the opposition — it did not have to pay for that — and I forwarded all the relevant material to the federal police.

**Water: rural infrastructure**

**Mr NARDELLA** (Melton) — My question is to the Minister for Environment and Conservation.

*Honourable members interjecting.*

**The SPEAKER** — Order! Yet again, I ask the house to come to order! I cannot hear the honourable member for Melton.

**Mr NARDELLA** — The honourable members for Tullamarine and Gisborne and I have been working with our constituents to secure and recycle water supplies for our region.

Will the minister inform the house of what action the government is taking to improve water infrastructure in

the Melton–Sunbury region and how this builds on Victoria’s investment in water infrastructure across the state?

**Ms GARBUTT** (Minister for Environment and Conservation) — I thank the honourable member for Melton for his hard work for rural and regional Victoria. This is very good news for regional Victoria, all as a result of the honourable member’s hard work. In addition, I pay tribute to the honourable member for Tullamarine, who has also been working on this issue.

As a government, of course, we are investing heavily in water infrastructure projects that deliver real economic and environmental benefits. Honourable members will be aware of our \$30 million Water for Growth program, which is about the smarter use of water. We have had very innovative project suggestions rolling in from right across the state. That is what you get when you have a government that works with communities right across the state rather than treating them as toenails, which is not very creative. That is exactly what the previous government did, and its programs went nowhere.

The government is investing as well in upgrading our irrigation infrastructure right across the state, particularly through the Snowy River projects. We are making progress in Woorinen, Tungamah and Normanville and in areas right across the northern irrigation area of Victoria. They will have the smartest, most up-to-date and efficient irrigation infrastructure in the country.

I am pleased to announce the Sunbury–Melton recycled water pipeline project. Honourable members will be aware that there has been a five-year drought in that area, as well as two years of water restrictions from 1998–2000. I am happy to announce today a \$2.9 million project involving Western Water, the Hume City Council and the Melton Shire Council, the Department of Natural Resources and Environment and the Department of State and Regional Development. The Minister for State and Regional Development has already allocated \$350 000 to the project, and it is now going ahead.

The aim of the project is to reclaim marginal farmland in the Sunbury and Melton areas to develop high-value agriculture, which is currently limited by the lack of water. It has the potential to open up 1400 hectares of farmland to intensive agriculture. That could create around 170 new direct jobs and another 50 indirect jobs. It is very good news indeed and will inject around \$30 million annually into those local economies. It is a great way of reusing water and will create new

opportunities, develop growth and protect drinking water. Treated waste water, which is currently going into Jacksons Creek at a rate of 2000 million litres a year, will be recycled and reused for enormous economic growth in the area.

We are turning around water conservation practices in this state, and we are turning around opportunities for people in western Melbourne and in rural and regional Victoria.

### **Attorney-General: conduct**

**Dr DEAN** (Berwick) — My question is again to the Attorney-General, and I would be grateful if he would actually answer this one. I refer him to his answer to my question yesterday, when he listed the caucus committees he attended over 11 trips to Melbourne from 1990–92 and to his statement of February last year that he would release to the Victorian public his diaries and all other documents relevant to these trips.

Will the Attorney-General now clarify his answer from yesterday and advise the house which of the caucus committees he attended and on which dates, and will he now release his diaries and other relevant documents as he promised to the Victorian public?

**Mr Thwaites** — On a point of order, Mr Speaker, that is a direct breach of the ruling given by the Chair yesterday and by previous Speakers Delzoppo and Plowman in relation to direct questions on issues arising prior to a government’s administration.

**The SPEAKER** — Order! I do not uphold the point of order raised by the Deputy Premier. The question as the Chair heard it from the honourable member for Berwick went to the statement that the Attorney-General made yesterday, and therefore it is admissible.

**Mr HULLS** (Attorney-General) — I make it quite clear again, as I did yesterday, that any travel I undertook as the federal member for Kennedy was legitimate.

**Dr Dean** — On a point of order on the matter of relevance, Mr Speaker, the question was not asking him to repeat yesterday’s question but to clarify his answer and advise us whether or not he will say which trips he made with respect to which caucus committees — —

**The SPEAKER** — Order! The honourable member for Berwick has risen on a point of order on the question of relevance. The question he posed to the Attorney-General went to seeking information or further clarification regarding his response to the house

yesterday. The Chair is of the opinion that that is precisely what the Attorney-General was doing. There is no point of order.

**Public sector: legal services**

**Mr LEIGHTON** (Preston) — Will the Attorney-General inform the house of the implementation of the government's reforms in relation to the provision of legal services to government?

**Mr HULLS** (Attorney-General) — Under the Kennett government the process for handling the purchase and delivery of legal services to government was nothing short of a mess. Something like \$30 million-plus of legal work was outsourced to the private profession each year, but under the previous government there was no system in place. For instance, each department had its own legal panels, there was insufficient coordination and monitoring of legal services, and there was no formal system of exchange of legal advice or experience between departments. So for instance, one department could have been getting advice on a particular matter and paying for it, and another department could have been getting the same sort of advice from another firm and paying large amounts for that.

Indeed, there were varying degrees of familiarity with particular issues. As a result, departments and therefore government may well have been spending far too much on legal services — more than they should have been. For instance, departments may not have been getting the best quality advice and may not have been able to take into account past performance of various private firms.

The Bracks government has developed a new model which will turn that situation around and clean up the mess that was left by the previous government. The new model will actually provide central control and oversight of the provision of legal services to government to improve efficiency and coordination. There will be a government lawyers forum to improve coordination and information sharing across departments. A new centralised panel system will be established. A generalist panel of between 12 and 16 firms will be established to provide a full range of legal services, and this will be complemented by specialist panels. This system, the government believes, will ensure that there is a proper balance between large and specialist firms and that government has access to the best possible specialist advisers.

The Victorian Government Solicitor's Office will be the sole provider of core work to government, and that

includes things such as constitutional issues, matters with a particular sensitivity for government, and issues where it is important to have a whole-of-government perspective. In addition to work outside those core areas, departments will also be able to refer work to the VGSO independently.

I know that members from regional and rural areas will be concerned. Strategies will also be developed to ensure that rural and regional legal service providers get opportunities to tender for government work.

Selection of panel firms will take broad government policy objectives into account, including requiring a demonstrated commitment to pro bono work and a demonstrated commitment to equal opportunity practices, including equal opportunity briefing practices. There will also be a requirement to show that they represent the government according to model litigant principles.

The government believes that this new model will certainly improve the coordination of government legal activity, streamline the process, ensure that the work performed is of an accountable and acceptable quality across the panel and give the government value for money — because the public certainly wants to be assured that the government is getting the best possible legal advice at the best possible price.

**Mr McArthur** — Mr Speaker, my point of order is in relation to the answers given by the Attorney-General. Initially I thought that the Attorney-General was suffering some strange affliction which prevented him answering questions, but he has clearly shown that he can actually do this.

**The SPEAKER** — Order! The honourable member cannot seek the call on a point of order and proceed down the track that he is going along. On his point of order.

**Mr McArthur** — It is in relation to the sessional order which requires answers to be concise, succinct and factual and to the Premier's promise in response to the Independents charter that he would:

Instruct all ministers to answer questions directly and in a manner that does not waste the time of the Parliament.

I ask you, Sir, to examine the record to see whether the Attorney-General has actually answered any questions in line with the Premier's commitment.

**The SPEAKER** — Order! I do not uphold the point of order. All questions that have been posed have been answered. The Chair has said on numerous occasions

that it is not in a position to direct a minister to answer a particular question in a particular way and that the Chair will continue to hear such a minister provided he is relevant. I do not uphold the point of order raised by the honourable member for Monbulk.

## COMMONWEALTH GAMES ARRANGEMENTS BILL

### *Second reading*

#### **Debate resumed.**

**Dr NAPTHINE** (Leader of the Opposition) — Before the suspension of the sitting for lunch I was referring to the Commonwealth Games being able to attract many visitors who are sports lovers to Melbourne and Victoria. I am sure the games will attract people from Queensland — even, perhaps, from Mount Isa — and members of the federal Parliament. It may even be that the current member for Kennedy in north Queensland may wish to come down to the Commonwealth Games here in Melbourne, Victoria. Indeed, any sports-loving member from Queensland may wish to come to major sporting events in Victoria.

However, one would expect that when federal members from Queensland come down to major sporting events in Victoria, they will pay their own way rather than perhaps contriving to establish a whole series of parliamentary committees to make the taxpayers — —

**Mr Mildenhall** — On a point of order, Honourable Speaker, I draw your attention to the question of relevance. The discussion about parliamentary travel entitlements has nothing to do with the Commonwealth Games Arrangements Bill at all.

**The SPEAKER** — Order! I do not uphold the point of order raised by the honourable member for Footscray.

**Dr NAPTHINE** — As I was saying, many people will want to come to this very important sporting event, the Commonwealth Games. Indeed, as I was saying also, the current member for Kennedy may wish to come. I would expect that if he came he would pay his way, including his accommodation expenses here in Victoria, and contribute to the economic benefits of the Commonwealth Games to Victoria.

Many members of Parliament have a great interest in sporting events. We want a range of people from interstate, including federal and interstate members of Parliament, coming along to see the great Commonwealth Games that will be run in Melbourne

and Victoria. In just the same way, members may wish to come to the Melbourne Cup carnival and the football matches that are held throughout the state.

The Commonwealth Games will be a great event for Melbourne and Victoria. It will attract a large number of visitors and will help to boost the economy of regional and rural Victoria at the same time. The regional and rural areas certainly do require some additional boosting. It is interesting to note that Australian Bureau of Statistics figures show that since September 1999 there has been a decline of 2900 in the number of full-time jobs in rural and regional Victoria. Contrary to what the government may have sought to tell Parliament during question time, the reality is that since the last state election in September 1999 there has been a decline in full-time jobs in rural and regional Victoria.

Before I was interrupted by the suspension of the sitting for the luncheon break, I was talking about the fact that Melbourne and Victoria have a large number of venues suitable for Commonwealth Games activities but that new facilities are needed, as is an upgrade of some existing facilities. I referred to the northern stand at the Melbourne Cricket Ground, the expansion of the Melbourne Sports and Aquatic Centre, and the games village.

I was highlighting the fact that while the Commonwealth Games organising committee prefers the Parkville site, it is disappointing to note that some Labor members of Parliament are working against establishing the games village at the Parkville site — just as we get Labor members of Parliament working against the interests of country Victoria by trying to closing Essendon Airport. Essendon Airport will be an important facility for the Commonwealth Games, to bring people from regional and rural Victoria to Melbourne.

Indeed, it would be very disappointing if the honourable member for Mitcham or the honourable member for Essendon were successful in their campaign to close Essendon Airport and cause enormous economic disruption to country Victoria, including to air ambulance services, because those services will be very important for looking after country people — —

**Mr Robinson** — On a point of order, Mr Speaker, I was not aware that pulling the leg and stretching the truth were events for the 2006 Commonwealth Games.

**The SPEAKER** — Order! The Chair indicated earlier today during question time my growing

impatience about points of order being taken that are clearly not points of order. The honourable member for Mitcham has offended precisely in taking that point of order. There is no point of order.

**Dr NAPTHINE** — If pulling the leg and stretching the truth were Commonwealth Games events, the Attorney-General would finish first, second and third.

**The SPEAKER** — Order! I ask the Leader of the Opposition to concentrate on the matters before the Chair and ignore points of order that have been ruled out of order.

**Mr Maxfield** — No brains!

**The SPEAKER** — Order! The honourable member for Narracan!

**Dr NAPTHINE** — As I was saying, it is disappointing that some Labor members of Parliament are working actively against the location of the Commonwealth Games village in the Parkville area. I refer to an article in the *Melbourne Times* of Wednesday, 29 August, which refers to the group that wants the games village to be in the Docklands. It states:

The push is supported by state MP Glenyys Romanes. 'Docklands is one of the obvious sites', Ms Romanes said. 'The Parkville site is not ideally suited'.

It is clear that Labor MP Ms Glenyys Romanes in another place is working against the wishes of the Commonwealth Games committee in opposing location of the village in Parkville. It undermines the commitment by this government to running a very efficient and effective games event.

The Liberal Party understands the need to facilitate the developments that are required to provide for the necessary arrangements for the Commonwealth Games to ensure their smooth and safe running and that this major event benefits Melbourne and Victoria, as it should. Hence the Liberal Party opposition will not be opposing this bill — because it understands the need for it.

I contrast the Liberal Party's approach to this matter with the situation that took place some years ago when the Labor Party was in opposition and the government of the day was proposing to have a major event which was good for all Victoria — the grand prix at Albert Park. The Labor Party fought tooth and nail against that event and against the legislation that was required to ensure the event ran smoothly and efficiently. The Labor Party is being absolutely hypocritical in introducing the bill now before the house.

Let me refer to some of the comments made by prominent members of the Labor Party in the debate on the Australian Grand Prix bill. I refer initially to the comments made by the now Premier, the Honourable Steve Bracks, on 7 October 1994:

The legislation before us today is about an overreaction by the government, a paranoia about what might happen in the staging of the grand prix at Albert Park. This legislation uses a sledgehammer to crack a peanut. The legislation is not necessary and is further dividing the Victorian community and the people who would otherwise support the grand prix; it is further dividing those who would like to get behind a major event for this state but cannot because of the lack of consultation and the compounding of the problem by the introduction of divisive legislation.

...

It is hard then for this government to ask the opposition to support either the staging of the grand prix at Albert Park or the bill which will enable a corporation to be established to override powers to set up the grand prix.

That is what the Premier said about the grand prix legislation when he was in opposition.

The now Deputy Premier went even further in his comments in the same debate on the same day, 7 October 1994:

The legislation, together with amendments to be proposed today, is undemocratic. It is not the sort of legislation that Victorians ought to be proud of: it puts ordinary citizens beyond the protection of the law, and it removes property rights, common-law rights and the right to natural justice.

The Deputy Premier went on further to say:

The legislation is arrogant and antidemocratic and trespasses upon people's rights and freedoms.

I refer particularly to the following comments he made:

As well as excluding the Environment Protection Act, the Health Act, the Planning Act and other acts, the government has thrown out the Environment Effects Act.

That is what the Deputy Premier said when he was in opposition in October 1994. I will come back to the sort of legislation that is overridden by the Australian Grand Prix Act versus the legislation before the house today.

When he was Leader of the Opposition, the Treasurer said on 25 May 1994:

Albert Park is a totally unacceptable site for the Melbourne grand prix; the opposition totally and emphatically rejects Albert Park as a suitable site. Members of the opposition will campaign against the park being used for the grand prix.

That is what the Treasurer said when he was Leader of the Opposition. It will be interesting to see where the Treasurer and the Deputy Premier now stand with

respect to the Commonwealth Games legislation that the government has introduced.

I remind the house that the Liberal Party will not oppose the bill before the house because it understands the need for wide-sweeping powers to ensure the safe and efficient running of the Commonwealth Games. It is just an absolute pity and a tragedy that Labor Party members, who are political opportunists, when in opposition sought to oppose similar legislation for the grand prix; yet now that they are in government they see this sort of legislation as suitable for the Commonwealth Games.

If Labor members had had the big picture vision of what was good for Victoria and if they had put Victoria first they would have seen that the grand prix legislation was necessary for that important event, just as the Liberal Party sees that this legislation is necessary for the major event of the Commonwealth Games.

Let us just refer to a couple of other comments made by other Labor members of Parliament who are now part of the government. The honourable member for Coburg, who is now a parliamentary secretary, said in the grand prix debate on 7 October 1994:

This is draconian legislation because it attacks the civil rights of all Australians. The bill also excludes the application of various acts.

So the honourable member for Coburg was outraged that the grand prix legislation excluded the application of various acts of Parliament.

I shall go to some of the acts of Parliament that this proposed legislation will exclude and consider where the honourable member for Coburg stands now on this Commonwealth Games legislation compared with where he stood on the grand prix legislation in 1994. I think the house will find there is a degree of flexibility and that a fundamental hypocrisy has come over the honourable member for Coburg, as it has come over the entire Labor Party and its caucus — they have been shown to be absolute hypocrites on this issue.

I refer to the words of the then shadow minister, the honourable member for Footscray, in the debate on the Australian Grand Prix (Amendment) Bill on 2 June 1995:

The bill is the culmination of a theme of withdrawing and weakening community rights and increasing the government's power to grant the executive an extraordinary level of power just to run a sporting event.

That is what he said: that the grand prix amending legislation in 1995 granted the executive an

extraordinary level of power just to run a sporting event. I will be interested to hear when he gets on his feet in this debate whether he uses the same argument when speaking about the Commonwealth Games bill.

In the same debate the honourable member for Footscray went further to describe the bill then before the house as:

... a nasty and grubby little bill that withdraws people's rights and takes away their facilities.

He further said:

The legislation denies people's rights. It cracks down on dissidents and tries to crush the local community by refusing to treat them compassionately and moving them out so that a sporting event can take place ... This denial of rights, this police-state-type draconian legislation, could apply to the public park forever.

It will be interesting to hear what the honourable member for Footscray says about the bill now before the house which the government has introduced to deal with the Commonwealth Games.

**Mr Ryan** interjected.

**Dr NAPHTHINE** — It is an absolutely accurate quote. There are millions of other quotes I could use. I have pages and pages of them. Let me finish with a quote from page 23 of the 'Book of lists — what you need to know for the state election', which was produced by the Australian Labor Party and is dated March 1996. The author was one John Lenders, then state secretary of the Labor Party and now the honourable member for Dandenong North! It says in this book:

Australian grand prix and Melbourne City Link legislation are without parallel in Victoria for their draconian nature — suspending rights, cancelling access to compensation, exempting various planning and building laws and statutes.

That is what the honourable member for Dandenong North said, and that was the Labor Party's approach. According to the Labor Party it was an absolute disgrace that the grand prix legislation should override certain acts of Parliament and give the executive unprecedented power to run a sporting event. That is what it said about the grand prix. It is interesting to compare that to what is in this bill.

I will refer to some of the specifics in the bill. I refer firstly to page 10. To get it in context we need to start with some of the ways that this bill will apply. I will start with clause 14, which is headed 'Declaration of Commonwealth Games venue'. The clause fundamentally provides that the minister by an order published in the *Government Gazette* may declare an

area of land to be a Commonwealth Games venue. The order may designate a Commonwealth Games venue as a permanent venue or as a temporary venue. That gives the minister whole and sole power to declare an area to be a Commonwealth Games venue.

Clause 15 gives power to the minister by order published in the *Government Gazette* to declare a Commonwealth Games project to be a project to develop facilities at a Commonwealth Games venue or a project to develop facilities for the purposes of the Commonwealth Games, and to authorise the development of that project. This clause gives the minister wide, sweeping powers to declare a Commonwealth Games project. Clause 16 gives the minister a power to declare designated access areas. I will come back to the impact of the designated access areas shortly. There are wide, sweeping powers to declare Commonwealth Games venues, Commonwealth Games projects and designated access areas. Those powers lie with the minister.

When we consider how those powers will be applied we have to look at what laws may apply to those venues and projects. This goes to the heart of some of the issues raised with respect to the grand prix legislation. You must remember, Madam Acting Speaker, that these are the measures that many of the speakers on that side of the house thought were draconian, unprecedented, unparalleled and inappropriate in their overriding of laws and statutes.

Let us look at pages 12 and 13 of the bill, which contain clauses 20 to 25. I will read clause 20, and then refer to the other parts. It says:

Nothing in the Planning and Environment Act 1987 or in any planning scheme applies to the development or use of a Commonwealth Games venue or designated access area for the purposes of a Commonwealth Games project.

What clause 20 says is that once the minister declares any area to be a Commonwealth Games access area, a Commonwealth Games project or a Commonwealth Games venue, the Planning and Environment Act does not apply in any way, shape or form. Clause 21 says that the Heritage Act does not apply in any way, shape or form. Clause 22 says that the Environment Effects Act does not apply in way, shape or form. Clause 23 says that the Coastal Management Act does not apply in any way, shape or form. Clause 24 limits the effect of the Crown Land (Reserves) Act. Clause 25 limits the effect of the Building Act 1993. Those clauses have suddenly overridden a range of very important pieces of state legislation — the very same legislation that was overridden with respect to the grand prix, which the

Labor Party when it was in opposition railed against and criticised.

This bill goes further than the grand prix legislation. The honourable member for Footscray made comments back in 1995 that the grand prix legislation is a denial of rights and is police state-style draconian legislation. The honourable member for Dandenong North, John Lenders, said that it is terrible because it exempts various planning and building laws. The honourable member for Coburg, Carlo Carli, said that it attacks civil rights, because it excludes the application of various acts. All those honourable members said it was terrible that the grand prix legislation overrides those various acts of Parliament, but in this bill this government, this Labor Party, is overriding those same acts of Parliament. I point that out to highlight the absolute hypocrisy of the Labor Party on this issue.

The Liberal Party supports the Commonwealth Games and understands the need for this sort of legislation for the smooth and efficient running of the games, but it says to members of the Labor Party that they are hypocrites of the first order. We see how those acts of Parliament are overridden once the areas are designated under the minister's control, and we can also see in the bill that the Labor Party wishes to keep up the pretence that there is some sort of process in it. Part 2 of the bill, which contains clauses 5 to 13, refers to the Commonwealth Games advisory committees and sets out the process for establishing the committees that will advise the minister on various aspects of these issues.

It should be made clear exactly how these advisory committees will operate. Clause 5 states:

The Governor in Council, on the recommendation of the Minister, may establish one or more Commonwealth Games Advisory Committees.

Further, clause 7 states:

An Advisory Committee consists of 3 or more members appointed by the Governor in Council on the recommendation of the Minister.

So clearly what you have is a Clayton's advisory committee — a token advisory committee. Its members will be appointed on the recommendation of a minister and at the minister's behest. What is worse is that clause 15(7) says:

The Minister is not bound by a report of an Advisory Committee in making a project Order.

This provides for a farcical situation where the minister can appoint the members of an advisory committee, sack them or tell them what to do and what not to do —

or he may not have an advisory committee — and then reject any advice they give him.

When you cut through all this rhetoric and verbiage, what you see is that the minister can do what he or she likes — that is what it amounts to — to make sure that the Commonwealth Games run efficiently and well. It would be better if the government were truly honest, open and accountable to the people of Victoria. It would be better if it did not dress these things up with advisory committees and just came out and said that the minister should have reasonable powers to run the games. That is what it should be telling the people of Victoria.

If the minister at the table were listening, I would seek an assurance — —

**Mr Ryan** — If she were at the table!

**Dr NAPHTHINE** — If the Minister for Education were at the table — perhaps the Chair could draw that to her attention.

**The ACTING SPEAKER (Ms Barker)** — Order! I draw the minister's attention to returning to the table.

**Dr NAPHTHINE** — I ask that in her response — if she or somebody else is responding — she give an assurance to the people of Victoria that the advisory committees and the government will release to the public all submissions given to the committees on issues that they are looking at. That is fair and reasonable. It is in the interest of honest, open and accountable government that any public submissions to the advisory committees should be made available within a reasonable time of the advisory committee receiving them — for example, 30 days.

Similarly, I ask the minister to give an assurance — clearly she is not interested in the debate on this important issue — that any advice given to the minister or any recommendations made to the member will be made public. If there is to be an honest, open and accountable process it is very important that the work of the advisory committees be made public, that any submissions they receive are made public and that any advice that is given to the minister is made public, so that if the minister wishes to overrule or ignore the advice of the advisory committees members of the public can be made aware of that and make their own judgments. Clearly, under this legislation the minister has virtually unfettered powers in the running of the Commonwealth Games.

Further, I refer honourable members to the provisions in part 4 with regard to land, where it says that the

minister and the government can have access to Crown land and compulsorily acquire private land if it is required for Commonwealth Games venues or activities. As I have said, I understand the need for such legislation, and the opposition will not oppose it, but it is important to highlight these powers because the public should be aware of them so they can comment on them and also so that the public can see the absolute difference between what the Labor Party is doing with this legislation and what it did in relation to the grand prix legislation.

I refer to one final matter, that being the protection of any work that is undertaken. This is important, because many of us remember the Labor Party's active support for the protesters at the grand prix site. The Deputy Premier was an active member of the yellow ribbon campaign.

**Mr Ryan** — The now Deputy Premier!

**Dr NAPHTHINE** — The now Deputy Premier was an active member of the yellow ribbon campaign. Many other Labor members of Parliament were active in their support for the protesters at the grand prix site and were critical of the previous government taking action to protect the site and ensure that the venue was managed safely, efficiently and effectively in order to run that major event for the good of Victoria.

I draw your attention, Madam Acting Speaker, to part 5 of the bill, which talks about the protection of Commonwealth Games project works. Under the heading 'Restricted access areas' clause 49 says:

The Secretary may mark off or cause to be marked off as a restricted access area —

- (a) any part of a Commonwealth Games venue; or
- (b) any part of a designated access area —

by —

- (c) the use of fencing, barriers or other permanent or temporary means of physical demarcation; and
- (d) erecting signs or causing signs to be erected on or in close proximity to the area stating that the area is a restricted access area.

There are similar powers to the grand prix legislation and regulations to allow the government to protect areas that are to be used as Commonwealth Games areas or access areas.

Clause 51 states that the secretary has powers to warn people to leave declared areas. Clause 52 states that it is an offence to enter any part of the restricted area, with 10 penalty units applying. Clause 54 contains

provisions to deal with any interference in activities, with 10 penalty units applying.

It is worth reading those clauses so that people understand that this government — this Labor government — which stood shoulder to shoulder —

**Mr Robinson** interjected.

**Dr NAPTHINE** — The honourable member for Mitcham interjects!

**The ACTING SPEAKER (Ms Barker)** — Order! The Leader of the Opposition knows that he should ignore interjections, and I ask the honourable member for Mitcham to stop interjecting.

**Dr NAPTHINE** — Issues have been raised about section 85 of the Constitution Act. When the honourable member for Mitcham is making his contribution to the debate he can give an assurance to the house and to all Victorians, as we have already been advised by both the ministerial adviser and the Commonwealth Games organising committee that further amendments to the legislation will be necessary as the games approach. Perhaps the honourable member will in his own words give the house a guarantee that none of that legislation will include a section 85 provision.

**Mr Robinson** interjected.

**Dr NAPTHINE** — When it is his turn to get to his feet, I challenge the honourable member for Mitcham to give an absolute guarantee that a section 85 provision will not be brought in as an amendment to this legislation between now and the start of the Commonwealth Games. Come on, give us a guarantee! The honourable member for Mitcham is a weak member. All he is interested in is closing Essendon Airport and denying country Victorians access to emergency air services.

Clause 52 makes it an offence for a person to enter or remain in any part of a restricted access area. If they do they are liable to severe penalties. Clause 54 provides that a person must not in any way intentionally interfere with or hinder or cause any other person to interfere with or hinder the carrying out of works at a Commonwealth Games venue.

Interestingly the provisions in the Commonwealth Games legislation are similar to the provisions in the Australian Formula One Grand Prix regulations about the safe and orderly conduct of work and about people not being able to enter the site during specified periods. The difference is that when the Labor Party was in

opposition its members said these sorts of provisions were draconian, that Victoria was a police state and that it was terrible, and they stood shoulder to shoulder with the protesters down at Albert Park in trying to stop the grand prix.

Now that Labor is in government it recognises the need for this sort of legislation. Each member of the Labor Party should stand up and apologise to the former government. They should apologise to Ron Walker, who is chairman of the Australian Grand Prix Corporation. They should apologise to the people of Victoria for their wrong-headed stance on the grand prix. They should say that they were wrong and that they now recognise they were wrong. The Commonwealth Games legislation shows that they were wrong.

There are two other issues I wish to bring to the attention of the house before I complete my remarks. That will give the government an opportunity to respond to issues raised with the Honourable Ian Cover, the shadow Minister for Sport and Recreation in another place.

Firstly, I refer to a letter from Ron Spence, the chief executive officer of the Municipal Association of Victoria (MAV), dated 21 September. In his letter he stated:

Perusal of the bill raises a number of concerns because of the sweeping powers afforded to the secretary (the departmental head of the Department of State and Regional Development) and advisory committees and the powers of the secretary to delegate those powers (see clauses 26 to 29 in particular).

