

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FOURTH PARLIAMENT
FIRST SESSION**

**9 October 2002
(extract from Book 2)**

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Speaker and Chairman of Committees: Mrs J. M. MADDIGAN

Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella,
Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

Leader of the Parliamentary Labor Party and Premier:

The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr R. K. B. DOYLE (from 20 August 2002)

The Hon. D. V. NAPHTHINE (to 20 August 2002)

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. P. N. HONEYWOOD (from 20 August 2002)

The Hon. LOUISE ASHER (to 20 August 2002)

Leader of the Parliamentary National Party:

Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
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Allen, Ms Denise Margaret ⁴	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
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
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
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 ³	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	Naphthine, 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
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
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Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
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 ²	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, 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	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

CONTENTS

WEDNESDAY, 9 OCTOBER 2002

PETITIONS	
<i>Hospitals: Sunbury</i>	337
<i>Glen Eira: rates</i>	337
<i>Melbourne 2030 strategy</i>	337
<i>Basslink project</i>	338
PAPER	338
MEMBERS STATEMENTS	
<i>Box Hill Hospital</i>	338
<i>Drought: government assistance</i>	338
<i>Lara Sporting Club</i>	338
<i>Monash Medical Centre</i>	339
<i>Roads: Preston</i>	339
<i>Timber industry: restructure</i>	339
<i>Hospitals: Mornington Peninsula</i>	340
<i>Preschools: Burwood</i>	340
<i>Frankston Hospital</i>	340
<i>Blackburn Football Club</i>	341
MATTER OF PUBLIC IMPORTANCE	
<i>Melbourne 2030 strategy</i>	341
TRANSPORT (HIGHWAY RULE) BILL	
<i>Introduction and first reading</i>	366
TRANSPORT (TAXI DRIVER STANDARDS AND OMBUDSMAN) BILL	
<i>Introduction and first reading</i>	366
RETAIL LEASES BILL	
<i>Introduction and first reading</i>	366
GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL	
<i>Introduction and first reading</i>	366
PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL	
<i>Introduction and first reading</i>	366
DANDENONG DEVELOPMENT BOARD BILL	
<i>Introduction and first reading</i>	366
VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL	
<i>Introduction and first reading</i>	366
CRIMES (STALKING AND FAMILY VIOLENCE) BILL	
<i>Introduction and first reading</i>	367
COURTS LEGISLATION (JUDICIAL PENSIONS) BILL	
<i>Introduction and first reading</i>	367
EDUCATION AND TRAINING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL	
<i>Introduction and first reading</i>	367
MELBOURNE CRICKET GROUND (AMENDMENT) BILL	
<i>Introduction and first reading</i>	367
MAJOR EVENTS (CROWD MANAGEMENT) BILL	
<i>Introduction and first reading</i>	367
COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL	
<i>Introduction and first reading</i>	368
OUTWORKERS (IMPROVED PROTECTION) BILL	
<i>Introduction and first reading</i>	368
CHILD EMPLOYMENT BILL	
<i>Introduction and first reading</i>	368
ROAD SAFETY (RESPONSIBLE DRIVING) BILL	
<i>Second reading</i>	368, 377
QUESTIONS WITHOUT NOTICE	
<i>Public sector: employment</i>	370
<i>Insurance: public liability</i>	371
<i>Hospitals: rural</i>	371
<i>Students: literacy and numeracy</i>	372
<i>ALP: parliamentary levy</i>	372
<i>Police: stations</i>	373
<i>Superannuation: public sector</i>	374
<i>Hospitals: waiting lists</i>	374, 375
<i>Rural and regional Victoria: infrastructure funding</i>	376
CONSTITUTION (PARLIAMENTARY REFORM) BILL	
<i>Second reading</i>	392
<i>Instruction to committee</i>	447
<i>Committee</i>	450
<i>Third reading</i>	451
COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT BILL	
<i>Second reading</i>	451
<i>Committee</i>	454
<i>Remaining stages</i>	455
BUSINESS OF THE HOUSE	
<i>Program</i>	455
ADJOURNMENT	
<i>Courts: judicial appointments</i>	455
<i>Drought: government assistance</i>	456
<i>Victorian respiratory support service</i>	456
<i>Ballarat Learning Exchange</i>	457
<i>Disability services: Redlands placement</i>	457
<i>Cheltenham Road, Keysborough: safety</i>	458
<i>Peninsula Continence Service</i>	458
<i>Consumer affairs: soccer clinic</i>	459
<i>Templestowe Valley Primary School</i>	459
<i>Consumer affairs: e-commerce</i>	459
<i>Dingley bypass</i>	460
<i>Responses</i>	460

Wednesday, 9 October 2002

Melbourne 2030 strategy

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

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

PETITIONS

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the state government and the Minister for Planning release the overdue Metropolitan Melbourne Strategy to protect local streets and suburbs in the Glen Eira area, and specifically the suburbs of Bentleigh, Bentleigh East, McKinnon, Ormond and Moorabbin, from high-density developments.

Hospitals: Sunbury

Your petitioners therefore pray that Premier Bracks will take action to ensure that state planning policies secure our suburbs from inappropriate development, especially residents of:

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

This petition of certain citizens of the state of Victoria deplores the suffering experienced by communities in Sunbury and throughout the Macedon Ranges as a result of the Bracks government's decision not to proceed with a day hospital and after-hours emergency service in Sunbury planned by the previous government. It further sheweth deep concern at the imminent crisis in health care facing residents in those communities.

Bentleigh, including Arthur Street, Bendigo Avenue, Bent Street, Blair Street, Bleazby Street, Brewer Road, Burgess Street, Bruce Street, Campbell Street, Cairnes Grove, Centre Road, Coates Street, Dickens Street, Gilbert Grove, Godfrey Street, Hamilton Street, Horsley Street, Jasper Road, Lorraine Street, Mavho Street, Mitchell Street, Morres Street, Robert Street, Ward Street, Nicholson Street, North Avenue, Oak Street, Patterson Road, Phillip Street, Railway Crescent, Rose Street, Todd Street, Uonga Street, Vickery Street and Wheatley Road;

Your petitioners therefore humbly pray that the state government will:

- (a) immediately reverse its decision not to provide a day hospital and after-hours emergency service for Sunbury and the Macedon Ranges; and
- (b) in future, show proper consideration for the health care needs of people living in the Sunbury/Macedon Ranges region.

East Bentleigh, including Chesterville Street, Wingate Street, South Road, Highview Road, Brady Road, Bignell Road, Matthews Road, Tucker Road, McKinnon Road, Shanahan Court, East Boundary Road, North Road, Melva Street, Poet Street, Parkmore Road, Orange Street, Mackie Road, Richards Street, Centre Road, Box Court, Gray Street, Alexander Street, Becket Avenue, Browns Road, Allanby Grove, Benina Street, Deborah Avenue, Omeo Court, Hill Street, Wards Grove, Gardiners Road, Larman Street, Quinns Road, Theresa Street, Bardolph Court, Maron Street, Lydia Street, Evelyn Street, Duckmanton Court, Filbert Street, Agnes Street, May Street, Ellen Street, Charles Street, John Street, Daphne Street, Laurel Street, Quinns Road, Street George Avenue;

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

By Mr DOYLE (Malvern) (9672 signatures)

McKinnon, including Lees Street, McKinnon Road, Foster Street, Claire Street, Wattle Grove, Elm Grove, Graham Avenue, Penang Street, Malacca Street, Wheatley Road, Jasper Road;

Glen Eira: rates

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

The humble petition of certain residents of the Bentleigh District sheweth that the Glen Eira council's 2002–03 28 per cent rate increase:

- 1. is unjustified and places an unacceptable burden on ratepayers, including the elderly, small business and families;
- 2. is discounted this year by a funny money rebate scheme, hiding the full magnitude of the rise from ratepayers;
- 3. is opposed by the Glen Eira communities, local politicians and even the mayor of Glen Eira especially as Glen Eira is debt free.

Ormond, including Queen Street, Anthony Street, Glenorme Avenue, Cadby Avenue, Wheeler Street, Carlyon Street, Dunlop Avenue, Lenster Street, Wicklow Street, Oakleigh Court, North Road, Wheatley Road, Jasper Road;

Your petitioners therefore pray that the state government and the Minister for Local Government take immediate action to ensure that the outrageous rate increase is revoked, and the Glen Eira council's rate increase is at or below CPI.

Moorabbin, including North Avenue, South Avenue, Plym Street, Barry Street, Gilmour Road, Fairbank Road, Castles Road, Werona Street, Jasper Road, South Road.

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

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

By Mrs PEULICH (Bentleigh) (114 signatures)

By Mrs PEULICH (Bentleigh) (143 signatures)

Basslink project

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

The humble petition of Basslink Concerned Citizens Coalition sheweth the Basslink proposal is unacceptable on environmental, social and economic grounds.

Your petitioners therefore pray that the Basslink project not proceed.

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

By Mr MAXFIELD (Narracan) (576 signatures)

Ordered that petition presented by honourable member for Malvern be considered next day on motion of Mr DOYLE (Malvern).

Ordered that petitions presented by honourable member for Bentleigh be considered next day on motion of Mrs PEULICH (Bentleigh).

PAPER

Laid on table by Clerk:

Auditor-General — Report of the Office for the year 2001–02.

MEMBERS STATEMENTS

Box Hill Hospital

Mr WILSON (Bennettswood) — A number of people have raised with me the fact that the honourable member for Burwood has often associated himself with so-called good news stories at the Box Hill Hospital. The honourable member for Burwood has journeyed outside his electorate to be the face of the Bracks government at the hospital. However, the honourable member has been conspicuously quiet about the performance of the hospital as detailed in the most recent *Hospital Services Report* for the June quarter 2002.

The report shows that when one compares the June quarter 1999 to the June quarter 2002 on every major indicator Box Hill Hospital's performance has deteriorated significantly under the Bracks government. In June 1999, 486 patients were on the waiting list for semi-urgent elective surgery compared to 553 patients in June 2002. In the same category the number of patients waiting longer than the clinically ideal time increased from 12 in June 1999 to 89 in June 2002.

Mr Stensholt interjected.

The SPEAKER — Order! That level of interjection by the honourable member for Burwood is unacceptable.

Mr WILSON — Over the same period the number of patients waiting on a trolley in the emergency department increased from 205 to 553 — a staggering 170 per cent increase. The honourable member for Burwood should explain to his constituents why his government's policies are failing the Box Hill Hospital.

Drought: government assistance

Mr MAUGHAN (Rodney) — I bring to the attention of the house the devastating effects of the drought in northern Victoria, in particular its effect on dairy farmers who are supplied with water from the Goulburn irrigation system. While welcoming the government's recently announced relief package, I advise the house that the personal costs of these most unusual circumstances are now starting to become evident. Much more needs to be done. I refer to the increased levels of domestic violence, disturbance among schoolchildren and stress in the community.

Farmers and people in business who rely on farming industries, particularly the dairying industry, are under enormous pressure. There is a great deal of pressure out there in the community. The dairying industry has been a major contributor to Victoria's exports and economic activity and to employment.

Given that current water allocations are only 41 per cent and there is only an 8 out of 10 chance of achieving 60 per cent of water right, I again call on the Treasurer to give serious consideration to paying the difference between the amount of water actually delivered and the amount of water the irrigators are required to pay for as a gesture to the farming community that the government considers the industry to be important, that it supports the industry and will support it in the longer term.

Lara Sporting Club

Mr LONEY (Geelong North) — I wish to congratulate the Lara Sporting Club on its fantastic trifecta on Geelong Football League grand final day. The club not only won the senior football and netball premierships on that day but also took out the GFL administrator of the year award. The senior football team, under captain-coach Paul Lynch, a former Geelong star, won a hard-fought grand final from St Joseph's with Lynch himself being inspirational in the game.

The effort of the team over the year was even more impressive when it is realised that it did not play a single game on its home ground for the season — an effort that perhaps the Adelaide Crows and Mike Rann might like to have a look at.

The senior netball team under coach Nicole Traynor and captain Bec Faulmann reversed its semifinal loss to North Shore, due in no small part to the sensational goal shooting by their coach, who barely missed a shot all day.

Well-known long-time administrator Konrad Vinken, chairman of Lara's football section, was awarded the GFL's administrator of the year award at the league's grand final breakfast — a thoroughly well-deserved reward for a man who has put years of effort into the club.

My congratulations also go to the runners up, St Joseph's, under captain-coach Mick Atkins, and in the netball, North Shore, under coach Sonya Howard and co-captains Carolyn Keast and Sarah Birch.

Monash Medical Centre

Mrs PEULICH (Bentleigh) — Three years ago when the Bracks Labor government came into office it promised to improve access to health services. Immediately it took the Sandringham and District Memorial Hospital out of the Southern Health Care Network, which has dramatically affected access to health services for people of the Bentleigh district.

Now the Monash Medical Centre shows every quarter that it is buckling under the pressure, with many more people waiting for surgery each quarter. The Minister for Health has failed to resolve the crisis of the ailing Monash Medical Centre. I call on the Premier to directly intervene to sideline the Minister for Health, to sack him and to replace him with someone who is able to resolve the issues and make sure that the sorts of figures that have been coming out are reversed. For example, in June 1999 there were only 14 bypasses of the Monash Medical Centre, and now there are 106. Anecdotal evidence indicates that in fact there has been a redefinition of 'bypass' to mean that you bypass all the hospitals in the cluster, not just one.

The number of patients staying at the Monash Medical Centre for longer than 12 hours has increased from 341 to 829. The number of patients waiting for semi-urgent elective surgery has increased from 527 to 1366, which is an absolute disaster for the people of the Bentleigh district. Waiting times for semi-urgent patients at the Monash Medical Centre — —

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

Roads: Preston

Mr LEIGHTON (Preston) — Preston is a safer place as a result of the completion of a number of black spot funding works. On 20 September I had the pleasure of turning on two sets of traffic lights: firstly at the corner of High Street and Wood Street in Preston, and secondly in Edwardes Street in Reservoir.

The intersection of High and Wood streets has been a danger to the community for years, with eight casualty crashes involving 35 people occurring between 1 July 1995 and 30 June 2000. These \$285 000 traffic lights will control traffic in the area to improve pedestrian safety. The \$107 000 pedestrian signals in Edwardes Street will similarly improve safety at a location where nine casualty pedestrian accidents occurred between 1 July 1995 and 30 June 2000.

In addition, funds totalling \$76 000 have been spent on installing pedestrian signals on Spring Street between Viola Street and Cleeland Street in Reservoir, which will replace an existing school crossing near St Gabriel's primary school. Three pedestrian crashes have occurred at this location, including, sadly, one fatality involving a teacher, and this set of lights will make the crossing much safer, especially for the schoolchildren in the area.

Road trauma can devastate local communities, and the improvements to these intersections will increase safety, reduce the potential for further crashes and help make Preston and Reservoir safer places to travel in.

I congratulate the Bracks government on its support of my community through its \$240 million black spot funding program.

Timber industry: restructure

Mr INGRAM (Gippsland East) — I rise to inform the house of the continuing disappointment of the timber communities and industry representatives about the uncertainty and community dislocation that has been generated and exacerbated by the government's failure to finalise the timber industry restructure and the funding packages that go with that.

A number of contractors in my area are facing major economic hardship because of the failure to finalise those packages. This really causes great distress to those businesses because there is no incentive for them to invest in the upgrading of their equipment. Basically, if they have equipment that needs replacing or

upgrading they will not make the investment in doing that. The government needs to come out and finalise this restructure.

The government also needs to announce what is happening with the job replacement packages that were announced as part of the industry restructure, because the community is greatly concerned about what the final impact of the restructure will be, as there are some major problems associated with it.