In dealing with functions of advisory committees (clause 6), there is a requirement to engage in public consultation if required by the minister but no requirement to consult with local government where any function impinges on the powers or functions of a council. Clause 7 addresses advisory committees and expertise of members but omits general local government expertise which appears to be highly desirable given traffic management, health issues and waste management.

While it is not clear whether any declaration of a Commonwealth Games venue would relate to land vested in or otherwise in the control of a council, if that is proposed, it should only take place after agreement with the council and in accordance with arrangements and conditions agreed by that council (clause 14).

The letter further raises concerns about clauses 16, 20 to 25, 29, 30 and 31 and refers to a number of issues where the MAV feels that local government has not been given adequate consultation or representation. I bring this to the attention of the house on behalf of the MAV. I will provide a copy of this letter to the house and the minister so that the minister, in summing up,

can address some of those issues I have raised on behalf of the association.

Similarly, I refer to a letter of 18 September 2001 from the office of Michael Malouf, chief executive officer of the City of Melbourne, which states:

I refer to your request for comments regarding the above bill —

which is the Commonwealth Games Arrangements Bill —

or the second reading and advise that council's planning, development and services committee considered a report on the Commonwealth Games 2006 athletes village on 6 September 2001.

The draft minutes detail the committee's resolution as follows.

There are a number of issues listed there that again I will happily provide to the house, but in particular the committee:

... urges the state government to build on the environmental legacy of the Sydney Olympics;

requests the Parliament to provide for legislative entrenchment of ecological sustainable principles into the planning and development of the Commonwealth Games 2006;

...

requests the ministers for major projects and sport and recreation ensure that the council —

that is, the Melbourne City Council —

and the community is adequately consulted prior to a determination being made on a preferred site and design of the Commonwealth Games athletes village.

The letter suggests a number of other things to the Honourable Ian Cover and asks him to bring them to Parliament's attention. I will happily provide copies of those to the house.

Local government is rightly seeking a greater involvement in this process. It is concerned that the government may be proceeding without adequately consulting with the local councils that represent local communities. The point made by the City of Melbourne on the need for the games to place a high emphasis, as did the Sydney Olympics, on having a green games is laudable. It is an aim that I would urge the government and the Commonwealth Games organising committee to take up as an integral part of their planning processes so that at every opportunity we build into the games management environmentally sustainable and best practice environmental standards to enable the games to be a success not only in a sporting sense, in an

economic sense and in promoting Melbourne and Victoria but also in promoting good conservation and environmental values.

The Liberal Party strongly supports the Commonwealth Games. It has great confidence in the Commonwealth Games organising committee, led by Ron Walker, who is an outstanding Victorian and Australian. He has done a great deal to advance the interests of Melbourne, Victoria and Australia, and we believe that his dynamic leadership will assist in making these Commonwealth Games in 2006 the best ever.

The Liberal Party recognises the need for legislative powers to facilitate the preparations for the games and to ensure their smooth operation. Therefore, it will not oppose the legislation and wishes it a speedy passage through both houses of Parliament.

**Mr RYAN** (Leader of the National Party) — I am pleased to join the debate on the Commonwealth Games Arrangements Bill. I am sure we are all looking forward to this great event. It will be a wonderful moment for Victoria when the Commonwealth Games are held in the city of Melbourne and various other venues throughout the state from 15 March until 23 March 2006. Specifically it will be marvellous for Victoria. Although the main centre of activity will be here in Melbourne, different sports will be conducted in various locations outside the city. Apart from that, many people will come to Melbourne to share the delights of the whole of Victoria in all its wonder over that fortnight. The National Party is therefore very supportive of the Commonwealth Games being conducted in our state, and it is in that context that I contribute to this debate today.

The hosting of the Commonwealth Games is yet another success story for the previous government. It was a wonderful achievement on behalf of the government of the day. I see that that achievement was ultimately somewhat disparagingly acknowledged by the current government in the 19-page second-reading speech where on the middle of the 18th page there appears a one-line reference to the work undertaken by the previous government.

It is also interesting to look back on the speeches that were made when the grand prix legislation was passed and to reflect upon the things that were said at that time about Ron Walker as opposed to the reality of the great work he did in heading up the committee which was essentially responsible for the Commonwealth Games being allocated to Melbourne.

When one looks back at those speeches — in particular those made by the now Deputy Premier, the current health minister — one sees the absolutely disgraceful and disparaging things that were said about Ron Walker, which without a shadow of doubt constituted defamation of the worst order. A consideration of the work that man did to achieve the outcome of the Commonwealth Games being allocated to Melbourne shows up the commentary of the health minister for what it was at that time; and it says a lot about the health minister himself that he took it on himself to make those comments at the time in the manner he did.

I will say a few words about the speeches made by Labor Party members at that time as things progress, because they are instructive. It will assist to give the public of Victoria a broader understanding of the import of this legislation and what it has taken to get it before the house.

National Party members are strongly supportive of the games and therefore do not oppose this legislation. We are constrained from absolute support of it because of some factors I now want to go to. Essentially we have a number of misgivings about various issues, and I will run through some of them.

The holding of the Commonwealth Games is a major event by any standard. The games will be the culmination of work that has been done by people over the past five or six years or more, the work that is to be done between now and when the games are conducted, and whatever needs to be done after the games are concluded. By any standard the games are a huge event. One would have to say that there is even now a concern about the capacity of this government to deliver.

You would have to think, Madam Deputy Speaker, that the community of Victoria is justifiably worried about whether this government can make the games happen, because its track record of achievement to date is appalling. The reality is that when one compares what was promised by this government prior to the last election with what is actually on the ground, finished, completed and wearing the badge of this government, the distinction between the two is enormous.

It is absolutely palpable that on a daily basis people are coming to better understand that there has been a lot of bluff and bluster by this government but a sorry failure to actually deliver. That has been best exemplified of recent times in the article published in the *Weekly Times* of 19 September in which an assessment was made by Peter Hunt about the performance of the current government. The article talked about C-plus for attitude; effort was given a B; consultation was given

an A, because the government will talk forever; but when it came down to the real gritty part of it that is truly reflective of the efforts of a government, and that is the big issue of achievement, it was given a D. I think that mark was administered in a pretty generous fashion.

Therein lies the thrust of the community's concern: there is a worry about the ability of this government to deliver. It has a miserable track record in achievement, and that will continue to be a concern until we get to the stage of the enormous amount of work that has to be undertaken to conduct the Commonwealth Games being concluded in a manner that will enable that to occur. That initial concern and overriding worry about the now-established inability of this government to do anything is heightened when one has regard to the terms of this legislation. What this bill does is provide a basic structure — —

**Mr Robinson** interjected.

**Mr RYAN** — Wait a minute. That is all right; we have a bit of time to go yet. I would not be too disappointed yet — just hang on for a bit.

This bill provides a broad structure for the way in which the games are to be conducted. Its emphasis is very much on the construction of facilities, particularly at the Melbourne Cricket Ground and the Melbourne Sports and Aquatic Centre — that is, dealing with the issues of constructing those facilities.

I understand the intention of the government is that with the passage of time additional legislation will be brought into the house whereby the framework in this bill will gradually be filled in and the actual mechanics of the operation will be amplified in a way that will make it clearer as to how the government intends to do the work necessary to run the games.

It is that first point about the basic structure that the government has set up in the bill which I believe is flawed. National Party members were told in the course of the briefing from the department — we were briefed in the very able manner that is the mark of the department — that one of the basic concepts entailed in this legislation was that it is basically lifted from and modelled on the Sydney Olympics legislation which applied in New South Wales and which enabled the conduct of what is now known as the most successful ever Olympic Games. As a principle, that is a sensible idea. The problem is that when one looks at the New South Wales legislation and compares what happened in New South Wales with what this bill is meant to achieve in terms of the broad structure, there is a vast

difference. There is no nexus between the New South Wales legislation and what this bill now before the house will attempt to do. That is a very serious concern which the government will need to address.

I will turn briefly to the New South Wales legislation for the purpose of making a comparison. The Olympic Games held in New South Wales were conducted around a suite of three pieces of legislation: the first was the Sydney Organising Committee for the Olympic Games Act of 1993, the second was the Olympic Co-ordination Authority Act 1995 and the third was the Sydney 2000 Games Administration Act 2000.

The first of those acts set up the basic structure that was to apply in New South Wales, and that was achieved through the Sydney Organising Committee for the Olympic Games, which became known as SOCOG. The legislation created an authority independent of government which became known as SOCOG. That authority was constituted by a board, and the members of that board were people who had vast experience in a wide array of areas and a demonstrated competence to deliver their respective areas of expertise to this enormous project — namely, the running of the Olympic Games.

The president of SOCOG was the minister at the time, the Honourable Michael Knight, and what a character he turned out to be. There were other members, and I will not go through them all, but they include John Coates; the Lord Mayor of Sydney, Cr Frank Sartor; Mr Kevan Gosper; Mr Phil Coles and a variety of others.

I see that the Honourable Nick Greiner is among the list, as is a former member of the Senate, Graham Richardson. The board featured Richo and John Valder, and Sandy Holloway was a director and the chief executive officer of SOCOG. Right at the start they created an authority independent of the government, although it was chaired by the minister. The authority had vested in it the power to deal with general strategic issues associated with the running of the Olympic Games.

Part 3 of the New South Wales legislation dealt with the functions of SOCOG, which were split into general functions, primary objectives and specific functions. Those functions, not surprisingly, were to do with the running of the games — organising accommodation, providing transport for team officials and competitors, personnel, media, dealing with things like sponsorship, marketing arrangements, and a range of other issues that came under the direct purview of SOCOG.

Part 4 referred to management issues. Part 5 was repealed. Part 6 dealt with financial matters — the powers to borrow and invest — and part 7 dealt with the winding up of SOCOG. That body was charged with the primary responsibility for the running of the games.

In addition to that another piece of legislation was enacted. I refer to the Olympic Coordination Authority Act, which was passed in 1995. The importance of that legislation cannot be overstated. Again an independent authority, the Olympic Coordination Authority, was created under the act. Its role in essence was to deal with the mechanics or the running of the games. It was subject to the overall control of the minister but was required to deliver a corporate plan. It had a series of functions which entailed planning and the provision of venues and facilities. To get the work done the legislation contained wide powers of a nature similar to those contained in the Victorian legislation.

Section 21 of the Olympic Coordination Authority Act established an officers committee, which comprised, firstly, the director-general, who was for the purposes of the legislation the chief executive officer of the organisation. There was the president of SOCOG, the director-general of the Premier's department, the secretary of Treasury and the director of planning. I have written in the margin beside this provision the expression 'The big hitters'. I suspect that with the passage of time, although I do not know specifically, much of the mechanics of preparing and running the games fell to this group. It would have assumed pivotal importance, given that it was a tight-knit group based around the two authorities. The legislation contains provisions which in effect suspend the operation of a lot of acts that would otherwise apply to the acquisition and use of land, the building of buildings and the environment. That second piece of legislation was important for the structure of the conduct of the Sydney Olympic Games.

The third piece of legislation does not matter in the sense of the running of the games because it was passed to dismantle the structure established under those two pieces of legislation to which I have referred. The point I make is that firstly you had a tight-knit organisation in the form of SOCOG, and then there was a second interrelated authority. One dealt with strategy and the other dealt with the mechanics, and a group of people effectively ran the arrangements. Specified from the outset was a chain of command so that everyone knew where everybody stood regarding the arrangements of the games.

**The ACTING SPEAKER (Ms Barker)** — Order! I am sorry to interrupt the Leader of the National Party, but I advise those members who wish to have detailed discussions between the honourable member on his feet and the Chair that they should leave the chamber.

**Mr RYAN** — I now turn to the Victorian legislation. The comparison is stark because in Victoria, heaven help us, we have the minister at the top.

**Mr Maclellan** — Madam Acting Speaker, I direct your attention to the state of the house.

**Quorum formed.**

**Mr RYAN** — As I was pointing out, the Victorian legislation does not have a structure. It does not contain a defined element which enables the community to have faith in the fact that at this early stage the government has its mind around what is required for the games to happen. The New South Wales legislation was tight to the extent that the two acts to which I referred were based around three of the essential documents which led to Sydney actually winning the games.

There was the endorsement contract dated 1 May 1991, the candidature files dated 1 February 1993 and the host city contract dated 23 September 1993. Those three documents constituted the mechanisms by which the City of Sydney said to the world, but particularly to the International Olympic Committee, 'This is what we are able to do to run the games. This is how we propose to do it, including the buildings we intend to build, the budget we have available and the people we have in place to run the organisation'. The whole thing from top to bottom was contained in those three documents, and they were referred to in the two acts of Parliament which I have mentioned.

In passing I mention the word 'budget', which was referred to in the two New South Wales acts. That is contrasted with the Victorian legislation, where on my reading of it the word 'budget' does not appear. I do not believe the word 'budget' is in the bill. When talking about setting up a structure for the running of a series of events as we have with the Commonwealth Games, it is not sufficient to have reference to a budget only at page 18 of the minister's second-reading speech. There should be something in the initiating legislation that contains the message that the whole thing is to run according to budget.

In terms of issues that are a worry, one would have to say that for all the well-known historical reasons there is community concern about whether the government can deliver this whole enterprise on budget.

The Victorian legislation has the minister at the top of the pile, as it were. Everybody is responsible and answerable to the minister. Beneath the minister you have a capacity to construct a series of what might best be termed ad hoc advisory committees. They are not specified in the legislation, and as we understand it they will be formed as things go along for the purpose of dealing with the various functions and activities which are set out in the legislation, particularly in clause 6. The only committee that is now operative is the one dealing with the work at the Melbourne Cricket Ground. Upon the passage of the bill its work will be subsumed into the work of the advisory committee which will be established under the bill.

This enabling legislation, if I may term it that way, does not define in any way, shape or form the specifics of the roles of the various people, whoever they may be, who will be engaged to give advice to the minister on the wide range of activities for which they will have responsibility.

I contrast that with the New South Wales legislation, under which the whole order of merit was set out clearly. Everybody knew the chiefs and the Indians and their tasks. Certainly these evolved with the passage of time, but the big point is that right from the start under the 1993 act there was a structure in place that was added to in 1995. That happened five years out from the Olympic Games. Here we are, some five and a half years out from the holding of the Commonwealth Games in Victoria and we do not have anything remotely approaching the organisational structure that was referred to in the New South Wales legislation.

I move to the question of powers. The powers in the New South Wales legislation were similar, and such is the case of necessity. The National Party recognises that if you are going to run an event of this magnitude there needs to be a wide range of powers available to the government for the purpose of making it happen. If I remember correctly the expression used at the time of the briefing was that the time frames with regard to the operation of this legislation 'are not negotiable'. Therefore there is in the Victorian legislation, as there was in the New South Wales model, a capacity for those who are organising the event to have wide-ranging powers.

I pause to ask what has happened to the Labor Party in Victoria. Where, for example, is the Pledge group? I used to have a list of who was in what faction, but unfortunately I have lost it. I remember that the Minister for Agriculture was in the Pledge group.

**An honourable member** interjected.

**Mr RYAN** — Didn't we have rippers of speeches in this place? As the honourable member for Morwell he used to be in here speaking on anything remotely to do with privatisation. Holy moley! He was good for about 45 minutes every time. When anything to do with motions to suspend acts of Parliament was being debated, goodness, gracious me, you had to bear down and wait for it, because you knew the good ol' honourable member, now the Minister for Agriculture, would come in to do his bit for the Pledge group. Can anybody on the other side tell me who is in the Pledge group now? Is anybody in the Pledge?

**An honourable member** interjected.

**Mr RYAN** — That's a shame. They might have gone. What about the current Minister for Health? Is he aligned with anyone, or is he still not in a faction?

**An Honourable Member** — He's on a trolley somewhere.

**Mr RYAN** — He's on a trolley somewhere? I remember the speeches by the now Minister for Health when the grand prix legislation was being debated. It was really good, impassioned stuff. He would be in here waving his arms and going for it! Now he is party to this sort of legislation. There is no end to them, is there? Talk about hypocrisy: this bunch is priceless. I was intending to read through some of their speeches, but I am conscious —

**Ms Duncan** interjected.

**Mr RYAN** — I am getting a few bites. I will keep on reeling them in.

**Ms Duncan** interjected.

**Mr RYAN** — Going red in the face too! I am conscious that other honourable members want to speak to the legislation, so I will not read out some of those great impassioned contributions from the past by members of the Labor Party. They were great stuff!

Those honourable members who were not here to enjoy them in full flight missed their carping, whingeing and moaning about the grand prix legislation. Now when you go down to the great race each year — I grant that he is gracious enough to invite me to the race, for which I thank him — the Premier is there with other members of the Labor Party. They are all up to their elbows in the grand prix, having a wonderful time. They walk past all the people who are still down there faithfully tying yellow ribbons to fences, giving a wave and saying, 'Hi guys!' They are just priceless. You have to laugh, minister, it's a classic!

I note the terms of the legislation and what Labor Party members said at that time about the grand prix. The honourable member for Footscray has been good enough to contain himself and not interject, so in fairness I am not going to quote the things he had to say. The Leader of the Opposition has given him a fair work over today, so I will not compound it. Honest to goodness, one has to laugh. They have no shame. They are unbelievable!

The powers in the grand prix legislation are in their various forms replicated in this bill. I come back again to the Minister for Health, because his thesis at the time, without picking it up and reading it again, was based on the lack of an environment effects statement on the construction of the track in the park.

The environmental effects statement matter was, to the now Minister for Health, of biblical proportions and the fact of the study not being conducted was certainly going to be the end of civilised mankind as we know it. He railed about it!

**An honourable member** interjected.

**Mr RYAN** — Are you in the Pledge group? Madam Acting Speaker, I wish to read out a list of acts of Parliament that are absolutely suborned by the terms of this legislation: the Crown Land (Reserves) Act — out; the Planning and Environment Act — out; the Coastal Management Act — gone; the Environmental Effects Act — no appearance, Your Worship; the Land Act — done with; and the Heritage Act — gone. They are all out: they have no application under the terms of this legislation.

Mind you, what the legislation says is that when it is being given effect the basic outcomes intended by those various acts of Parliament are all to be borne in mind. As this very necessary sledgehammer is being wielded for the purposes at hand, someone will have to keep in the back of their mind those half a dozen acts of Parliament which are intended to provide the process for the various things that are otherwise being done under this bill. All those things are supposed to be kept in mind.

Wouldn't you have loved to be a fly on the wall in the caucus room! Who, I wonder, reported the bill to their room? Wouldn't it have been an absolute circus! Can you imagine it? Is there no-one here from the Pledge group? Can't we get someone up? Where is the Minister for Agriculture? We ought to get him in here. Can someone give him a ring? If he has the sound system running in his room, will he please come in here so we can have a bit of a chat to him about it?

As I said, the various acts of Parliament, with their various implications, are being wiped out by the terms of this legislation. Interestingly, there are no section 85 provisions in this bill.

**Mr Loney** — Would you repeat that?

**Mr RYAN** — There are no section 85 provisions in this bill. I wonder about that. I muse on how the government would have got the bill through its party room if the bill had had section 85 provisions in it. Government members would have gone berserk. So there are no section 85 provisions in the legislation. An issue arises from that which I will exemplify in a few minutes. It is the choice of government that a section 85 provision not be included. So be it.

I support the position put by the Leader of the Opposition in calling upon the government to guarantee to the house that section 85 provisions are not going to be incorporated in any future legislation. I understand from the briefing we received that such is the case; that it is the government's intention that this whole process will run through from start to finish in all forms of legislation without section 85 provisions — not only this bill but all future bills.

**An honourable member** interjected.

**Mr RYAN** — No, wait a minute. It gives rise to some interesting situations. For example, clause 31 is about the surrender of interests in unreserved Crown land and is part of part 4 of the bill, which contains the general powers and duties in relation to Commonwealth Games projects. Clause 31(5) states:

- (5) On publication of an Order under sub-section (4) in the Government Gazette —

that is, the publication of the ministerial order which gives effect to the surrender —

- (a) the land —

that is, the land subject to the order —

... is deemed to be unalienated land of the Crown, freed and discharged from all limitations; and

- (b) all prescribed contractual rights (if any) relating to the land are extinguished;

I readily admit to my many failings, Madam Acting Speaker, but I cannot find a definition of a prescribed contractual right or a statement of what it is. It is not, however, difficult to envisage a circumstance where people are using land which is surrendered under the terms of this provision in a way that allows them to

earn an income in any one of a variety of businesses — you could think of a thousand of them.

Without question the bill empowers the minister to require that land be surrendered for the purpose at hand. A person may or may not have a legitimate claim and may find that, under the legislation, the prescribed contractual rights that he or she may enjoy are extinguished. A claim for compensation may well then arise, so the government is, presumably, quite prepared that if that happens, in whatever circumstances it might be, right across Australia, in all its myriad forms — if anyone has the belief for some reason they think appropriate that they have suffered a loss, they can go to court and seek compensation in relation to it. If that is the government's position on it, fair enough! Just as long as everybody understands.

What happens if, for example, on the eve of the marathon 30 people who occupy businesses in a strip shopping centre in one of the suburbs where the race is to be run and who are undoubtedly subject to the road closure provisions of the legislation decide to take out an injunction? They may want to make an application to the courts to say that because they are going to suffer a dreadful loss to their businesses they do not want the race being run tomorrow, and therefore they go to the court to make an application for an injunction.

You can go on and on. What about the people who the other day were out here on the front steps when that great and worthy body of men and women — the mountain cattlemen, as they are known — came to the Parliament of Victoria to voice their grave and understandable concerns about being shut out of the high country? They came here to tell the community and the Minister for Environment and Conservation, who coincidentally is at the table, that for decades they have been grazing their stock in the high country. That means an enormous amount to them and is of great benefit to the high country and to its various communities. When the mountain cattlemen were putting their case on those important issues, right beside them was another group who were protesting about the prospect of some of Yarra Park being used for the purposes the bill contemplates.

**Mr Kilgour** — Royal Park.

**Mr RYAN** — Royal Park, was it? Don't get into the detail — it was a park.

What will happen when they go to court seeking an injunction to stop the government giving effect to the terms of the legislation? I will bet the first answer will be that they will not get anywhere because the

legislation specifically provides that it can be done. The legislation does not say they cannot have a go.

You only have to think of the situation which has unfolded over the past three weeks. The civil liberties groups here in Victoria obtained injunctions of far-reaching import — on behalf of people whom they had never and to this day have not met — in relation to issues which were built upon all sorts of obtuse legal technicalities. To their credit and through their inventiveness they were able to obtain injunctions at the time, which perhaps caused the people concerned some hope, but on the other hand those people were ultimately to see those hopes dashed. That issue is another story, and I do not want to get into it.

The principle remains the same: the bill will allow any group such as one that has a particular interest it wants to pursue on behalf of its organisation, or any individual who wants to do it, to have that form of activity open to them because the bill does not do anything by way of constraining people's capacity to pursue that sort of course.

This is one of the hard balls of government. Just as when the grand prix legislation was passed some difficult decisions had to be taken by the government of the day to constrain such capacities, I wonder about the process of thinking the government has gone through in deciding that it will not go down that same path, thereby leaving open the prospect that the state of Victoria in an absolute myriad of forms is going to be prospectively the subject of all sorts of proceedings about a plethora of claims which may or may not be justified.

I also say that this is a different situation entirely from taking a position, which the then government took when the grand prix legislation was introduced, of precluding court actions being taken. By the same token the then government went to those people who were able to demonstrate that they had a genuine problem — arising from some work that was being undertaken, for example — and those people were paid some amount of compensation for their loss. I hurry to add that many of those will say, 'We didn't get the amount we were after'. That is in the nature of the system, I am afraid. Nevertheless the then government did provide some compensation to those groups because at the time the government considered it appropriate to do so. I do not know that the government has thought through this issue properly, and I am concerned that it needs to be given some consideration by the government in the course of the passage of the bill.

The other major piece of infrastructure to which the bill is directed is the work at the Melbourne Sports and Aquatic Centre, which is yet another great achievement of the previous government. It is pleasing to see in the second-reading speech reference to what a great success it has been for Victoria. It opened in 1997 and has had about 4.3 million visitors and an average daily attendance of 3805. It is yet another splendid addition to the sporting resources of the state. This legislation will be pertinent to enabling work to continue on the extensions which need to be done.

I turn to the budgetary issues. I have already referred to the fact that the word 'budget' does not appear in the bill. I hope that in the fullness of time, as more legislation is passed to give effect to conducting the games, we see the budgetary issues and all their implications brought out.

I touch briefly on a few of the matters in the bill that I consider relevant. The definition of 'facilities' in clause 3(1) is interesting, particularly in paragraph (i). After a series of descriptions of what constitutes facilities of all sorts, paragraph (i) provides:

... facilities declared by the Minister under sub-section (2) to be facilities required for the hosting of the Commonwealth Games.

Clause 3(2) provides:

The Minister, by Order published in the Government Gazette, may declare any facilities to be facilities required for the purposes of hosting the Commonwealth Games.

It seems to me you could probably have those two definitions of facilities and forget the rest. Basically if facilities are needed and regarded as being appropriate for the games, then they can be declared as such, and it is all over, Red Rover.

Part 2 deals with the games advisory committees. I have already made reference to those. There are some lovely parts: issues of access to land, temporary closure of roads — the sort of stuff that drove the Labor Party berserk those few years ago when we were debating the grand prix legislation. The make-up of the advisory committees is set out, and there are all sorts of procedural things.

Clause 11, which provides for public consultation, is interesting because it commences with those wonderful words:

If required by the Minister, an Advisory Committee must undertake public consultation —

et cetera. The whole provision is predicated on whether the minister thinks it is a good idea to have

consultation. I have no doubt that as we go along we will have a repeat of the classic instance that the honourable member for Swan Hill mentioned a couple of times of the Honourable Steve Crabb in days gone by beating off allegations that he had not consulted people and shouting across the chamber, 'I did, I did — I rang him as I came in'! I suspect we will see some more of that with the passage of time.

Part 3 contains the venues and facilities provisions, including the declaration of a Commonwealth Games venue and the declaration of a Commonwealth Games project. I say again there need not be any consultation at all. Clause 15 is sprinkled with the word 'may', which turns up every now and then. If the minister thinks it is a good idea at the time he can have some consultation. Subclause (7) of clause 15 provides:

The Minister is not bound by a report of an Advisory Committee in making a project Order.

In other words he can go through the whole charade if he wants to, and at the end of the day he can do what he likes.

Clause 16 is headed 'Declaration of designated access areas' and has all the same sort of stuff in it that we talked about in the debate on the grand prix legislation, but it has not caused any problem at all here. Again there is no section 85 provision, so if someone who is subject to the terms of clause 6 for a designated access area wants to go off to court and try to contest it, they can go their hardest. There is no problem there at all.

Then we get to the wonderful clause 20, which is really close to my heart given the past activities of the Labor Party. The clause is the death pro tem of the Planning and Environment Act 1987 for the purposes of the operation of this legislation, because it knocks the act on the head, and succeeding clauses bowl over those other acts of Parliament that would otherwise have application.

Clause 26 is interesting. It talks about the role of the secretary. The definitions provisions state that the secretary:

... means the body corporate constituted under section 41A of the Project Development and Construction Management Act 1994.

When you examine that act you find that that provision establishes the Secretary to the Department of State and Regional Development as a body corporate. In effect, when you follow this right through to clauses 26, 27 and 28, you find that this individual will be a very powerful party in all of this because the secretary has

wide-ranging powers to give effect to project orders in particular.

Part 4 of the bill deals with general powers and duties in relation to Commonwealth Games projects. Again the provisions are nice and wide reaching, and I grant that that is of necessity, and the secretary features in there as well. Then the bill contains the surrender provisions for both private land and Crown land. Where it is private land the Land Acquisition and Compensation Act applies, so compensation is payable.

Then we get into these lovely provisions regarding entry into possession of surrendered or divested land. Basically the minister can do what he wants. There is some sort of blasé attempt to include a provision about giving notice, but in essence it is just paying lip-service. The provisions of clause 44 deal with the disposition of land which might be otherwise required for all of this purpose.

Clause 45 deals with the temporary closure of roads. I flag to Parliament that we will have some fun with that with the passage of time. Clause 49 deals with restricted access areas. These are similar provisions to the ones in the grand prix legislation that the Labor Party railed against; it objected to the fact of people being constrained from being able to go there. The offence provisions are contained in succeeding clauses.

Clause 56 provides an interesting power because it overcomes a problem that the police have encountered when they have wanted to remove someone who was a nuisance. I understand that as a matter of law they have to actually arrest such people. Clause 56 overcomes the problem and enables the police to remove an offender from the location in question and get them out of the way. That is the legislation, in essence.

There is but one other matter I want to mention to exemplify the breadth of this legislation. Of course I am speaking to the house in football grand final week. I am doing so in circumstances where, unfortunately, those mighty Demons are not participating in this week's events. But the game will be conducted at the Melbourne Cricket Ground and one's mind turns to the upcoming events.

This proposed legislation is very wide. Compensation is payable under its terms. When I was mulling over those issues and their various aspects, putting it all together, I thought of one way to exemplify the things that might arise. I do it by what will obviously be seen as a frivolous mechanism when I go through this next stage of things, but it is relevant. Since the mighty Demons are not in there to contest the Bombers this year, I

thought in considering what I should say for the purposes of this legislation and its breadth that we should consider what I have termed the Peter Ryan all-star football team for this year's grand final.

I shall quickly read it out — it will not take long — because I believe it is important. This is the side that I believe would be capable of beating the Bombers next Saturday. I am really worried about those Johnson boys — they really towelled us up last year.

Reading from the back line, I have Kosta Tszyu, John Eales and Anthony Mundine. The half-back line is Glenn McGrath, Ian Thorpe and Michael Klim. The centre line is Lleyton Hewitt, Steve Waugh — who will be captain — and Lauren Jackson. The half-forward line is Harry Kewell, Pat Rafter and Mark Viduka. The forward line is Karrie Webb, Russell Mark — if we can find him — and Shane Warne. The rucks will be Luc Longley, Cathy Freeman and Matthew Burke. On the interchange is Tatiana Grigorieva, Alyson Annan, Stuart O'Grady and Aaron Baddeley. The coach is Greg Norman, and I have put in charge of tactics Brian Collis, QC, whom I have known for many years. I know he has another role as the chairman of the tribunal, but it struck me as I was getting this side together that if a blue starts we will need someone on the spot who can sort it out then and there, and it seemed to me that Stick Collis, as he is known to those who know him well, would be ideal in the task.

The fact is that this team comprises no more than three people from Australia who have not represented this great nation in international sport. We may have a problem, I grant, with the salary cap issues; but remember that this bill will pay them compensation, so there will not be a problem with that if they agree to come over and be part of this. Ball skills could be a problem — we will need to do some work on that — but at the end of the day I think this side really would be capable of pinching the flag. Unfortunately the mighty Demons could not do it last year, but here is a team that can. We wish the bill a speedy passage.

**Mr MILDENHALL** (Footscray) — Didn't that just about sum up the contributions of the leaders of the opposition parties combined? Those were Burke and Wills contributions if ever I heard them! For 2½ hours we have heard the spokespeople for the respective parties saying how much they support the bill, but then they embarked on the most misguided meandering, nitpicking, pointless, superficial and narky criticisms you could ever imagine. You could sum up a good hour and a half of it by thinking of some sort of adolescent representing the opposition parties and just saying, 'Na, na, na-na na'. For Hansard's purposes that means they

were saying, 'We believe you are acting in a way you said you would not do'.

I thought it was quite instructive to try to dispel the meandering, nitpicking contributions that we heard which were purportedly in favour of the bill. The Leader of the Liberal Party was effectively saying that his main criticism was that this bill was too close to the grand prix legislation and therefore represented some hypocritical stance by the government. But the Leader of the National Party's criticism was that it was not close enough, that it did not have enough of the section 85 statements in it and was not tough enough. Talk about a waste of Parliament's time!

For 2½ hours the only salient or relevant contributions honourable members heard were that both parties supported the bill. Both parties wholeheartedly support the Commonwealth Games and support the bill, so I think we can sum up their contributions with those comments.

I agree with some of the comments that have been made, including that the Commonwealth Games will be the biggest sporting logistical exercise since the Olympic Games in Melbourne. They will require a concerted construction and organisation and games event logistics plan spread over a number of years in a number of venues from a vast number of organisations and competitors. We have a major logistical task on our hands.

The government has sought to draw from the best practice that is available to it to put the organisational arrangements in place by putting together this enabling legislation to set up the broad legal framework within which the organisation and construction can take place. It is interesting to compare the legislation to the sorts of benchmarks that were being used by the opposition spokespeople.

The Leader of the Liberal Party claimed that this bill was too close to the grand prix legislation for his comfort, so close that we on the government side could not avoid some sort of accusation of hypocrisy.

There are quite a number of fairly major differences between the grand prix legislation and this bill, such as the section 85 provisions — the Leader of the National Party in particular was clearly arguing for their inclusion in the legislation. He would like to see section 85 statements in it — obviously from his comments he would like to see a lot more section 85 statements in legislation generally. Clearly he is not comfortable with legislation that gives people a scintilla or some semblance of rights before the courts.

I will point out the other differences. The grand prix legislation did not allow common-law nuisance proceedings; there is no such provision in this bill. The grand prix legislation outlawed compensation under four sections; there is no such provision in this bill. The grand prix legislation exempted itself from FOI — freedom of information — provisions, which was a major concern of the then opposition; there is no such exemption in this bill. The grand prix legislation was and still is of unlimited duration; this bill sunsets at the end of 2006. So there is a specific set of powers for a particular event. It is interesting to compare the two pieces of legislation.

The grand prix legislation was commented on extensively and harshly by the then Scrutiny of Acts and Regulations Committee, which was chaired by the honourable member for Doncaster, whom I remember the then Premier calling the real Leader of the Opposition. When you compare the comments that were made on the grand prix legislation with the comments made by the current Scrutiny of Acts and Regulations Committee, you find that this bill has created far fewer grounds for comment and concern, and certainly less intense concern across the community generally.

**Mr Perton** interjected.

**Mr MILDENHALL** — I am sure the coalition members of that committee would be interested by the comment of the honourable member for Doncaster that they are lap-dogs.

**Mr Perton** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Doncaster is not in his place and is being disorderly!

**Mr MILDENHALL** — They are lap-dogs! The members of the Scrutiny of Acts and Regulations Committee are lap-dogs! That is quite a fascinating description. There are other obvious differences. This bill sets up consultative committees with powers and obligations, whereas there are no consultative committees set up under the grand prix legislation. There is also an essential difference in context. The Commonwealth Games will be conducted between 15 and 26 March 2006, so there is an obligation to organise the powers, logistics and organisation around achieving that deadline — the time and date are not negotiable.

We cannot contemplate any processes which would throw those dates out. However, my recollection of the grand prix is that for many years there was some

discussion and negotiation around which end of the season it would be conducted, whether it would be the first or the last race of the season, and in which year it would first be conducted. The view of the then opposition was that the grand prix legislation was unnecessarily harsh, and that is so particularly when compared with this legislation and the negotiability of the dates.

I was standing in Albert Park with the protesters, and I recall walking around Aughtie Drive or one of those places with Brian Loughnane alongside me. I had quite an interesting chat with him. He is quite a sensible bloke — I think at that stage he may have been the adviser to the then Minister for Small Business, the former member for Ivanhoe, Mr Heffernan. We had some dealings about an electorate matter. Many people across the community saw fit to participate in protesting against the excesses of that legislation.

I also wish to comment on the comparison between this bill and the Sydney legislation. I recall the Leader of the National Party and the Leader of the Opposition commenting — certainly the Leader of the National Party commented that this bill did not follow the Olympic Games legislation as closely as he would like.

However, we are talking about massive differences of scale because the Olympic Games is a massively larger enterprise than the Commonwealth Games in both resources and events, and the dollars needed to conduct them. This government was keen to avoid the possibility of a surplus of structures that might end up competing with each other. We were concerned that too many sources of administrative power may be involved in the organisational structures. In the same way the number of Sydney Olympic Games bills was reduced from four or five to just one piece of enabling legislation. We have looked at streamlining both the legislative framework and the organisational requirements. While I have heard a lot of comment here about how things are different, I have not heard members of the opposition saying that as a result of their extensive briefings they do not believe the games will work.

There have been other comments from the opposition. We took note of the plea from the Leader of the Opposition to hold the triathlon in Geelong. I am sure many locations will be considered and that his plea will be considered. Perhaps it was not the biggest issue that the opposition could have raised concerning the legislation. We did have some Burke and Wills comments on the legislation in those first two contributions!

I note some of the requests the Leader of the Opposition made about submissions to the committees being made public and asking whether the advice to the minister from the consultative committees would be made public. I can advise that it is the government's intention that the reports of the advisory committees will be made public. I am sure that if members of the press or interested members of the public were to look for copies of submissions made to consultative committees, they would be made available.

Other requests related to the rights of or opportunities for local government bodies to be consulted in both the work of the advisory committees and at the organising committee level. I am sure that with this government's respect for local government every opportunity will be made available for that to occur. Unlike the previous government we respect and nurture the relationships we have with local government bodies. We do not go about bullying them and seek to work in cooperation towards the achievement of mutual goals wherever possible.

I come to this debate with an unusual background in that I was a member of the Albert Park Trust before the Kennett government came to power and proceeded to put through its grand prix legislation. My background gives me a particular understanding of the context of the facilities at Albert Park and the success of the Melbourne Sports and Aquatic Centre. Albert Park has been a major recreational and sporting centre for generations of Melburnians — and I think the original legislation was in place in the 1870s. It has been a major boon to the City of Port Phillip and its predecessors in that it has been largely self-sustaining in financial terms and has provided open space and sporting venues that might have otherwise had to be provided in the normal context by municipal councils.

The local community gets an enormous benefit from Albert Park, and particularly from the long-awaited development of the Melbourne Sports and Aquatic Centre. It is good to see that it will be expanded as part of the Commonwealth Games arrangements. It was also good to see that in a desperate attempt to try and soften the blow of the grand prix legislation going through and the alienation of parkland the previous government substantially upgraded the parkland around Albert Park Lake, which is freely accessible for many months of the year. An upgrade of that area was sorely needed for decades prior to the first grand prix.

This legislation is timely and enables the organising committee to proceed with the level of confidence it needs given the enormous financial and logistical considerations that come into play when an enterprise of this size is being contemplated. It is being done in

the context of non-negotiable dates so it needs the ultimate power of the minister to push along both the process and the construction.

The opposition has argued that it has no confidence in the government producing these sporting facilities on time. The cooperation and involvement of the organising committee and the Office of Major Projects — the predecessor of the Secretary of the Department of State Development, who now presides over the division of major projects — in working with the minister and the government to produce the games will ensure that the event will be an outstanding success. Sports-mad Victoria will ensure it will be, and the legislation is a central part of that.

**Mr COOPER** (Mornington) — The legislation will create the environment for the Commonwealth Games to be held in 2006. The holding of the event was initiated by the previous coalition government and has been continued by this government. Certainly the opposition, I hope along with every member of the Victorian community, believes this event should be an outstanding success and should receive overall support.

Previous speakers have referred to people who may take action or seek injunctions to hold up events. One hopes that will not occur, but the government appears to be confident that nobody will seek injunctions. One can only rely on the effluxion of time to see whether that confidence will be justified.

I listened with some interest to the honourable member for Footscray, because he spoke with some vigour against the legislation to create the grand prix at Albert Park. He said the contributions by the Leader of the Opposition and the Leader of the National Party were childish. Of course he would say that, wouldn't he, because both drew attention to the fact that the honourable member for Footscray, along with the honourable member for Coburg, the honourable member for Broadmeadows — now the Treasurer — and the honourable member for Albert Park — now the Minister for Health — were all in the vanguard speaking vigorously against having the grand prix at Albert Park.

I noticed that despite encouragement from the honourable member for Hawthorn, the honourable member for Footscray could not bring himself to say anything good about what was done at Albert Park by the previous government. He could not bring himself to acknowledge that Albert Park is now a much better place than it was. To get some respectability and credibility for his new backflip position the honourable member falsely claimed that Brian Loughane, who is

now the state director of the Liberal Party, demonstrated with him at Albert Park against the grand prix. Mr Loughnane says that when he was confronted by the honourable member for Footscray down there he was going home and the honourable member knew that. He knew because Mr Loughnane told the honourable member for Footscray that he was not against the grand prix at Albert Park, that he was not demonstrating against it and that he was simply on his way home.

However, the honourable member for Footscray has gone on telling his little story, so the house can now reach its own conclusions about the honesty of his contribution. If that is a sample of how honest he was, then we can perhaps put a rather large question mark over the rest of his contribution.

I refer to the bill because it is important. All the government members who were here between 1992 and the election in 1999 have been put to the jump, because they were all opposed to the legislation to have the grand prix at Albert Park. Now here they are supporting legislation which is pretty much a mirror image of that legislation. It is not beyond the bounds of reason to think that a division may be called on this bill simply to see how many members of the government might develop an immediate nose bleed or headache that would prevent them coming in and voting.

We would like to see them demonstrate their support by having their names registered in a vote in this house. I am not saying a division will be called, but it could be just to establish how many government members are prepared to stand up and literally be counted. I am sure members of organisations such as the Save Albert Park group would also be interested in how many government members are prepared to support the legislation.

The bill contains some interesting provisions. Ten clauses deal with the setting up and roles of advisory committees. Advisory committees may be appointed by the Governor in Council — in other words by the government — to deal with planning, heritage and environment matters. Clause 15 details the setting up of these committees. Clause 15(2) states that the minister:

... may refer the matter to an Advisory Committee for consideration and report —

before making a project order. Then clause 15(7) states:

The Minister is not bound by a report of an advisory committee ...

During the briefing on the legislation members of the Liberal Party were advised that the minister is not only

not bound by a report from an advisory committee, he is not even bound to publish what the advisory committee tells him, so the advisory committee's work can be conducted in absolute secret. A matter may be referred to it by the minister, who is not bound to pay any attention to it — nor is he bound to tell anybody what is said.

That is extraordinary considering the fact that the bill does some awful things with regard to the continuation of some important acts of Parliament. It removes all the powers on the development or use of a Commonwealth Games venue or access area from the Planning and Environment Act 1987, the Heritage Act 1995, the Environmental Effects Act 1978, the Coastal Management Act 1995, the Land Act 1958, the Crown Land (Reserves) Act 1978 and the Building Act 1993. All that legislation will be put to one side to ensure that the venues will be ready by the time the games commence in March 2006.

The Liberal Party supports having those powers and the way in which the government is going about it, but it is extraordinary that we have this from a Labor Party that ranted and raved and assailed the then coalition government about the way it set about ensuring that the grand prix could commence at Albert Park in 1996. Some five or six years later the same political party is now in government and is saying that all is lovely now that it is in power but all was so bad when there was a coalition government in this state.

This is a backflip of massive proportions. The honourable member for Footscray should give serious consideration to entering the gymnastics or the diving in 2006, because he would do very well. Talk about a backflip with two and a half pike — or whatever they call it! In political terms he leads the field: he is a world champion in backflips.

The house now has before it a piece of legislation which the opposition supports. However, there is a question mark over whether or not every member of the government is prepared to come in here and vote on it. The opposition will be very interested to see what happens. The Minister for Agriculture, for example, was being sought earlier today by the Leader of the National Party because the Leader of the National Party could recall, as could I, that when legislation of this kind which could have taken away rights or the application of some acts of Parliament was being proposed the Minister for Agriculture, or the honourable member for Morwell as he was back in his opposition days, was on his feet pretty quickly giving it to us over the table and really socking it to us, and we enjoyed it! Now it seems that the honourable member

for Morwell, having become a minister in this government, has had all the fight, all the anger and all that real punch that he exhibited in this house taken out of him.

**Mr Hamilton** interjected.

**Mr COOPER** — The minister says by way of interjection that he has become gentle. That is nice to know. I have a high regard for the Minister for Agriculture, but I would have liked him to put his principles before his appointment as a minister, as I would have expected also of the honourable member for Footscray; the honourable member for Albert Park, who is now the Minister for Health; the honourable member for Broadmeadows, who is now the Treasurer; and the honourable member for Coburg. They were the people who led the fight against the coalition government and who accused it of all kinds of awful things. Now the boot is on the other foot. Now that they have to make decisions they understand what it is like to be in government and what it is like to be faced with a very important international sporting event that is to be held in Melbourne in 2006 and with the necessity for that event to occur without interruption.

The Liberal Party does not oppose this bill. It strongly supports the Commonwealth Games. It pays tribute to the enormous amount of work that was done by Ron Walker in obtaining the games for this state, and to the enormous amount of work that is still being done. The Liberal Party knows that with Ron Walker and other people of his kind at the helm the games will be an outstanding success. We hope that Mr Walker and the games organising committee receive the same strong support from the current government that they got from the Kennett government.

**Mr ROBINSON** (Mitcham) — The debate on the Commonwealth Games Arrangements Bill has been interesting. It produced an extraordinary contribution from the Leader of the Opposition, who declared to the house that he intended not only being present at the opening ceremony of the games in 2006 but that he intended being present as the Victorian Premier. That would have to be an exercise in wishful thinking of a magnitude we have never previously seen in this house. For the sake of a charity — or for the sake of anything else — I would like to have a friendly wager with him to the effect that he might be lucky to last through until March 2002, let alone until March 2006! The Leader of the Opposition would do well to concentrate on events closer to home rather than worrying about events four years hence.

The contributions to the debate from members opposite have exposed their fixation with history. They feel a great sense of bitterness and frustration that having initiated the bid for the Commonwealth Games which culminated in the announcement of its success in October 1999 they are not able to now share in the spoils of that success because of their presence on the opposition benches. In addressing that fixation we should not forget the role played by the former Premier. It is true that his government initiated the Commonwealth Games bid, and we are not afraid to acknowledge that. However, the events of October 1999 were profound and have influenced the seating positions in this chamber. We know about the role played by the previous Premier in these events in 1999, because one week before the supplementary election for Frankston East following the untimely and unfortunate death of the previous member, Mr McLellan, the Commonwealth Games handover ceremony was due to take place in Fiji.

As the *Herald Sun* of 1 October 1999 reported:

Caretaker Premier Jeff Kennett faces a dilemma — whether to fly to Fiji for a Commonwealth Games handover ceremony next week or concentrate on the Frankston East supplementary election.

It is a tragedy for all members of the opposition that the former Premier chose to stay and fight the supplementary election. All honourable members on this side are indebted to the former Premier for that decision; we could not have done as well in Frankston East without his help.

The bill is a sensible effort to plan for what is a very significant event, not just for this state and this nation but for organised sporting activity around the world. The bill is a necessary consequence of attracting the second-largest sports event of this kind on the planet. The Commonwealth Games are estimated to generate some \$1 billion of economic activity for the nation, and the vast bulk of that will be in the state of Victoria.

What has not been noted in the debate to date are the very substantial benefits and opportunities that will flow to Australian sportsmen and sportswomen through having the games held here in Melbourne, and the benefits that will flow more particularly to young Victorian athletes. The 2006 Commonwealth Games will provide the Australian Commonwealth Games team with the opportunity to provide the largest number of participants of any competing team, which has been the tradition with international games of this kind. I know from my knowledge of my own electorate of Mitcham that organised sporting competition of the

nature of the Commonwealth Games provides outstanding opportunities.

**Mr Baillieu** — The Box Hill Hawks are not playing in the Commonwealth Games!

**Mr ROBINSON** — I will come to that in a moment. I wish to record the achievements of people like Anna Wilson, who grew up in Forest Hill and became a world championship cyclist. Anna only took up the sport of cycling at university when she was well into her law degree. A friend suggested to her that she might want to travel down to Tasmania over the summer holidays and participate in the Great Tasmanian Bike Ride. She did that not having previously been a cyclist of any note, and did well. She took the sport up and a few years later she became a world champion. It is an extraordinary achievement.

Similarly we have in my electorate of Mitcham one of the co-captains of the Nunawading Swimming Club, Brook Hanson, who is making a real name for herself in a number of disciplines in swimming. She competed at the last Commonwealth Games and will certainly be looking forward to competing in Melbourne in 2006. We should not underestimate the opportunity the games will provide to sportsmen and sportswomen in this state.

**Mr Richardson** — You left out Jenny Donnat; she went to Springview Primary School.

**Mr ROBINSON** — The honourable member for Forest Hill reminds me by interjection that my knowledge of outstanding sportsmen and sportswomen in the eastern suburbs is not expert. I stand corrected.

**Mr Richardson** — And Cathy Freeman trains in the eastern suburbs.

**Mr ROBINSON** — If the honourable member for Forest Hill gets the call at some stage, he can add to the record. It will be a very telling contribution, and I look forward to it.

One of the features of the bill before the house is the use of ministerial orders to facilitate — —

**Mr Richardson** interjected.

**Mr ROBINSON** — George Cox might have been a champion cyclist in the days of the big and the little wheel on bicycles, or in the days of the great John Wren bike races at the MCG, but that is going back somewhat!

The use of ministerial orders is a feature of this bill, and when issued by the responsible minister those orders will be tabled in the Parliament. That is significant because it provides a degree of scrutiny as to the administration of this bill.

Furthermore, the Leader of the Opposition asked whether the reports of the advisory committees would be made public. The advisory committees, as noted by a number of speakers, are another feature of the legislation. The answer is yes, it is intended that the reports of advisory committees, where established, will be made public.

Some discussion has taken place about the benefits accruing to sports facilities as a consequence of the 2006 Commonwealth Games. I strongly put the view that the games provide a timely opportunity to ensure that the sporting facilities that grace this city in particular are kept up to the requisite standard.

We would all be familiar with the gradual deterioration over time of sports facilities and with people's expectations that the facilities provided for spectators in particular be kept up to what are changing community standards. I make the point, bearing in mind that I was at Optus Oval on Sunday watching the Box Hill Hawks win the grand final — I have mentioned it only four times so far — that the toilet facilities there were deficient. A lot of money has been spent on the old Carlton football ground, and there has been a lot of reporting and commentary on the investment in the Legends Stand and other facilities, but the toilet facilities are primitive. Community standards have changed, and it is important when investing in facilities — and the Commonwealth Games provide that opportunity — that we ensure community facilities are up to scratch.

**Mr Baillieu** interjected.

**Mr ROBINSON** — Optus Oval has its own set of problems. They could use something to give someone a shake-up in regard to some of the facilities. I will be back there in September 2002 when the Box Hill Hawks defend their title, and I will see whether those facilities have improved. I will be pleased when those facilities are improved.

There has been some lively debate about this legislation's alleged imitation of the Australian Grand Prix Act 1994. I beg to differ. There are substantial differences between the Australian Grand Prix Act and this legislation, which has been the government's deliberate intention.

Firstly, let us be under no illusion that the Commonwealth Games Arrangements Bill has a section 85 provision. It does not matter how you cut it, slice it or blend it, there is no section 85 provision in it. The comments made by opposition members and others at the time the Australian Grand Prix Bill was passed were that it unreasonably removed a series of rights of appeal and legal actions by citizens. In particular section 36 of the grand prix legislation refers to common-law nuisance proceedings not being permitted. Section 42 indicates that no compensation is payable under sections 28, 30, 32 and 33. Section 50 limits the jurisdiction of the Supreme Court for sections 28, 29, 30, 32, 33 and 46. This legislation cannot be compared with the Australian Grand Prix Act on that score, so we should put that mischievous claim to bed.

The other point of difference between the Australian Grand Prix Act and this bill is that the grand prix legislation provided exemptions from freedom of information legislation. There is no similar clause in this bill. Compensation is available under this bill, and similarly I offer the house the comparative measure that it contains a sunset clause that will expire at the end of 2006, only a few months after the Commonwealth Games have concluded. The Australian Grand Prix Act does not contain a sunset clause.

The claim has also been made that the legislation is deficient in some way or that some components of it mean that the government is exercising a double standard because it allows for the overriding of a number of acts of Parliament, which have been detailed to the house. It is worth noting that the Scrutiny of Acts and Regulations Committee, of which I am a serving member, commented on the Australian Grand Prix Bill in 1994, noting that:

It has been the practice for a number of years with respect to Victorian legislation that major projects be exempted from planning requirements.

That in itself is not an extraordinary feature of legislation, but what makes the grand prix legislation so extraordinary is that it was accompanied by a range of measures, none of which are present in this legislation, which deny basic rights to a wide number of Victorians.

In 1994, when the honourable member for Doncaster was the chairman, the Scrutiny of Acts and Regulations Committee did a lot of work on the grand prix legislation. In discharging the duties of that committee subject to the statutory obligations under which it operates, the honourable member presented a report which was in many respects critical or raised serious questions about the way the grand prix legislation was

framed, including its infringements on rights and liberties.

The Scrutiny of Acts and Regulations Committee has a charter requiring it to report on these issues. For his trouble, I am sure the honourable member for Doncaster encountered a great deal of criticism in his party. We wondered why it was that he was never elevated to the front bench.

**Mr Hamilton** interjected.

**Mr ROBINSON** — The honourable member for Doncaster was promised that if he did the right thing a spot would be found for him, but if anyone is looking for an explanation, I point out that the Scrutiny of Acts and Regulations Committee report of 1994 makes interesting reading.

In examining this bill the committee found it reasonable in the circumstances. Its report on this bill makes an interesting comparison with the lengthy and detailed report of 1994, when it operated under the same criteria. In examining the bill we are debating the committee found it to be a far more reasonable way of organising a major event like the Commonwealth Games.

This is good legislation, and I am confident it will have the support of all members of the house. It assists in bringing to bear in a timely manner — and that is the key consideration here — the facilities required to conduct the games. It is not just that the facilities have to be available for use by March 2006, because the practice has often been, and it will be the case again, that state-of-the-art facilities will be required before 2006 as international and national competitions are scheduled for Melbourne a year or two before the Commonwealth Games are staged. So in that sense, as an administrative tool to prepare for a significant world event the bill is sensible and reasonable.

The government had a range of options open to it. It could have gone down the path of the Sydney Organising Committee for the Olympic Games and introduced several pieces of legislation, or it could have replicated entirely the grand prix legislation, with its blatant infringement of rights and liberties. But it has chosen a middle course.

I congratulate the minister in the other place, who has done an outstanding job. He has been prepared to consult, and the drafting of the legislation has taken place over a considerable period to allow the interests of many groups to be taken into account. The legislation will allow the games facilities to be provided not just in a timely manner but in a way that is far more

respectful of the values, considerations and rights of those people for whose benefit the games are put on — all Victorians. I wish the legislation a speedy passage.

**Mr BAILLIEU** (Hawthorn) — The commonwealth is an interesting concept. Perhaps we take for granted the commonwealth of nations, the family of countries that are bound together by their history, trade, mutual support and the forums that offer them the opportunity to participate in the goings on of the commonwealth.

For those of us who grew up in the 1950s and 1960s I guess the commonwealth nations were the pink bits on the map. These days the commonwealth is not a concept which necessarily always attracts the support of members of the left. Nevertheless, the commonwealth is still an extraordinary and magnificent concept in this day and age, and the opportunity to bring nations together is one that we ought to treasure and support, particularly given the events of recent weeks.

In that respect the Commonwealth Games is a special forum. The Commonwealth Heads of Government Meeting (CHOGM) is scheduled to be held in Brisbane in a few weeks and is one of the major forums of the commonwealth nations. The Commonwealth Games, which have been held in Australia previously, are scheduled to be staged in Melbourne in 2006, and it will be an important event. The games that were held in Brisbane in 1982 have created lasting memories for many Australians. Who could forget those thrusting fists of Raelene Boyle as she crossed the line for a gold medal in Brisbane in the 400 metres to conclude an extraordinary career?

The Commonwealth Games scheduled for 2006 are a result of the winning bid led by the previous government. I take this opportunity to pay tribute to former Premier Kennett and former ministers Tom Reynolds, Robert Maclellan and, of course, Mark Birrell, who was also involved in that bid. I also pay tribute to Ron Walker who led the bid process personally and visited every commonwealth country to secure the games for Melbourne and Victoria.