I am disappointed that the government has yet to say that it will implement resource security legislation, because that is the one thing that the industry can see would give it some certainty and incentive to invest in the future of the sustainable — —

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

Hospitals: Mornington Peninsula

Mr DIXON (Dromana) — This government has a woeful record on orthopaedic waiting lists on the Mornington Peninsula. The lesson is that buckets of money do not equal better service.

I will cite two examples. Mr Reid, one of my constituents, needed a knee replacement and was told he would have to wait 90 days. After five months he had not heard anything from the hospital and when he rang he was told he would have a two-and-a-half year wait. Mrs Kurle, another constituent, wrote to me this year because she had been on the orthopaedic surgery waiting list for two years for a hip replacement. It took my intervention and a whole lot of media intervention for some action to take place. However, the operations were to occur in another hospital outside the area. Surgery by media intervention is not a meaningful way of managing a health system.

Another emerging problem in the area is cancer treatment. A local mother of five children aged under six cannot access an isolation ward due to her radioactivity resulting from her cancer treatment, and she has to go to another facility way outside the Mornington Peninsula, which is incredibly traumatic for her and for her young family.

Another constituent wrote to me saying that he has been told he has a 16-week wait for radiotherapy at the nearest facility to the Mornington Peninsula, which is at Moorabbin — almost impossible to get to by public transport. That is just not good enough.

Preschools: Burwood

Mr STENSHOLT (Burwood) — I pay tribute today to the dedicated work of the parents and teachers of preschools and kinders in my area. They all do an excellent job laying the foundations of our children's education. Many of them have this year received support from the state government for erecting ground safety works including fencing as well as buildings.

These great preschools include Estrella Preschool, Rowan Street Kindergarten, St Dunstan's, Summerhill Park Kindergarten, St Scholastica's Kindergarten, Surrey Hills Preschool, Burwood Preschool, Fordham Avenue Kindergarten, Wattle Hill Kindergarten, Hartwell kinder, Ashwood Children's Centre, Ashwood Memorial Kindergarten, Box Hill South Preschool, St Paul's kinder and the St James Wattle Park kinder.

The \$130 000-plus in extra state government support from the Bracks Labor government this year has been more than welcomed by all these kinders; it has been put to very good use by them to upgrade to meet the new standards. The parents and teachers at the preschools and kindergartens put in many hours of voluntary work and do an excellent job.

We are very proud of the kinders in our area because they are first-rate institutions. On behalf of the many communities in my area I thank them for the excellent work they do and for the great contribution they make to ensuring our society is a really good society.

Frankston Hospital

Ms McCALL (Frankston) — Mr Speaker, you may well recall a program called *Rubbery Figures*. Well, we have had some really rubbery figures coming out of the Frankston Hospital recently based on the view that the current member for Frankston East said he was going to fix the hospital. The general view in the community is: if that is fixing the hospital, stay away from anything else! We do not want anything else fixed!

Let me tell you about people on waiting lists longer than ideal. In June 1999 there were 121, in June 2002, 1440. It does not matter that you might be treating more people; it might not matter that the population on the Mornington Peninsula grows; but the government is rubberising the figures to suit its own ideals. The people of Frankston are sick to death of waiting for more than two years for a hip replacement or six months for a cataract operation or of having to go to the city for cancer treatment. This is not about fixing the hospital system; this is about the government rubberising figures and fudging figures for the press and making people

forget in order for the government to try to recover from the position where it ostracised the hospital and the hospital staff. It frightened the community into believing that their hospital was in dire straits. Three years on, this government has failed to fix the Frankston Hospital.

Blackburn Football Club

The SPEAKER — Order! The honourable member for Mitcham has 1 minute.

Mr ROBINSON (Mitcham) — I pay tribute this morning to the achievements of the mighty Blackburn Football Club, which achieved a rare double in the Eastern Football League (EFL), emulating the Box Hill Football Club last year by this year winning — —

An honourable member interjected.

Mr ROBINSON — There is light at the end of our tunnel over here. There is no light at the end of the tunnel over there — none whatsoever! Hopeless, hopeless, hopeless! They should take a leaf out of the book of the Blackburn Football Club, which won both the seniors and the reserves premierships. That is a fantastic achievement.

It is 22 years since the mighty Panthers won a senior year EFL flag, and never in their 100-year history have they managed to win two premierships in the same year.

Congratulations are in order to Paul Breen and Steve Cochrane, the captain and coach. The final score line was: 13.10.88 to the hapless Knox Football Club's 9.10.64.

The SPEAKER — Order! The time set down for this debate has expired.

MATTER OF PUBLIC IMPORTANCE

Melbourne 2030 strategy

The SPEAKER — Order! I have accepted a statement from the Minister for Planning proposing the following matter for discussion as a matter of public importance today:

That this house commends the Bracks government on its metropolitan strategy, Melbourne 2030 — Planning for Sustainable Growth, a strategy which will guide development, protect Melbourne's suburbs, network our regional cities and share growth across the whole of the state over the next 30 years to ensure Melbourne remains the world's most livable city.

Ms DELAHUNTY (Minister for Planning) — It is with very great pleasure that I rise to speak on this matter of public importance, particularly after I listened to the radio and watched television last night and after I read the extensive coverage in our daily newspapers and saw the way this vision of the next 30 years of Melbourne has been welcomed by stakeholders and citizens right across the city.

Melbourne is the world's most livable city. Over the next 30 years our population will grow by up to a million people. We are attracting a net migration increase into this city — —

An honourable member interjected.

Ms DELAHUNTY — No, they are coming back in droves!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc!

Ms DELAHUNTY — We are attracting what we call the footloose global knowledge worker in particular. Both interstate and overseas Melbourne is seen as an attractive destination in which to live and work.

Over the next 30 years the projections show that Melbourne's population will grow by up to a million people — that is another Adelaide. Now it will not be as boring as Adelaide, I hasten to add, but that is the magnitude we are talking about. It is about three Canberras — and I make no comment on Canberra. That is why the Victorian government has developed a plan to guide our growth, to protect our suburbs, to build safer neighbourhoods, to offer more transport choices, particularly across the city rather than just into the central business district, and to safeguard our precious environment. It is a plan to protect what we love about Melbourne for the next 30 years and beyond.

Mr Leigh interjected.

Ms DELAHUNTY — Well, there is a fair chance we will be, because you won't be, that's for sure!

The SPEAKER — Order! The honourable member for Mordialloc!

Ms DELAHUNTY — Melbourne 2030 is a plan that starts now. What we propose is that we work with our stakeholders — our citizens — to begin the implementation of this vision for Melbourne. It involves 80 000 ideas, 2 forums for mayors and chief

executive officers, 34 public forums, 226 initiatives, 50 policies, 9 clear directions: welcome to Melbourne 2030. Yes, the department and the government have done very rigorous work and I thank the opposition for their applause for Melbourne 2030.

Mr Honeywood interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition!

Ms DELAHUNTY — I wonder if the honourable member could ever get a question up. Get a question up!

What is in Melbourne 2030 and why has it been so welcomed by our citizens and stakeholders? Managing Melbourne's growth for tomorrow requires us to make tough and clear decisions today. This is a government that listens to the community, and then acts; and this is precisely what we have done with Melbourne 2030.

We know that cities around the world value growth and value the opportunities that a larger population brings, but unless urban expansion is handled responsibly and with an eye to sustainability it can quite quickly reduce livability and devalue what we love so much about the city. This is a strategy to maintain that reputation and not only to leave this city the way we love it now. It is all about protecting this city and this state for the future and taking the tough, hard decisions.

Melbourne 2030 is a plan to accommodate this growth and protect the things we love — our parks and neighbourhoods. It is a plan to protect and enhance our lifestyle opportunities and ability to compete in the global marketplace. It is a very extensive document, and that is why this house is commending the Bracks government on its Melbourne 2030 strategy. Accordingly, we are focusing on revitalising our middle and outer suburbs by consolidating development in 100 nominated activity centres — vibrant multipurpose hubs that already exist as activity centres in their own right because they are close to public transport and they are places where people want to live, shop, work and play and where they have access to the services — whether they are health, education, or community services — that they require.

But we are also going to do something else. We are going to provide the services in a targeted way, in partnership with the private and the public sectors. We are going to target our infrastructure spending where it is needed, around those activity centres, but also, in particular, in those detailed and designated growth centres which Melbourne 2030 highlights — not sprawling out into our valuable agricultural land and

our precious green wedges, the lungs of Melbourne, that are so prized by this community. That is a notion that was proposed by a very forward-thinking previous Liberal government. Sir Rupert Hamer was the man. I thought he was the leader of that party. He was a man who also had a vision for this state. He had a vision for the green wedges.

We are inviting the tame and limited followers of Sir Rupert Hamer to tell the public: are you going to support the legislation to protect those green wedges? Are you going to support the legislation in this house to protect those green wedges? Suddenly the boys on the opposite side are silent. When it comes to the hard policy decisions — —

Mr Honeywood — On a point of order, Mr Speaker, the minister is inviting a lot of comment on the green wedge legislation, of which she gave notice yesterday. I know she is still a newcomer to the rules of Parliament and probably would not be aware that you cannot anticipate debate on legislation before the house, particularly when the opposition has not even been briefed by her government on it. She may like to concentrate on the aspects of her matter of public importance that do not relate to the legislation before this house, which she is putting forward as though opposition members would know what she is talking about when she has not even offered the shadow minister a briefing on the legislation yet.

The SPEAKER — Order! I do not uphold the point of order. I am not of the view that the minister was contravening the rule of anticipation.

Ms DELAHUNTY — Just to clarify a few of the inaccuracies caused by the excitement of the Deputy Leader of the Opposition, the shadow spokesperson for planning, who now has only one portfolio to manage, was given a briefing on Melbourne 2030, which included — —

Mr Honeywood interjected.

Ms DELAHUNTY — Excuse me. After the death of my husband I asked to be released from that portfolio, so let's just get the facts right.

Honourable members interjecting.

Ms DELAHUNTY — You can make those claims, but we did give — —

Mr Wynne interjected.

The SPEAKER — Order! The honourable member for Richmond!

Ms DELAHUNTY — We invited both the National Party and the Liberal Party, along with councils and stakeholders, to a briefing on Melbourne 2030, I think it was a couple of months ago. While the stakeholders and other parties were very interested to receive this detailed briefing, the shadow Minister for Planning wrote back, after I invited his comments and suggestions saying, ‘There is nothing in it’. That is not what Professor Dimity Reed says about — —

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

Mr Wynne interjected.

The SPEAKER — Order! The honourable member for Richmond shall cease interjecting forthwith.

Mr Baillieu — On a point of order, Mr Speaker, I would not want the minister to mislead the house. The briefing that was offered to the opposition at that time was a cursory briefing of about 10 or 20 overhead slides, and that was about it. There was nothing in it.

The SPEAKER — Order! The honourable member for Hawthorn is clearly not taking a point of order. If he wants to make a point in debate, I will call him next.

Ms DELAHUNTY — While the shadow planning minister says there is nothing in it — what did I say, 226 initiatives? — Professor Dimity Reed, an eminent architect and urban planner, wrote in the *Age* yesterday:

This is the most ambitious and comprehensive exercise in strategic planning undertaken in Victoria since 1929, when the Town Planning Commission sought, with some success, to ‘bring about order in urban physical development’ in a series of reports to government that shaped the city for decades.

This is the most ambitious and comprehensive exercise in strategic planning undertaken since 1929, and the shadow minister says there is nothing in it. That is not what our councils, who also received exactly the same briefing, said. That was exactly the briefing — —

Mr Baillieu interjected.

Ms DELAHUNTY — I think you should withdraw that.

The SPEAKER — Order! I ask the minister to address the Chair.

Ms DELAHUNTY — I ask the shadow minister to withdraw that offensive remark.

The SPEAKER — Order! The Chair is in a difficult position. It did not hear any offensive remark.

Ms DELAHUNTY — I am sorry, Honourable Speaker. What I heard was, ‘You are lying. It is a lie’, from across the chamber. I ask the honourable member to withdraw.

Mr Honeywood interjected.

Ms DELAHUNTY — I further ask the member for Warrandyte to withdraw that as well.

The SPEAKER — Order! The minister has taken offence at an interjection by the honourable member for Hawthorn.

Mr Baillieu — I am happy to withdraw, but it is not what I said.

Ms DELAHUNTY — Let’s go to what Professor Dimity Reed and other stakeholders believe.

Mr Wilson interjected.

The SPEAKER — Order! The honourable member for Bennettswood!

Ms DELAHUNTY — Who is out of his place.

Mr Wilson — No, he is not. I am allowed to sit at the front.

Mr Leigh interjected.

The SPEAKER — Order! I ask the honourable member for Mordialloc to cease interjecting. I ask the minister to cease responding to interjections.

Ms DELAHUNTY — So what is the content of metro strategy Melbourne 2030 and why has it been so well received by stakeholders and citizens? It is an integrated plan to manage the growth of Melbourne. It has nine key directions. What are the nine key directions? The overarching plan is to protect what we love about Melbourne while absorbing up to an extra 1 million people. It is a great place to be. It will be a greener city. It will have better transport links. It will be a more compact city — a city that brings shops, services and opportunities to your doorstep rather than seeing subdivisions out on the fringes struggling for those services that many others take for granted.

We will encourage better management of metropolitan growth by applying an urban growth boundary to Melbourne, again to protect our green wedges and our valuable agricultural land, and also to protect economic assets like our airports, which are detailed in the strategy, and our water catchment centres, which are also identified in those precious green wedge areas.

We will also be networking with our regional cities. This is about sharing the benefits of being Victorian right across the state. We know the previous government referred to regional Victoria dismissively as the ‘toenails of Victoria’. I know members of the opposition are embarrassed about that, but I think it shows that in its particular vision for Melbourne this government sees it as networked with our regional centres. I think that is part of the genius of Melbourne 2030. It is not about a spoke-and-wheel approach, it is about networking with our regional cities through the road and fast-rail network. We will network the benefits and opportunities, both in jobs and lifestyle, of Melbourne with the benefits in jobs and lifestyle in our regional centres like Bendigo, Ballarat and the Latrobe Valley, and up to Seymour as well.

We want to build a more prosperous city. We know that Melbourne is rapidly being seen as a premier destination for business to —

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

Mr BAILLIEU (Hawthorn) — It is always good to have a plan, but this plan depends on quite a lot. It depends on community support, and the government has to acknowledge that members of the community do not really even know about this plan. They certainly do not know the detail of the plan.

This strategy depends on the government’s capacity to deliver infrastructure, and it has been clearly demonstrated over three years that nothing could be further from the truth. It depends on funding, but there is precious little about funding in this document. It depends on a response to the Infrastructure Planning Council proposals, and there is precious little response from the government on that. It depends on a minister who knows what she is doing, and there is plenty of evidence to suggest that she does not. We only have to look at what she said last night when she suggested that the Basslink cable would require 330 kilometres of undergrounding, forgetting the fact that 270 to 280 kilometres of it was already underwater.

It is three years since the last election, and the minister is asking us to celebrate her announcement after three years. The announcement was made just yesterday. Interestingly, no opposition member has received a set of the documents, despite a request, yet less than 24 hours later we are invited to discuss the detail. We have to wonder why.

I refer to page 17 of the principal document, which details the process. At the end of that time line there is a

huge gap between April 2001 and October 2002. Why is there a big gap? Because this document has been deliberately concealed from the public. This has been delayed intentionally by a government that did not know what it was doing.