This follows, as other speakers have said, in the great tradition of sporting events in Melbourne. We cannot forget the Melbourne Olympics — —

**Mr Hamilton** — You weren't born then.

**Mr BAILLIEU** — I was born then! In the great Australian tradition of sporting events, last year the Sydney Olympics were an extraordinary event and we hope that the Commonwealth Games in 2006 will be just as successful. This is an opportunity to pay tribute to those in Sydney who made that bid so successful,

particularly the former Premier John Fahey, who is soon retiring from politics, Bruce Baird, and Kevan Gosper, who led the Olympic movement in Australia for many years.

It is worth contemplating that the Commonwealth Games Arrangements Bill will serve those who come here as visitors, us as Victorians and Australians who have the opportunity to attend the games. At this moment there are 10-year-olds, 11-year-olds and 12-year-olds throughout Australia whose hearts will end up being moved by the Commonwealth Games. They are the young athletes of tomorrow who will be starring on our stages in just a few years time. Melbourne and Victoria will be on show. It is a huge opportunity for our city and Victoria to demonstrate to the world yet again our capacity to run such events.

Nevertheless there are risks that we should be mindful of, and recent events have probably highlighted that. We wish next year's Manchester Commonwealth Games all the best in their endeavours. It is important that we should all understand and appreciate that we have to get behind the Melbourne Commonwealth Games, to support them and make them as successful as the Sydney Olympics.

The bill is not one that the Liberal Party seeks to oppose. We will do all we can to assist in the facilitation of the games. As other honourable members have noted, the government's hypocrisy on this legislation is huge. Reference to the Albert Park grand prix has been made on many occasions. The honourable member for Mitcham referred to section 85 statements not being included in the bill, which was some sort of triumph for the government because it had excluded section 85 statements.

That may have been in line with the document written some years ago by the then Labor leader, John Brumby, entitled *Restoring Democracy*, when he got stuck into governments which included section 85 statements in bills. It may have been in line for the honourable member for Mitcham to have done that, but during the two years the government has been in power nearly 100 bills have passed with section 85 statements included. It is a matter of some amusement to hear the honourable member for Mitcham talking about that.

He also said that the bill does not include any freedom of information exclusion provisions and that it contains a sunset clause. It comes as a shock to us that there is a sunset clause in a bill that is set up for only one Commonwealth Games! If we had an annual Commonwealth Games it would not be an appropriate provision — —

**Mr Robinson** — The way the commonwealth's going, we might.

**Mr BAILLIEU** — I do not think the honourable member for Mitcham is suggesting that. We are talking about 2006. Because of the way in which the government deals with freedom of information, anyone who receives information following an FOI request before 2006 will be doing extremely well!

The objectives of this legislation in the second-reading speech are said to be fourfold: firstly, they set out the legislative frameworks and secondly, they streamline the planning and approvals processes — a wonderful euphemism to be used by the government. These relate to the planning and selection of sites, redevelopment of the facilities at the Melbourne Cricket Ground (MCG), developments at the Melbourne Sports and Aquatic Centre (MSAC), the games village — wherever it will be positioned, and arguably for the likes of events such as the triathlon. Thirdly, the objectives are designed to manage the significant financial risks involved in staging the games, and fourthly, the bill provides a range of other measures.

I turn briefly to the legislative framework. Earlier speakers in the debate mentioned the advisory committees to be established under part 2 of the bill. The bottom line is that these advisory committees are subject to that great word 'may'. Matters may be referred by the minister to the committees, but the minister is under no obligation to heed the recommendations of those committees.

An interesting aspect of the bill is the question: who is the minister? Other speakers have not mentioned this. Who is the minister responsible? We might have expected it to be the Minister for Planning — but no, the little connection there with Albert Park might be a little bit difficult, so it is not the Minister for Planning. We might have expected it to be the Minister for Major Projects and Tourism — but there are no major projects in this government, so it is not the Minister for Major Projects and Tourism.

He has been sidelined in just about every portfolio he has an influence in. He has been sidelined on gaming levies — part of his own portfolio; on the film studio as a major project; on the Racial and Religious Tolerance Bill, and now he is being sidelined on the Commonwealth Games and is not in charge of the bill, which is in the hands of the Minister for Sport and Recreation. That says something about the state of this government, that the Minister for Major Projects and Tourism is not involved in the bill.

On the matter of the second objective, the streamlining of approvals, clause 14 gives the minister the power to declare a Commonwealth Games venue and clause 15 gives him power to declare a Commonwealth Games project. Those orders are to be tabled in the house within seven days. But I note that they are not disallowable, and as I said before, there is no right for either an advisory committee or Parliament to do other than accept these orders. It is an extraordinary power, and basically the minister can do whatever he likes.

Those orders will run specifically to matters to do with the MCG redevelopment, which has had a lot of attention recently. The interesting thing about the MCG is that clearly it must be involved in the Commonwealth Games. It will be the centrepiece of the Commonwealth Games, and is currently not of sufficient size. That is acknowledged by the opposition. We also acknowledge — or I do, certainly — the work that has been done by the MCG Trust and the Melbourne Cricket Club in the redevelopment process. Personally I will be disappointed to see the old members stand go. It offers an element of character that is important in any sporting stadium, and the present MCG stands offer an extraordinary amount of character.

We have to be careful when we throw away our history that we do not homogenise our stadiums and our sporting arenas. I acknowledge the work that has been done by Bruce Church, Stephen Gough, John Wylie and others to seek to change the original plans for the MCG redevelopment to reintroduce some character into the stadia that are proposed. I hope that work persists into the architectural details and content of the buildings. There is more work still to be done, but at least those individuals and those around them have acknowledged the necessity for that.

The orders will also go to the creation of a second pool at the Melbourne Sports and Aquatic Centre. Here again the hypocrisy of the government is extraordinary. The pool extension will see the closure of the old Distance Education Centre.

**Mr Hamilton** — We could have a 100-metre pool there.

**Mr BAILLIEU** — I do not think we will be having a 100-metre pool, Minister. It would be interesting if we did.

The second-reading speech refers rather sheepishly to the fact that not a tree will be lost as a consequence — that is, that there will be no net loss of trees. What an extraordinary admission! There will be trees affected,

as there were trees that were the subject of such great derision in terms of the Albert Park legislation; and here we are again!

MSAC is more than a swimming pool, it is a basketball centre as well. When the Albert Park grand prix legislation went through and preparations were made for the grand prix extraordinary efforts were made to ensure that other sporting codes were not displaced as a consequence. Given that there are major basketball activities at MSAC I trust that the government will work over time to ensure that basketball is given a fair hearing and a fair opportunity not to be inappropriately displaced for any undue length of time. The same goes for other codes which are accommodated at Albert Park.

There will be other sites by declaration. I note the honourable member for Mitcham foreshadowed in his contribution that Optus Oval will be such a site and will potentially be subject to a minister's order. It will be fascinating to see the Minister for Sport and Recreation declaring it a Commonwealth Games site and therefore, with no appeal and no rights, laying that order on the desk of the Carlton Football Club president. I would be pleased to be there to see the reaction.

I guess Waverley Park falls into the same category. It is possible under this legislation for the minister to declare Waverley Park a Commonwealth Games venue and accordingly avoid all those pieces of legislation which are currently occupying the government in other ways. That includes exclusion of the Heritage Act in regard to Waverley Park.

The orders also go to the option and tender process for the creation of the Commonwealth Games village. Three sites have been suggested so far: Parkville, Docklands and Jolimont. I note that the Commonwealth Games organisers favour the Parkville option. There are those members of the government, including the Honourable Glenyys Romanes in another place, who have been quoted by other speakers as speaking against the Parkville option. That is classic Labor government tactics: both oppose and support, and try to cover the field.

The Jolimont option is raised in some documentation that has been made public, and I will mention it in a planning sense. We are talking about an event that will last for the better part of 12 days, with a lot of preparation beforehand. For the state to embark on a major redevelopment of Jolimont without keeping in mind what that development would do for Melbourne's image, its architecture and planning, would be a great mistake. If Jolimont is to be seriously considered, I ask

government members to take full account of the Robert Russell and Hoddle grids in Melbourne and to understand how they relate to the greatest feature of Melbourne and perhaps for many years the greatest feature of Victoria — namely, our parklands. They must understand that Melbourne was established under the Hoddle and Robert Russell grid with a view to having a doughnut of parkland around the city. There is plenty of historical evidence to show that that was the case.

The alienation of parkland around the city, which has taken place progressively for over 100 years, has been piecemeal. I would be very sorry and disappointed to lose the potential to reinstate a maximum amount of parkland around the Russell–Hoddle grid. The decision should not be taken on the fly; it should be taken in the greater context and with an understanding of what the face of Melbourne represents to Victoria. In that process I hope the government will take into account the views of the members of not only the Royal Park Protection Group and its colleague organisations, who have been on the steps of Parliament recently, but also other groups that have an interest in the image of Melbourne.

Other speakers have talked about the application of the bill and particularly the legislation which will be made redundant by it. I do not intend to go into that aspect in any great detail. Instead I mention some other aspects of the bill. The games will be spread across Melbourne, and there is a potential for them to be spread across Victoria. For the Olympics we had training centres all over Australia. In my own electorate of Hawthorn we had a weight-lifting training centre. Athletes and others stayed locally and used the national weight-lifting centre, now upgraded, following an initiative of the previous government — supported, I acknowledge, by this government — and the fine work of Sam Coffa. I understand that the government is aware of the potential to spread events all over Victoria and is intending to pursue that.

Other events will be affected by the Commonwealth Games. I urge the government to ensure that they are not adversely affected and are included in the process. Obviously the grand prix at Albert Park cannot take place under the same timetable, so there will be a new timetable for it. Obviously the government will be working on that. There will be changes to the Australian Football League fixtures in years to come, and certainly in 2006. They will be affected by the redevelopment of the Melbourne Cricket Ground, and in the next four or five years grand final crowds will not be anywhere near as big as they have been.

Smaller but equally important events include the Melbourne International Comedy Festival, which is scheduled for April 2006 and is likely to be dramatically affected. I urge the government to work with the organisers of the comedy festival to ensure that it is not interrupted by any of the cultural events or festivals which we are advised are to be included in the activities surrounding the Commonwealth Games.

As I said, there are risks associated with holding the Commonwealth Games. We have been fortunate to have had a briefing with Ron Walker and Leighton Wood from the Commonwealth Games organising committee and the ministerial adviser, who is not now sitting in the box but was before. We were advised at that meeting that the greatest risks to the Commonwealth Games included, firstly, the financial risks. Given a budget of the order of \$200 million, a sponsorship budget of the order of \$130 million to raise and the current international climate, there are clearly significant risks. I acknowledge the comments made at that briefing by Ron Walker and Leighton Wood and accepted by the ministerial adviser at the time that there will be no hiding of the figures, that all reports made available to the government will be made available to the opposition along the way and that if we want something in terms of figures we should ring and ask for them.

There will also be a construction risk in the provision of the venues. If the MCG is not finished and ready it will clearly be a disaster for the Commonwealth Games. That will require the cooperation of all parties, including the union movement.

There is then the risk that somehow the capacity of the government to deliver is affected. We can only pray that this government will do more in the pursuit of making sure that the Commonwealth Games are held on time and are financially successful than it has so far in other arenas.

**Mr Nardella** — Like what?

**Mr BAILLIEU** — We have the Minister for No Major Projects, and we have the member for Like What over there!

Obviously in this day and age, and particularly given recent events, there are matters involving security which are a risk to both the Commonwealth Games and to all of us. I trust that the government will treat seriously all aspects of security regarding the Commonwealth Games. I hope that in the process it will take every opportunity to learn from the holding of the Manchester Commonwealth Games next year and

to use the knowledge gained from the holding of the Olympic Games in Sydney just last year. As I said at the start, the Commonwealth Games deserves our wholehearted support, and we give it.

In conclusion, in the process I hope we acknowledge that there is a commonwealth. We should support that concept as well and urge and encourage those 10, 11 and 12-year-olds to get to it!

**Mr NARDELLA** (Melton) — We did have a deal to speak for 5 to 10 minutes. The honourable member for Hawthorn has just blown that out to 20 minutes, so I might take 20 minutes to explain my support for the bill.

I support the Commonwealth Games Arrangements Bill, which is important because it sets up the process to enable the government to stage the games in 2006. It was quite fanciful of the Leader of the Opposition to say that he wanted to be there in four years time as the Premier to open the games. He will be lucky to survive the next four months, let alone the next four years!

The bill sets up the parameters and the legislative framework for staging the games. It provides for the management of the financial risk associated with the games, which is one of the risks the state takes on board. It also provides the basis for marketing protection. There was quite a bit of discussion and debate during the Olympic Games when a number of marketing companies tried to take the symbols of the games away from the official promoters and supporters. The bill takes care of that for the 2006 Commonwealth Games. It also streamlines planning for the games. So it is an important bill for setting up the parameters for holding the games in 2006.

I pay tribute to the previous government for providing the wherewithal and applying to host the Commonwealth Games, and I also pay tribute to Ron Walker for the role that he and his committee played in gaining this wonderful event for Victoria. Honourable members know that there have not been many times when I have supported Ron Walker either in this house or when I was a member in the other place, but when credit is due it should be given.

**Mr Perton** interjected.

**Mr NARDELLA** — I have congratulated Mr Walker in the past when he has done good things.

**Mr Carli** — When?

**Mr NARDELLA** — I know it sounds incredible, but I have supported Uncle Ron in the past. In this

particular case he has provided a terrific basis for gaining the games for Victoria. An opposition member spoke of his going to all the commonwealth countries supporting the Melbourne bid. That needs to be recognised by the house.

**Ms Lindell** interjected.

**Mr NARDELLA** — We will not go into that. The 2006 Commonwealth Games will generate some \$960 million of activity for the Australian economy and around \$400 million of activity in Victoria. So financially it will be a very important aspect of our economy over the next four to five years. The economic activity leading up to the 2006 Commonwealth Games will be part of managing the Victorian economy. It will be a showpiece for Victoria and Australia, and certainly Melbourne, and it will be a great event.

For our young sports people, both men and women, it will be a terrific opportunity to get some international exposure. They will be able to compete with international stars, as was the case during the Sydney Olympics. I think even Russell Marks will compete in his particular speciality, because at the moment he certainly has a lot of time on his hands!

*Honourable members interjecting.*

**Mr NARDELLA** — He was the Liberal candidate for the federal seat of Ballarat, but they had a bit of a tit for tat and could not work out their differences. Cathy King will just have to go forward and bolt it in. She has done in Michael Ronaldson, the current member for Ballarat, and she has done in Russell Marks. Bring on the next one!

Unfortunately the Liberal Party is living in the past. A number of honourable members have talked about the glory days under the Kennett government, how section 85 provisions in the grand prix legislation were part of those glory days and how this bill reflects those grand prix glory days. In fact this Commonwealth Games bill does not have a section 85 reference. It is markedly different from the grand prix legislation. One need only to examine *Hansard* to see that the then Labor opposition thought the grand prix bill was a disgrace — it was an absolute disaster!

**Mr Perton** — You tell me what the difference is, you hypocrite!

**Mr NARDELLA** — On a point of order, Madam Acting Speaker, I refer you to standing order 108 and ask the honourable member for Doncaster to withdraw. I am not a hypocrite. I ask him to withdraw that remark immediately.

**The ACTING SPEAKER (Ms Davies)** — Order! The honourable member for Melton has found a statement made by the honourable member for Doncaster to be offensive. Will the honourable member for Doncaster withdraw?

**Mr Perton** — In accordance with your ruling, Madam Acting Speaker, I withdraw.

**Mr NARDELLA** — As I was saying, this bill does not have a section 85 reference, it does not have the restrictions that were embodied in the grand prix legislation.

**Mr Perton** interjected.

**Mr NARDELLA** — That is why we on this side of the house support the bill — that is, because those restrictions are not in this bill.

**Mr Perton** interjected.

**The ACTING SPEAKER (Ms Davies)** — Order! The honourable member for Doncaster is a little — —

**Mr Perton** interjected.

**The ACTING SPEAKER (Ms Davies)** — Order! The honourable member for Melton, continuing, without interruption.

**Mr NARDELLA** — I well remember the householders in Albert Park whose houses were ruined because of the track work and because of the hypocrisy of the Liberal and National parties at the time in allowing the legislation to go through. Those land-holders and householders in Albert Park could not claim compensation unless they worked for the Premier — if they were mates of the government they got special dispensation. It was up to Caesar to compensate those land-holders at Albert Park, but there was no common-law right to compensation under the grand prix legislation. The bill now before the house includes rights for land-holders and householders so that if damage is done to them or their property they can claim — they can sue and they can take action against this government. That is the difference. That is why we opposed the grand prix bill back in 1994–95, and that is why we support this bill.

The honourable member for Mornington said that there might be a division on this. I say to him, 'Call a division on this', because members on this side of the house will be there supporting this bill. We are not going to play stupid, juvenile games by calling for divisions. We are fair dinkum about promoting Victoria, Melbourne and our sports people here in

Australia. This bill is vastly different from Kennett's bill, under which the neighbours in Albert Park went through agony when nobody in the National Party or the Liberal Party stood up for them. Nobody was there to represent them — neither the Council members from Monash Province or any other Council province nor the members from any Legislative Assembly electorate — and protect their interests. Nobody was there at the time, and yet members of the opposition parties come in here and talk about how this bill is similar to the grand prix bill.

I shall now go through a comparison between this bill and the grand prix legislation just to make it clear for opposition members. The grand prix bill contained a section 85 reference, this one does not. The grand prix bill did not allow for common-law nuisance proceedings; there is no such provision in this bill. The grand prix bill outlawed compensation under four sections; there is no such provision in this bill. The grand prix legislation exempted itself from freedom of information (FOI). Honourable members opposite are the people who want to talk about FOI and complain that there is no access to FOI, yet under the grand prix bill — —

**Mr Perton** interjected.

**The ACTING SPEAKER (Ms Davies)** — Order! Honourable members are becoming a bit excited again. I suggest that if the honourable member for Melton sticks to the bill he will provoke fewer unnecessary interjections.

**Mr NARDELLA** — Under the grand prix bill there was no access to FOI whatsoever. Under this bill the opposition can FOI us until the cows come home. They can put in those FOI requests; they can be happy little Vegemites putting in all those requests and paying their \$20, as they should, and they will get a response. Under the grand prix bill they could not do that, and neither could we, the neighbours over at Albert Park nor the general population of Victoria. Yet in this bill we are allowing that right, which should have been allowed under the Kennett government.

The grand prix legislation was of unlimited duration; this bill has a sunset provision to the end of 2006. The grand prix legislation drew criticism from the Scrutiny of Acts and Regulations Committee, of which the honourable member for Doncaster was a member. In fact, he produced a 20-page report in which he criticised that proposed legislation, and rightly so. That was when he had principles and actually carried out his job responsibly. I pay tribute to the honourable member for Doncaster for that action. I point out that the bill

now before the house has been examined and approved by the current Scrutiny of Acts and Regulations Committee, which is very ably chaired by the honourable member for Werribee. I have provided a direct comparison between our bill and the grand prix legislation introduced by the previous government.

Opposition members can live in the past and try to rewrite history, but they can never run away from the real history and the real damage they did. We had the born-again greenie, the honourable member for Hawthorn, express concern about the loss of parkland and the loss of amenity to the people of Victoria. We are absolutely aware of those issues and will certainly take them into account in providing the facilities for the Commonwealth Games. But I must say that although no consideration was given to those issues by the previous government when it was preparing for the grand prix, opposition members now want to bleat about the Commonwealth Games legislation we seek to put in place.

I support the bill before the house. It is good legislation which all on the government side of the house support and which will take us into what I believe will be the best Commonwealth Games ever held. We will all be proud to participate in those games in 2006.

**Mr PERTON (Doncaster)** — I intend to confine my comments to the environmental aspects of the Commonwealth Games in respect of this bill. I note that in the second-reading speech the Premier said:

Major construction works associated with the Commonwealth Games will give rise to environmental implications. The government's policy commitment is to the conduct of an environment friendly Commonwealth Games. Practical environment solutions will be explored in the pursuit of this objective. Whilst specific environmental initiatives are yet to be determined, the thrust of the legislative framework should be such as to provide the flexibility for ease of implementation of environment initiatives.

It is significant that that appears on the last page. It was an add-on paragraph that may have found its way in as a result of a legislative officer or cabinet official saying, 'We had better add on some rhetoric in respect of the environment'. One has only to look at the bill to see the true attitude of the government in respect of the environment and the Commonwealth Games.

In referring to clause 20 I turn to the explanatory memorandum rather than to the clause itself. The memorandum states:

Clause 20 provides nothing in the Planning and Environment Act 1987 or in any planning scheme applies to the development or use of a Commonwealth Games venue or

designated access area for the purposes of a Commonwealth Games project.

It is hardly environmentally sustainable legislation. The explanatory memorandum also states:

Clause 21 provides that despite anything to the contrary in the Heritage Act 1995 a permit or consent is not required under that Act for the development or use of a Commonwealth Games venue or designated access area for the purposes of a Commonwealth Games project.

It seems that in the eyes of this government sport is an excuse to destroy heritage. What other reason could the government have for incorporating that clause in the bill?

The explanatory memorandum states:

Clause 22 provides that the Environmental Effects Act 1978 does not apply to any works carried out in a Commonwealth Games venue or designated access area for the purposes of a Commonwealth Games project.

We have already seen this government acting against the interests of the people of Geelong in providing for the construction of the Stonehaven power station without an environment effects statement. The honourable member for Geelong said in this chamber after having been at a public meeting over the weekend that he feels uncomfortable — in fact, he may have used the word ‘disgusted’ — with the decision of the government. How disgusted will he be at the end of this set of schemes with the Environmental Effects Act 1978 effectively being abolished with respect to them?

The explanatory memorandum goes on to say:

Clause 23 provides that despite anything to the contrary in the Coastal Management Act 1995 a consent is not required under that Act for the development or use of a Commonwealth Games venue or designated access area for the purposes of a Commonwealth Games project.

This is hardly legislation designed to produce an environmentally friendly Commonwealth Games. The organisations that have a strong interest in the environment — the Australian Conservation Foundation, Friends of the Earth, Environment Victoria, the Victorian National Parks Association and the Wilderness Society of Victoria — have all commented on that matter.

**Ms Gillett** interjected.

**Mr PERTON** — To the embarrassment of the honourable member for Werribee, who is interjecting, and the honourable member for Geelong, who is in the chamber, the letter I received from those organisations says under the heading ‘Failing to deliver on election promises’:

The ALP election platform promised that the construction, transportation, land use, waste management, research and development and park development associated with the Commonwealth Games would be undertaken according to world best practice. However, legislation has been introduced which aims to fast-track construction and development of facilities with minimal provision for public scrutiny.

The Minister for Sport, the Hon. Justin Madden, stated that the government is ‘keen to replicate the excellent planning and organisational approach that was used for Sydney 2000’ ... However, we consider that he is mistaken if he believes that this bill will deliver that approach.

Those organisations go on to point out in the jointly signed letter further deficiencies in the legislation:

The bill proposes to exclude the operation of critical planning, environment and heritage legislation. As a result, the minister is exempted from important public notice, consultation, appeal and environmental impact assessment provisions. The bill proposes to replace these provisions with an approval system relying solely on ministerial orders and the findings of the Commonwealth Games advisory committee.

The ELO Group —

which is the liaison group representing those groups —

considers such a system to be unacceptable for the following reasons:

the principles of ecological sustainable development are not included in the bill or required to be considered by the minister during decision making;

there is no requirement that the minister refer any matter to any an advisory committee at all;

even if a matter is referred to an advisory committee, public consultation takes place only if the minister requires; and

there is no specific provision for the appointment of a member of the community or environmental organisation to an advisory committee.

Therefore, there is no guarantee that the environmental impacts of a Commonwealth Games project will be assessed and no guarantee that the public or environmental organisations would be consulted on any particular proposed project before it is authorised by the minister.

Given the time constraints I shall not read the whole letter, which concludes:

Finally, such a system is absolutely contrary to the accepted principles of open, accountable and transparent government.

Those organisations have called for this Parliament to amend this legislation. Should the government wish to make those amendments the opposition would certainly facilitate that action. It could be done this evening, it could be done tomorrow before this bill passes through this house, and it could be done while the bill is between houses. The opposition would facilitate that,

and I endorse the comments that have been made by the organisations.

Not only those groups believe the government has betrayed them and the public with the promises it made. I refer to an article in the *Australian Financial Review* of 6 August, which refers to the 19-hectare site as being within a big public park and quotes the government as saying that the 'developers are free to challenge its choice and offer likely alternatives'. The reality is that it is false, it is a lie and it is untruthful. The government is trying to con the public, but it has failed.

An article in the Melbourne *Yarra Leader* reports Ms Julianne Bell, a convener of the Royal Park Protection Society, as saying that the government's offer of free land on the former hospital site and a possible offer of \$12 million worth of infrastructure meant that developers were unlikely to submit an alternative. It quotes her as saying, 'Can you imagine a developer saying no?'. That is right. Madam Acting Speaker, you know that to be the case, and I believe members of the Labor Party also believe that to be the case.

There is a lot to be learnt from Sydney, and there is a great advantage to Victoria in holding a green games. One of the major companies that provided services during the Olympic Games was Visy Recycling, which is headquartered in the western and northern suburbs of the state. In an article in *Visy Recycling News* the company talks about the spectacular challenge for the Olympic Games in being environmentally friendly. Visy Recycling has indicated that it produced over 190 products for packaging that were either 100 per cent recyclable or 100 per cent biodegradable, including items that were previously not readily available to event and venue managers. These products included plastic extruded tubing (PET) beer and wine cups, PET containers for sandwiches and salads, new cornstarch cutlery, heat barrier paper cups and sugar cane plates and bowls.

If you are committed to a green games and to Victorian industry and the Victorian community participating in those green games, not only will there be huge social and environmental advantages to the community but also there will be huge benefits in innovation and new products and in supporting Victorian businesses and young people who want to move into new careers in building new, environmentally sustainable products and practices.

Given the time, I ask the government to make these changes. We will facilitate any action the government takes to make the amendments in accordance with the

views of the five environmental organisations that I mentioned earlier and of the Royal Park Preservation Society. I commit the Liberal Party in government to having an environmentally sustainable games — a green games — and to work both with those environmental groups and with industry to ensure that that works to the benefit of the people of Victoria.

**Mr LONEY** (Geelong North) — I do not intend to go through this bill piece by piece as it has been covered well by other honourable members. It is unnecessary at this stage to make the same points already made by other honourable members. However, I do wish to make some comments.

The object of this bill is simple: it provides a framework of certainty so that the necessary works for the Melbourne Commonwealth Games 2006 will be completed in time and that the games will be able to take place. That is very important, and this is an important piece of legislation because it is about Victoria's credibility and its reputation internationally for being able to do things and deliver events. It affects many people and places.

The Commonwealth Games will be the biggest sporting event staged in Victoria since the 1956 Olympic Games and will have significant beneficial effects for the state. They will bring to Victoria people from across the globe who may not have necessarily even heard about our state. It will bring together people from places like the Isle of Man, Guernsey, Jersey, the Cayman Islands, the Bahamas, Trinidad and Tobago, Guyana, the Leeward Islands, St Kitts and Nevis, Tonga, Fiji and, interestingly, Mozambique. What is interesting about Mozambique — and it is a pity that the honourable member for Hawthorn has fled because he was talking about acknowledging the commonwealth — is that it was a Portuguese colony that later applied to become part of the commonwealth. Mozambique is an interesting country in that respect. I hope Mozambique will be represented at the games.

The Commonwealth Games bring together a range of people and communities from across the world in quite a different spirit to that seen in the Olympics, which were very successful, but a different spirit obtains.

The bill aims to do a few things, but basically it will ensure the legislative framework for the games to take place and to manage any financial risks. There are always financial risks in such ventures, both to government and other parties, and those risks need to be adequately assessed and managed. They have to provide a basis for marketing protection. I would hope that those marketing protections are not as severe as we

saw in Sydney when they led to the attempted expulsion of Fatso from poolside! I hope Melbourne's protections will not be quite as severe as that and that they actually do a little better.

**Mr Perton** interjected.

**Mr LONEY** — If I were the honourable member for Doncaster I would not raise that subject! Married life is doing very well by him!

The bill is also about streamlining planning and approvals procedures and physical projects. The act will sunset on 31 December 2006.

During the debate there have been a couple of interesting revelations. One of the more interesting ones came from the honourable member for Hawthorn who, about half an hour ago, actually had a great exposé in this house when he said the sports minister was in charge of this piece of legislation. It may have eluded the honourable member for Hawthorn, but the Commonwealth Games are actually a sporting event, and to have the sports minister in charge would not seem to be something we should be holding the presses about! No doubt he will dash out with a press release on that exposé but with about the same success as he has had recently with other press releases.

In his speech the Leader of the Opposition laid out the opposition's gripes about the bill. He tried to pretend that the legislation was a mirror image of the grand prix legislation. It is not, and other speakers have dealt with that. What his speech showed about the opposition is that it has learnt little. The Leader of the Opposition's speech was an impassioned defence of Kennettism, even to the point of demanding an apology. If he wants apologies he would be far better off directing his request for a 'Sorry' to the Prime Minister on matters other than those he raised today. My comment about the Leader of the Opposition's speech is that there are none so blind as those who will not see.

The bill will apply to facilities no matter where they are in Victoria. There has been a lot of talk from honourable members about facilities at Albert Park, Royal Park and elsewhere. By the time we get to the Commonwealth Games there may well be facilities outside Melbourne. Given that this bill will apply to events all over the place, there are two events that could be more than adequately staged in Geelong, where I come from, and I expect the provisions of the bill will cover them.

The first is the triathlon. Geelong is Australia's home of the triathlon. Geelong has produced many fine triathletes from the early days, such as Greg Stewart

and Tim Bentley, whom I competed against in cross-country running. The pair of them are great athletes, certainly far above my standard.

Geelong's waterfront is a perfect venue for a triathlon.

**Mr Mulder** interjected.

**Mr LONEY** — I will talk about that if the honourable member wants. The Geelong waterfront would provide a perfect backdrop for that event. Today I am calling for that event to be held on the Geelong waterfront. I will make representations about holding that event in Geelong to the Minister for Sport and Recreation, to Triathlon Victoria, the Australian triathlon body and the Commonwealth Games Association, which will make the decision about these events.

The second event is basketball. The Arena in Geelong is probably a perfect place for Commonwealth Games basketball. There is no need for a new venue to be built; it is there. There are seating facilities for thousands. It is a great potential venue that is suitable for televising the event. It can adequately handle that event. There is only one drawback at the moment, and that is the uncertainty about its future. As a matter of urgency I call on the City of Greater Geelong to determine its position on the Arena so that the community can push forward and try to get this event for Geelong before it is too late.

The City of Greater Geelong has to make a commitment to the Arena. It has to decide what it is going to do, because it is a perfect venue. It is currently used by thousands of people every week for basketball. It is a great venue for basketball, but it is in an uncertain position at the moment because of the delay of that decision. We can take up the case for basketball to be an event in Geelong if that decision is made as a matter of urgency, and I call for that to be done.

The bill is important because it applies not just to Melbourne venues. I note that honourable members have spent some time talking about Melbourne venues, but then again that included the honourable members for Hawthorn and Doncaster and others. I would like to see the bill applying to venues outside Victoria and to venues organised outside Melbourne. Places such as those in my home region are perfectly adequate. There will not be a requirement for new commitments or new facilities to be built in Melbourne to host events.

I put it on the record today that I will certainly be pushing for both the triathlon and the basketball events at the Commonwealth Games to be held in Geelong.

**Mr VOGELS** (Warrnambool) — I am pleased to make a small contribution to the debate on the Commonwealth Games Arrangements Bill, which will facilitate preparations for the Commonwealth Games to be held in Melbourne in 2006. It was interesting to note the complete turnaround by government members to many of the things they held dear to them before being elected to government. In the second-reading speech the minister acknowledged the grand prix as a wonderful sporting event.

The legislation will enable a minister, by ministerial decree, to override certain laws to facilitate development so that in the event of any inconsistency the legislation will prevail. The honourable member for Doncaster said it will override the Crown Land (Reserves) Act, the Planning and Environment Act, the Coastal Management Act, the Environment Effects Act, the Land Act and the Heritage Act. It can basically override everything that I thought this government held dear.

I read somewhere that the bill regulates matters and includes the authority to throw people off construction sites. I find this hard to believe, coming from a Labor government.

I agree with the honourable member for Geelong North that the Commonwealth Games in 2006 should be of great benefit for all Victoria. To this end I hope the minister keeps in mind rural Victoria. I have a copy of a letter which I have passed on to the minister from Mr Dyson and Mr Clark, the president and the secretary respectively of the No. 12 South Western District Rifle Association. The rifle association has a brand-new facility for shooting known as the South West Region Target Complex at Lake Gillear. The infrastructure has been put in place and it has excellent accommodation and facilities. It is in the process of developing a full-bore range to 1000 yards and an indoor and outdoor small-bore range, and is working towards a 100-metre, 40 target small-bore and pistol range and a clay target area.

As I understand it, Sport and Recreation Victoria is looking for training facilities as shooters will not be allowed to practise at the venues where the medals will be awarded. It is looking for venues where visiting competitors can practise their shooting. I inform the minister that Warrnambool has a great facility and would be a great place for overseas athletes to do their pre-games training. It will be late February to early March. It is a great venue and would be great for Warrnambool and the district.

That is all I wanted to say on the bill. Other honourable members have gone over the issues. I promote our area and hope that we can be part of the Commonwealth Games in 2006.

**Ms GILLET** (Werribee) — I make my contribution tonight with two hats: one as the honourable member for Werribee, and the other as the chair of the Scrutiny of Acts and Regulations Committee. The scrutiny by the committee of this bill has been mentioned by a number of speakers in the debate, and it is important that I place on the record and further inform the house of my participation in the discussions that took place with interested parties and also in the committee's deliberations on the bill.

On Monday, 10 September, my electorate office in Werribee received a telephone call from Julianne Bell, who is a representative of the Royal Park Protection Group, asking if she and a number of representatives from the Parkville Association and the Save Albert Park group could have urgent discussions with me in my capacity as chair of the Scrutiny of Acts and Regulations Committee. We were able to rearrange a few appointments and commitments, and on Tuesday, 11 September, I was able to sit down with a number of people representing those three groups to hear their concerns about the bill.

It will not surprise many members in this chamber to realise that the intricate details about what the Scrutiny of Acts and Regulations Committee can and cannot do are not widely understood in the community. However, that committee and its terrific membership are doing their level best to spread the word about what scrutiny is all about. We had a long and, I hope, fruitful meeting with representatives of those three groups and explained just what role the scrutiny committee could play in helping them to air their concerns about this bill. It is important that parliamentary committees be as accessible to the general public as they can possibly be, and that belief is shared by all those members of Parliament who sit on that committee with me.

A lot has been said about the similarities between the Commonwealth Games Arrangements Bill and the Australian Grand Prix Act, and I must confess to having some concerns myself about that when the bill was read a second time, because on the face of it there appeared to be some similarities. Concerns were also raised by other members of the committee, so I asked the executive officer of the committee, Andrew Homer, to immediately do a comparative analysis of the bill on the one hand and the act on the other. His analysis was astute and prompt, as always. I congratulate Andrew and thank him for his speedy response, because it

helped to inform members of the committee, and now I hope it will help to inform members of this chamber and perhaps members in another place.

The advice I received was that the Commonwealth Games Arrangements Bill contains nothing like the basket of potential trespasses that the Australian Grand Prix Bill presented. The committee at the time of that bill was chaired by the honourable member for Doncaster, Victor Perton. When the grand prix bill was read a first time and a second time and went to the Scrutiny of Acts and Regulations Committee, the honourable member for Doncaster courageously explored his concerns. He should have had concerns, because a comparative analysis of the two bills demonstrates that there is a vast difference between them. It should be placed on the public record that the honourable member for Doncaster did his work as the chair of the Scrutiny of Acts and Regulations Committee admirably and without fear or favour, as did Peter Ryan, the Leader of the National Party, when he chaired the committee. I hope that to the extent that I am able, I can continue the fine standards they established.

At the time the Australian Grand Prix Bill was being examined, the then Scrutiny of Acts and Regulations Committee held public hearings. It received written submissions or representations from 13 persons and organisations, and four organisations made appearances at those public hearings. The committee wrote to the minister at the time, attaching the draft *Alert Digest* for comment. That is not a practice the committee continues to pursue, but it does write to ministers asking them to deal with concerns the committee raises. The committee at that time received a response before the final *Alert Digest* was tabled, which was therefore able to contain the minister's comments.

It is fairly obvious from looking at the bill that there are absolutely no provisions in the Australian Grand Prix Act that mirror the public consultation provisions in the Commonwealth Games Arrangements Bill. Members might cynically say, 'Yes, but those advisory committees and public consultations are purely at the discretion of the minister'. That is quite true, but you have to look at what people do as well as what people say, and it is fairly clear how the Minister for Sport and Recreation intends to act, having already established one advisory committee — that is, the Melbourne Cricket Ground redevelopment committee. If any members of the community have concerns about whether the minister will make use of the provisions of the bill that allow him to put together advisory committees they can be confident he will, because he has already demonstrated his bona fides in that regard.

In conclusion it is important to note that when the Scrutiny of Acts and Regulations Committee or any of its members has concerns about a bill the committee deals with them in the most straightforward, open and accountable way it can, given the important role that the committee plays in informing this Parliament on undue trespasses on rights and freedoms. I commend this bill in full confidence to the house.

**Mr MULDER** (Polwarth) — What a great event the Commonwealth Games will be for Melbourne, coming off the back of the Sydney Olympic Games! To be a member sitting on the other side of this house delivering those games to Melbourne will be something I will truly relish. I am not sure how many honourable members here today will still be in the house at that time, and I am not even sure if you will still be here, Madam Acting Speaker. However, I can assure you that following on from the great work carried out by the previous government in getting this bid up and delivering the games to Melbourne, I will be part of the team on the government side of the house delivering the Commonwealth Games to Melbourne.

The opposition parties have had several discussions with and briefings from those involved in the delivery of these games. We met with Ron Walker and Leighton Wood, who are actively involved in the committee established to get these games up and running for Melbourne, to run through some of the issues. We raised concerns about how security would run and about the role of the commonwealth government and the local police. We spoke about how Melbourne was very well structured and set up to deliver services such as catering and transportation, and how our police and ambulance services, for example, have mechanisms within their organisations for the delivery of essential services around the city. All in all the potential for Melbourne to produce a great Commonwealth Games looks very positive.

It is interesting that at the same time we asked what threats were involved with the Commonwealth Games coming to Melbourne in 2006. One issue that was raised was that the economy could be a threat. The people in the organising committee will need to raise \$130 million to help run the games, and they are looking at corporate sponsorship here in Victoria and right around Australia. There is no doubt that because the games will be hosted here in Melbourne, corporate sponsorship from Melbourne will be a very important and integral part of the success of the Commonwealth Games.

It is ironic that off the back of that briefing we find ourselves in the position we are in today, with a

government that has no leadership skills at all — a government that is sitting here presiding over the collapse of Daimaru in Melbourne, Coles Myer lay-offs, closures by Nestlé in Maryborough and by Arnott's Biscuits — and a threat to the Olympic Games is the economy. The government came in with a massive surplus, yet look at where it is taking us. I will not talk down Victoria and I will not talk down business in Victoria, but I will say that the government has a hell of a lot of work to do if it is going to make these Commonwealth Games work, because the economy of Victoria will play an integral part in how we stage such an enormous event here in Melbourne.

It is incredible. An article in today's *Herald Sun* reports on what business people are saying needs to be done to get the economy back on track in Victoria. I would have thought issues such as a summit of business chief executives to develop a three-year plan and assistance for our growth industries would be looked at, as well as the creation of a super ministry for economic expansion — although that would require a superman. Tell me where you would find a superman or superwoman in the Bracks government. They cannot even run their ministries at the moment, so that is out to start with. I know the government would like to put it in place, but it is laughable, because it is something it could not deliver.

The article refers to payroll and Workcover tax breaks for small businesses. I would have thought a proactive government would have said, 'Yes, we need to stimulate the economy and do these things. But these are our policy initiatives; these are our plans. We do not need someone coming to the door to tell us. We are the government'. For heaven's sake, what have you been doing? You have done nothing, and you are now relying on the business sector to tell you how to get things going again. What a joke!

It is an issue that I and others have had to deal with in our electorates. We Liberal and National Party members have had to deal with the continual trail of Labor Party ministers and backbench members turning up in our electorates to open projects that were initiatives of the previous Kennett government. I can think of nothing worse than in 2006 — almost like the return of Michael Myers! — having someone opposite turning up and claiming to deliver the Commonwealth Games for Melbourne when they have had absolutely nothing to do with it. All they have to do is have a sound economy and support the committee running the games for them.

I can almost guarantee that even if the government is in that position it will not deliver. You will have all sorts

of problems, because you have proven in the past that you cannot run events. For heaven's sake, you cannot even run the Melbourne to Warrnambool bike race. Even it is in jeopardy, and you are supposedly preparing legislation to get ready to run the Commonwealth Games! You have got to be joking! You have a huge amount of work to do. The government should start with the economy. It should work on getting business confidence up and delivering for the business sector. If the government delivers tax breaks, it will get investment into the state. The government cannot have it both ways. It must start taking risks.

The Premier, who now has his training wheels off, is under the eye of the business community, the members of which are all asking questions. Honourable members opposite should listen to talkback radio or read the papers over the next few days, because questions are being asked about how good the government is and how good the Premier is and whether he can deliver for the state. I tell you what, there are some huge doubts at the moment.

**Mr Nardella** interjected.

**Mr MULDER** — The honourable member for Melton hates success and therefore hates the former Kennett government. You do not like success! The fact is that the Kennett government started the process from day one. It was the Kennett government that prepared the bid for the Commonwealth Games, and it was the Kennett government that took the whole process through.

**Mr Langdon** — On a point of order, Madam Acting Speaker, the honourable member for Polwarth is referring constantly to 'you', and I note that he is discussing the bill across the house with the honourable member for Melton and other honourable members. The honourable member should refer to the third person in his contribution.

**The ACTING SPEAKER (Ms Davies)** — Order! The honourable member for Polwarth should go through the Chair. I uphold the point of order.

**Mr MULDER** — The Kennett government put together this entire process. We know that the organising committee is chaired by Ron Walker, who throughout that early process copped a huge hammering from the Labor Party for his involvement. Who is the government now dealing with on a daily basis? Probably one of the best event managers we have seen and one of the best in taking on the role of chairing such a committee. The honourable member for

Melton is shaking his head in agreement. It is a great effort by Ronald Walker and his team, and I have no doubt they will deliver a fantastic games for Melbourne.

The issue is whether the government can deliver a sound economy as a basis for the sponsorship to make these Commonwealth Games successful. Therein lies the challenge for the Bracks government — having a sound economy which is moving forward and which has the confidence of business people. I do not think that is what we have at the moment. Instead we have some small crises. I do not think the business community of Victoria has a huge amount of confidence in the government's ability to manage crisis situations. That is a challenge for the government.

To this point in time the government has rolled along on a healthy surplus that it did not have to work to get. It has been handing out money to the union movement and its mates. It has to do something to produce a solid economy, but it has not done it yet. That is the threat we could have to the success of the Commonwealth Games. I commend the bill to the house.

**Mr TREZISE** (Geelong) — I speak in support of the Commonwealth Games Arrangements Bill mindful of the importance and significance of the Commonwealth Games to Melbourne and Victoria in 2006. We have to be careful we do not talk down the Commonwealth Games, even though it is a long way out. I appreciate people can have their say in this house, but I say to the honourable member for Polwarth that he should be careful talking down the games as we have just heard him do this evening.

**Mr Mulder** — On a point of order, Madam Acting Speaker, on the question of relevance, at no stage did I talk down the Commonwealth Games.

**The ACTING SPEAKER (Ms Davies)** — Order! There is no point of order.

**Mr TREZISE** — I remind the honourable member that Colac lost the ferret cup only two weeks ago thanks to the Colac Racing Club, of which the honourable member is a leading light. The significance of the Commonwealth Games is immense not just to Melbourne but to regional Victoria and towns such as Geelong. The spin-offs for regional cities like Geelong in training facilities, as the honourable member for Warrnambool alluded to, and in opportunities for local people to come to Melbourne to watch the Commonwealth Games will be of major significance.

One only need hark back 12 months ago to appreciate the importance of the Commonwealth Games. This

time last year the nation was in the grip not of an international crisis but of Olympic fever. It is very sad to think that 12 months later the world is no longer united under the banner of sport but is splintered over the concerns of terrorism. We should not forget that only 12 months ago the Afghanistan team was one of the first teams to march into the Olympic stadium to the applause of the Australian crowd. I remind honourable members that a member of the Afghanistan Olympic team won a silver medal in trap shooting, so that is a warning we need to heed!

No one is pretending that the Commonwealth Games are the same as the Olympics, but as an international event the Commonwealth Games rivals most others. The effect of the Olympic Games on Sydney was immense, and I believe the Commonwealth Games will have a mirror effect on our city of Melbourne and the state of Victoria. The positive impacts and outcomes of the Olympics for Sydney are impossible to measure. New facilities were established across the city, and important infrastructure such as roads, rail and airports was upgraded. Thousands of jobs in the construction and tourism industries were created; and of course it had an immeasurable effect on tourism not just in Sydney but throughout Australia as a nation.

The impact of the games in bringing the city of Sydney together as a community showed that there was common cause for a great purpose. The Sydney people still talk glowingly about their 2000 Olympics, which as I said had a significant effect on how Sydneyites viewed their city and themselves. It showed in a positive light their ability to organise and run a significant international event such as the Olympic Games.

As I said earlier, no-one pretends that the Commonwealth Games are as big an event as the Olympics, but on the world stage they are a major event and sit on what I would describe as the second rung. On the top rung of events we probably have the Olympics and the soccer World Cup. Outside those two events, the Commonwealth Games is not too far behind. Commonly known as the friendly games, it will be the biggest sporting event held in Victoria since the 1956 Olympic Games.

I would imagine that staging an event like the Commonwealth Games could be a resounding success, but at the other end of the scale it could be an absolute disaster. The Sydney Olympics were a magnificent success not only for Sydney but also for our nation. In many ways, however, previous games have been a disaster. One example that springs to mind is the transport disaster that we saw in Atlanta in 1996. As the

host of the 2006 Commonwealth Games it is important that we put in place a firm base on which to plan and build. Significantly, this includes the legislation that we are debating tonight.

In planning and running the games there has to be absolute certainty that things will be completed at specific times. The time lines cannot be rubbery, and they cannot be negotiable. This legislation is focused on this imperative and important outcome. It is all about ensuring that Melbourne hosts a successful 2006 Commonwealth Games. It is also about ensuring that the construction and upgrades of facilities are completed on time and in a manner that maximises their use not only for the athletes in 2006 but also for this community and all Victorians for many decades to come. This legislation has my support.

Of particular focus at the present time is the upgrade of the mighty Melbourne Cricket Ground. The MCG is the people's ground and is much loved not only by the people of Melbourne but also, I can assure you, by the people of Victoria and probably Australia. The MCG is a magnificent sporting icon that puts Melbourne on the international sporting map. As we look forward to the grand final, I do not think there is any greater sight than to see a packed MCG on the last Saturday in September — although as a Geelong supporter I will not talk too much about that.

At the heart of the Melbourne 2006 Commonwealth Games is the MCG, and rightly so. As I said, if anything puts Melbourne on the international map, it is the icon of the MCG. It will be the heart of the Melbourne games and will host significant events. It is essential that the upgrade be completed on time. That is not negotiable. In providing for a major upgrade to the MCG it must be remembered that it is not only for the Commonwealth Games. The MCG is truly the people's ground. Its upgrade, which is welcomed, will benefit all Victorians for many decades to come.

From a personal point of view, as a self-confessed sports nut I am looking forward to the Commonwealth Games. Unfortunately I did not have the chance to get to the Sydney Olympics, so I am looking forward to March 2006. I can assure the honourable member for Polwarth that I will still be on this side of the house, although I am not too sure where he will be. Given that Melbourne — and Victoria — is really the sporting capital of Australia, I know that I am not Robinson Crusoe in looking forward to March 2006, when this state hosts the Commonwealth Games. I commend the bill to the house.

**Sitting suspended 6.29 p.m. until 8.02 p.m.**

**Mr SMITH** (Glen Waverley) — As I contemplated this very important bill before the house tonight it suddenly occurred to me what a great challenge Sydney has thrown down to Melburnians and Victorians to match or better the effort it put into the Olympic Games last year. The 2006 Commonwealth Games are a challenge which we as legislators must ensure we get right. This is one of those bills which probably has bipartisan support, in that everyone I have spoken to wants to ensure that we get it right.

As Victorians and Australians we have pride in our sportsmen and sportswomen, and we have pride in our facilities as they stand. We have pride in our wonderful city of Melbourne, and we have pride in our people, who will be the hosts of the 2006 Commonwealth Games.

**Mr Hamilton** — We will have a stack of volunteers too.

**Mr SMITH** — I think we probably will. We will probably take up what Sydney did and have volunteers in the same way. Those 40 000 volunteers probably did more for the public relations of the Olympic Games than virtually anything else except the organisation itself. That is what we as legislators must try to ensure we get right.

What a great feeling of pride we as Victorians and Australians have in our cricketers as a result of their winning the World Cup and coming home with the Ashes. There is also the pride we have in our rugby team, given that we won the rugby World Cup last year and recently won the tri-nations series. These are all Australian activities in which we are competing on the world market.

As honourable members have said, we have other sports in which we have done extraordinary well. This is a pride we feel. When Australia won the series against the British and Irish Lions recently — a series that we were not tipped to win — again there was that great feeling of pride.

As we consider this legislation we must think of the responsibilities that Melbourne has, not only to its own people as the host city but to the rest of the world so that people will go to their television sets and want to watch the activities that are going on. We will have, I imagine, more than 50 countries from the commonwealth competing in the games. Most of us will start with a feeling of humility, followed by excitement. Then to use the current cliché, there will be a feeling of awesomeness. It is something we do not really understand until we have responsibilities

ourselves. We have to ensure that the bureaucrats are imbued with that feeling and have the motivation to get it right.

I take up again the interjection from the Minister for Agriculture and state that the volunteers were the one part of the Sydney Olympics that made them friendly games. One of the previous speakers talked about the Melbourne Olympics being known as the Friendly Games. It is awfully hard to do, to get that correct feeling. I believe it can be done again, however, by getting the motivation right in the first place.

Some people say we did not get the environmental provisions right in the bill, particularly in the planning provisions. If we have not got them right in this bill, and there are people such as the honourable member for Doncaster who have concerns about this, I am sure that if they are demonstrated as being deficient the bureaucrats will take them on. We have to be sensitive in the way we tackle the awesome task we have in front of us.

Take, for example, the members stand at the Melbourne Cricket Ground (MCG). I was there the Saturday before last to watch Carlton play Richmond, which was a very good game! You get the feeling when you are there, particularly in the Long Room, of what it is all about. I personally, unlike some people, do not get a great deal of awesomeness out of the members stand. If they have to alter it in some way, that is up to them. We have to ensure, however, that whatever happens a long room will be incorporated, as was done in Sydney in certain of their old hotels and as has been done here at the Menzies at the Rialto. These sorts of things, provided they are done sensitively, will work.

I believe the members stands at the Sydney Cricket Ground and the Adelaide Cricket Ground are more in line with what people think of when they think of members stands, but again that is a personal opinion. There are a lot of people who feel very strongly about the 1920s MCG stand — the members stand — and that is up to them. The important thing is for legislators who can affect public opinion to ensure that the bureaucrats get it right when they make changes, because as we can see by the land that is available it has to be something that is more modern and more in keeping with the way the ground is going to be developed.

For legislators the biggest problem is security. That has been made a lot worse by the tragedy in the United States of America a couple of weeks ago. I am sure we will get it right in the organisation and in the attitude of the people. I have spoken with some of our leaders on

this one, and security is something we have to listen in on and take a great deal of notice of, because once the word is out that the security is not going to be good the problems will start. Security is something we often do not talk about much. It is left to the experts, and when they are giving advice it is time the bureaucrats and the politicians started to listen.

As to security, we must ensure through this bill that these things are done properly. As politicians we must be eternally vigilant to ensure that all the parts fit properly and that we listen to the public in the usual way but that if there are decisions to be made they are made properly.

When providing in the bill for facilities, which is such a wide-ranging area that it is almost frightening, we must ensure that it is done properly. No-one can get it perfectly right, but we must ensure that people who have problems come back and consult. Wide consultation and goodwill on both of the sides of the house will make sure we do get it right.

Credit should be paid at this stage to people like Ron Walker, who had the foresight to go with the organisers to ensure that we got the games for Melbourne. Their brains and expertise and the goodwill they bring with them must be utilised to the nth degree. At the moment we have a huge responsibility that everybody knows we must address properly.

Other areas that we must look at and in which we must listen include the tourism industry. People in that industry will advise on how they think things should be done. There is expertise to be gained. There are things that will change in the five years we have to get it right, so that when the games begin and the Queen — or whoever else comes out to open it — does what Juan Antonio Samaranch did when he started the games in Sydney, the goodwill and all the fun and awesomeness that came through from the Sydney Olympics will continue here in Melbourne. Cynicism such as is reflected in comments like, 'We don't want to be hearing from the honourable member for Wantirna', must go out the window. People have to work hard to ensure that we get this right.

It is not often I make bipartisan speeches, but this is one of those very important bills that we must get right to ensure that everybody is accepting responsibility.

**Mr SEITZ** (Keilor) — I rise to speak in support of this bill. As the honourable member for Glen Waverley said, we must make sure we get it right. It is also important that we make sure the Commonwealth Games remain a bipartisan project, as they have been

until now, with both major political parties having supported getting the games for Melbourne. Through this legislation we must see that we can build or alter the facilities that are needed. Invariably there will be people crying out that something is holy ground and cannot be touched or modified. However, all honourable members know that in today's society we need modern venues for sporting events to meet the performance needs of the athletes and the needs of the public and the media. These days many international sporting events are staged for — and the money comes from — the media via the worldwide television networks.

One of the purposes of this bill is to amend the Melbourne Cricket Ground Act 1933, the State Sports Centre Act 1994 and the Project Development Construction Management Act 1994. That indicates that a number of issues are involved besides the sporting events that are being prepared for in 2006. One issue will involve construction of facilities, and that will require the acquisition of Crown land and sometimes will impinge on what people may consider private land. There will also be planning issues, industrial issues and deadlines for things to be completed with the least amount of disharmony and dysfunction so that the people of Melbourne can go about their daily lives. Importantly, during this process jobs will be created in the construction industry.

That needs to be developed in harmony and with the support of all sides of politics, because the commonwealth, other Australian states and other countries will be watching how we behave in Melbourne in preparing for these events. It is important that things are done smoothly, cooperatively and to the best world standards.

It is important for us to be able to show off Melbourne to the world, just as Sydney was able to be shown off during the Olympic Games last year. Sydney got all the publicity and notoriety; people overseas basically got to know what and where Sydney is. Hosting the Commonwealth Games will provide an opportunity to showcase Melbourne around the world through the media. They will provide the opportunity to attract media interest and sponsorship, which is also of great advantage to the city.

Of course after the games Melbourne will have modern and upgraded facilities that will be available for use by Melburnians. That is not to be forgotten: the people of Melbourne will have long-lasting enjoyment of upgraded facilities such as the aquatic centre, the Melbourne Cricket Ground and the athletics village that is to be built.

All those things need to be handled carefully in all aspects — including the historical points, ensuring wide-ranging input, environmental considerations and the economics — so they have to be put together. The minister and the advisory committees being established under this bill have a long-term job to ensure that this legislation and the projects go ahead smoothly, with good communication and consideration of everybody's interests. That does not mean that one must necessarily agree with every view that is expressed. Consultation does not mean simply agreeing to everything that is being said, but we must ensure that people's views are taken into account and, where possible and necessary, that compromises are reached.