Originally it was to be released in April last year. Issue 2 of the metropolitan strategy publication said there was to be a change, and it would be released late 2001. Then on 18 July in a media release the previous minister said it would be later that year. Just a week later the previous minister said that a third round of public forums would be held early this year after the release of the draft. On 16 November the previous minister said that the release for public comment would be in early 2002. The current minister then took the job and we have had a series of delays since — February, June, July, August and September — and on 18 June last the minister dumped the third round of consultations.

The reason for this delay is that the government wants to conceal this document. It wants minimum exposure of the document. It wants the gloss, the pictures, the maps and the motherhood statements. The outcomes can be summed up by the simple message: from the review we have been able to undertake, this strategy means for metropolitan Melbourne high rise, high prices and high density. It is not just me saying that. It was actually confirmed ever so sheepishly by the Premier yesterday on 3AW in answers to questions from Neil Mitchell.

This is not just a benign proposal full of motherhood statements. There are many things in this document that the community does not want to hear, and the government does not want it to hear them. The government is seeking a licence to do whatever it wants after an election. The document can be read in a variety of ways. There is a lot of motherhood in this document, and the detail is lacking. It can be summed up by an article in the *Melbourne Times*:

Ms Delahunty has inherited some major unfinished business, including the troubled metro strategy ... that encourages suburban high-rise development. This might be why some have unkindly suggested that Mr Thwaites’s biggest achievement is leaving the whole mess to someone else to clean up.

The reaction from the industry has been similar.

There has also been confusion over who has been responsible for this document and confusion over the aims of the document. The minister described this delay as a virtue to a Public Accounts and Estimates Committee hearing and said that nevertheless it would be a beautiful baby. Originally it was the responsibility

of the Minister for Transport — and where is he? — and the previous minister. Then we found that the previous minister lost his way and the current minister, who was sent down into planning, took responsibility. The reality was that the previous minister advised everybody in the industry not to worry because he was still responsible. The Royal Australian Planning Institute (RAPI) commented that way, as did metropolitan media such as the *Melbourne Times*. I quote from an article in the *Melbourne Times* of 20 February:

In an apparent admission of the serious problems faced in developing the metro strategy, the Deputy Premier John Thwaites will retain control over it despite losing the planning portfolio to Mary Delahunty.

This matter was raised with the media. The media inquired of the government and a journalist from the *Age* was told that there was a specific letter from the Premier to the current Minister for Planning saying that she was responsible. We requested a copy of that letter under freedom of information. What did we get back from the Premier? 'No such letter exists.'

The reality is that there has been confusion about responsibility for this, as there has been about the document itself. It was originally a 20-year plan, then a 30-year plan. There has been confusion in the target increase in households. The minister in her press release of 18 June said that there would be an increase of 1 million households in metropolitan Melbourne. That is from her own release. Then in a promotion in the RAPI magazine on 3 February it was 730 000 households; now it is down to 620 000 households. During the briefings, such as we got a couple of months ago — and there was never a more appropriate word than 'briefing' — the minister's representatives went through giving us a cursory glance at some headings. Even at that briefing the projections were questioned.

What does this document entail? It now targets 1 million additional people and 620 000 new households. There are 31 councils. There is no further breakdown of where those households would go, so as a benchmark targeting point we can say 20 000 households per council. The Premier says there will be some councils with more, but he will not say which, and he will not say which will have less. Where will these households go? Which councils will have more? Which councils will be protected? Why is the government hiding this detail?

As a consequence of this document there will be a reduced land supply. The reality is that land prices will rise, and consequently house prices will rise. In

addition, this document anticipates high-rise housing, and the reality is that housing over three storeys becomes the province of the Construction, Forestry, Mining and Energy Union, and we can expect increased house prices as a consequence of that.

Is it any wonder that just a few weeks ago the government announced that there would be — there are not, but it said there would be — new guidelines for high-rise residential developments? This document anticipates high rise, high prices and high density, and the Premier has said as much on 3AW. The reality is that the high prices are likely to be aggravated by development levies that some councils will seek on some of these high-rise properties. So first home owners, particularly young families, are likely to face increased property prices as a consequence.

The introduction of an urban growth boundary, from what we have been able to learn in the past 20 hours, suggests that there will be a range of anomalies and inconsistencies which will have to be resolved. Disputes are likely to occur in many areas where land which is already zoned residential has been excluded from the urban growth area, and I give the examples of Werribee, Somerville and Sunbury where there are disputes.

A number of other issues are involved, but I want to take up the minister's comments about consultation. The government's claims about consultation have been greatly exaggerated. The consultation that was undertaken elicited this response in the planning institute magazine, the *Victorian Planning News*, of May 2002:

There seems to be more interest in body counts than in promoting fresh thinking. Bland motherhood statements abound, accompanied by a general rehashing of well-worn planning strategies. With regards the body counts, these are depressingly small. Some 1200 have apparently attended the information sessions. This number represents a tiny, tiny percentage of our population ... The true figure once all those paid to attend are subtracted is even more depressing.

It goes on:

The exercise places a question over the whole process of public consultation ...

It further states:

It is a depressing outcome given the potential in this subject and the fact that the intellectual credibility of the metro strategy relies upon such documents. There is little in the way of fresh thinking. One is left wondering is this the best that can be achieved.

These consultations consisted of very small groups dominated by one or two individuals, and the input is recorded.

The interesting thing is that you can interpret that consultation whichever way you want. Among the questions asked were, ‘What do you like least or most about Melbourne?’. Many said they liked least the monoculture urban sprawl, many said they liked least the medium and high-rise density, and many said they did not like football and that that was the worst thing about Melbourne. There were those who liked most the gardens and backyards and detested most the medium density and the high-rises. You can interpret that consultation whichever way you want, and that is the reality. Others have been tougher, as I have said.

The question then arises as to where the funding is coming from. Where is the money for the proposals that have been put into this? As we have seen with the Infrastructure Planning Council, there is \$5.6 million for local government to promote this, but there is no funding for many of the significant initiatives that are included.

Ms Delahunty interjected.

Mr BAILLIEU — There are other nasties hidden in this document, which we have discovered only from those who were involved in its preparation. We are told by some of those who were involved that some of the freight and transport initiatives include a proposition that tramlines in metropolitan Melbourne are to be used as access routes for container freight. If that is to be the case — —

Mr Nardella — Who says this?

Mr BAILLIEU — A mayor — one of your reference group. And we have the Tram 109 project, which has the potential to have a huge impact.

Honourable members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! There is far too high a level of interjection in the chamber. I request all honourable members to reduce both the frequency and the volume of the cross-chamber interjections. It is becoming far too great.

Mr BAILLIEU — One of the things in this glossy document — that is what it is, and there are a lot of sweet statements in there — that Melburnians and Victorians need to take account of is the anticipated increase of 1 million people — an additional 620 000 households. That means in simple terms 1.6 persons per

household. The 1996 average across metropolitan Melbourne was 2.86, and the government, through Professor Lyndsay Neilson, suggested that by 2021 it would be 2.34, a decline. But this document is suggesting that the figure will be 1.6. No wonder we were told at the briefing that 90 per cent of the new housing would be one and two-person households. That is what this document is anticipating.

The minister herself said at the Public Accounts and Estimates Committee hearing earlier this year that there is a social revolution behind this document. She can only mean that this government is planning to force Melburnians, particularly young Melburnians and first home buyers, into high-rise, single-bedroom flats and to force those who live on their own in single housing into apartments.

Where will those apartments be? The reality is that they will be where this government says, but where they will be this document does not say. We want to see the government explain the details. How many additional households will there be in each council? Why has that information not been provided? The information has been prepared, but the government will not provide it. It is great to have a plan, but the reality is that this is high rise, high price and high density, and the process has been in many cases high farce.

Mr DELAHUNTY (Wimmera) — On behalf of the National Party I will comment on this matter of public importance today, which is about the strategy entitled Melbourne 2030 — Planning for Sustainable Growth. We in the National Party support planning in relation to these things. But what I see in a lot of cases today, in particular with this Labor government, is that we are doing a lot of talking and we have a lot of consultants, a lot of plans and a lot of reports, but at the end of the day we are getting very little action.

An honourable member interjected.

Mr DELAHUNTY — No action! I do not think anyone would disagree that we need a strategy to guide development, so in many ways this is a good basis for moving forward in this state. This matter of public importance refers to sharing:

... growth across the whole of the state over the next 30 years to ensure Melbourne remains the world’s most livable city’.

I would love to see that to refer to Victoria being the world’s most livable state. That is why I highlight the fact that again this is a very city-centric approach to government.

An honourable member interjected.

Mr DELAHUNTY — I would love to see it included — ‘Victoria, the world’s most livable state’ — and it is a pity they did not listen. All the time I keep hearing the word ‘sustainability’. At the end of the day if we do not have productivity we will not have sustainability. A lot of that is impacting on our country areas.

In researching for today, with the support of the parliamentary library staff I looked through quotes and editorials following the release of this report. One I have here is from the *Age* of 2 October 2002. An editorial entitled ‘Preserving a livable city for the future’ says that ‘fair implementation presents a challenge’ to this government.

It goes on to say:

On current trends, urban development in Melbourne would have consumed another 25 000 hectares of rural land within 20 years.

As a minister has said and as others have mentioned in the media, a lot of this is highly productive land and it would mean again taking away productivity from country Victoria. It continues:

Now the Bracks government has announced legislation to clearly define 12 green wedges, as well as a second category of rural conservation zones ...

I will come back to those conservation zones later. Although Melbourne will benefit from this the article goes on to say there will be some losers:

Farmers are entitled —

and I agree —

to be concerned, despite Premier Steve Bracks’s claim to have crafted ‘right to farm’ legislation.

I cannot see anything that links this to right-to-farm legislation. The reality is that this legislation will take away the rights of some of the landowners and farmers in those areas. Will those people be compensated for the devaluation of their properties? I have not heard any discussion about that. For some of these rural landowners their land is their retirement fund — this is their superannuation — and to take that away with legislation is wrong, wrong, wrong without putting in some sort of compensation to support them. As I said and as highlighted in the editorial:

... much of the land is degraded and lack of management is eroding its value as open space. Weeds and pests such as rabbits spread if left unchecked.

Many concerns were raised not only in Melbourne but right across Victoria about the fact that the Department

of Natural Resources and Environment has dropped the ball in relation to being a good neighbour with public land. Landowners come into my electorate office saying, ‘We’ve got DNRE tapping on our shoulders, saying, “Get rid of the weeds and the vermin such as rabbits”, and yet they are not doing anything on their own public land’. To highlight the concerns I shall quote from a letter that the Leader of the National Party has received about the compensation issue and concerns of some land-holders. This is from Mr J. Webster, who says:

Thank you for accepting the following comment.

The letter is much too lengthy to read in full, but I shall read just a couple of paragraphs:

... not only primary producers but quite large numbers of small land-holders who may be deeply upset and are financially disadvantaged if as yet to be seen legislative arrangements become law.

This is talking about taking away the opportunity for some of these land-holders in these conservation zones to obtain compensation.

Mr Nardella — Where does he live?

Mr DELAHUNTY — All right, I shall read it out. He lives in — —

Mr Nardella — Where does he live?

Mr DELAHUNTY — I will let the interjection go. If the honourable member does not want to have anything to debate, we will not listen to him.

The letter continues:

... the question ‘Does the minister intend evaluating the loss in financial terms to every land-holder in the proposed ‘spine conservation’ areas by their not being able to negotiate disposal of property at a fair price?’.

I think that highlights the concern of some of these people who have been overrun by this legislation.

Mr Nardella — It is not going to affect the Wimmera.

Mr DELAHUNTY — I have to help the honourable member by pointing out it is Wimmera — W-i-m-m-e-r-a.

Mr Nardella — Where do you come from? Which town?

Mr DELAHUNTY — I come from Horsham.

The ACTING SPEAKER (Mr Lupton) — Order! Interjections are disorderly, and I ask the honourable member for Wimmera to address his remarks through the Chair and not by a direct response.

Mr DELAHUNTY — Thank you for your guidance, Mr Acting Speaker.

In looking through the strategy document the National Party was very concerned about some of the statements in it. I heard the minister in her presentation this morning talking about maintaining the flight paths for airports. Upon reading the press release and some of the strategy, I note it talks about maintaining flight paths for Moorabbin and Melbourne airports and Avalon airfield, but there is no mention of Essendon. Why not when it is one of the most important airports? We know there is a lot of pressure on Moorabbin Airport. Any livable city in the world would be making sure it protected those airports which gave direct or quick access into the city.

We have the fantastic City Link network that provides a link to not only the major metropolitan airport but also Essendon Airport to service the rural community coming in by air and, more importantly, the air ambulance and the emergency services. It is one of the most vital airports in Australia, and I think most cities around the world would love to have an airport like Essendon. As I said, that is one of the concerns that I had when reading the strategy.

The strategy document is fairly lengthy. I do not want to highlight too many of those things here this morning, but it talks about greater energy efficiency. Again that is to be commended, but importantly we have problems in country Victoria with energy. Many communities do not have natural gas. The National Party has put forward a policy for the next election to connect country towns to natural gas which would give them the opportunity to compete. We need better transport links. This government has talked about the fast rail, which has failed to materialise. Reports have been produced, but the benefits are very minimal.

I shall finish on one key point. We have problems in country areas that are mainly to do with water. We have talked about and looked through the document to see what the government will do to service the water needs in the metropolitan area. There is hardly a mention of it. Is it going to steal water from country areas, as it has been doing for many years from the Latrobe Valley and Shepparton. Every megalitre of water you take from country Victoria takes \$3000 of economic growth out of country Victoria. The National Party has been calling for a cap on water use in Melbourne. One of the ways

of using water better is to build major infrastructure that can help save water.

The Wimmera–Mallee pipeline was one of those key projects. I want the government to stop procrastinating and mucking around with this. It has taken six months to get a community committee up to do some detailed design work. The pipeline is vital to the continuing growth of western Victoria, yet the government has dropped the ball in relation to that.

Mr Nardella interjected.

Mr DELAHUNTY — You have not spent \$1. Since Labor has been in government it has not spent \$1 on the Wimmera–Mallee pipeline. Let's see this Labor government roll up its sleeves and do something in country Victoria to make Victoria the most livable state in the world.

Mrs MADDIGAN (Essendon) — I have much pleasure today in supporting the motion moved by the Minister for Planning which supports the *Melbourne 2030 — Planning for Sustainable Growth* document. I congratulate her and the staff of the Department of Infrastructure for having the intestinal fortitude to produce this bold plan for Victoria. It is significant that in the seven years of the previous government the only planning policy we were given was the failed and terribly misnamed Good Design policy.

I am disappointed with the response of the Liberal opposition today. I congratulate the National Party because its spokesman showed at least that he had read the document. I was very disappointed and I must say surprised by the remarks of the honourable member for Hawthorn, who started off as though he had something useful to contribute by saying he agreed with having a plan. That was the only sentence he uttered during the whole of his speech that actually referred to the document.

From some of the information he gave, people could be well within their rights to believe he has not read the document. That is very disappointing because it is a very complex document. It provides great opportunity for Melbourne to grow in a planned and sustained manner rather than in the ad hoc way in which it has grown before, and it can really develop an excellent strategy for councils to use in the development of their planning schemes in the future.

It is really sad that the opposition has spent the whole time talking about the process and not actually addressing what is in the plan. It has probably left people listening to the speech today wondering what exactly the Liberal Party's view is in relation to the

strategy, because in fact the Liberal Party did not actually get to that during the 15 minutes allocated to it in this debate. That is a shame because there are some terrific things in the document. Obviously it is very difficult to put in place a plan that meets the needs of suburbs as diverse as perhaps Werribee, Essendon, Carlton and Oakleigh.