Of course, a lot of state money will be spent on the projects. Again I point out that that will benefit the various sports for a long time after the Commonwealth Games have taken place. It will also make it possible for Melbourne to host major Australian events. Australia has just recently hosted the Goodwill Games. The opportunity will exist to bid for other sporting events once Melbourne has the modern, up-to-date facilities to enable it to host such major events.

The hotel industry will also derive benefits from the Commonwealth Games, both economically and by way of publicity. I only hope that by that time all the rhetoric we have heard about our airlines going broke and such matters will have been sorted out and that people will be able to travel safely to Australia. After all Australia is an island, and some people do book and plan ahead, especially for various training camps before the games.

All in all, several aspects of this legislation are very important. I am interested tonight to ensure that, although they are supporting the bill, the opposition parties publicly support the concept of this project so that we can talk up Melbourne and Victoria as the place to be. I wish the bill a speedy passage through the house.

**Mr DIXON** (Dromana) — I am happy to support the bill. The opposition is not opposing it because it is a very important bill for Melbourne. The Commonwealth Games are very important for Melbourne.

Melbourne has a wonderful reputation, not only in this country but internationally, for its sporting facilities and the events it puts on. There would be no other city in the world that could boast a motorcycle grand prix, a formula one grand prix and a tennis grand slam tournament all in the one city — as well as one of the richest horseraces in the world and a code of football that regularly attracts 80 000 to 90 000 spectators. No other city in the world has that.

To stage the Commonwealth Games following our successful staging of the Olympic Games in 1956 adds another jewel to our sporting crown, so it is very important that the games run smoothly and that we have the facilities in place for this great event. It is important not only for our sporting reputation but also for the flow-on effects it will have on our facilities both before the games and after them. It will be wonderful to see the completion of the northern stand at the Melbourne Cricket Ground. It will not only enhance the ground's reputation but will also enable it to host all sorts of events in comfort and style that will be as good as that of any great stadium in the world.

Minor sports that do not attract tens of thousands of spectators will benefit from the facilities built for the Commonwealth Games, which will further enhance our total sporting reputation. Our tourism industry will also benefit from the lead-up to the games and from all the goodwill generated during the games as people learn more about Melbourne, what it has to offer and what a great city it is. Speaking as one who comes from an area that relies on the tourism industry and its flow-on effects, I can say that staging the games will be well worth while.

I acknowledge the great work done by Ron Walker and Campbell Rose in obtaining the games. Campbell was recently the chief executive officer of the Goodwill Games in Brisbane, which he carried off magnificently. The work done by both Ron and Campbell in obtaining the games was exemplary. No other city in the commonwealth stood a chance against Melbourne because of their vision and hard work and because of what already existed here. Getting the Commonwealth Games for Melbourne was just another example of the former government's vision for Melbourne and its ability to deliver that vision.

The present government was very lucky to inherit that — much of the hard work to get the games for Melbourne had already been done. I note that the efforts of the former government were only grudgingly acknowledged very late in the second-reading speech. You would think this government did all the hard work. The hard work was getting the games. It took a lot of vision and guts, and that is what the former government was able to provide.

I remind the house of some of the recent sporting events that have been staged in Melbourne. One is the Australian Formula One Grand Prix, another great example of the vision of the former government, not only because of the facilities it provided but also the tourism benefits and flow-on effects it has provided to our city year after year. It is just wonderful, and the

great good it has achieved such as the international advertising of Melbourne is incalculable.

When the idea of a formula one grand prix at Albert Park was first debated the then Labor opposition canned it unmercifully. The local member for Albert Park, now the Minister for Health, bagged it. He said it was a shocking proposal and the last thing we needed at that place. I remember that the current Attorney-General — on one of his bona fide trips to the grand prix this time — was knocking the then government for eating all those freshly shucked oysters. But I notice all ministers of this government now have their snouts in the trough at the Australian grand prix and thoroughly enjoy it. They now understand how important it is to Melbourne. It is just the hypocrisy that sticks in my mind. When the grand prix legislation was introduced, boy, did we hear from the other side about how undemocratic it was! They said it was dictatorial, it should not happen and it was the greatest threat to democracy and the end of civilisation as we know it.

When I compare that legislation with the proposed legislation I see some differences, but the bulk of it is very similar, and I have heard no such protestations coming from the other side this time. They know that this type of legislation is needed for such events — it is just the way of things.

It is the way these events have to be staged, and it is the way facilities have to be provided. You need this sort of legislation to enable these sorts of events to happen. They did not realise it then, but up went the high-jump bar. They said, 'This will never happen to us', 'This is just shocking' or 'This is the end of democracy and civilisation', but when in government they realise that this is needed. The high-jump bar has just been forgotten and they are well underneath it. We have seen that on a number of occasions in other policy areas too.

Melbourne's sporting facilities are wonderful, and the ones that are being planned and are going to be improved because of the games are going to be a great legacy for the people of Melbourne. When I look back at the second-last meeting of the Scrutiny of Acts and Regulations Committee I attended — which is, of course, a government-controlled committee, and it was a great pleasure to be a part of it — I note that it found there would be some not undue infringements of the rights and freedoms of people because of this legislation. I thought that was interesting, especially when compared to the similar grand prix legislation. As there were no undue trespasses of rights and freedoms the committee did not put a stop or hold on that legislation because it understood at the committee level that the legislation was for the greater good.

The facilities need to be finished not only on time but in time. They need to be ready not when the games start but beforehand for training and shake-down events. It is important that all the facilities are finished in time, and this legislation will help do that quite adequately.

**Mr CARLI (Coburg)** — I am pleased to support this bill. I will focus on the work of the Scrutiny of Acts and Regulations Committee. Since my election to this Parliament in 1994 I have been a member of that committee — I am now the veteran of that committee — and I have been involved in the deliberations on the grand prix legislation and on this bill. I suppose it is worth pointing out the differences in the committee's deliberations and findings between 1994 and the present.

First of all it is worth saying that it is in the public interest to ensure the timely delivery of these sporting facilities, which are scheduled for completion in March 2006. The reasons it is in the public interest are, firstly, that the standing of Victoria and Australia in the Commonwealth and the world depends on our ability to deliver these facilities on time, and secondly, that they are a major improvement to sporting facilities throughout the city. In that sense they are a major investment in the sporting and social fabric of the city. They will also have a major economic input. People have been quoting large figures, and certainly there will be major benefits to both Victoria and Australia as a result of Melbourne holding the 2006 Commonwealth Games.

Clearly in drawing up this bill provision was made for the non-application of certain acts. In the Scrutiny of Acts and Regulations Committee that was seen to be curtailing certain rights of people, because it would mean acts would not be utilised to the full. The concern of the committee was whether the legislation dealt with undue trespass on rights and freedoms.

Essentially the first thing we are dealing with is the issue of the event taking place on public land rather than private proprietary rights being involved. That is quite important in the context of government decisions about how to plan and develop particular land. It should be said that a number of provisions have been made to ensure that there is public input and involvement in this process, and particularly that the minister has the ability to set up advisory committees that can look at important planning, heritage and amenity issues as these projects are developed. It is an important step forward, and certainly one that was missing in the grand prix legislation. We should recognise that of the bills that are not being applied the one that principally empowers third parties is the Planning and Environment Act. That

act gives the minister the right to call in projects, and there are no guaranteed appeal rights as a result of the way the act is currently written.

In its deliberations the committee attempted to balance out the public interest and the issue of what are private and public rights, particularly focusing on the fact that it is dealing with public land. Apart from the provision of advisory committees to work through amenity, heritage and planning issues, there is also the fact that compensation is payable. One of the most controversial parts in the Australian Grand Prix Act dealing with the rights of individuals was that compensation was not payable under four of its sections. A section 85 provision applied in four sections, which meant that there was no compensation payable for private property rights and individual property owners were unable to sue either the government or the people developing the racetrack for damages caused by compacting machinery.

The Scrutiny of Acts and Regulations Committee said that the question of whether there was an undue trespass belonged in a debate in Parliament, because on the evidence given it was not clear that there were major infringements on individual rights and certainly not infringements on property rights, and that compensation was allowable and advisory committees would allow for local input. From my understanding of the bill it seems that it is not an undue trespass given the provision that is made for public participation.

The Commonwealth Games Arrangements Bill is different to the grand prix legislation. As I said, there is no section 85 provision, and there is no attempt to stop people taking Supreme Court action for loss of property rights or damages. The grand prix legislation does not allow common-law rights for nuisance proceedings, but there is no such provision in this bill. The grand prix legislation outlaws compensation under four sections, but there is no such provision in this bill. The grand prix legislation is of unlimited duration, whereas this bill sunsets at the end of 2006.

This is different and distinct legislation. In its deliberations in 1994 the all-party Scrutiny of Acts and Regulations Committee found that clear, undue trespasses had occurred. This time such undue trespasses were not deemed to have occurred. Clearly there is a curtailing of certain rights, but equally there are provisions for participation and involvement which compensate for that curtailing of rights.

I end by saying that we are dealing with an important public interest issue, which has been recognised by the opposition, of getting the Commonwealth Games

facilities built and ensuring that Victoria stages the 2006 Commonwealth Games.

**Mr LUPTON (Knox)** — The main difference between the Commonwealth Games legislation and the grand prix legislation is that the opposition does not oppose it. It supports the games, which is contrary to what the government, when in opposition, did when the former government brought in its grand prix bill. As many speakers have said, the Commonwealth Games are in the public interest because they will create economic benefits and the state will be provided with new facilities et cetera. The bill does basically the same thing as the grand prix legislation did in 1994, yet in this case the Liberal and National parties are prepared to support the bill because they believe it will be of benefit to the people of Victoria.

I have listened to some of the debate. I have heard a lot of repetition, but what has been glossed over, particularly in the second-reading speech, is that during the term of the Kennett government the Commonwealth Games were won and secured for the state of Victoria — and when I say ‘the state of Victoria’ I mean for the people of Victoria. It should not be a Labor Party, Liberal Party or National Party win; the people of Victoria will be the winners. It is important that all sides of the house support the bill and ensure its passage.

I am probably the only bloke in this place who remembers attending state school in the late 1940s. I attended the St Kilda Park state school. My father had returned from the war and was employed by the then Department of Air. Had I walked about 100 metres out the back entrance of that school I would have come across a military barracks. They were called the Albert Park military barracks, which the honourable member for Morwell probably remembers. If you could get through the barbed wire and the guards you would find an enormous military complex that was used during the Second World War.

I do not know how long that complex remained there, but it was probably until the early 1960s. When the previous coalition government endeavoured to improve Albert Park I could not believe the opposition that was thrown at it by some parts of the community and also, I regret to say, by the Labor Party because it thought that was the way to go. By that time the buildings had been removed and the area had become nothing but a rubbish dump — an untidy, filthy, derelict area. From probably 1940 until the 1960s it was a military barracks where military personnel served in large huts behind barbed wire. The barracks were there and nobody complained about them, yet when the former government tried to

improve the site all hell broke loose. Unfortunately politics came into it and the present government vehemently opposed the whole thing.

The same thing applied with Royal Park. I am probably the only bloke in this place who remembers Camp Pell, which was on both sides of the road stretching from the zoo down to Flemington Road. It consisted of military huts and accommodated migrants from all over the world. It was a hot spot of crime in Victoria. That site continued to exist into the 1960s. When it was pulled down there was no hue and cry about it. However, when there is a move to improve the area for the people of Victoria through recreation, economic development, providing jobs, et cetera, small minority groups are prepared to take whatever action they can to try to destroy the concept. Those two sites consisted of a military barracks and a camp for immigrants. Camp Pell was the pits — that is the only way to describe it! It was the crime hot spot of Melbourne.

The Labor government is trying to achieve with this bill what the coalition government did with the grand prix bill. The honourable member for Coburg mentioned the impact of drilling machines at Albert Park and how some people were not compensated. I remember being at a function with the honourable member for Wantirna and talking to a chap from the grand prix about the people who were claiming compensation for impact damage to their houses, such as cracks in the walls. Some were from as far away as Ballarat! It became a joke. People from everywhere were claiming damages from the impact.

Clause 20 provides that:

Nothing in the Planning and Environment Act 1987 or in any other planning scheme applies to the development or use of a Commonwealth Games venue ...

Clause 21 contains similar provisions affecting the Heritage Act 1995. Clause 22 relates to the Environment Effects Act 1978 and states:

The Environment Effects Act 1978 does not apply to any works carried out in a Commonwealth Games venue ...

Clause 23 relates to the Coastal Management Act, and the provisions go on and on! The Labor government has now realised to its regret that to achieve benefits for Victorians it has to introduce certain pieces of legislation to ensure that particular things happen — in this case, works for the 2006 Commonwealth Games being completed in time; and 2006 is not that far away!

Given what is happening in Greece at the moment, with people saying they will not be ready for the Olympic Games in 2004, it will be interesting to see what

happens — because we do not want that sort of embarrassment here. We have had the Melbourne Olympic Games, the Brisbane Commonwealth Games and the Sydney Olympic Games. I am certain Melbourne does not want to fall flat on its face because the legislation is not in place to ensure the games can proceed and create a wonderful impression for all the people of the commonwealth.

I express some concern at the comments made by the honourable member for Footscray, who indicated that during a grand prix demonstration he met with Brian Loughnane, currently the director of the Victorian Liberal Party. He implied that gentleman was demonstrating against the grand prix. I emphasise that the honourable member for Mornington made it clear that Mr Loughnane was on his way to work when he was accosted by the honourable member for Footscray. It is totally unfair and unjustified for him to have turned the situation around to play politics, and it is beneath the dignity of the honourable member for Footscray. I would have expected more of him.

The opposition is concerned that some of the facilities will not be ready. We are prepared to support the bill even though we are removing the rights of some people under the various acts, because it is important for the people of Victoria that the facilities are completed on time and that the games proceed and are a success, as the 1956 Melbourne Olympic Games were. Victoria should be the capital of Australia. We are the sporting capital of Australia, and we will put ourselves on the world map through our achievements in sports.

**Mr LANGDON** (Ivanhoe) — It is with great pleasure that I add to the debate. I intended to mention the great things we could do to the Melbourne Cricket Ground. As an Essendon supporter I point out that last year we saw great events at the MCG, and this Saturday hopefully we will see great events at the MCG as well. I have done that bit of advertising and wish them all the best.

I have not been in the house all day listening to the contributions, but on listening to the last two speakers and picking up the theme so far it has been of great interest that opposition members keep saying, 'You hypocrites! As an opposition you opposed our legislation on the grand prix when we were in government'. The honourable member for Knox presented at least several minutes of that type of debate. Members of the house should note, and I want to put it on the record, that the opposition does not seem able to pick up that there are fundamental differences between this legislation and the grand prix legislation.

Those differences are: the former government's grand prix legislation contained a section 85 statement which limited the Supreme Court's jurisdiction in six separate sections. In comparison the Commonwealth Games Arrangements Bill features no section 85 statement, which is a fundamental difference.

**An honourable member** interjected.

**Mr LANGDON** — This bill contains absolutely none! If it had contained a section 85 statement I am certain every opposition speaker would have harped and nagged the entire time of the debate. The grand prix legislation did not allow common-law nuisance proceedings, and there is no such provision in our bill. The grand prix legislation outlawed compensation under four sections, and there are no such provisions in our bill. The grand prix legislation exempted itself from freedom of information provisions, and there are no such provisions in this bill. The grand prix legislation was of unlimited duration. The Commonwealth Games Arrangements Bill sunsets at the end of 2006, which again is a remarkable difference.

Following criticism of the grand prix legislation the Scrutiny of Acts and Regulations Committee, chaired by the honourable member for Doncaster, then a member of the government, produced a 20-page report. Our bill has been examined and approved by the current Scrutiny of Acts and Regulations Committee. These are fundamental differences that the opposition does not appear to pick up on. Again I wish members of the opposition well in reading the bill so they pick up the differences. I commend the bill to the house.

**Mr ROWE** (Cranbourne) — It is a pleasure to support this bill. I well remember the day we got the grand prix legislation through this house, when the government benches were festooned with chequered flags and miniature Australian flags signalling the victory over the forces of darkness and gloom.

It is interesting that although this bill has bipartisan support and has benefited from the experience of the Sydney Organising Committee for the Olympic Games, which had a number of different acts of Parliament to look after the various constructions and events that were required up there, the Department of State and Regional Development, the Office of Major Projects and the Commonwealth Games committee need to be congratulated for putting it all into one piece of legislation.

Some members of the government say that this bill opens the way for public consultation and allows the involvement of community committees. It needs to be

noted that the bill provides that the minister will not be bound by committee reports but will give them full consideration prior to making orders. Obviously the minister will read committee reports, but if the committee's recommendations get in the way of a project, the project will proceed regardless of the attitude of the committee or the community to it. I am not necessarily saying that is wrong in all cases, because a program like this needs to have timetables. We have to have everything ready for 15 March 2006 — and a great event it will be!

I will put in a plug for the shooting events to be situated at the shooting complex down at Frankston. It is a great shooting complex of championship standard, although it needs a bit of money spent on it. Given that the complex itself is in a Labor electorate it may get a guernsey, unlike the lawn bowls events, which were supposed to be going to Box Hill — a Liberal electorate — but which I understand have now been taken away and put into a Labor electorate in the western suburbs. It is most regrettable that that has occurred.

We must pay tribute to the previous Premier of the state, the Honourable Jeff Kennett, and all those involved in the securing of the games for Melbourne. I also note the grudging acknowledgments of the government to that group which operated under our previous government.

I must say as parliamentary secretary to the Leader of the Opposition that the degree of openness and preparedness demonstrated by the department, the Commonwealth Games committee and Ron Walker to brief the opposition on the bill was much appreciated. We accept their undertaking that that degree of consultation and openness will remain all the way through the process and that we as an opposition will have full access to all financial information about and details of all projects that are undertaken to facilitate the staging of the Commonwealth Games.

I will finish on that note and allow the last speaker to contribute to this debate. I wish the bill well and note that this is but the first instalment of legislation and that we can expect many other amendments and additions to come through in the next year or so. I would not be surprised to see at least one section 85 statement in the not-too-distant future in relation to security matters and certain other events revolving around people taking out injunctions to stop certain projects and demolitions. I thank the house for its indulgence.

**The ACTING SPEAKER (Mr Seitz)** — Order! The honourable member for Bentleigh has an excuse.

As she has an injury, she has made arrangements to be allowed to remain seated while speaking on the bill.

**Mrs PEULICH (Bentleigh)** — Thank you very much, Mr Acting Speaker. I am not sure of the last time the provision was used, but I am glad it is available. Although my knee is well on the way to recovery it still gets a bit sore, given that it has been only four days since I had surgery. I appreciate the indulgence of the Acting Speaker and the house.

It is my great pleasure to support the Commonwealth Games Arrangements Bill, the main purpose of which is to facilitate preparations for a very important event in Victoria's sporting history — that is, the Commonwealth Games which will be held in 2006.

All Victorians are excited not only about the opportunities it will present for developing facilities, for stimulating the building and construction industry in Victoria and for creating jobs at a time when Victoria and Australia will particularly need that sort of stimulus, but also about the opportunities it will provide for fostering a sport and recreation sector which can be a provider of significant employment opportunities in Victoria. As a mother of an athlete who hopes to compete at the 2006 Commonwealth Games, let me say that I am very excited about — —

**Mr Hamilton** interjected.

**Mrs PEULICH** — Yes, perhaps there is. I am delighted that it will be held in Melbourne. It is something that my 17-year-old son and I guess a lot of other athletes are already working towards.

**Mr Hamilton** — Which sport?

**Mrs PEULICH** — He is an under-18 thrower. He throws the hammer, the discus and the shot-put. He recently came back from Hungary having represented Australia as part of a team of 26 young men and women. Despite getting ill over there and spending a number of days in bed and competing with a temperature, he came 10th in the world, and I was a very proud mother. So I am delighted — —

**Mr Hamilton** — Is he taking after his mother or his father?

**Mrs PEULICH** — There is a lot of sporting talent in the family, but unfortunately it does require ongoing training.

**Mr Kotsiras** — And father?

**Mrs PEULICH** — And father, yes, as well as brother and the like, and of course very talented cousins!

So from the point of view of being in a sporting family I can say that I am delighted that these opportunities will be available to Victorians, not only those who compete — which, of course, requires many years of preparation — but also those who volunteer many, many hours of their time. Without those volunteers many of our sporting organisations, major sporting functions and competitions would not exist.

This very important event, probably the biggest since the Olympic Games in 1956 — the year of my birth — will substantially add to Australia's and Victoria's reputations as the sporting capitals. Hopefully we will see an improvement of already excellent sporting facilities in Victoria, the development of which the former Premier, Jeff Kennett, and the coalition government made a very significant contribution towards. Although the former Premier and I had many differences, I must commend his achievements with major projects in particular.

As a member of a community that has been struck by the recent events in New York and Washington which are affecting America, I say that a lot of us are keeping our fingers crossed that this government will be able to muster up sufficient courage, foresight and commitment to exercise some leadership and to back some major projects, of which this is a very important one. The Leader of the Opposition and the Leader of the National Party sufficiently covered the hypocrisy and the backflips that have been demonstrated by the Bracks Labor government. On numerous and repeated occasions honourable members heard about the evils of the grand prix and of Ron Walker, Jeff Kennett and the former government in relation to the running of the Australian grand prix.

I was floored recently when I heard the government indicate that the Australian grand prix is the best thing since sliced bread. Recently I saw in the front of the grand prix catalogue a message from the Premier commending the event. I think a lot of people saw through that hypocrisy. It has not gone unnoticed that on both occasions when the Premier has attended the grand prix the crowd has not been convinced and has recognised that duplicity. I was delighted to see a few thousand people boo the Premier for the hypocrisy he has demonstrated.

**Ms Davies** interjected.

**Mrs PEULICH** — The de facto Labor member for Gippsland, who will not be there for long, is again coming to the defence of the Labor government. The honourable member cannot resist — —

**The ACTING SPEAKER (Mr Seitz)** — Order! The honourable member for Bentleigh should use the correct titles when referring to other honourable members.

**Mrs PEULICH** — It did slip my mind which part of the Gippsland electorate the honourable member represents. Perhaps that is a faux pas, but it is something I would probably want to obliterate from my mind.

Although the opposition supports the legislation it is concerned to some extent about why it was not introduced earlier. I know the construction of some of the major projects should have begun, and the tendering process for the sporting village is causing some concern. It will be interesting to see how that is handled, because it is much easier to build a sporting village on a greenfield site such as Parkville than it is to build it over a railway line. We will all monitor closely how the government delivers on this important challenge. Let us hope Victorians do not end up paying for the mistakes of the government in terms of its ability to deliver on its agenda.

The legislation is reminiscent of the Australian Grand Prix Act, but many people would contend it makes rights, freedoms and obligations dependent on insufficiently defined administrative powers, and that it makes these rights, freedoms and obligations dependent on non-renewable administrative decisions of the minister of the day. However, we heard that when we were in government. The Labor government is responsible for delivering legislation that is worse in many regards, and although I look forward to seeing the progress and staging of a successful event, I am amazed by the level of hypocrisy being demonstrated and the backflips by the government in terms of the rhetoric and vitriol surrounding the legislation. With those few words I look forward to being part of the Commonwealth Games, at least as a spectator, if nothing else.

**Mr DELAHUNTY (Wimmera)** — I rise to speak on the Commonwealth Games Arrangements Bill. I note that the main purpose of the bill is to facilitate the preparations for the Commonwealth Games to be held in Melbourne in 2006. There is widespread bipartisan support for the holding of the games. I again refer to the purpose of the bill, which is that the games be held in Melbourne. I hope the government thinks of the rest of

Victoria. Even though the majority of honourable members live in Melbourne the reality is that people right across Victoria are pleased to see the games proceed. I hope they have the opportunity to see a number of the elite athletes from around the world coming to their areas, whether for training programs or events.

The National Party is not opposing the legislation, although it has some concerns. The main purpose of the bill is to provide broad powers to the government to enable the Commonwealth Games to proceed. As I said earlier, there is bipartisan support for that to happen. Victoria has been the capital of sporting events across Australia for a long time, but we now have a lot of competition. We know that we held the 1956 Olympics Games, which gained widespread support. I was very young at that stage so I did not get the opportunity to view the games, but we have seen how well Queensland ran the Commonwealth Games and how successful Sydney was in holding the Olympic Games last year.

Australian visitors and other spectators at the games showed amazing sportsmanship. It was a highlight for me to be able to go up there for a couple of days and see the sportsmanship that was shown not only to Australian athletes but, importantly, to the international athletes.

I congratulate the Sydney Organising Committee for the Olympic Games (SOCOG) on its management of the logistics involved in running the games. The transport was amazing, from landing at the airport to catching trains and buses. The Olympic Games ticket got you onto everything. In this the International Year of Volunteers there has been talk about the work volunteers did at the Olympic Games, which was outstanding. The volunteers need to be complimented again and again, and we must say those big words — 'Thank you'.

I want to give a rap to young Lauren Hewitt, who ran for Australia at the Olympics. No doubt by 2006 she will be at her peak and will be one of Australia's leading runners. By then she will be among those who will take over from the Cathy Freemans of the world.

The main focus of the bill is the construction of Commonwealth Games facilities. Amendments to the bill will be necessary with the passage of time to make sure that other issues are addressed. However, we can talk about the great facilities in Victoria that have been built up over time. Major tennis events are held at the Rod Laver Arena, and we have excellent facilities along the river. The Melbourne Cricket Ground is renowned

around the world. Facilities have been built outside Melbourne, on which I compliment the previous government, particularly in the electorate of Benalla. I hope some of those excellent facilities can be used in the games. We have seen the great facilities that were built in Sydney, so we have something to model our facilities on.

**An honourable member** interjected.

**Mr DELAHUNTY** — Everyone wants to call it Pat's Track, and we do have Jeff's Shed! At the end of the day the rowing course is an excellent facility in country Victoria. It is important to make sure that the government lives up to its promises and gives some of those events to country Victoria.

It is interesting to read through the legislation. I note that the bill will completely override a raft of legislation which otherwise would apply, such as the Crown Lands Reserves Act 1978, the Planning and Environment Act 1987, the Coastal Management Act 1995, the Environment Effects Act 1978, the Land Act 1958 and the Heritage Act 1995. The bill overrides all those acts, yet there is not one section 85 statement. I am learning a little bit more every day I am in this place, but my big worry is — and colleagues of mine have spoken about it — that we were advised in meetings with the Department of Infrastructure that these games must proceed and that that is not negotiable. However, I think the door has been left a bit open, so I hope the government can control it. Its record in this area has not been good, and I wish it all the best not only for the sake of Victorian taxpayers but also to ensure that the event proceeds.

The interesting point is that we do not know at what price the games will proceed. I have not seen a budget for the running of the games — unlike Sydney, which had documents prepared. At what price will Victoria have the games? We desperately want them, and we desperately want to make sure they succeed, but the SOCOG people in Sydney had a budget to work to and plans were already agreed to when they put in the bid, which we have already done. The door is open with regard to the budget and where the money will come from.

I want to make sure that the money is not spent only in Melbourne. I know the Horsham Rural City Council is coming to see the Minister for Sport and Recreation about the proposed Horsham leisure centre. I want to make sure there is money there for that facility. Also the Shire of Yarriambiack has nine pools in the municipality, and I want to make sure a few dollars are

left for those facilities to be upgraded to meet the current standard in Victoria.

I want to highlight some issues relating to Stawell.

**An honourable member** interjected.

**Mr DELAHUNTY** — I know the government is not too keen on the Stawell goldmines, but there is a goldmine there called Pleasant Creek. I know the Northern Grampians Shire Council is doing a lot of work and is looking to upgrade facilities on the Western Highway. I will return to that point in my contribution.

The bill will establish a hierarchical system comprising the minister at the top and commonwealth games advisory committees, which may be established by the minister. The emphasis of the committees will be on the development of facilities. All the advisory committees will report back to the minister, so at the end of the day when they run into problems they go back to him. It will be a very convoluted system. I hope the Commonwealth Games can proceed without getting bogged down in bureaucracy.

We were told that the legislation is similar to the legislation for the Sydney Olympic Games process, but that is not true. That point has been highlighted by the Leader of the National Party, so I will not go through it in detail.

**Mr Hamilton** — You haven't got time!

**Mr DELAHUNTY** — You want to bet? I've got another 13 minutes, but I will not use all of that time.

I highlight two other points. The legislation provides additional broad powers for temporary road closures, which will be necessary during marathon races, bike races, walking events and so on. I hope Victorians will work with the government in this regard to make sure that these events will not be held up on the day by people who want to cause disruption to run their particular points. We want to ensure the games proceed well in Victoria.

It is important that we have some country activities. Earlier I spoke about Stawell. I know the Northern Grampians Shire Council is working to develop the former Pleasant Creek Training Centre, and the government, through the Treasurer's office, is also working to facilitate that. The China Olympic Games will be held in 2008. The organisers from China were pleased with the way the Olympic Games were held in Sydney, and no doubt they will be pleased with what will happen in Victoria in 2006. There is a great opportunity for the people from China to come here on

training camps to learn from what we are doing in Victoria and Australia for the 2006 Commonwealth Games. We want to see events such as bike riding and rowing held as complete events in country Victoria. We want to see an encouragement to stage training camps in country areas in the lead-up to the games.

The Australian Football League Grand Final will be staged next Saturday. I hope that later tonight I will be able to attend an Essendon Football Club past players dinner. I am sure the dinner will be well finished by the time I arrive, but the past players meet every Wednesday before a grand final. I will be there to kick a few goals for the Bombers tonight!

**Mr McArthur** interjected.

**Mr DELAHUNTY** — I wish I could kick drop kicks off the left foot from outside the 50-metre mark at this stage of my career! I wish the Bombers all the best for Saturday. I know they have a few injury worries and that a lot of Victorians are doing the un-Victorian thing and barracking for the Brisbane team. I say, 'You're not a Victorian if you barrack for an un-Victorian side'. So, go Bombers for Saturday!

**Mr HAMILTON** (Minister for Agriculture) — I do not have a count of the number, but a large number of honourable members contributed to debate on the Commonwealth Games Arrangements Bill. I thank the Liberal and National parties for their support of the bill.

The most significant comment that I heard run through many of the speeches was that this will be an important event. Given the events in the world in the past couple of weeks, the Commonwealth Games is an opportunity to show togetherness, a friendly, positive and uniting games for peoples from all over the world who are members of the commonwealth of nations.

I was interested in the great credit given to the government for its gymnastic dexterity, which was mentioned a number of times through the debate. When I think back to a few years ago I realise that things become quite different when one changes sides of the house. It would be most remiss of me to recall that the opposition and the National Party at many times say, 'You should not be thinking back to the previous government', yet there were lots of reflections about the previous government. I want that fact to be noted on the record so that when other references are made to the previous government, this debate shall be remembered. However, there has been a good spirit in the debate and I appreciate the contributions of each honourable member. I am sure that the Premier, who has the carriage of the bill in this house, will also be most

appreciative of the comments made by all honourable members.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**FUNDRAISING APPEALS (AMENDMENT)  
BILL**

*Introduction and first reading*

**Received from Council.**

**Read first time for Mr HAERMEYER (Minister for Police and Emergency Services) on motion of Mr Hamilton.**

**ESSENTIAL SERVICES COMMISSION  
BILL**

*Second reading*

**Debate resumed from 23 August; motion of Mr BRUMBY (Treasurer).**

**Mr McARTHUR (Monbulk)** — It is a pleasure to contribute to debate on the Essential Services Commission Bill. The government in its propaganda has dressed up this bill as the fulfilment of an election promise to introduce legislation to create an Essential Services Commissioner and to give the commissioner the power to guarantee the provision of essential services such as utilities, power gas and water.

The legislation will create an Essential Services Commissioner, but the commissioner will not have the power to guarantee the security of supply of utilities or those essential services and goods which are declared essential under the act. That is par for the course with this government. It has made many election promises and has failed to deliver on most. I am sure we will see much more of that as time goes on. The people of Victoria are getting heartily sick of the government's half-delivered promises and the lack of action.

I shall restrict my comments on this legislation to a couple of provisions which amend other acts which fall within my portfolio areas. In doing so I turn to some of the powers of the new Essential Services Commissioner. In essence this is the Office of the Regulator-General by another name. The Essential

Services Commissioner will not be much more than a pumped-up Regulator-General.

Clause 10 of the bill outlines the functions of the commissioner, which are, among other things, to conduct inquiries, to set prices within regulated industries and to set standards of performance for delivery within those regulated industries.

However, I would particularly like to draw the attention of members to clause 10(f). This clause is entirely new. The explanatory memorandum states that clause 10:

sets out the general functions of the commission. The clause is similar to but broader than section 8 of the Office of the Regulator-General Act and includes amongst other things, general references to reliability and a new paragraph (f) relating to the conducting of public education programs.

That is a novel new clause. This new clause will allow the Essential Services Commissioner to go out there and run a propaganda campaign to tell people how well off they are for being charged more. That is a nice way for this government to fund government-sponsored or government-required advertising without paying for it out of general revenue and without being responsible to the Parliament for doing it, because the Essential Services Commissioner will not answer to a minister. The commissioner will be strongly independent of the minister, and I will get to that a little later. The Essential Services Commissioner will be chosen by the government, so I am sure he will be a very compliant and cooperative person — independent, of course, but compliant and cooperative, and perhaps he may just be persuaded to run a public education program promoting government policies.

**Mr Lenders** — The Regulator-General was an Alan Stockdale appointee.

**Mr McARTHUR** — I will take up the interjection from the honourable member for Dandenong North about the Regulator-General being an Alan Stockdale appointee — yes, he was, but he never had the power to run a public education program and to charge those industries that he regulated for the benefit of that public education program. This is an entirely novel and Goebbels-like concept brought in by the Labor Party.

This Essential Services Commissioner will be able to go out and tell people in rural Victoria how lucky and well off they are when water prices increase and what a marvellous thing it is for them. This Essential Services Commissioner will be able to go out to the grain growers of Victoria and tell them how well off they are and how wonderful it is that their grain freight charges have been increased. Not only that, but the Essential Services Commissioner will charge the water

authorities for telling their customers how wonderful it is that their prices have increased.

Guess who will pay the bill for that? The customer of the water authority. Mr and Mrs Smith who live in Timboon will get a bill from their water authority which includes a surcharge to pay the cost of the Essential Services Commissioner telling them how well off they are because their prices have gone up. Ain't that a novel concept? Won't that go down well in the community? I think it is an extraordinary act of political opportunism and a cynical use of the Parliament. Nevertheless the government wants it and we shall see how it works. However, I am sure that a future government might well want to review something like that.

I turn now to the amendments the bill makes to the Water Industry Act and the Grain Handling and Storage Act. The amendments to the Water Industry Act are found in part 14, clauses 91 and 92 of the bill. Clause 91 is essentially a series of consequential amendments which simply change names and references from the Regulator-General or the Office of the Regulator-General Act to the commission and the Essential Services Commission Act. Those amendments are uncontentious and necessary.

However, clause 92 is somewhat more noteworthy. In essence section 12 of the Water Industry Act deals with the capacity to charge a licence fee. It provides that the Essential Services Commissioner, previously the Regulator-General, has the capacity to charge a licence fee to those businesses or organisations licensed through the Office of the Regulator-General under the act. That licence charge was set to cover the cost of regulation. The bill provides for a licence surcharge through clause 92, which inserts proposed section 12A into the act. Not only will the Essential Services Commissioner be able to charge a licence fee, but he or she will be able to add a surcharge to that licence fee. The reasons for the surcharge are not explained at all. It is simply there as a power for the Essential Services Commissioner. The criteria for such a surcharge are also not explained in the legislation. It is an unfettered power.

The new Essential Services Commissioner, when appointed, will be able to go around the state levying a surcharge on the licence fees of the water authorities. There are two things to take into account here. Firstly, under the previous government the Office of the Regulator-General only had power over metropolitan water corporations, and there was a reason for that. The metropolitan water corporations are publicly owned incorporated bodies. They act as companies and each

has a company structure and a company board. While they are government owned and will remain government owned, they act in effect as private corporations. It was therefore deemed reasonable that they should be appropriately regulated by an independent regulatory body.

The bill intends to extend that regulatory power to the rural water authorities, both the non-urban water authorities and the rural authorities that supply irrigation water. Those authorities are completely different from the water corporations that operate in the metropolitan area — that is, South East Water Ltd, Yarra Valley Water Ltd, City West Water Ltd and Melbourne Water Corporation. Those are authorities under the Water Act 1989 which report directly to and are responsible to the minister responsible for water — in other words, to the Minister for Environment and Conservation. Under the current legislation those authorities must supply a business plan to the minister and have it approved, and their pricing variations are approved by the minister. The bill will remove that authority from the minister and place it instead in the hands of the Essential Services Commissioner.

For the first time we will have the prospect of a publicly owned authority having its pricing and quality arrangements determined by the Essential Services Commissioner and the removal from the minister of any responsibility in that area. We have the prospect in the future of large rises in water prices in country towns, in places like Maryborough in the electorate of the honourable member for Ripon, in places like Benalla and Porepunkah, and in other places far and wide across Victoria. Those rates could go up substantially, and the minister will be able to say, 'It is not my fault, this was done by the Essential Services Commissioner and he or she is independent'. That will allow the minister to wash her hands of large price rises which are likely to occur within a few short years in rural water authorities under this proposal.

The second issue that needs to be mentioned is that rural authorities are very nervous about the bill. They are publicly saying very little because they have been cowed into silence by the minister's officers — members of her personal office. Privately, however, they are saying they are very, very nervous about it. They are apprehensive about the pricing regime to be instituted by the Essential Services Commissioner. They are worried that it will be a one-size-fits-all price regime which will not take into account regional and local differences and the infrastructure issues those water authorities face.

That is something that the government should be well aware of and should deal with fairly quickly because it has the capacity between now and when this power comes into force to make sure that the Essential Services Commissioner will recognise regional variations and needs in relation to this matter.

I turn now to the Grain Handling and Storage Act amendments. They are a substantial set of amendments from clauses 83 to 85. The Office of the Regulator-General had the capacity to regulate prices in the grain handling area after the privatisation of the Grain Elevators Board of Victoria and the establishment of Graincorp. This was done because what was previously a government monopoly was converted into essentially a private monopoly and it was thought, for good reason, that those prices should be overseen by the Regulator-General.

We now have a completely different circumstance. The Essential Services Commissioner will take over those powers and will have some enhanced powers. The new circumstance is that Graincorp is no longer a monopoly. There are now a substantial number of significant players in grain handling and export across the state. I point out to the house that Globex, which started only about 11 or 12 months ago, is now a major player. It moved 1 million tonnes and increased its handling of grain to over 1 million tonnes in a period of 11 months. It is likely to continue to grow.

Graincorp itself handles only 2 million to 2.8 million or so tonnes a year, so already Globex is a serious competitor in this market. We now have the prospect that Graincorp will be regulated by a government agency, but Globex will not. You have one regulated private company competing in the market against another totally unregulated private company, and the potential for other entrants into the system.

The government has operated on the understanding, belief or protestation that the Victorian Farmers Federation (VFF) supports this legislation and is prepared to agree to an increase in charges. That is entirely wrong. I have spoken to senior officers in the grains group of the VFF in recent days, and as late as tonight. They do not support a proposal to increase Graincorp's charges. They do not support a rate increase at all. They are strenuously opposed to that. The government may protest about this, but it is wrong. The VFF does not support this issue.

The government has a serious credibility problem here. It needs to make up its mind whether it is going to regulate all of the private grain handling industry or just a part of it. If you are going to regulate one part of it, it

does beg the question why you do not regulate the lot. I am not by nature a regulator. I would deregulate those areas. There is no longer the argument that it is a serious private monopoly.

There are increasing levels of competition in grain handling, so the argument for regulating the private monopoly has evaporated. The government needs to take this into account and to consult more closely with the industry about the impact of these changes and about the licence fee increases that may occur and the impact that would have on the viability of Graincorp, which has a substantial number of shareholders among the grain growers of Victoria — some thousands of shareholders across the grain industry in Victoria. A regulation system which impacted on the viability of Graincorp would produce significant consequences to those shareholders. The government needs to take that into account and consider it very carefully before it acts. I suggest that it come back.

There are a couple of other issues that I believe need examination. There are some odd numbering arrangements in this bill that perhaps the Clerks or the minister might have a look at before the bill proceeds to the other place. I am happy to talk about those issues privately. There seem to be some very odd arrangements. Nevertheless, this is a suck-it-and-see exercise. We will see how this legislation goes. I am apprehensive about it. I think it has some flaws, and I think we should reserve the right to revisit it at a later stage if that proves necessary.

**Mr LONEY** (Geelong North) — I am pleased to enter the debate on the Essential Services Commission Bill, which, as the honourable member for Monbulk said, is delivering on another government commitment. We are running at 100 per cent now, and I thank the honourable member for the confirmation.

I shall respond to a few issues the honourable member for Monbulk raised in his contribution to the debate. However, I do not wish to deal with them at any great length because his contribution was akin to a work of fiction, and dealing with everything he raised would probably take longer than the 20 minutes available to me. However, I shall take up a few issues.

I refer particularly to the honourable member's comments about the Essential Services Commissioner and his view that the commissioner will just do the government's bidding as part of some form of education campaign. I point out that the Essential Services Commissioner will be Dr John Tamblyn, who is the current Regulator-General and in whom this government has confidence, even if the honourable

member for Monbulk does not. Obviously he must have raised his lack of confidence in Dr Tamblyn in the party room when the former Treasurer, the Honourable Alan Stockdale, was suggesting his appointment as Regulator-General. I believe Dr Tamblyn is an excellent appointment who will carry out his role with integrity. It was a very unfair for the honourable member for Monbulk to reflect on Dr Tamblyn in this way.

The honourable member had a considerable problem with the notion that the Essential Services Commissioner might indulge in public education. Suffice it to say that I can understand that concern coming from the opposition, because it has a philosophical problem with public education in all its forms. We saw that throughout the term of the last government, with the sacking of 8000 teachers. The honourable member for Monbulk emphasised that again tonight.

It is also interesting that out of all the 88 members of this place only the honourable member for Monbulk actually objected to allowing the Essential Services Commission to inform people of pricing structures, their rights, the complaint mechanisms available to them et cetera. Why on earth would you object to the Essential Services Commission having the power to inform people about what is going on? It seems somewhat bizarre.

I might also add that the honourable member for Monbulk got a couple of other things just plain wrong. When he was talking about the cost of this proposal being applied to rural water authorities, he was just plain wrong. In fact the legislation refers only to the three metropolitan water authorities, and that is certainly made very clear in the amendments. I do not know whether the honourable member has read them, but if he has he certainly has not understood them. This represents a transfer of the current Stockdale provisions in relation to grain handling.

As I said, if I wanted to talk about all that was said in the work of fiction of the honourable member for Monbulk, it would take me a very long time indeed. Instead I will talk about some of the features of the bill.

The bill flows directly from the previous government's failures, particularly in the energy area. It flows directly from the fact that a flawed model was established based on achieving high sale prices, with no regard at all to the public interest in the setting up of that model. As the previous government established it, the Office of the Regulator-General was essentially a competition and access regulator. It did not have, and the previous

government did not envisage that it would have, a role to play in protecting the public interest in those areas.

That is the clear difference between this government and the previous government. The legislation clearly reflects that difference. I suggest even the name of the office reflects that difference. The change from the Office of the Regulator-General to the Essential Services Commission underlines the view of this government about those services. They are essential services for people across the state and should be considered in that way by this house.

Unfortunately the previous government took a different approach and did not consider those aspects of the services to be important. It certainly did not consider the public interest to be important in what it was doing, nor did it consider consumer interest to be all that important in what it was doing. This bill, particularly the provisions to do with consumer advocacy, goes some way to addressing those public interest issues that I believe are highly important when talking about essential services.

The bill expands the role of the commission to cover all those areas that formerly fell under the broad title of public utilities, with the exception of public transport, which pertain to the actions of the previous government. It recognises that because the privatisations that have taken place in recent years under the previous government have changed the way in which services have been delivered, and because a far more commercially oriented approach is now taken within other government business enterprises, an independent body such as an Essential Services Commission is required not simply to regulate competition and access, as the previous government held was necessary, but also to act in the public interest.

It is good and worthwhile legislation that is necessary in this state. I welcome it because it changes the direction of these things. It says that this government is about protecting the interests of all Victorians, about looking after their interests and about having a properly independent arbiter in Dr John Tamblyn, who can act not only behalf of competition arrangements but also in the broad public interest, and who is also within the legislation committed to addressing the concerns of consumers. It is a good piece of legislation and one that I certainly welcome.

**Mr RYAN** (Leader of the National Party) — My contribution will be brief, because I understand others want to speak. Again it is wonderful to see the remarkable switch taken by the former opposition, now in government, on privatisation issues — the fact of its

embracing the benefits that have occurred arising from that program. I am delighted to see that further change from the view that was expressed years ago. Some of the newer members of the current government who were not here in days of yore would, I think, pale if they heard the former contributions of some of their now colleagues. The Minister for Agriculture was decent enough to recognise that fact tonight during his brief summary of the debate on the previous bill.

That aspect of the legislation which deals with water will cause difficulty for the government in the future. I refer particularly to the second-reading speech when it deals with the regulation of the water industry from January 2003. The National Party does not believe that rural water should come within the purview of this legislation. There is an argument that the non-metropolitan urban authorities come within the purview of the national competition policy, and we will have that discussion in due course, but let nobody be misled by the fact that this piece of legislation does not specifically touch upon those areas.

The second-reading speech makes it very clear that the government's intention is ultimately to regulate the totality of the water industry per se. We believe that the rural water sector should be deleted from any such considerations and we will mount the arguments on behalf of our constituencies as and when the time comes. The practical fact is that the operation of the water services committees is recognised by the National Competition Council as having fulfilled the role that otherwise goes with national competition policy in this area. There is no need to make the change that is contemplated by the government to the extent that change is intended to occur, and we will resist any such change inasmuch as it impacts on the rural water authorities.

Thirdly, and finally, insofar as the exclusion of the rail regime from the operation of this legislation is concerned, an outstanding issue of great significance must be resolved by the government. The ongoing and unseemly dispute between the current government and Freight Australia is about the import of the agreement struck with Freight Australia by the previous government and concerns the purchase of interests in the rail network. Freight Australia's view is that it paid \$163 million and assumed liabilities of about \$28 million. It understood that there would be a third-party access regime that it regarded as reasonable.

I understand and recognise that such an understanding is in the eye of the beholder. Nevertheless, the concern of Freight Australia is that this government, upon assuming office, has disowned any such understanding

and Freight Australia is now left facing the pronounced orders concerning third-party access. Those orders are distinctly disadvantageous to Freight Australia, which has now gone to the National Competition Council to try to get the appropriate orders made on the regulation of the rail regime. If that occurs one would hope that the Victorian government will recognise that it is appropriate to bring Freight Australia within the ambit of this legislation and to have the Essential Services Commissioner's powers apply directly to Freight Australia's interests.

That is an outstanding issue because, unless it is resolved, Freight Australia will simply not make the further required investment. Furthermore, the government is faced with the reality that, with the 45-year lease in place, it says it intends to expend \$810 million, including \$550 million of public money, on an asset that it will be forced to hand back to Freight Australia. It has some problems to contend with and those issues need to be resolved as soon as that feasibly can be done. That needs to happen in the interests of Victoria, and of country Victorians in particular.

**Ms DAVIES** (Gippsland West) — I am pleased to speak on the Essential Services Commission Bill. The bill establishes the Essential Services Commission from 1 January 2002. It replaces and builds on the Office of the Regulator-General, which was established after the privatisation of the public utilities by the previous government. From 2002 the Essential Services Commission will regulate mains gas and power, ports, grain handling and rail freight access. From 2003 it proposes to regulate water and sewerage.

Part 3 of the bill specifies the powers of the Essential Services Commission to regulate prices within these industries. Clause 33(3) states:

In making a determination under this section, the Commission must have regard to —

- (a) the particular circumstances of the ... industry ...
- (b) the costs of making, producing ... the goods or services;
- (c) the cost of complying with relevant ... legislation ...
- (d) the return on assets in the regulated industry;
- (e) any relevant interstate ... benchmarks ...

The commission can include in its determinations fixing prices, fixing the average rate of increase or decrease of prices and fixing maximum average revenues. It can exercise power over standards of supply, licensing and market conduct.

The Essential Services Commission has a broad range of responsibilities. It has the means to explore issues

related to those essential services and to enforce its rulings. It is essential that this body exists. The privatised market must be regulated. The market on its own does not guarantee supply, affordability or the quality of service, so with the rest of the house I support the bill.

I listened to the contribution of the Deputy Leader of the Opposition and note her objection to the process by which the legislation was introduced. The sorts of criticism she offered were fairly consistent with criticisms she and other opposition members have offered regarding the consultation processes used by the government.

The bill has been through a public consultation paper that was put out in 2000, a proposal paper and an exposure draft earlier this year. Clause 66 contains a proposal that the minister must ensure that a review of the act is completed within five years of its commencement. Other reviews are entailed in the legislation of other aspects of grain handling and water regulations further down the track. Unlike the Deputy Leader of the Opposition, I support that consultation process. There is a balance between delay for consultation and delay that goes too far but they are basically different ends of the same string and I prefer the careful approach.

Item 1.7 of the Independents' charter asks the government to guarantee that it will consult with interested parties within the community before developing new legislation. Obviously one needs to be sensible. Not all legislation needs that sort of consultation, but this government has been doing it on controversial legislation.

I wish the house to note my concerns over various assumptions contained in the Essential Services Commission legislation. The assumptions I would dispute are included in the second-reading speech which states on page 221 of *Hansard* that the commission's primary objective is:

... to protect the long-term interests of Victorian consumers ... In emphasising long-term interests, the government recognises that the interests of all present and future consumers are best served through regulatory arrangements that promote an optimal environment for investment ...

'Investment' can be translated into 'profit'. Further down, the speech talks about facilitating objectives and refers to an objective being to facilitate an incentive for investment. Again that translates into an assumption that there will be competition and that when there is competition somehow consumers will benefit.

There is an ongoing assumption that the market will provide competition, that that competition will be profitable and somehow consumers will benefit from that. I wish the house to note that there is no competition for electricity markets in rural areas. There will be no competition. Because of the break-up of electricity supply and distribution, and because the Essential Services Commission will have to take into account the costs of supplying power into particular areas, it is highly likely, and highly undesirable, that the outcome will be higher power prices in some rural areas than in urban areas. That will be a permanent negative feature of life in the privatised power and gas industry. I do not believe the Essential Services Commission will be able to stop that. The legislation assumes the value of competition in a world where competition does not always exist, and it will not exist in rural areas. I see that as a problem.

Another major disappointment for my community and others like it is that bottled gas will not be included under the terms of reference of the Essential Services Commission, despite the fact that bottled gas is an essential service in exactly the same way as water and electricity. I have raised this issue consistently with the government for some time and have had no satisfactory response. Nor have I been given a satisfactory alternative solution. There is no mains gas yet into Bass Coast, South Gippsland or other areas and, as I said before, gas is very much an essential service in the same way as water and electricity.

The so-called competitive market has failed to deliver just and affordable pricing for bottled gas. Bottled gas is inferior to mains gas, and the cost of it is now up to \$78 a bottle in my area. There is no competition; there is no logic or justice in the pricing of bottled gas in my area; and the government has not solved that problem.

The government also talks of the necessity to prove market viability before we get mains gas into our area. I note the Independents charter again where it states:

We do not expect infrastructure improvements to be based on the profit potential, or opportunities for cost recovery of the provider, but want government to provide evidence that it accepts its basic responsibility to provide such infrastructure.

I note that both potential governments fell short of a complete commitment to that statement within the charter, but this government pledged to put people first and to place public interest before economic policies which do not work. This is more general wording than the wording in our charter.

The jury will be out for some time on this aspect of the government's commitment to our charter. If Victoria

reaches the stage where domestic and business customers pay more for essential services in rural areas, then the jury will return a negative verdict. If our communities cannot access natural gas because the market is ruling, then also the jury will return a negative verdict. The Essential Services Commission rationale for price increases will not avoid that judgment.

I ask the government to address the need for further market regulation of the price of bottled gas and further measures to ensure the availability of natural gas. I would like a concrete demonstration of its ability and willingness to pursue these current inequities, which this legislation does not address. The Treasurer is charged with the responsibility for ensuring sound financial management, and I understand that that is a tension with this desire. However, it is an issue of justice that we are looking at here.

I welcome the parts of the bill which set up the Consumer Utilities Advocacy Centre. It is an important additional mechanism for ordinary citizens to ensure that their needs are heard and that advocacy takes place. It is an important mechanism for balancing the voices of large companies compared to those of less powerful individuals.

I also note the proposed inclusion of the water industry under the Essential Services Commission legislation that is to come into effect in 2003. Again I express some reservations about the terms and assumptions Treasury still operates under in referring to water businesses and returns on assets. It is much more appropriate to discuss issues such as water provision in terms of essential public services. Unlike the National Party, I do not believe that all is and has been hunky-dory in the management of water authorities. I am prepared to explore the possibilities when the water regulations are further discussed in the coming year. I have reservations about their inclusion for reasons possibly different from those the National Party has expressed.

I welcome the additional processes, transparency and regulation of essential services detailed in the bill. However, I ask the government to note those reservations and act to provide solutions to problems which still exist in and around Gippsland West — and in or around the new seat of Bass.

**Mr HONEYWOOD** (Warrandyte) — In my brief contribution on the Essential Services Commission Bill I will restrict my comments to clause 10(f), which says that one of the functions of the commission will be, and I quote:

(f) to conduct public education programs —

- (i) for the purpose of promoting its objectives under this Act and the relevant legislation; and
- (ii) in relation to significant changes in the regulation of a regulated industry;

Some of us have been here for enough time to know the dangers of a clause that gives a government party *carte blanche* to spend money on so-called education campaigns. We only have to look to the Cain–Kirner government to see how the State Electricity Commission, the Gas and Fuel Corporation, the Urban Land Authority and the Melbourne Water corporation were used and abused to pay for party-political propaganda exercises similar to that which could eventuate from clause 10(f).

There were bubbling brooks on TV, clean green messages and ‘Don’t be a Wally with water’ advertisements. There were any number of so-called public education campaigns, all designed to get the Cain government re-elected and the Kirner government to minimise its justifiable losses following the 1992 election. Given the government’s current propensity to spend incredible amounts — millions of dollars of taxpayers’ money — on, for example, the *Parent Link* magazine that goes out to every schoolchild’s parent four times a year full of party-political propaganda from the Minister for Education on education issues — we cannot afford to give the government an open cheque book for political advertising purposes under the guise of an Essential Services Commission Bill.

I put to you, Mr Acting Speaker, that this clause should be carefully monitored while the bill is between houses to ensure we do not provide the Bracks Labor government with an underpinning through legislation for party-political propaganda paid for by the Victorian taxpayer.

**Mr INGRAM** (Gippsland East) — I rise to speak on the Essential Services Commission Bill. I note from the minister’s second-reading speech that the aim of these reforms is to protect the interests of all consumers in relation to the reliable supplies of gas, water and electricity, and that in protecting the interests of all present and future consumers the government recognises that the new regulatory arrangements must ensure optimal investment in essential services infrastructure. I also note that a well-planned, competitive, efficiently managed and regulated essential services sector —

**Debate interrupted pursuant to sessional orders.**

**The ACTING SPEAKER** (Mr Phillips) — Order! Pursuant to sessional orders the time has come to

interrupt the business of the house. The honourable member for Gippsland East will have the call when the bill is next before the house.

### ADJOURNMENT

**The ACTING SPEAKER (Mr Phillips)** — Order! The question is that the house do now adjourn.

#### Workcover: premiums

**Mrs SHARDEY (Caulfield)** — I ask the Minister for Workcover to take action in relation to a Workcover issue affecting a company in my electorate called Square One Laboratories Pty Ltd, and the managing director of that company, Motti Grinberg. Square One Laboratories is a small company specialising in the contract design and development of custom electronics, firmware and software, and the design and manufacture of small quantities of highly sophisticated agricultural automation products. This company employs five full-time employees, mostly graduate electronics and software engineers.