For my inner area of Essendon I see great assistance to improve the planning process under which we work. It is true that inner urban areas such as Essendon have had severe planning problems over previous years. Areas such as mine, which have little vacant land, suffered very badly from the policies espoused in the *Good Design Guide*. The previous government's planning process, because there was no prescription or certainty in it, led to huge numbers of ad hoc developments, which caused huge concerns to residents.

In fact it changed the whole process of planning in our state. People who lived in their houses had to become planning experts to protect their houses from the effects of developments. They had nothing to do with the developments and they were not going to make money out of them, but often they were forced to expend huge amounts of money to try to protect their own living area. A planning system that does that fails. That is why the *Good Design Guide* spawned such groups as Save Our Suburbs — it failed the people of Melbourne.

The Bracks Labor government has now brought in two policies that will reverse that trend which became so apparent and caused so much distress to so many people during the seven years of the previous government. The first policy was, of course, Rescode, which was introduced some time ago. Now we have the overall strategy, Melbourne 2030, which gives councils and local government units the opportunity to devise a planning scheme that suits their residents.

For areas such as mine, which has had problems in the past with higher density developments in the residential areas, Melbourne 2030, with its identification of major activity centres, allows for high-density development to be contained in a small area, thus protecting the residential areas. That is what my residents will be extremely pleased to have. They are sick to death of the provisions under the previous government's guidelines, which gave no certainty and allowed developments to grow higgledy-piggledy and all over the place in a way that was disastrous to the look of the suburbs and destroyed parts of my suburb. I am very pleased that we do not any longer have to put up with that.

It is unfortunate that members of the opposition do not appear to have read the specific parts of the strategy. I

would like to refer to some of the sections and strategies which are particularly useful for my suburb. I refer particularly to 157, which provides protection for the Maribyrnong River. We know that the previous government ignored the Maribyrnong River — it was over in the west, so it did not worry about it very much. I remember an occasion when the then Minister for Conservation and Environment found her way — with some difficulty, I might add — to the Maribyrnong River. When she got there she said, 'Oh well, I've never been here before. It's not too bad, is it?'. Honourable members can imagine how impressed my residents were with that view of the Maribyrnong River! It is a beautiful river, and one that certainly deserves to be given protection by the government. That is encompassed in this document and will be very well received by my residents.

Mr Wynne interjected.

Mrs MADDIGAN — Indeed, the other significant river in our state — not quite as significant as the Maribyrnong, but not a bad river — is the Yarra River. I know the honourable member for Richmond will be very pleased about the protection that is given to the Yarra River as well. They are two very significant initiatives.

The other initiative my residents will be particularly pleased with is policy 5.6, which relates to the parklands code and the protection of open space. Honourable members will recall that members of the previous government thought open space meant land for development. Unless something was a formal park it was considered a prime building block. We saw them selling off parks all over the place.

Ms Beattie — In Lily Street, North Essendon.

Mrs MADDIGAN — Lily Street in North Essendon is a prime example. It had a beautiful bit of open space, overlooking the river. Members of the previous government wanted to build units on it because, they said, 'It's not a formal park. It's open space. Therefore it is not of any value'. This document recognises the value of public open space, and once again that will be very strongly supported by my residents.

The honourable member for Wimmera was a bit concerned that Essendon Airport does not get a mention in the strategy. I can assure him it does. If he would like to look at policy 4.3, Transport, he will see that it confirms the Labor government's view that the aviation activities should be relocated from Essendon Airport.

Mr Leigh interjected.

Mrs MADDIGAN — It reaffirms the importance of Tullamarine airport as the major airport for this city, and the government will be working in the future to ensure that Tullamarine operates as a most efficient airport for all users in this state.

Mr Leigh interjected.

Mrs MADDIGAN — The honourable member for Mordialloc asks whether that means more aircraft for the airport in his electorate. I have heard the honourable member for Mordialloc in here significantly support the airport in Mordialloc. I presume he wants to see it operating efficiently, so I cannot see quite what his problem is there.

Policy 5.4 relates to heritage, which of course is of much importance to my electorate. Some of the heritage buildings have been destroyed — I refer particularly to a well-known church in Mount Alexander Road that was destroyed by ministerial intervention under the previous government. They are matters that are well remembered by people in my electorate, and they will be very pleased to see that strategy.

Paragraph 5.5 refers to neighbourhood principles and supports the neighbourhood character aspects of Rescode, which has changed the whole focus of planning in deciding what developments are appropriate in a residential area.

Paragraph 1.1 is a major policy in relation to activity centres. It is one way of protecting our residential areas from overdevelopment. Unfortunately I do not think members of the opposition quite understand that councils are working with the government — in fact there is an allocation of \$5.6 million to assist local governments in drawing up the changes in their planning schemes, which I think the honourable member for Hawthorn was perhaps not aware of.

The strategy provides councils with the opportunity to work with their communities to put in planning schemes which allow their councils to run in the way their residents want them to run. What a contrast with the previous government! I found it rather humorous when the honourable member for Hawthorn said, in a disparaging way, ‘Well, this policy’s here, but it depends on community support’ — as though that were really quite an outrageous concept. As members of the Liberal opposition may have realised, members of the government actually welcome community input. We believe communities have the right to make planning decisions about the areas in which they live.

We do not support the interventionist state government policies that were so beloved of the former Minister for Planning. We will continue to work with our councils and our residents because what members of the opposition still do not understand is that this document provides local councils and communities with the opportunity to draw up the planning schemes that protect their residential areas and also support them in major activity centres.

Instead of members of the Liberal opposition misunderstanding the document — in fact not reading it — and coming in here and complaining about the process, how nice it would be if they came in here with some policies, with something strategic, and told us about what parts of the policies they like and what parts they might like to change. At least we could then understand whether they have any idea of how the community wants planning to proceed in this state or any idea of how this state can develop in the future.

Mr LEIGH (Mordialloc) — The honourable member for Essendon said that she would like to hear members of the opposition say what they stand for and what they believe in. The fact is that, other than some minor briefings provided to the opposition at which the government would not even provide some documentation for the shadow minister, we got one copy of the documents yesterday — and that is it. We are supposed to come up with a comprehensive plan one day later. Members of this government spent seven years in opposition bagging everything across the planet, and never said one thing of any positive note on anything. Then they got into government and did a giant somersault. They expect us in one day to tell the world — or them — how they can save themselves from this mess.

Some interesting comments appear in today’s *Age*. I would like to start with three points. First, it is reported that the Minister for Transport said he wants to increase public transport use from 9 per cent to 20 per cent by 2020. The fact is that currently under this government, given how it has botched the franchising arrangements, public transport is going backwards. That is why the government hides the Victrack results showing what is going on.

On the second point, I do not want to quote someone from my side of politics so let me quote someone who is not necessarily on my side of politics. The secretary of the Public Transport Users Association, Vaughan Williams, is reported in today’s *Age* as having said:

... the report contained no new funding commitments, and was not a 30-year blueprint.

‘After three years ... there’s nothing of any substance in the report’, Mr Williams said.

That is not being said by us but by the Public Transport Users Association, which has been both critical and praising of the government. What the government has come up with is a set of nice glossy documents that say, ‘This is wonderful. Let’s have some motherhood statements’.

Then we have reference to our old friend Mike Hill, a Labor Party branch member:

Victorian Local Governance Association executive officer Mike Hill said: ‘The inner city has borne the pain of urban density over the last decade ... but I think some of that pain is now going to be transferred out into these major activity centres, with people saying they don’t want some of these developments’.

That is what this is all about. Southland and the surrounding area will be high-rise, Chelsea will be high-rise and Mordialloc will be high-rise. In fact the government has done it so well that in the map showing who’s who and where is where, Chelsea is under the Greater City of Dandenong. The honourable member for Carrum may care to look at the documentation.

What has the government done? It said it would do the trains. Well, let’s look at the trains. The government made an election commitment of \$80 million for regional rail which blew out to \$810 million, and when it could not get anyone to do it for \$260 million the figure has gone back to \$550 million. Three years later and not one rail spike has been put into the ground anywhere. In fact there is a tree on the Ararat line that is about 4 feet bigger than it was when the government came to office. Nothing has happened. Even the people of Ballarat are wondering what is going on with this bunch, let alone Bendigo or anywhere else. Farmers in that region are now being told they have to pay for the guard rails for the train passing through the region. A concept put in place by the former Liberal government which this administration opposed has been botched since Labor has come to office.

Let’s go to the trams. What happened to the Knox tramline? Nothing.

Mr Stensholt interjected.

Mr LEIGH — The honourable member for Burwood says it is coming. It certainly is, because three years later nothing has happened and now the government will be stopping it at Vermont South. Even Yarra Trams does not want to build it. Nothing has happened. Let’s go to route 109, which is so proudly talked about in this glossy document. What has

happened? Nothing. They are changing the tram stops! Yarra Trams has sought \$3 million per kilometre from the government but cannot get a decision out of it. Yarra Trams wants to turn it into one of the prime tram routes in the state. David White, the head of Yarra Trams, someone who is well known to the honourable member for Melton, has gone to the government, but three years later there is still no action.

Let’s go to freeways! Craigieburn sat on the desk of the then Minister for Planning for two years before the government made a decision. The federal government is paying for it. In my community the honourable member for Carrum and the Bracks government cancelled the local bypass and moved the money to the Burwood tramline. In opposition the Labor Party opposed City Link for seven years, but in government it now thinks it is wonderful. It wishes it thought of it. Nothing happened with that. Let’s go to the Scoresby freeway, now renamed the Mitcham-Frankston — —

Ms Lindell interjected.

Mr LEIGH — What has happened to Mitcham-Frankston? After seven years of opposition the government has mucked up. Nothing has happened. The Prime Minister has allocated the federal government’s share of the money but this government could not even get the figures right; it was \$400 million out. As for the all-famous Eastern Freeway tunnel, this document is so up to date it is listed on page 154 as a freeway under construction! Nothing has happened three years later! Now the government is negotiating with the three tenderers to pay them up to \$40 million to get it out of the mess as they couple it with the new Mitcham-Frankston freeway. Nothing has happened.

Where are we now? Let’s look at Spencer Street, which the government should be ashamed of. Spencer Street was a deal put together by the former Liberal government, and three years later the best this government can do is send the Premier down after 14 announcements from his office and the minister — they have a competition as to how many times they can announce this — to finally turn a sod. He ought to be ashamed. Why has it taken three years to turn a sod to commence construction on a supposedly intricate railway station.

Over its life this deal will commit taxpayers to \$1000 million. In talking to the company we discover this is about a deal for four apartment blocks costing \$100 million to \$150 million with no height limits specified but which will range from 28 to 35 storeys. The planning panel has not made a deal about the height limits of those apartments, but I guarantee that in

the end the planning panel will say, 'You can have your 28 and 35 storeys' because the government has accepted money from the developer, but it does not want to talk about that. Tragically, Spencer Street should have been the hub of what should happen to regional rail, but instead it is four apartment towers and, gee whiz, it must include a railway station. That is of great concern to the opposition.

I can go on further. I can talk about the Smart Bus trial, which is another Liberal Party plan. It has taken three years to get it from the stage of a plan to actually operating on Springvale Road. We will all be dead by the time the Scoresby freeway, the Eastern Freeway tunnel or the Dingley bypass are built. We will all be in our graves if this bunch opposite stay around in government.

We have the old favourite, the Treasurer promising the upgrading of the ports while at the same time he has an environment effects statement inquiry into whether the Rip can be blasted or we can dredge the bay — but he says we should do all the work for ships drawing up to 14 metres. The honourable member for Carrum knows full well that in our area the drains are fairly low and that if the water in the bay increases to any significant degree we will have backwash up the drains. The flood plans the council put on our citizens was just a rubber stamp on everyone's house. They said, 'This is what is going to happen'.

All the houses are now covered by a floodplain, which is devaluing properties, yet there has been no consultation. The government has just done it. I give the honourable member credit for turning up to the Chelsea meeting that I attended.

Ms Lindell interjected.

Mr LEIGH — Rubbish. There were 30 people present, and the honourable member did not say anything.

Ms Lindell interjected.

Mr LEIGH — At another meeting there were 14 people present. This is a nice glossy document, but Victorians want more. They are sick of paperwork, they want action. They want freeways built and money spent in the right way.

I conclude by indicating that on the Neil Mitchell program the then Acting Premier, the Minister for Health, when asked about a blow-out of \$500 million said it did not matter because the government had \$700 million for the next year. It does matter, because that \$500 million could be spent on all sorts of things.

This government is made up of a bunch of pen pushers who have no idea of how to deliver projects for Victoria. Bring on the election, because you lot are a disaster!

Mr CARLI (Coburg) — I must say firstly that Victoria has a long and proud history of vision in terms of planning. At different times there has been a different emphasis and there have been different priorities, but if you look back over many years, going to the Melbourne and Metropolitan Board of Works plans from the 1920s onwards, you discover that Victoria is about vision. It looked at the city and ensured infrastructure was in place, sewers and roads were constructed and planning was occurring for the growth of the city. Over time that changed. Initially it was making sure land use was designated and we did not have industrial areas infringing on private areas and that services were in place. Later on it was about growth corridors, satellite cities and activity centres. It was about vision.

The opposition has demonstrated no vision. It has no sense that what we are dealing with today is a 30-year vision of where the city ought to be and trying to tackle what is seen globally as the single most important issue facing modern cities — sustainability. It is the single biggest issue. Every major city in the industrialised world is trying to confront the issue of sustainability. We have sought to do that in this document through the process of consultation and discussion with the community in Victoria. I have attended many meetings and have met with and had serious discussion with members of the community and professionals. The keystone of those discussions is the issue of sustainability.

We have two major frontbench opposition speakers who have demonstrated no vision, because all they have done is prove they have not read the document. Therefore for the first time in Victoria one political party in this house has no longer a sense of the urban form as part of a vision. It has no sense of where the city should go and how it should develop.

Historically in Parliament there has been consensus on urban development, and historically the Melbourne Metropolitan Board of Works documents have shown agreement between the political parties. Why? Because these are visions that involve the long term — and not just one or two governments but numerous governments.

Mr Leigh interjected.

Mr CARLI — We have tried to engage your party in this process, but you have been absolutely hopeless because you have not had the courtesy to work on issues of sustainability!

I want to cover sustainability, because as I said it is the single biggest issue in urban planning, and I want to demonstrate how this document is fundamentally tackling it.

Mrs Peulich interjected.

Mr CARLI — The honourable member for Bentleigh calls it ‘a wanky left position’. It is the single biggest issue in the urban system. It has been promoted as much by conservative governments as by left-wing governments, and for very obvious reasons. We cannot sustain the cities as they are at the moment. We cannot sustain them in terms of urban growth for future generations.

What do we mean by ‘more sustainable urban form’? The Brundtland report of 1987 defines sustainability as:

... development which meets present needs without compromising the ability of future generations to achieve their own needs and aspirations.

It is about our generation ensuring that we leave for future generations the same ability to experience the lifestyle and the prosperity of this great city that we have, and that involves a whole raft of issues from water to financial disparity and social and physical infrastructure. That is a very important position to take.

Central to that is the nature of the urban form, which, as it has been envisaged for sustainable cities, is about conserving energy, minimising pollution and improving liveability and amenability. It is about increasing accessibility to various parts of the city without necessarily increasing the need for cars, resulting in greater congestion.

That is why a city built around activity centres is central to the idea of a sustainable, contained urban form. It is about developing areas for activities where people can walk, where they can move in and out and where they are not totally dependent on box stores in the suburbs — that is, the 1970s model of a store that is surrounded by a car park. It is about liveability.

We should be proud of the notion of building around activity centres, because much of the theoretical work — the ideas behind this — has come from Australians. In particular I would nominate Peter Newman and Jeffrey Kenworthy, who in 1989 did some comparative work about the use of energy and cars in various cities. They found that North American

cities use considerably more energy on transport than Australian cities, which in turn use more energy than European cities. The variables that made the big difference were the use of public transport and city densities.

This document is primarily about trying to build those densities around activity centres so that we can have the same sort of lifestyle we have come to expect in inner Melbourne in other, larger parts of the city, where people can walk to shops, where jobs are close at hand and where recreation is available.

I have lived in inner Melbourne long enough to know what Brunswick Street and Sydney Road used to be like. They were dying strips, areas that were in chronic decline. They were revived by a lot of public policy measures and private investment. That is what we are talking about.

I want to highlight in particular the importance of transit cities, which I saw last year when I visited Vancouver. Transit cities are higher density and very much about building around transport modes, recreational areas, jobs and a raft of other activities. When we talk about Dandenong as a transit city we are talking about a major urban centre which has a transport interchange, jobs, shopping, community infrastructure and public and private investment. Box Hill is another one. It is probably the closest thing we have at the moment to a transit city. It can only get better in terms of what can be done by deliberate government policy.

We have a vision, and we are proud of it. We would like to share it with the opposition, but in seven years in government the opposition had no vision for the metropolitan area. Worse than that, the previous government asked every local council to do its own local metropolitan statement and to set its own vision for its municipality while providing absolutely no leadership. Everybody on our side who was involved in local government knows there was absolutely no leadership.

The honourable member for Hawthorn comes in here and says it took us three years to do this document. It took us three years — —

Mr Baillieu interjected.

Mr CARLI — Yes, it did take us three years, because it involved 80 000 submissions and discussion with individuals. Eighty thousand people contributed to it directly, and a raft more indirectly, when we held discussions with all the associations and organisations on building this policy. We are proud of it.

To the honourable member for Hawthorn I say, ‘You had seven years — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Coburg should direct his remarks through the Chair and not across the table to another member.

Mr CARLI — The previous government had seven years to build a vision for the state, and it did not. It allowed the market to rip into it. Members opposite complain now about high density, high cost — —

An honourable member interjected.

Mr CARLI — I know the damage that was done by the *Good Design Guide* in my area — including the inability to plan for development. It was basically left to the whims of developers and, to some extent, speculators. We are saying we want to provide certainty. We want to make sure we know where those developments will go. We are on about the sorts of things that make for good planning. In his contribution on a document dealing with planning the honourable member for Hawthorn never once spoke about good planning and about planning as a source of vision. The great urban plans have all come from visionaries. We have visionaries on our side right through our ranks, and in particular I refer to the Minister for Planning and the former Minister for Planning.

In the case of the honourable member for Hawthorn there is no vision and no plan. All he could do was lament the fact that he had not been briefed often enough, and lament the fact that everything he could possibly — —

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

Ms BURKE (Pahran) — I wish to make a contribution to this matter of public importance on the metropolitan strategy. Melbourne is a very large city, and both sides of the house are aware of that. It is nine times the size of Paris, and its growth has been a concern to everyone since the 1929 Melbourne report on metropolitan town planning. The great visionaries of the past like Robert Hoddle, who in 1837 did a plan for Melbourne which we now look at with great pride, showed a foresight that certainly has left an impression on this city. They gave us a very good guide from the beginning.

The important thing about these documents is whether they can be implemented. Our shadow Minister for Planning has talked about this high-rise, high-price, high-density — and I have to include in that

‘high-pollution’ — plan, because the government has not taken into account a lot of those issues. It talks about transport, but when you look at the densities and where they will be you see they will be in areas where there are all cars — not a great vision for transport.

The biggest issue we face in planning today involves the communities that do not understand what all this actually means. In fact they are very rarely included in future plans, and all they have to be concerned about is their local patch. Many of them are not particularly happy with one day having to look out at a blue sky and the next having to look out at a brick wall. Local government has to deal with that at a local level every day, and this process is obviously going to be a lot harder for local government.

Although the document comprises eight books and it is difficult to read it all in the space of 24 hours, there are a number of areas that clearly have to be looked at. In the context of a 30-year vision it must be borne in mind in making any critical examination of a report or major planning scheme that three years is a relatively short time for major changes. That is particularly true with the rapid growth of Melbourne under the different policies that are in place at the moment. We have seen it in the rapid growth of housing in Melbourne through the federal government’s home ownership scheme, which influences the growth of properties and changes the way households are created. People now want one and two-member households rather than three or four-member households — sometimes back in the 1960s they were seven and eight-member households.

It is all very well for honourable members on the other side to talk about how clever they were to do this in three years. When we were in government over the seven years we changed every single planning scheme in the whole state, and we looked at it in an entirely different manner to the way it had been looked at before. We put some scientific analysis into land use.

Whenever you change the way people are going to live you have to consider a number of other issues as well. John Burns, the author of the English Town and Country Planning Act, said that you have to look at your modest objectives. In the past they have been things like:

Comfort in the house; health in the home; dignity in our streets; space in our roads; and a lessening of the noises, the smoke, the smells, the advertisements, the nuisances that accompany a city that is without a plan, because its rulers are governors without ideas, and its citizens without hopeful outlook and imagination. Industry is the condition of a city’s being; health, convenience and beauty the conditions of its wellbeing.

One of the big issues for anyone with a new vision or new ideas for a city is that the vision has to not only bring in the businesses and the citizens but must also be achievable at the council level. It concerns me that this document is all about what minority groups want. We have been hearing that for as long as planning has existed; but how do you achieve it? How do you implement it? That has always been the problem.

In my area of Stonnington, for example, I have estimated that the number of households is going to increase by 45 per cent. I have one of the smallest electorates — 12 square kilometres — with one of the highest populations. I wonder where those people are going to go. The document tells me that Toorak Road, Toorak, needs more entertainment! The biggest issue we are facing in Chapel Street, South Yarra and Toorak is the fact that entertainment does not mix with residential living. Twenty-four hour entertainment venues and licensed nightclub venues are not suitable close to residential living areas; they suit a central business district.

As is commonly known, everywhere in Europe and America they are looking at 24-hour venues and bringing the hours back to 2 o'clock and 3 o'clock. America has 2 o'clock; Europe is bringing the hours back to 1, 2 or 3 o'clock. To get a document like we have today that is so out of date and out of touch with global feelings and local feelings is staggering. I wonder how much real thought has gone into it.

On another matter, the biggest issue we face in planning is aged care. Where do you put aged care units that accommodate the ageing population we have? They have not even been included in the planning scheme, yet every suburb is going to have some form of aged care facility to look after our ageing population — which is going to include a lot of us in this house. That is not even taken into consideration.

Then there is the whole issue of high-density living and bodies corporate. We have so many high-rise towers, how will we ever deal with them when they are tired and old and are owned by 145 different people and we have to renovate them? So many of the major issues relating to the future that we must face do not even get mentioned in the document. Transport issues and interface councils — we have built-up municipalities that know nothing other than the car. From the day they were born people have used the car and nothing other than the car. Transport is vital out there before you make any difference. Look at areas like Nillumbik. Nillumbik is a green area, and it will have an increase of 104 per cent in households! I honestly do not know

how the area is going to take it, and it has very little public transport too.

The big issue in a planning scheme is to have a vision that is actually achievable. We have seen documents going way back to the 1929 plan for Melbourne giving great ideas, but the problem is to make them actually achievable.

I spoke to the house earlier about the whole issue of bringing the community with you. It is all very well for two officers of the planning division — and particularly good ones — to come up with this vision, but it has to be achievable. At no time did I see a local government committee of mayors or planners involved in working out the implementation of the strategy. The issues the coalition government raised when preparing its municipal strategic statements and planning schemes included actually letting people know that they were living on contaminated land instead of hiding from the fact, letting them know they were in a flood zone and could not develop, and making sure they understood that the scientific value of land certainly increased the possibilities of what you did with it and that we could no longer build houses on agricultural land and leave the poorer soils for agriculture. In closing I wish to say that there is more to a document of this sort than this one seems to provide.

The other matter that is absolutely vital is the whole issue of how your business is functioning. We all know that in the inner Melbourne area there are many businesses occupying high capital-increased land whose uses are non-conforming. They are now struggling because of the lack of telecommunications, Internet services and so on to run their businesses in old factories. That is not even considered in determining how we work with these communities to get them out of the residential areas — they are old industrial estates — and move them to where the transport and infrastructure is sitting, waiting to help those businesses.

It is not only about the way business works and how we can improve that but also about people's quality of life and making sure that the mixes in each suburb are compatible with living a good, healthy and wholesome life. I am concerned that this document has left a lot of those things unsaid.

Ms LINDELL (Carrum) — Melbourne 2030 sets out a plan which for my electorate will be very important. The electorate of Carrum is a special place in Melbourne: on the west we have Port Phillip Bay and on the east we have the south-eastern green wedge. There has been a lot of community unrest, probably

over a decade, about continuing encroachment into the green wedge and what that will mean for the Ramsar-listed Edithvale–Seaford wetlands.

Melbourne 2030 does some very significant things for Carrum. It will introduce legislation to protect the green wedge and ultimately protect the Ramsar-listed wetlands. If you talk to people who live in Chelsea, Carrum, and Paterson Lakes one of the amazing things you learn is that if they want to drive down to Frankston they can go along the Mornington Peninsula Freeway, where there is actually open space as they do so. If you drive up Springvale Road and head out towards Dandenong on a nice, sunny day, driving past the flower gardens and small farms, it is just open space with roads that get you to where you want to go. If you speak to the people who live along the beach you learn that one of the things they cherish most is their ability to leave their homes and, within a couple of minutes, be driving in what could be the countryside but which of course is just one of the magnificent green wedges that the visionaries who went before us in this place set aside for Melbourne.

With the introduction of Melbourne 2030 we take another step forward to make sure that we preserve those green wedges for future generations. It is not something to dismiss easily. We should not ever think that the green wedges are not cherished by the people we represent, because they are.

The priority action of interim legislation to protect the green wedges will be — and has been — resoundingly applauded by my electorate. We also have plans for a chain of parks that will link open space through Frankston and into the Mornington Peninsula — a step that will once again be absolutely welcomed by the people of Frankston and Seaford in my electorate.

The other initiatives included in Melbourne 2030 are future investments in public transport. We are very lucky in my electorate, because we are serviced by the Frankston train line. It is a great commuter line that zips people up into town — and there are a few express trains that make the journey reasonably short. We can always improve public transport — we know that — and we must aim to always improve it.

This document gives us a way forward to do that. We also have to link the people that now live in the growth corridors, particularly the Wells Road growth corridor, into train stations. If you live in Patterson Lakes, up until very recently you had no access to public transport after 6 o'clock on a Friday night. If you lived in Aspendale Gardens, until very recently exactly the same thing happened.

We now have the extension of the Smart Bus down Springvale Road, which provides weekend and evening public transport for people living in Edithvale, Chelsea, Chelsea Heights and Aspendale. That is a great step forward and one that gives people an opportunity to go to the movies and come home on public transport or to go Southland and shop, using public transport, on the weekends.

The improvements foreshadowed in Melbourne 2030 show a great commitment to increasing and improving our public transport service. I think we all know that we have to make public transport more attractive to the community. As I have said, the improvements to public transport services on the Frankston line and the improvement in bus services into the Southland shopping centre are all welcomed, and they are outlined in this report.

The government has the aim of increasing public transport use to 20 per cent of all motorised trips by 2020. With the expansion of bike tracks, many of which are now connecting to the Bay trail, many of the on-road bicycle lanes that lead down Station Street and Edithvale Road are linking people into the wonderful open spaces of the Edithvale wetlands. Increasingly large numbers of people who go cycling down to Frankston on weekends are stopping on the way at Mordialloc and Chelsea and having a coffee. This is changing the face and economic climate of our outer suburbs.

One of the issues of great concern to the people of Chelsea, Carrum and particularly Seaford is the increasing number of multi-unit developments. I have two children, whom I think I have spoken about before in this house. They both desperately want to stay living in Chelsea. They cannot bear to think that they might one day have to live somewhere where they cannot go to the beach after school or work or where they cannot go for a run down along the beach during the winter and just enjoy that wonderful environment. But how do we preserve the best of what we love, at the same time allowing its use by more and more people who want to enjoy those wonderful spaces that Melbourne is so terribly proud of and renowned for, whether it is along the foreshore around Port Phillip Bay, the hills in Dandenong or some of those wonderful areas of the inner city?

We have a great challenge before us. But we now have a plan that can lead us in trying to hold on to what is best while delivering additional housing for the projected population increase of 1 million people that Melbourne will see in the next three decades.

In Melbourne 2030 Chelsea is identified as an activity centre. I recently surveyed my electorate, and one of the very strong things that came back was that residents wanted a more vibrant, safe and responsive shopping centre within Chelsea and Carrum. This plan makes that possible. Thinking that we could reinvigorate the Chelsea shopping centre right there on the train line, with access to the foreshore and all our sporting facilities, is a terrific step, and I am delighted to see it in this document.

We need open spaces to enjoy, and we need safe neighbourhoods. This is what Melbourne 2030 delivers.

Mrs PEULICH (Bentleigh) — This is not a 2030 vision, it is a current nightmare. I say that very much from a local perspective, with one of my local councils, Glen Eira, forging ahead with the state government in piloting and preparing an amendment designating something like 117 streets in the Bentleigh electorate for high-density development. We are not talking about something 30 years into the future; we are talking about an imminent threat to local amenity, local residences, our suburbs and our local streets — and the aggravation of local parking problems, which are already severe. Currently an independent panel in the City of Glen Eira has been put together to hear objections. There have been 150 very substantial submissions made to the independent panel. Today I tabled a petition collected within only seven days and signed by over 100 objectors to the state government's plan. It is not a metropolitan strategy with a vision.

This is a nightmare that is to be imposed upon the suburbs, and the suburbs will not wear it. Quite clearly this is going to make the medium-density housing policy of the previous coalition government look like an open space policy, because the definition of high-density development in the City of Glen Eira, which has been guided and advised by and has been working closely with the Department of Infrastructure, is that high density is one storey higher than the height of existing buildings. Given the local streets which have been designated and which I have listed in the petition that I am currently circulating, it means the entire electorate is going to be crisscrossed by high-density development. That obviously includes secondary roads such as Brewer Road, Wheatley Road — I also mention that I live on Tucker Road, which is one of these roads — Chesterville Road, South Road and Bignell Road, as well as all the surrounding local streets within 400 metres of activity centres.

Some of these are close to railway stations or railway lines, but many of them are not. The government has devised this plan even around bus routes. The whole

concept is ludicrous, especially when you have a look at the significantly ageing demographic profile of my electorate, which has the third highest number of over-65s. These people catch a taxi to go to the doctor or to the local supermarket. They do not walk kilometres in order to get to their destination.

This is an absolutely outrageous plan, and the suburbs will rebel. Yes, we all want a vision for the development of Melbourne and we all want plans that preserve open spaces, but the government at the same time is fostering and taking action that is going to see a further diminution of open space for the suburbs.

Mr Nardella interjected.

Mrs PEULICH — You will hear about the plan. We are not going to provide you with the solutions; we are not going to let you get off the hook. We will provide you with our ideas during the election campaign so that the voters in the suburbs which have been targeted will have a clear choice.

If you thought the town halls filled by objectors to medium-density housing in your Brightons, your Stonningtons and your Bentleighs were well attended, let me make a forecast. There will be wall-to-wall objectors in the suburbs!