In the past few years Square One has paid increasing Workcover premiums due to increasing payroll expenses. However, although the rate charged essentially stayed the same until the year 1999–2000, in the years 2000–01 and 2001–02 it suddenly soared by 33 per cent for no apparent reason. There had been no Workcover claims made by this company. Square One complained to GIO, its Workcover agent, that the 3.95 per cent industry rate was a 46 per cent increase from the previous year. GIO investigated the situation and found that the company had been incorrectly classified and should be reclassified down to a 0.4 per cent rate from July 2001. This new rate is approximately eight times lower than the previous rate.

However, the letter Square One received claimed that:

... the premium payable for the policy period will be recalculated based on this amendment to our classification. A revised premium notice will be issued.

Surprisingly the new premium was an identical amount and not an amount eight times lower to reflect the new industry rate. Upon querying GIO my constituent was told that the premium was staying the same because of the new policy of premium stability, as detailed in the Workcover press release of 24 May 2001.

My constituent has asked that Square One's Workcover premium for 2001–02 be reduced in line with its new industry classification, that there be a correction to its classification from last year going back to 1996 and that

it be refunded the overcharged amounts, including interest. Finally — —

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

#### Burnley Harbour urban park

**Mr WYNNE (Richmond)** — I ask the Minister for Environment and Conservation if she is in a position to comment on the work that has been undertaken by the committee I had the pleasure of working on called the McConchie Reserve working party.

The McConchie Reserve, as honourable members familiar with the area of South Burnley would know, abuts the Monash Freeway and the Yarra River. There is parkland called McConchie Reserve and a quarry which abuts it. The quarry site includes a deep hole, which has been used for many years for placing spill from river dredging during the development of the City Link. River dredging material was also placed in the quarry. The aim of the project is to create a tidal wetlands riverside park to complement the Herring Island Sculpture Park, which is virtually opposite.

The working party, which I indicated I had the pleasure of chairing, included the Friends of McConchie Reserve — and I particularly want to acknowledge the outstanding work of local resident activists Christine Kozlovski and Paul Ellis, who have worked tirelessly for a number of years seeking further reparation of this area so it can be brought back for community benefit — the City of Yarra, Parks Victoria, the Melbourne City Link Authority, Transurban, SPI Powernet Pty Ltd and the Murphy Design Group.

The project is exciting, well-designed and an excellent example of inter-agency consultation and cooperation. The final concept plans have been prepared by the committee, and it is now at a point where it is seeking action from the minister in her area of responsibility as the minister responsible for parks.

The quarry site will be a sensational site if we have the opportunity to implement the proposals currently being prepared by the working party. Obviously further consultation will be required, but I seek action by the minister in providing us with a view. This is an exciting opportunity. We are bereft of open space in South Burnley, and I very much look forward to the minister's response to this request.

#### Housing: Goulburn Valley

**Mr KILGOUR (Shepparton)** — The matter I raise for the Minister for Housing involves a crisis in the

housing situation in not only my electorate of Shepparton but in the Goulburn Valley as a whole. At this stage we have a crisis due to the fact that people cannot get houses to rent, particularly at the lower end of the market. No emergency housing is available at all. It is very difficult for people to even rent caravans, and at this stage we have still not seen the itinerant workers coming into the area for the fruit picking season. There will come a time when the caravan park owners will ask people to leave their caravans to house the people who come down each year from the northern districts to pick fruit.

At the moment at least a thousand families are looking for homes. When one talks to the agencies involved in putting people into housing in Shepparton one sees that they are becoming extremely frustrated on a daily basis at having to turn people away, saying, 'We are very sorry; we have no hope of finding you any homes'.

I ask the Minister for Housing to look at investigating this issue, to contact the departments and housing agencies in Shepparton to see how bad the problem is and to ascertain what needs to be done. It is very hard for young people, particularly single people, who are looking for houses. As far as the public housing waiting list is concerned, simply forget it. Anyone wanting to get on a waiting list for a house now would be looking at waiting up to seven or eight years for public housing. We are in a very desperate situation, particularly at the lower end of the market. People who cannot afford high-priced houses in the Shepparton area would love to be able to get hold of houses to house their families, either through public housing or private rental.

The position has been made worse by the fact that the Goulburn Valley has some 300 families who have come here as refugees from Middle Eastern countries. Many of these people have spent four or five years in refugee camps in places like Iran and Iraq. They have come to Shepparton because there is a possibility of being employed, particularly in the fruit packing industries, et cetera. The 300 families have taken up a lot of the housing that would have been available for people to rent at the lower end of the spectrum.

I ask the minister, through her department, to have a good look at what can be done to provide more public housing so that these people will not have to continue to look for homes.

**Tertiary education and training:  
apprenticeship carpenter**

**Mr LENDERS** (Dandenong North) — I raise for the attention of the Minister for Post Compulsory

Education, Training and Employment an issue concerning an apprentice carpenter in my electorate. I congratulate the minister and the Bracks government for the wonderful work they are doing with apprenticeships and training generally, but the action I seek concerns a particular apprentice.

It is an honour for me to speak tonight on an issue concerning my electorate of Dandenong North, because in the public gallery is Cr Youhorn Chea, the mayor of the City of Greater Dandenong, and many of the councillors of the city. They understand the importance of apprenticeships and training in a working-class neighbourhood.

The assistance I seek from the minister concerns an apprentice carpenter who completed a pre-apprenticeship course in 1999. He was employed by a company from July 1999 to September this year. The apprentice was due to complete his trade training in September, but because the employer cancelled his second-last week of trade training and subsequently terminated the apprenticeship in September due to the lack of work, the apprentice was left with one week of schooling before graduating. Unfortunately he cannot complete his apprenticeship because there is no work. There does not seem to be any redress for the apprentice, even though the employer had no complaints about his work, including work standards, time keeping and so on.

I seek the advice of the minister on how this young man can complete his apprenticeship. Honourable members would understand that the final weeks of the school year for apprentices are normally hectic. They are also important. In the case of this young man, he and all his mates were completing the final days of the course at Chisholm Institute of TAFE, but through no fault of his own because no supervisory carpenter was available at his employment he lost his apprenticeship.

I ask the minister to advise me and the young man I am representing of any action he can take, whether there are any remedies or whether there are employers he can go to to complete the last week of his course, because as I said earlier, it is a great scheme and Dandenong North is a great community with lots of jobs, training and apprenticeships going on. We are at the forefront of making it work and this is one example where we can make it work better. I seek the advice of the minister on this issue.

**Prahran: drug court**

**Ms BURKE** (Prahran) — I bring to the attention of the Attorney-General a query about a drug court in

Prahran. In recent weeks there has been considerable speculation about plans for the site of the former Magistrates Court in Prahran. Concern has been expressed to me by the community, as reported in local newspapers and in surveys. I have significant concerns about suggestions that the building that now houses a large number of police officers will be used as a drug court. Of particular concern is the lack of consultation that has taken place with those who will be affected in the surrounding areas, who are the constituents I represent.

I have been conducting surveys of residents and businesses surrounding the area and am of the view that the establishment of a drug court on that site would result in a loss of police officers and increase the potential for crime in the area, which is a concern of those constituents. Given the rhetoric of the government regarding its openness and accountability, I imagine these plans would now be subject to a rethink and that a process of community consultation would precede any decision being taken. It is the policy of this side of the house that particular courts should not be used as drug courts but that courts could have provision to declare themselves drug courts as the need arises.

I ask the Attorney-General to discuss this issue with my community, particularly traders. On either side of my electorate the municipalities of Port Phillip and Yarra have serious drug concerns. We have a problem, but it is not to the same degree, and I would like to keep control of all the good work being done so far. I hope the Attorney-General can help me, in consultation with those constituents.

### **Disability services: western suburbs**

**Mr SEITZ** (Keilor) — I ask the Minister for Community Services what action she can take to further develop services for people with disabilities in the western suburbs, in particular in the Footscray and Maidstone areas and in Keilor. The Sunshine-Keilor Helping Hand Association is involved in helping elderly people who have no suitable facilities. I ask the minister about the possibility of developing a proper facility for them to use, in particular for people from non-English-speaking backgrounds. The area has an ageing population. Local people need integrated services and must be able to access generic services without having to travel to different places.

Over many years I have assisted the Sunshine-Keilor Helping Hand Association, in particular during the horrific days of the Kennett government, when transport services were cut and people had to find ways to finance activities such as outdoor barbeques, which I

encouraged. The then Keilor and Sunshine councils contributed funding to develop outside areas, and in particular linked and expanded two services for Keilor and Sunshine.

I ask the minister to take further action under the One Community policy framework to ensure that people have access to these services and that they are extended right across the region.

**The ACTING SPEAKER (Mr Phillips)** — Order! The honourable member for Bentleigh has been given permission under rule of practice 22 to remain seated while raising her adjournment matter. The rule states:

By the special indulgence of the house, a member unable conveniently to stand, by reason of sickness or infirmity, will be permitted to speak sitting and uncovered.

### **Chisholm Institute of TAFE**

**Mrs PEULICH** (Bentleigh) — Thank you, Mr Acting Speaker, for the opportunity to remain seated after a knee operation. I raise for the attention of the Minister for Post Compulsory Education, Training and Employment a matter regarding a recent announcement she made pertaining to the Moorabbin campus of what was previously the Chisholm Institute of TAFE and which will soon be part of the Holmesglen Institute of TAFE. The minister commissioned a ministerial review, presumably in response to a number of recommendations and concerns referred to in the Auditor-General's report on ministerial portfolios dated June 2001, including one that states:

Given the extent of financial difficulties facing the institute, it is, therefore, disappointing that Chisholm Institute of TAFE did not fully implement these recommendations.

It is interesting to also ask what the minister did to ensure the recommendations were followed up. Quite obviously the answer is not enough.

The minister likes to blame the previous ministerial review into the configuration of tertiary and further education under the previous government. That kept it in a partnership with similar providers to ensure the focus on local industry and manufacturing was maintained, because the Moorabbin TAFE campus and the industry centre were on the periphery of a significant manufacturing region ranging from Moorabbin through to Dandenong.

The minister thinks the problems are new, but when I looked through my clippings book I found an article from the *Moorabbin Standard* of 24 June 1992 entitled "TAFE: future "under threat"". Similarly in 1992 there

was an article entitled 'Training centre gets green light', which refers to the establishment of a training centre funded by the then Labor government. It ended up being overcapitalised, which proved to be the cause of much of its financial concerns.

I call on the minister to guarantee that the Moorabbin TAFE campus will not be stripped of its assets or the diversity of its courses and that in particular the automotive and manufacturing courses it provides will continue to exist following a merger with Holmesglen. I have no difficulty with better leadership being made available to the campus, but there is enormous concern that local industry will suffer as a result of this gunshot marriage with Holmesglen, especially when one considers that the courses it provides are largely building and construction based, whereas the courses that Chisholm provides are largely manufacturing and automotive based.

I call on the minister to give a guarantee in this house that the community can be assured that it will not lose important educational resources.

### **Sixth International Camping Congress**

**Ms ALLAN** (Bendigo East) — I seek action from the Minister for Major Projects and Tourism for support from his department for the Sixth International Camping Congress, which is scheduled to be held in Bendigo in January 2003.

We have already seen the Minister for Sport and Recreation announce \$100 000 worth of funding for this four-day event, which is being hosted by the Camping Association of Victoria and La Trobe University. Of those four days, two will take place at the university's Bendigo campus, which is a fantastic place for the event. Over 600 Australian and international delegates will be attending the camping congress, and the international delegates will come from Russia, Japan, Canada and America.

I am sure honourable members would be aware of the huge economic benefits that will come to the Bendigo community as a result of its hosting an event of this magnitude. It will also be a fantastic opportunity for central Victoria to be promoted as a tourism venue.

Events like this are important to Bendigo, because as I said they provide a great economic boost to our community. Over the weekend of 15 and 16 September Bendigo was to have hosted the Australian Basketball Association national finals. This was the second year in a row that Bendigo had been scheduled to host the event, which is attended by teams from all over Australia. Unfortunately the event had to

be cancelled. Due to the crisis with Ansett and flights being grounded a number of interstate teams were unable to travel to Bendigo in time for their games. It was estimated that around \$250 000 was lost to the Bendigo community because of the cancellation.

That is a significant amount of money to be taken out of the community, to say nothing of the flow-on benefits that come from the visitors, whether they stay an extra few days or whether they go back the next day and promote Bendigo to their own communities by telling their families and friends what a great time they had, what a hospitable city Bendigo is and how much we just love to have visitors.

Bendigo is the perfect location to host two of the four days of the camping congress. La Trobe University is very excited about the opportunity to host this event because it fits in well with its philosophy of promoting ecotourism and nature tourism, along with the courses it provides at its Bendigo campus.

I am seeking support from the minister for this important tourism event, which will provide extra promotional opportunities not just throughout Victoria but throughout Australia. It is an important international event that Victoria has won and will bring great benefits — —

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

### **Frankston Hospital**

**Mr SMITH** (Glen Waverley) — The matter I raise for the attention of the Minister for Health concerns a letter I received on 30 August from Charles Ryan, a man who works in an office a couple of doors away from my electorate office. He tells of an experience with the Frankston Hospital:

Following an injury at work Nathan —

his son —

was taken to Frankston Hospital. Nathan was attended to in the emergency ward, after being sedated, after 4 hours with a nail in his thumb —

which had been caused by an accident with a nail gun on a building site.

... the nail was removed in the procedure room. Apparently the delay was due to the staff trying to find a bed at another hospital as there were no beds available at Frankston.

After 8 hours at Frankston Hospital I was able to take Nathan home.

During my time waiting for Nathan to be attended I was stunned at the conditions that the staff have to work in. There were at times four to five patients on trolley beds in the corridor inside the emergency ward waiting for treatment.

I think this sort of service in our health system is unacceptable and would appreciate if you could pass on my concerns to the health minister.

Let me say that at all times the hospital staff were very courteous, friendly and did everything possible to assist and treat Nathan. May I commend them for their work in such poor conditions.

This reflects the condition of our hospitals. This man, who works beside my electorate office, is a normal, thinking man who is bringing to the attention of the community — —

**Mr Viney** interjected.

**Mr SMITH** — This lunatic over there just raves on as usual. It is because of that sort of attitude that we have hospitals in the mess that they are in. This is purely an excuse for the way they are going. I call on the minister to take urgent action to fix this matter.

### **Footscray: marina**

**Mr MILDENHALL** (Footscray) — I raise a matter with the Minister for Transport for the attention of the Minister for Ports in another place. I request the minister to use the example of the recently announced marina development of the Maribyrnong River as a model for the types of uses that should be encouraged on the Footscray side of the river downstream from the community arts centre.

The well-known Kivelos Fisheries, in Maribyrnong Street, Footscray, has entered into an arrangement with the owner of a 0.2-hectare block of land owned by the Melbourne Port Corporation to develop a marina, hoist, office, boat yard, and potentially a restaurant, at a total value of more than \$1.5 million.

This development hopefully represents the shape of things to come in the area. There are a number of industrial sites along the river awaiting redevelopment as a result of the now inappropriate location of heavy industry or technological changes, which is indeed the case with this vacant site as a result of the previous use being cleaned from it. Many locals fear sites like this that become available may be immediately used for container parks, but it is clear there are higher, better and more appropriate uses available, given the proximity to the river.

The Footscray Community Arts Centre has always been a jewel on the river bank, and has recently been

complemented by an adjacent apartment development. In addition to that, a major boost was given to the area with the location of the world headquarters of Lonely Planet, with its 600 jobs, on the riverside in the area. The marina coming to the next vacant site along the river is welcome news in my area. With the Melbourne Port Corporation and the council at one regarding the objectives for the development of the area, it would be highly desirable for the Department of Infrastructure to continue to encourage this type of activity, which complements the strategic positioning of transport infrastructure for the area.

Melbourne Port Corporation is doing a great job and should be encouraged to place its work into a firm policy context.

### **School buses: review**

**Mr HONEYWOOD** (Warrandyte) — The matter I raise for the attention of the Minister for Education relates to her long overdue school bus review. It is a shame and an indictment on the government that there is only one minister in the chamber yet again this evening, when the previous government would have at least half a dozen ministers every night for the adjournment debate.

At the last election the Minister for Education promised a total review of the provision of school bus services for urban fringe areas and rural communities. That review was promised by way of a report for the end of last year so that the recommendations could be implemented in time for the commencement of the 2001 school year. Yet another school year has almost passed and the minister's numbers man, the Honourable Theo Theophanous in another place, her parliamentary secretary, has yet to table the report.

The report is a year overdue in this supposed comprehensive review of the provision of school bus services. In the meantime a large number of families in urban fringe areas cannot get their children to school. A large number of families whom I visited recently in places as far away as Ararat and Sale cannot get their children on a subsidised school bus to take them to the closest government school, not to mention the problems that local Catholic parish and independent schools have.

### **Disability services: accommodation**

**Mr VINEY** (Frankston East) — I raise a matter for the attention of the Minister for Community Services. I would like to know what action the minister is taking

on the provision of residential services for people with intellectual disabilities — —

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

### Responses

**Ms GARBUTT** (Minister for Environment and Conservation) — I am happy to inform the house of the creation of another new park in Melbourne. This government is creating more parks across Victoria. This one is in conjunction with the City of Yarra. Parks Victoria will contribute \$50 000 to redevelop the Burnley Harbour and McConchie Reserve, which was a former silt depository for City Link.

This park has been developed in conjunction and in partnership with other authorities, including Transurban, which has directed \$282 000 to the project; the Melbourne City Link Authority, which has provided nearly a quarter of a million dollars; and the City of Yarra, with another \$50 000. An excellent partnership has been developed between those authorities.

I congratulate the honourable member for Richmond, who led a community-based working party that looked at the opportunities presented by this site and came up with a range of ideas for public open space. Honourable members will be interested to know that this will be a new park with a new trail network. It will include wetlands, lawns and lookouts. There will be boardwalks and bike trails, pedestrian paths and so on. In addition, a new bund wall will be built to retain the silt within the harbour. This great new urban park will provide some welcome open space in the area and will incorporate both a working harbour and a unique urban design. It will be quite a natural niche in a very busy urban landscape.

The park will be joined to the main Yarra cycle trail, and that will be a welcome addition. Work on the park will commence in early 2002. I congratulate the honourable member for Richmond, who has put in the hard work in the community. He has put together partnerships involving a range of organisations and groups to make this project possible and has included both the public and the private sectors. This is a great example of what government can achieve when it works with the community and the private sector. This government is providing better quality and more open space for Victorians.

**Ms PIKE** (Minister for Housing) — The honourable member for Shepparton raised the issue of public housing in his community. I am pleased to advise him

that I have made a couple of trips to Shepparton recently to announce some initiatives. First of all, the Office of Housing recently purchased the Kialla tennis ranch for \$380 000. With some additional resource funding through the supported accommodation assistance program this facility will provide support for young homeless people in the community. In addition, the government is proceeding with the redevelopment of the Parkhill housing estate.

The particular issue the honourable member raised is the impact of a number of people of Iraqi ethnicity who have moved into his community in recent times. Honourable members will know that a year ago the federal government released successful asylum seekers from detention with a new class of visa for temporary protection. This was a radical shift in policy by the federal government. These people were released without all the traditional supports which are generally provided by the commonwealth Department of Immigration and Multicultural Affairs.

This policy of the federal government was developed and implemented with absolutely no consultation with the states and has had an impact on a number of services that the states are able to provide for people. Of the temporary protection visa (TPV) holders, many were released and have now settled in northern Melbourne and in Shepparton. To assist these people that the federal government so callously abandoned the Office of Housing has revised its bond assistance and its public housing eligibility limits to allow access to long-term housing, and a number of properties have been released for them. I must say that the government is very — —

**The ACTING SPEAKER (Mr Phillips)** — Order! I ask the minister to pause. The level of noise is a little bit too high. I ask the opposition members in the top corner to be quiet. It is like Bay 13 at the football.

**An Honourable Member** — The script is so boring!

**Ms PIKE** — Thank you, Honourable Acting Speaker. I note that honourable members opposite consider the matter rather boring and tedious. If yours was an Iraqi family and you were not provided with — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Phillips)** — Order! I ask the opposition benches to please remain silent.

**Ms PIKE** — I might add that it is not particularly boring if you are a person who comes from a foreign

country and have gained asylum-seeker status successfully — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Phillips)** — Order! The honourable member for Mordialloc knows that interjections are disorderly, and they are certainly more disorderly when he interjects out of his place. I ask the opposition benches to remain silent to allow the minister to answer the question.

**Ms PIKE** — Indeed the majority of Iraqi applicants in the Shepparton community have now been moved to the wait-turn list for public housing applications and have not impacted on other applicants within the Shepparton area. Initially they were housed in transitional housing management properties and then in the hard-to-let public housing stock. My information is that as a result of that they have not impacted in a detrimental way on the waiting list. Nevertheless, I might add that the Victorian government's response to a very unjust and inhumane policy regarding TPV holders by the federal government has been very humane and very just. I am proud and confident about the way we have dealt with this matter.

**Mr PANDAZOPOULOS** (Minister for Major Projects and Tourism) — I thank the honourable member for Bendigo East for her question. We have many enthusiastic regional tourism supporters on this side of the house, and it is fair to say there are not many on the other side. They certainly do not raise many issues seeking support for tourism in their own communities. The honourable member for Bendigo East is one of those who is extremely active. She reminds me a lot about the importance of regional tourism and regional events, and no doubt she will be very pleased with the package I announced in question time today.

The honourable member raised the importance of events in regions, and particularly the importance for Bendigo. I had the pleasure of launching the Bendigo Events Group a number of months ago, having been asked by that group to attend in order to assist it with promoting Bendigo as an attractive venue for events. It was disappointing that recently the Australian Basketball Association national finals were cancelled. They would have been a big boost to Bendigo, and the city would have got a lot of publicity as part of it. The government was very supportive of the event, but with the demise of Ansett Australia it was pretty hard for people to get around. We can only thank the federal government for its lack of support for Singapore Airlines and for picking the wrong team a few years

ago by supporting Air New Zealand. That is the fact of the matter. Nonetheless, we now have a dilemma: we have a lot of conferences in Victoria, and we need to maximise the attendance at each of them.

I know my colleague the Minister for Sport and Recreation has assisted the Camping Association of Victoria to ensure that this important international camping conference for Bendigo can take place. As a result of the need to maximise the attendance numbers, where the objective has been to get 600 visitors — 300 from overseas, 150 from interstate and 150 from Victoria — —

*Honourable members interjecting.*

**Mr PANDAZOPOULOS** — We now have the whingers from the opposition. It is important for the Bendigo community to understand that in announcing good news we have the whingers from the opposition again criticising good news. All they do is criticise and talk down. I see that the Acting Speaker is nodding.

Nonetheless, I advise the honourable member for Bendigo East that Tourism Victoria will be providing \$20 000 in marketing support so we can work interstate and overseas at maximising the number of attendances in Bendigo to let people know that Victoria is open for business for tourism, is a great attraction for tourism and conferences — as is regional Victoria — and that Bendigo is one of those spots to think about for conferences and conventions.

**The ACTING SPEAKER (Mr Phillips)** — Order! The Minister for Community Services will respond to the honourable members for Keilor and Frankston East in her own right; to the honourable member for Caulfield regarding a Workcover matter; to the honourable member for Dandenong North regarding a matter for the Minister for Post Compulsory Education, Training and Employment; to the honourable member for Prahran regarding a matter for the Attorney-General; to the honourable member for Bentleigh on a matter for the Minister for Post Compulsory Education, Training and Employment; to the honourable member for Glen Waverley on behalf of the Minister for Health; to the honourable member for Footscray regarding a matter for the attention of the Minister for Ports in another place; and to the honourable member for Warrandyte regarding education.

**Mr Honeywood** — On a point of order, Mr Acting Speaker, yet again we have the Minister for Education refusing to come out of her burrow and in her queenly manner refusing to deign to answer any questions from

the opposition this evening. She is becoming a repeat offender. When is the Minister for Education going to bother to come and answer a question in this place?

**Ms Campbell** — On the point of order, Mr Acting Speaker, there is no point of order. The honourable member is raising spurious points of order, and it is totally inappropriate that he do so.

**The ACTING SPEAKER (Mr Phillips)** — Order! In reference to the point of order, I am prepared to rule that there is no point of order.

**Mrs Peulich** — On a point of order, Mr Acting Speaker — —

**Ms Campbell** — How come you are standing?

**Mrs Peulich** — I am standing on one leg, thank you very much! Mr Acting Speaker, I distinctly saw the Minister for Post Compulsory Education, Training and Employment earlier in the house. Having raised a matter for her in relation to the Moorabbin TAFE campus and its importance to teachers, students, industry and the local community, I think the least she could do is have the courtesy to come in here and give a guarantee that that very important educational resource is not going to be stripped from the Bentleigh electorate.

**The ACTING SPEAKER (Mr Phillips)** — Order! There is no point of order. The minister, responding to the honourable members previously mentioned.

**Ms CAMPBELL (Minister for Community Services)** — The matter raised by the honourable member for Keilor is a very important one. The honourable member for Keilor is very proactive in supporting his own local community initiatives to ensure that people with disabilities are included in their local communities. I am pleased to inform him that a partnership has been established between Westnet, which was formerly known as Sunshine, Keilor and Districts Helping Hand Association for the Intellectually Disabled, and the Maribyrnong City Council to enable people with a disability to access a generic service in their local community for the ageing population, particularly around Maidstone.

For many years disability services in the honourable member's area have been operating in a quite segregated setting — a setting that is not necessarily appropriate in this century. It is important that people with disabilities who are ageing should have access to their wider community infrastructure.

Combining the talents of Westnet and the Maribyrnong City Council we have been able to achieve a very significant partnership of which the honourable member for Keilor would no doubt be very proud. Through funding from the capital assistance fund the resources have been obtained to develop an integrated site for older people in the Maidstone area. For the first time in their lives, people who are ageing and who have disabilities and people who have not had the label of being disabled in their earlier years will be integrated and able to enjoy their elderly years on a daily basis, together on the one site. In making this announcement I am very pleased to congratulate the Maribyrnong City Council and Westnet on receiving a Victorian local government accessible communities award.

The second issue, which was raised by the honourable member for Frankston East, was a very succinct presentation in which he asked me to assist people with disabilities. Because of lack of time he was unable to expand more fully in that regard. I am sure he will raise the specifics in detail at another time, as he is proactive in disability services. He has been an integral part of the disability state plan working parties, and I thank him for that. I look forward to his further explanation and elaboration of the action he seeks.

I shall raise with the appropriate ministers the matters raised by the following honourable members. The honourable member for Caulfield raised a matter for the attention of the Minister for Workcover requesting action on Square One's Workcover premium.

The honourable member for Prahran raised a matter for the attention of the Attorney-General regarding the Prahran court and drug court consultation.

The honourable member for Bentleigh raised a matter for the attention of the Minister for Post Compulsory Education, Training and Employment regarding the Moorabbin TAFE campus and the assets she is concerned need to be maintained.

The honourable member for Glen Waverley raised a matter for the attention of the Minister for Health, and I am sure the minister will be quite expansive in his answer regarding the 100 beds that this government went to the election on and is delivering. This government is delivering on a promise that is on its agenda and it is turning the state around.

**Mr Doyle** interjected.

**Ms CAMPBELL** — The ex-parliamentary secretary protests too much. If he was concerned about the Frankston Hospital he could have had a strong policy at the last election.

**Mr Doyle** interjected.

**Ms CAMPBELL** — He could have had a strong policy at the last election for beds at Frankston Hospital.

The honourable member for Warrandyte raised a matter for the attention of the Minister for Education regarding the review of school buses, and I shall pass that on to the minister.

The honourable member for Dandenong North raised a matter for the attention of the Minister for Post Compulsory Education, Training and Employment about apprenticeships.

The honourable member for Footscray raised a matter for the attention of the Minister for Transport, which I shall refer to the minister.

**The ACTING SPEAKER (Mr Phillips)** — Order!  
The house stands adjourned until next day.

**House adjourned 10.48 p.m.**