I note the Premier's own suburb of Williamstown, where he has purchased a \$1.4 million home, is not singled out for this high-density development. Neither is Northcote, which is where my opponent at the next election lives. Honourable members should look at where these plans will be implemented and where loss of amenity will be suffered by residents, where we will end up with three-storey houses in local streets, where there will be many more cars cluttering the streets and where there will be far less open space than there is currently.

On the one hand the government talks about its commitment to open space, but it was very quick in moves to sell off University of the Third Age land in Caulfield. We have seen local councils selling pocket parks. Many residents in the City of Glen Eira, in the Bentleigh electorate, do not have huge tracts of open space around them. We treasure every little bit of open space we have. What is more, the government is funding a plan for the redevelopment of the Linton reserve, Moorabbin, which will see the sale of public land. Where, then, is the government's commitment to open space in the suburbs, in our local streets?

I will make a forecast. This is the honourable member for Albert Park's creation. The surrogate mother is the honourable member for Northcote, and substantial

aspects of this strategy or vision will be orphaned in the near future.

As I said before, the local suburbs will not wear it. I have called on the Minister for Planning as well as the Premier to scrap plans to open up 20 per cent of my local electorate to high-rise and high-density development. Based on the definition, in secondary roads where there are already three-storey developments, we are looking at four-storey developments. It is an ever incremental plan. In local streets where there are two-storey developments there will be three-storey developments. If we thought — and the government argued — that the infrastructure and the drainage system were inadequate to cope with the increased density of our suburbs, what will it be with this strategy?

Mr Nardella — Where would you put a million people?

Mrs PEULICH — The buffoon from Melton continues to interject.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Bentleigh will not use that language within the Parliament.

Mrs PEULICH — Mr Acting Speaker, the honourable member has been incessantly barraging opposition speaker after opposition speaker. It has been difficult to hear the contributions on this important issue which is very close to the hearts of a lot of people, certainly many people in the Bentleigh district.

The controversial C25 planning amendment of the City of Glen Eira in fact shows this is not a vision, a 2030 vision; it is a nightmare. It is here and now. It is a threat, it is being fast tracked, and it is being implemented quickly by this government. I asked myself why the City of Glen Eira was so keen to go down this track. Quite a few of its councillors opposed it, including the mayor. The answer came to me the other day, when I found out that the chief executive officer had for some time worked for a former federal housing minister and Deputy Prime Minister, the Honourable Brian Howe — as did the Bentleigh Labor candidate, Rob Hudson. Clearly the two are fast-tracking this plan to increase housing density in local streets. The Labor candidate for Bentleigh does not give a hoot about the loss of amenity, the increased density, the increased clutter of cars in our local streets and the stress to drainage, because he lives in Northcote. His suburb is not listed for higher density, and neither are those of a substantial number of government members.

I am calling on the Premier and the Minister for Planning to protect our local streets. We all understand there has to be some consolidation, but it should not be at the expense of our local streets. It should not be at the expense of open space even in the suburbs — it counts.

The strategy will have a profound and negative impact on my community. It is a timely illustration of what will happen in so many other areas that are listed for high-density development, including Bentleigh, Carnegie, Caulfield, Elsternwick, Glenhuntly, Clayton, Oakleigh, Moorabbin, Brighton, Hampton and Sandringham — they are just some of the surrounding suburbs that are being targeted by Labor. Let me tell you, Mr Acting Speaker, the south-eastern suburbs will not be railroaded by the likes of this strategy or this government.

I finish with a quote from Mike Hill, the Victorian Local Governance Association executive officer, who is also a card-carrying member of the Labor Party. He is reported as saying:

The inner city has borne the pain of urban density over the last decade ... but I think some of that pain is now going to be transferred out into these major activity centres.

It is not going to happen in the Bentleigh district.

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

Mr WYNNE (Richmond) — I rise to contribute to the debate following some excellent contributions from previous speakers, particularly my colleague the honourable member for Coburg who by any measure would be regarded as a person highly qualified to speak on urban planning matters, not only in terms of his own academic record in this area, but also his long association with planning and transport issues.

This plan will go down in history, along with the 1954 Melbourne and Metropolitan Board of Works plan, as one of the landmark documents of this state. The plan is visionary and sets a way forward for this state in its urban development for the next 30 years.

I listened carefully to the shadow minister's contribution to this debate. While it was long on rhetoric, it was very short on detail as to how the opposition would seek to address sustainability, not only in a suburban context, but in a context of the state and the country. The shadow minister dismally failed that test. As the honourable member for Coburg indicated, this is the great urban debate which has to be had. We have to understand how we can sustain our cities long term.

This government has put forward a framework document that clearly indicates in great detail how it proposes to have a sustainable and more livable city and metropolitan region. One of the key elements of that is the containment of growth. We no longer can sustain suburbs burgeoning willy-nilly and uncontrolled, out onto the urban fringe. It is incredibly costly to provide the physical infrastructure required, and it is costly in terms of the social outcomes for people. If we cannot provide public transport, hospitals and the core infrastructure that people need, then we are a lesser community for that.

We are seeking containment on the fringe, and a recognition of those incredibly important environmental areas through the protection of the green wedges. We recognise that over the next 30 years we will have to accommodate approximately 1 million extra people, which equates to about 620 000 households if you accept the current population projections of 1.6 people per household. I want to look at that within the context of the area I represent. In doing so it is important to look at it firstly within the broader planning framework.

The government is establishing here a vision and direction for urban development over the next 30 years. The key aspect is in fact that it is not prescriptive upon local councils; it is a document that sets a direction so that in all municipalities local planning schemes already put in place by councils would be the key planning framework.

Heritage overlays of course would be fundamental to any decisions councils make about any residential development. Rescode is the residential planning framework within that context, and local neighbourhood character clearly informs the decision making, both by the planners within councils and ultimately by our elected representatives, so there is no prescriptive element in it for local councils. We would argue that we seek to form a partnership with local councils to achieve this result.

For my own area, which is essentially covered by the City of Yarra, we are blessed by what planners call locational advantage. We are also blessed with some of the best public transport in the inner city. In that context, we surely would all applaud the ambition of the Minister for Transport to change people's mode of transport to the 20/2020 vision — that is, to have a modal change of 20 per cent of people out of vehicles and onto public transport by 2020. That is a fantastic goal that we should all be working towards.

Locational advantage is important not only for transport but also in terms of where people work. As we know,

employment outcomes have rapidly changed for inner city areas like the electorate of Richmond. The old smokestack and noxious industries that were there some 20 or 30 years ago have become high-tech industries where research and development is on the cutting edge and many employment opportunities are being created in the IT, retailing and commercial sectors.

Activity centres have been identified, and not surprisingly they are in major areas that are well known to us: Swan Street, Bridge Road, Victoria Street, Smith Street and Brunswick Street. In that context we know that the subdivision of the inner city has been extremely tight and the opportunities for redevelopment are relatively limited, as is the case within the City of Yarra, which is a very popular destination. It is important to indicate that the metropolitan strategy suggests that over the next 30 years 90 000 new households will be housed within the inner core municipalities of Melbourne, Port Phillip and Yarra and parts of Stonnington.

What does this actually mean? If the predictions of the metropolitan strategy are correct each year about 3000 new dwellings would be approved within those municipalities. Some 24 000 dwellings were approved in those municipalities over the last five years, an average of about 4800 dwellings per year. The predictions in the metropolitan strategy indicate that the figure would be approximately 3000, so for an area like the City of Yarra, which over the last five years has averaged 580 dwellings per year, clearly it would be a figure somewhat less than that. We have the capacity to contain growth to areas that are well serviced by public transport. There are areas within the City of Yarra where we can provide some extra residential capacity, but it is not going to be a massive drain on the ability of municipalities such as Yarra to manage this predicted growth.

The test of public life is not only to have the capacity to have a vision but also to be able to articulate it. This government has put forward an extraordinarily comprehensive and integrated package which looks at land use, public transport and open space and protects some of the major facilities in this state which are so much loved by the people of Melbourne. It is a visionary document.

I am delighted that the minister has been able to further enhance public open space, particularly in my own municipality around Trenerry Crescent and the Merri Creek, and most importantly to prevent through planning controls inappropriate development upon the

much-loved Yarra River. I commend this report; it is going to be a visionary document for Melbourne.

Ms McCALL (Frankston) — In the wee small hours of this morning when we were here, not necessarily by choice but by design, I read some of the metro strategy documents on the Internet. I have to say I was reminded of the nightmare on your street rather than the *Nightmare on Elm Street*.

Let me explain a little bit to the house about the municipality of Frankston. The people of Frankston have never considered themselves part of metropolitan Melbourne. We are outer urban, regional, rural Victoria. We are also considered regional in the sense that many of us have 59 telephone numbers, which to me does not sit very comfortably with a strategy that talks about metropolitan Melbourne. We would also argue that we are at the end of a train line and we are not in zone 1 for travelling, we are in zones 2, 3 and 4. I suggest that the community of Frankston would have a bit of difficulty in understanding how we fit so neatly into what is referred to as a metropolitan strategy for the year 2030.

I found some of what was written in the document very interesting. One of the activity centres designated in the document is the area of Karingal, an issue very close to my heart at the moment. I will explain to the chamber a little about the community of Karingal, which is part of the new electorate of Frankston.

It is made up of a large number of smaller houses, predominantly built in the 1950s and 1960s and occupied by a large influx of predominantly United Kingdom-born people who moved to the Frankston area. They were families — husband and wife and probably two to three children — who grew up in the Karingal area. I ask why they moved to Karingal. I was told they moved because the properties were reasonably priced.

For many of those United Kingdom-born people who migrated to Victoria in the 1950s and early 1960s, that was country Victoria. They were people who came from very urbanised environments such as the north of England, where there were tenement buildings, back-to-back housing and high urban density. They chose to come to Karingal, where they could buy a house within their financial means and where they could live on a block of land with a little bit of garden at the front and back — and many of them chose to work locally. Small business is the lifeblood of the Frankston area. Tourism is also part of our life, because we are at the beginning of the Mornington Peninsula.

As the population has aged many of the children have grown up, started families of their own and moved on. Many of the people who now live in houses in Karingal are part of an ageing population. Certainly I am aware that in the Frankston area in particular I reflect and am part of the ageing population. I think ‘ageing’ now refers to anybody over 45, which includes most of us here in Parliament! But it is an ageing population nonetheless.

As I said, those within that ageing population who remain in Karingal live in brick veneer houses built in the 1950s and 1960s, with a little bit of land at the front and the back. They walk their dogs on the limited open space that is available to them. Their grandchildren come and practise their cricket on that little bit of open space. What schools there are in the area benefit greatly from that open space.

From what I have read in the strategy document, and I would welcome the Minister for Planning correcting me if I am wrong, it seems that within the city part of Frankston — in other words, within the Karingal area — we will lose the open space we already have. There is already an argument about the Karingal school site and oval. I am concerned about losing that and then, as is proposed in this document, having potentially 20 000 more households moving into the municipality. I am supportive of the protection of a green wedge and of the proposal of a Cranbourne parkland, but concentrating this housing in what remains of the Frankston municipality fills me with absolute horror.

What will happen is that when those single dwellers move on and their properties are sold those houses that were built in the 1950s and 1960s will be knocked down and lots of two or three units will be built in exactly the same place. I see a dangerous encroachment, therefore, on the old quarter block, which people have defended fiercely in mowing their lawns and walking their dogs.

I am also concerned that with this high-density housing will come an increase in prices. The average price in the Karingal area is about \$135 000 or \$140 000, which is not cheap but still affordable for many people. This encouragement of development will result in high-density housing and what we called in England infill. The one thing that most people got more upset about than anything else was the loss of open space next to them when their next-door neighbour’s house disappeared and the gap was filled in. There is also the danger that we will look to spread not only sideways but also upwards, and then we will end up with high-density, high-rise housing.

Those of us who are fortunate enough to live on the gorgeous beachside in Frankston dread the thought that it will end up resembling the Gold Coast if you try to get an extra 20 000 residences somewhere within that close bit of the municipality.

Mr Maclellan — Let alone the sorts of people who might come!

Ms McCALL — And the sorts of people who might come. What a strange suggestion from the honourable member for Pakenham!

Let me reassure the people of Frankston that the problem with this metropolitan strategy — into which Frankston is not comfortable being lumped as part of metropolitan Melbourne — is the suggestion that a lot of the decision making will stay in the hands of the local council. That does not instil a great deal of confidence in those of us who currently live in the municipality of Frankston. We have a council that is at this stage virtually dysfunctional, with an absent councillor, one who refuses to come back because she is intimidated during council meetings. It is a fairly hopeless situation.

I say to the community of Frankston, which may not be too comfortable about being included in a Melbourne metropolitan strategy, that I will defend to the letter their right to defend their open space, and I will do everything I can to ensure they will not end up with high-density, high-rise developments that will push lower income families out of the city of Frankston and elsewhere merely for the desires of the developers.

Mr NARDELLA (Melton) — What honourable members have just heard in the continuum of this debate, if you can call it a debate, is an extremely lazy opposition that does not understand what has been placed before it. Its members have not read the document, and they are too lazy to go out and find out what it is all about. Shadow ministers have not gone to the consultations out in the suburbs as honourable members on the government side have done. The opposition is now in the process of putting together a scare campaign. It is lazy, it cannot understand what is happening and it wants to scare local residents about this strategy.

The strategy is about a vision and a plan for the future. It is about how to deal with population growth — 1 million extra people in the Melbourne metropolitan area — without destroying its character, the places and townships we cherish and the green belts that have been developed.

The opposition has no understanding of the effects on Melbourne of an extra 1 million people. It could not give details on or talk about the strategy plan. The shadow Minister for Planning, the honourable member for Hawthorn, had no understanding of what this strategy is about. It took him more than 24 hours to actually get a copy of the strategy document. All he needed to do was go to the Minister for Planning and ask for one. It was so difficult for him — he is so lazy — that he cannot even ask the minister or the department for a copy or get his electoral officer, parliamentary secretary or policy adviser to go to the minister, who is absolutely accessible, and ask for a copy. So he did not read it and has no idea what is in it.

The government put some very nice photographs in the strategy document for him so he might get a better understanding of what is in it. But this architect still cannot comprehend and has no understanding of what this strategy is all about.

What did Liberal Party members do? We should compare current members of the Liberal Party with Labor Party members both in government and in opposition. And we should compare them with the visionaries, the people in the Victorian Liberal Party who had an idea of where they wanted this community to head. I am talking about people like former premiers Rupert Hamer and Lindsay Thompson and some of the former ministers of the time — including the honourable member for Pakenham, Rob Maclellan, who was in his heyday 25 years ago, not now. Those visionaries put together a strategic plan. They established bodies like the Environment Protection Authority and had a vision of the direction that Melbourne and Victoria would take.

This mob in opposition now has no understanding. All opposition members can put together — we have just had it from the honourable member for Frankston — is this scare campaign. They are going to go out there and frighten everybody by talking about high-rise flats, high-density living and people not being able to park their cars out on their roadway.

What is their alternative, what is their policy, what is their vision for Victoria and the metropolitan area? I will tell you, Honourable Acting Speaker: it is zip. There is no vision and there is no understanding by the opposition Liberal Party of the strategy before the house today.

The honourable member for Wimmera read out a letter from one of his constituents — probably from Horsham, where he comes from — who complained that he will not be able to subdivide and said that

because the strategy will affect him he needs compensation. Let me inform the honourable member for Wimmera that this strategy is not about the electorate of Wimmera. It is a metropolitan strategy. It is about the metropolitan area; it is not about country Victoria. There are other strategies dealing with country Victoria; this is about the metropolitan area.

One of the things that the honourable member for Wimmera raised was the green wedges. We need to deal with some issues in the green wedges. In the north-east corner of the Shire of Melton in my electorate, in the Blackhill Road area of Toolern Vale, we have a number of farms that are not making enough to pay even their rates every year. People are looking to rural living by subdividing the 10-acre blocks in an environmentally sustainable way so they can actually do something with their land. There is not a lot of rainwater there and the farms are unviable. People have sustained those properties whilst they have been working but are not able to do so now. They can see that people in the Shire of Macedon Ranges, just next door and across the road, have rural living. They really need a solution to their problems. I will continue to work with the Melton shire, the Department of Infrastructure and the residents to work through the issues. It does raise a very important point.

As my colleague the honourable member for Werribee said, for Werribee, Melton and Bacchus Marsh this strategy is extremely important. It means we can actually look at what is going to happen in the future.

Earlier the opposition transport spokesperson was talking about roads. If he had actually read the strategy document — I know it is a bit difficult for him, because he probably cannot read — he would have seen that there will be 14 stations, as provided by the transport strategy that is encompassed in this document. Places like Caroline Springs in my electorate need a railway station. Other places around the metropolitan area absolutely require that infrastructure. As a long-term vision the government will provide that infrastructure for those growing areas.

I will guarantee one thing: if the government is not re-elected at the next election, whenever that may be, none of this will be implemented because opposition members do not have a vision and they do not have an understanding of the growth that is occurring in places like Caroline Springs. The system will go back to the bad old days and things will be developed in a *laissez-faire* way in the metropolitan area and throughout Victoria.

Mr Wynne — They'll get the minister to call it in!

Mr NARDELLA — As the honourable member for Richmond says, the minister will call it in. That is what used to occur. That was how the vision was developed in the seven years of the previous government. The Minister for Planning used to get a planning application and he would make on-the-spot decisions about planning matters usually without any reference to residents or other people or organisations that would be affected.

Members of the government have consulted. We have gone out and talked to residents, developers, cities and shires. There have been 80 000 submissions. One of the most innovative parts of the consultation was working out tomorrow's headline, whether it be in transport, economic sustainability or environmental sustainability. They were really important ways to understand and to get people to think about what the strategy is all about.

The really sad thing about it is that the opposition, instead of taking part in this debate and trying to grasp what the strategy is about, cannot and will not engage with the government. The debates are about issues that are too complex. It is very hard. It is something they have to think about, and unfortunately they cannot think!

Mr CLARK (Box Hill) — This metropolitan strategy presented to us is a misleading and deceptive presentation of the government's plans and is based on a consultation process which has been truncated and has treated participants with contempt. I went to the first two rounds of consultation at the Box Hill town hall. The first looked at the potential for Melbourne into the future — strengths, weaknesses, opportunities and threats. The second took comments in general terms on issues such as housing, the economy and public transport. Nowhere were participants given the opportunity to have a say about the detail of what was to take place in their neighbourhood and community. All of that was promised in the third round that never came and has been superseded by the government's strategy as released today — without the local input that was promised to participants.

This less-than-frank presentation of the government's intentions has used shifty and evasive words to try to fudge these intentions. The government talks throughout about proposals for higher density housing. At page 48 of implementation plan 4 on activity centres they define 'higher density' as being housing units on a given area of land that are more numerous than the average in the surrounding locality. I am sure they would like people to believe higher density housing is basically synonymous with medium-density housing

and basically means a continuation of the status quo under Rescode.

However, when you look at the detail you see that is not what they have in mind. When you look at the minister's news release of 7 September, talking about new guidelines for higher density development, the minister makes clear these higher density guidelines are to complement — to use her word — Rescode provisions. We know that Rescode applies to up to three storeys, so clearly the new guidelines are focused at developments of four storeys and higher. Furthermore, in the same news release the minister refers quite clearly to 'more intensive residential development'.

When we look again at the activity centres implementation plan, we see at page 37 a diagram on how a centre can be transformed under the plan. That diagram quite clearly shows proposals for at least four-storey apartment blocks as part of the redesign.

Let me just make some further points about the deceptive nature of the presentation. The design shows the transformation of a car park, ugly and bare, into relatively attractive residential accommodation. Of course we are not talking about transforming car parks; we are talking about transforming existing suburban areas, with existing houses being demolished and replaced with these four-storey tenement blocks.

Furthermore, in the real world if people wanted to remove car parking of this magnitude there would be outrage. We all know that car parking is in short supply out in the suburbs near activity centres. If, as this diagram might imply, the car parking were to be put underground it must be asked whether that would be affordable with only four storeys built on top or whether you would need to go much higher to pay for the car park underneath.

All of this is misleading, deceptive and evasive in the way the issues are presented to people. Furthermore, the government is giving the impression that the plans for high-density housing in activity centres apply only to some of the major activity centres. It talks about them as principal activity centres. In going through the list on pages 7 and 8 of implementation plan no. 4 you see that principal activity centres are locations for high-density housing. Going down the list you find that major activity centres are also a location for high-density housing. For neighbourhood activity centres — the strip shopping centre in the local community — it says the policy is to 'encourage higher density housing in and around neighbourhood activity centres'. It goes on to talk about fitting it into the

neighbourhood context. It is clear the government has included neighbourhood activity centres — suburban strip shopping centres — for higher density housing. Indeed, the minister's news release of 7 September says that activity centres can range in size from a local neighbourhood strip shopping centre to a major regional mall. That is the reality when we get behind the nice words and carefully chosen phrases.

To illustrate how this shapes up and will operate in practice I refer to my own electorate and to a housing study released in July 2002 by the City of Whitehorse. At page 77 the housing strategy identifies precinct no. 5 in Box Hill as being an ideal location for developments up to three or four storeys. At page 80 it identifies in precinct no. 6, central Box Hill, that there is some potential for development up to three or four storeys, and later on in its recommendations at page 102 it refers to the council's expectations of higher density precincts being included as part of a housing policy in clause 22 of the Whitehorse planning scheme by way of a planning scheme amendment process. While other aspects of the housing study may be worthy, and I make no comment on them, it is clear that in respect of identifying potential higher density development areas the council is very much fitting in with what is now revealed as the government strategy. One must suspect that this aspect has been driven by the Department of Infrastructure.

As I have said, these plans will open the way for multistorey apartment buildings in large areas of Box Hill. The proposals reflect the new government policy that has been confirmed in recent days. I believe it is a heavy-handed policy that threatens to turn Box Hill and its surrounds into tenement ghettos. This is an outcome that I will certainly oppose vigorously.

I also make the point that on the government's plans as disclosed this week, this is likely to be just the beginning for the suburb of Box Hill and other suburbs in my electorate and in the electorates of other honourable members. As I referred to previously, the minister is intending to establish guidelines for higher density housing in all activity centres, including in neighbourhood activity centres. It will only be a matter of time before the guidelines are completed and we can then expect that the government will want to extend this drive for higher density housing away from the major regional activity centres such as the Box Hill activity centre and out into the local neighbourhood shopping centres — in my instance out into strip shopping centres such as Surrey Hills, Greythorn and Kerrimuir.

This government is trying to sneak up on people in established, well-regarded, prized, valued and loved

suburbs with a strategy of high-density, high-rise development of four storeys or more and try to impose that on communities by driving it through local councils by means of this metropolitan strategy. Whatever the bigger picture issues and whatever the genuine debate that we really ought to be having about the mix between growth and consolidation, this is an ill-conceived, heavy-handed policy that has been snuck out to be imposed on the community without it being taken into the government's trust. The potential consequences of this policy should be vigorously opposed.

Mr MAXFIELD (Narracan) — I rise to speak on the metropolitan strategy Melbourne 2030, and I congratulate both ministers involved in the preparation of the document: the former Minister for Planning, now the Minister for Health, the Honourable John Thwaites, who clearly initiated what can only be described as a far-reaching document of tremendous foresight, and the current Minister for Planning, the Honourable Mary Delahunty, who has clearly seen this through to what we have today. It makes impressive reading and it makes me proud to be a member of the Labor government, which is not a government comprising just politicians who are desperately searching for the next month or 12 months but a government that is looking at the long-term future plans and needs of our community.

As a rural member of Parliament whose electorate is only 100 kilometres away from Melbourne, I can say that the growth of Melbourne is already having an impact on my electorate. Obviously planning decisions are significant in regard to that. Page 74 of the strategy plan indicates the development around regional centres and the focus those regional centre developments and the transport corridors will have on the policy for the growth of Melbourne.

In looking at the growth of Melbourne we do not want to have a policy — this was basically the previous government's policy — of winding back infrastructure spending and support for rural Victoria and as a result funnelling more people into Melbourne without proper planning. We want an extension of what we are currently doing, that is to encourage regional centres and rural Victoria so that people are attracted to live where infrastructure is already in place and to improve and maintain that infrastructure.

In part of my own electorate in the Latrobe Valley with the restructure of the former State Electricity Commission we saw the loss of jobs and a reduction in the population. It meant empty houses and infrastructure being underutilised while at the same time significant taxpayer funds were being spent on

new developments in Melbourne. It makes a lot of financial and economic sense as well as social sense for the government to support the development of areas such as the City of Latrobe and the Latrobe Valley and to encourage people to live where infrastructure is in place because it stops us having to build infrastructure elsewhere and certainly gives a far better outcome for the state and the community.

Of course, there is a good transport link into Gippsland with the early completion by the Bracks government of the Hallam–Narre Warren bypass, and we are waiting for federal funding to start the process for the Pakenham bypass. We urge the federal government to come on board with that project.

Honourable members interjecting.

Mr MAXFIELD — They are dragging their feet, but the Bracks government has the planning under way and is doing the design work. It is ready to go as long as the federal government will join Victoria in that project.

It is not just a matter of a road network; the issue of regional rail is critical. The charts on page 73 of the document indicate the different corridors — Seymour, Bendigo, Ballarat, the Latrobe Valley and Geelong — and what four of those corridors have in common is the upgrading of the fast rail system. This is something that will be a driver for developing the regions as per this strategy. I congratulate the Bracks government on its focus on rural Victoria and upgraded rail services. It will mean more frequent, comfortable and faster services delivering a better transport network not only to the larger towns but also to the small towns that are currently being served and will continue to be served. This regional focus in the plan looking forward to 2030 is something we strongly support.

To give an example of what the government is doing with the Latrobe Valley task force, \$100 million of funds is going into revitalising and rebuilding that community. That task force and the model we have created is starting to deliver significant dividends from the tendering out of the coal fields, the \$17 million urban renewal development and the rebuilding of our public housing stock. All that is creating far better communities and revitalising those communities that have suffered under privatisation and the economic rationalism of the previous government.

That model which we have used in the Latrobe Valley and which is outlined on page 72 of the document is one that can be used across other regional centres as well. The lessons we have learnt in the Latrobe Valley can be used in the future growth of the other corridors

as well. It will take pressure off growth in Melbourne and it will help us to plan a better growth structure for Melbourne, but certainly this is about growing the whole state.

An honourable member interjected.

Mr MAXFIELD — The honourable member opposite is keen to ensure that I do not stray from the document, but I can assure him that the basis of everything I am talking about is here. That is an example of how well thought out this document is.

My last point concerns the issue of the impact of green wedges on farming. As someone who comes from a rural area and has a close affinity with farming — the farming industry certainly supported me as a child — I say that although we will ensure correct farming practices in the green wedges, we cannot also expect farmers to foot that bill. As a community we have to accept some of the cost of maintaining those green wedges. We cannot just tell the farmers to farm those green wedges; we have to provide the support and assistance they and their communities need. In conclusion, this is a welcome document not just for Melbourne but for regional Victoria as well.

Mr SMITH (Glen Waverley) — This is really a triumph of bureaucracy over a celebrity minister who is not concerned very much about detail. In the future we all know there will be an average of 20 000 extra residents in every municipality throughout Melbourne — —

An honourable member interjected.

Mr SMITH — I will come to that. Melbourne will have to accept widespread high density. The previous government was on a path of Save our Suburbs. This Labor lot is for high density. It wants these high-density housing commission-type buildings all over Melbourne — that is what we have to look forward to. It is interesting that we are led by a celebrity minister. I have a cutting from a local newspaper which I would like to share. It states:

It was community consultation kindergarten style when the state government last week finally let its own community liaison committee in on the mysteries of the top secret metro strategy.

The document, meant to be the blueprint for Melbourne's transport and urban planning for the next 30 years, has already had a tortured history.

The government has spent \$3 million and two years consulting the public on the document. Despite this, academics canned an early draft for failing to fight urban sprawl and car dependency ... even a hand picked group of

'peer reviewers' could not find many nice things to say about it.

Last week, the government finally showed the draft document to its community consultative committee. Members were sworn to secrecy, locked in a room and given 1 hour to read the hefty tome.

... things got entertaining when feedback time came. Sheets of butcher's paper, one for each section of the strategy, were stuck on the wall and each person was handed two pads of sticky notes. The assembled group were then told to write positive comments on the green slips and negative comments on the yellow ones and attach them to the paper.

After the initial incredulity wore off, participants apparently took to the task with gusto. Soon those sheets were literally plastered — with hundreds of yellow notes.

The bureaucrats were momentarily excited when three positive green slips appeared. But while one participant damned the document with faint praise (saying its objectives were good), closer inspection apparently revealed that the other two green tags were actually grumbles penned by people who had run out of yellow notes.

Downcast officials were last seen peeling their sticker-festooned butcher's paper off the wall and perhaps contemplating their next taxpayer-funded workshop on creative stationery use in the consultative process.

This is a local community newspaper having a go at what this is all about. As I said earlier, it is a triumph of bureaucracy over a celebrity minister who is not concerned about detail. This minister has never been concerned about detail, and we are going to have to accept it if, of course, this ever gets to reality. Like most things the Labor Party puts up, great announcements are often made.

Mr Nardella interjected.

Mr SMITH — The honourable member for Melton, who is making that noise over there, said that this is a scare campaign. It is not a scare campaign; it is just letting the community know what this is really about — that 20 000 extra people are planned for every municipality in Melbourne. Many of these communities will be able to resist it. They will not get the 20 000 but others will. Others will have to put up with 30 000 and 40 000! Can you imagine what it will be like in various communities with these high-rise buildings going up all over the place! What a Melbourne we are in store for, a Melbourne that this minister has opened up to the community.

As I said, it is a triumph by the bureaucracy over the minister. The minister is not interested in detail; she never has been. The bureaucrats make all the lovely noises; they get it all right for her. She then runs along, makes the nice noises, and people think they are in for something really good. What we have to be careful of is

the devil in the detail. We have to get it right. It is getting it right and letting the community know, and we will make sure it is.

Business interrupted pursuant to sessional orders.

TRANSPORT (HIGHWAY RULE) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) — I move:

That I have leave to bring in a bill to amend the Transport Act 1983 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister to give a brief explanation of the bill.

Mr BATCHELOR (Minister for Transport) (*By leave*) — This is a bill to amend the Transport Act of 1983 to reinstate on an interim basis what is known as the highway rule to provide a process for establishing road standards and to deal with the issues flowing from the High Court's decision.

Motion agreed to.

Read first time.

TRANSPORT (TAXI DRIVER STANDARDS AND OMBUDSMAN) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Transport Act 1983, the Rail Corporations Act 1996 and the Public Transport Competition Act 1995 and for other purposes.

Read first time.

RETAIL LEASES BILL

Introduction and first reading

Mr BRUMBY (State and Regional Development) introduced a bill to provide a new regulatory scheme for retail leases, to repeal the Retail Tenancies Reform Act 1998, to amend the Retail Tenancies Reform Act 1998 and the Retail Tenancies Act 1986, to make minor amendments to certain other acts and for other purposes.

Read first time.

GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) introduced a bill to amend the Gas Industry (Residual Provisions) Act 1994 and for other purposes.

Read first time.

PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL

Introduction and first reading

Ms DELAHUNTY (Minister for Planning) introduced a bill to amend the Planning and Environment Act 1987 to require ratification by Parliament of amendments to subdivision controls in planning schemes applying to green wedge land in certain metropolitan fringe areas and for other purposes.

Read first time.

DANDENONG DEVELOPMENT BOARD BILL

Introduction and first reading

Ms DELAHUNTY (Minister for Planning) introduced a bill to establish the Dandenong Development Board and for other purposes.

Read first time.

VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) — On behalf of the Attorney-General I move:

That I have leave to bring in a bill to make miscellaneous amendments to the Victims of Crime Assistance Act 1996 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask for a brief explanation.

Mr Batchelor — A brief one or a long one?

Mr Baillieu — Whatever you want.

Mr BATCHELOR (Minister for Transport) (*By leave*) — This bill deals with changes that flow from the victims of crimes report, *Review of Services to Victims of Crime*. It relates to the Victims of Crimes Assistance Tribunal and will improve the current processes of that tribunal, make it more responsive to the needs of victims of crimes and fix anomalies in the legislation regarding specific financial assistance for victims of childhood sexual assault.

Motion agreed to.

Read first time.

CRIMES (STALKING AND FAMILY VIOLENCE) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) — On behalf of the Attorney-General I move:

That I have leave to bring in a bill to amend the Crimes Act 1958 with respect to the offence of stalking and the Crimes (Family Violence) Act 1987 with respect to consent orders and for other purposes.

Mr LEIGH (Mordialloc) — I would like an ever-so-brief explanation from the minister, if that would be possible.

Mr BATCHELOR (Minister for Transport) (*By leave*) — This proposal seeks to expand the current definition of stalking to include the previously unregulated area of online stalking and the associated offences that should flow from that.

Motion agreed to.

Read first time.

COURTS LEGISLATION (JUDICIAL PENSIONS) BILL

Introduction and first reading

For **Mr HULLS** (Attorney-General), **Mr Batchelor** introduced a bill to amend the Constitution Act 1975, the Supreme Court Act 1986 and the County Court Act 1958 with respect to the recognition for pension purposes of certain prior service of persons appointed as judges.

Read first time.

EDUCATION AND TRAINING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Ms KOSKY (Minister for Education and Training) — I move:

That I have leave to bring in a bill to amend the Children and Young Persons Act 1989, the Education Act 1958, the Teaching Service Act 1981, the Victorian Institute of Teaching Act 2001, the Victorian Qualifications Authority Act 2000 and the Vocational Education and Training Act 1990 and for other purposes.

Mr LEIGH (Mordialloc) — I would like an explanation.

Ms KOSKY (Minister for Education and Training) (*By leave*) — The bill concentrates on ensuring consistency between the Children and Young Persons Act and a number of other acts, including the Teaching Service Act and the Victorian Institute of Teaching Act. It also focuses on the deregistration of teachers in certain instances and allows for the introduction of technical and further education degrees and associate degrees.

Read first time.

MELBOURNE CRICKET GROUND (AMENDMENT) BILL

Introduction and first reading

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

Read first time.

MAJOR EVENTS (CROWD MANAGEMENT) BILL

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Gaming) introduced a bill to promote the safety and enjoyment of participants and spectators at certain venues and major events and for other purposes.

Read first time.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Introduction and first reading

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

Read first time.

OUTWORKERS (IMPROVED PROTECTION) BILL

Introduction and first reading

Mr LENDERS (Minister for Industrial Relations) introduced a bill to improve the protection of outworkers in the clothing industry, to establish an Ethical Clothing Trades Council of Victoria and for other purposes.

Read first time.

CHILD EMPLOYMENT BILL

Introduction and first reading

Mr LENDERS (Minister for Industrial Relations) introduced a bill to reform the law relating to the employment of children under the age of 15, to repeal division 9 of part III of the Community Services Act 1970 and consequentially amend that act and the Education Act and for other purposes.

Read first time.

ROAD SAFETY (RESPONSIBLE DRIVING) BILL

Second reading

Debate resumed from 12 September; motion of Mr BATCHELOR (Minister for Transport).

Government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

Mr LEIGH (Mordialloc) — The Liberal Party has a long and proud history on road safety. The first real initiative on road safety issues that came out of Victoria in modern times was the original seatbelt legislation. When you consider that at the time some people thought that was an infringement of people's civil rights, you realise that it was a big step to take, and it

was ultimately supported by all sides of this Parliament. Indeed, at that time and up until recent times there has basically been a spirit of cooperation and bipartisanship on road safety issues. Sadly, in the last couple of years that has deteriorated, and it has deteriorated because the current administration — and I will explain why — is more intent on revenue raising than it is on looking after people.

From our point of view as a party, the Liberal Party certainly does not intend to oppose this piece of legislation. There is one aspect of it that I am not happy about, but given the threat by the government that if the opposition sought to amend the bill the government would withhold the legislation, the opposition will not oppose the bill. Indeed, if you discuss it with the Royal Automobile Club of Victoria or other motoring bodies you find that because of the one substantive measure in one clause of this bill nobody wants to hold it up.

The intention of this legislation is to introduce measures to deter excessive speeding, to expand the circumstances of immediate licence suspension of learner permit or probationary licence holders for alcohol offences and to clarify the scope of failing a breath test. Minor amendments to the Marine Act 1988 are also made to clarify the scope of failing a breath test there. The bill reduces the speed over the limit at which you lose your licence from 30 kilometres an hour to 25 kilometres an hour. The length of the licence suspension is increased; the number of demerit points withdrawn is increased; and fines for excessive speeding are also increased.

Tragically, in the last three years this government has become addicted to speeding fines, almost as much as it has become addicted to gambling revenue. It is far worse than what it used to accuse the former government of. Whatever material I have is freely available to the house, so hopefully no-one will have to get up and object to my quoting. I will start with speeding fines. The figures show that there is little, if any, correlation between speeding fine offences and the number of people who are killed on the roads. We have been lucky in the last few days that there have been no deaths. For that we can all be thankful, because clearly none of us wants to see any member of our community, wherever they may live, having to go through the trauma of a loved one dying on the road through either their own mistakes or the unfortunate mistakes that somebody else may make.

Of course there are still injuries. One of the good things about modern technology has been that even with a standard Holden you can now get safety air bags in the whole of the front area of the car. Increasingly these

and other devices are being installed in cars to benefit people involved in a crash. That does not take away from the fact that the average age of a car on Victorian roads is about 12 years, so there are many vehicles still on the roads that do not have those safety devices, and the people driving these vehicles are perhaps more at risk because they are driving older vehicles. People have indeed come to rely on the technology involved with motor cars, because anti-skid brakes and the like are certainly a great advantage on bitumen. They are something of a disadvantage if you are on gravel, but the point is that the general technology has advanced as much as the technology available to the police.

I think at least a good part of the fewer number of deaths on our roads has to be due to the improving capacities of our cars. It is not just about the police and not just about what parliaments do, it is also about the technology we are able to use to protect people. The opposition released this information late last week, and when I looked at it initially I was staggered. I would like to quote from statistics from the Transport Accident Commission (TAC) and also from some budgetary papers. These figures are all simply taken from the budget papers, so it is not the case of an opposition adding up figures here and there. This information is simply in the documents.

In 1993 the number of deaths on our roads, according to the TAC, was 436. Road fines for that year were \$95.8 million. In 1994, 378 people were killed, and the road fines that year were \$96.8 million. Road deaths for 1995 were 418, and \$93.9 million was collected in fines for speeding offences. In 1996, 418 people were killed on our roads, and \$91.5 million was collected that year. In 1997, 337 people were killed; the road fines collected were \$93.5 million. In 1998 the number of people killed was 390, and the speeding fines collected that year were \$99 million. In 1999, 384 people were killed, and the fines collected were \$99.5 million. In 2000, 417 people were killed, and the fines collected were \$177.5 million. In 2001, 444 people were killed; the revenue collected was \$206.1 million.

Obviously I do not have the statistics for this year, but we all hope they are lower than last year. The revenue to be collected, according to the budget, is a whopping \$336.6 million. That equates to a very interesting set of figures. It shows that between 1997 and 2000, the last three years of the former coalition government — once again these are simply figures taken from the budget — a total of \$292 million was collected. From 2000 to 2003 the government will have collected, including its budget forecasts this year, \$720.2 million.

The interesting thing about that set of statistics — we know the road toll has gone down a little this year, which is good — is that they show there is very little correlation between what this government is doing on road safety, with its revenue raising, and what happened under the last Liberal administration. Indeed in 1999 I understand Victoria's figures for deaths per 100 000 were the second lowest in the country, the Australian Capital Territory being the lowest. According to the Transport Accident Commission figures, in 2001 Victoria was the fifth lowest.

I believe there are a number of causes. No matter what this government says, if in three years there is a difference in excess of \$400 million, it clearly means there has been an emphasis on speeding fines. Given the position of the current government's budget, where would it be without what it is collecting from speeding fines?

Today we are more interested in seeking remedies at the time. It is not good enough to simply get a piece of paper in the mail days or even weeks after the event saying that you have been booked. On most New South Wales freeways — and I have driven on a few of them — speed cameras are well signposted. Secondly, if you drive on other roads which may well have bends that have not been fixed, you will notice that they put in cameras and that those cameras are clearly marked. If it is a black spot road and it has not been improved because of the cost there are signs leading up to it, and the cameras are there to encourage you to slow down and not to collect money.

That is what this government has to understand. If it wants the bipartisanship that existed for years, then it is time it looked at what it does, certainly in revenue raising. I am not the only one saying this. The Royal Automobile Club of Victoria believes the government has become addicted to revenue raising. Many people are saying it. Tragically the government has made it worse by changing the design tolerance of the Australian design rules for speedometers. I understand this has not happened in any other state, and I checked that the other day with road safety experts. They could not identify one that has this government's policy. Australian design rule 18.5.1.1.2 states:

Speedometers must indicate the actual vehicle speed for all speeds above 40 km/h to an accuracy of plus or minus 10 per cent.

They are the Australian design rule standards, yet this government has, in some arrangement with police command, decided to lower the tolerance to effectively 3 kilometres an hour. It is interesting that last Saturday morning as I was walking out of a shop — I had been

involved in an argument with the government about speed cameras on the Friday night — three people came up to me and said, ‘I got booked last week and I was actually 3 kilometres over the speed limit. I was driving at 63 kilometres an hour and I was booked!’. The speedometer in your vehicle could be out that much if your tyres are not what they should be or if the road surface is different. There are many and varied reasons why a speedometer might show that reading.

Increasingly there are signs that people will fight these narrow-based speeding fines. I have been involved in a couple of cases with the camera office, and when I have challenged them they have been removed, so I give the office the credit for doing the right thing in those instances.

Mr Steggall interjected.

Mr LEIGH — Perhaps you should become shadow Minister for Transport. Maybe that helps — but I hope not. I hope it was for the right reasons.

We have to be careful, because I suspect a lot of people pay for the 63 kilometres an hour simply because if they go to court it will cost them more than the cost of the fine. That is not how we should be thinking about road safety. We should be thinking about it from the point of view that we have one aim, and that is to make sure the least number of people are killed or injured in any one year in our community and that we do the best we can. One of the Premier’s heroes, English Prime Minister Tony Blair, has taken to painting the cameras on his freeways yellow. He has decided the time has come when they should not be cash registers. In Victoria they are increasingly becoming cash registers.

We know that freeways are basically the safest roads to drive on, and we ought to encourage people to use them rather than going off onto side roads. I want the book thrown at people who deliberately go out and break the law. They deserve what they get; I have no sympathy for anybody who does that.

But I am starting to worry that an attitudinal change is about to take place, even in how people think about the police. I have spoken to local police officers who tell me they are not happy about booking people at 63 kilometres an hour. They are not sure either, but they have been instructed that that is what they have to do. It could start to change people’s attitude to police. We always need to ensure that members of the community have nothing but the highest regard for the police force. Currently it is obvious that they do.

The time has come to put an end to revenue raising from this and to spend the time and the effort on road

safety. The government said that over the life of its four-year term it was going to reduce the road toll by 20 per cent. That is in its Arrive Alive strategy, but I do not believe it can achieve that.

The government’s first failure was the appointment of former police minister the Honourable Mal Sandon, whose job was to implement a road safety strategy. It was so bad it was torn up and thrown away — and \$88 000 was wasted. Currently he is the chairman of the TAC’s black spot road funding committee, which is a good initiative and is supported by everybody. There are a few problems about who decides what and how it is going, but we know that the best thing for road safety is to improve the black spots — the real ones.

Business interrupted pursuant to sessional orders.

Sitting suspended 1.01 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Public sector: employment

Mr DOYLE (Leader of the Opposition) — I refer the Premier to the increase of more than 17 000 extra bureaucrats employed over the last three years, none of whom include teachers, police or nurses, and I ask: what do they do for the more than \$950 million they cost taxpayers each year?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. I am very proud of the fact that we have rebuilt public services in Victoria. When we came to office we found a lack of support and staff in the community service sector. We found a lack of staff and support in unit services — —

Mr Thwaites interjected.

Mr BRACKS — As the Deputy Premier mentioned, in child protection. I will examine the exact numbers that are mentioned here, but what I can say is that we have a much better public service in this state, much better community services in this state, a better education system and a better health system. We have had a distinctive approach from the previous government. The previous government had a view that the state sector could never do it well and that it would need to reduce it. Our view is that the state has a role. We are very pleased to have rebuilt public sector services in this state, and Victorians should know that we will continue to do that in the future.

Insurance: public liability

Ms ALLEN (Benalla) — Will the Premier inform the house what initiatives the government is implementing to address the current problems in public liability insurance and advise what recent success the government has had in this regard?

Mr BRACKS (Premier) — I thank the honourable member for Benalla for her question. I think the house realises that last night was a landmark sitting of the Parliament. Whilst it was very late, it implemented significant legislative reforms which will make a difference to public liability insurance in this state, not only to the coverage of public liability but also to the premium level in the future.

From the outset we have had a two-stage approach, a two-pronged approach. The first has been to target assistance to severely affected groups. They include the not-for-profit community organisations which this state led in the arrangements we had to cover those not-for-profit organisations, to adventure tourism operators and horseriding clubs to make sure we kept those activities going. Last night we took part in a wave of legislative reforms which were about waivers, caps on payouts, structured settlements as well as protection for volunteers and good Samaritans and food donors.

I thank all members of the house for the passage of that legislation. It will make a difference not only to coverage but to the level of increase of premiums. We now have in place both a legislative package and also a government that is committed to making a difference to ensure we have proper public liability insurance in the future.

Hospitals: rural

An honourable member interjected.

Mr RYAN (Leader of the National Party) — You might think it is time wasting talking about Basslink, but I can tell you that Gippslanders don't!

The SPEAKER — Order! The Leader of the National Party, asking his question.

Mr RYAN — Can the Minister for Health confirm that numerous country hospitals are in serious financial difficulty because they have not been properly funded by the government and that at least eight of those hospitals will be involved in emergency meetings with the department tomorrow to avert possible cuts to services?

Mr THWAITES (Minister for Health) — I thank the Leader of the National Party for his question. I have to say he would have to be joking. These are the Vic Nats members that sat on their hands while 12 hospitals were closed right around the state. Twelve hospitals! What were they doing when hospital after hospital was closed in Ripon and Beeac and Birregurra, all around the state? Not only did they close hospitals, they took all the staff out of them, so their idea of a hospital is a hospital with no nurses. By contrast this government has funded more than 800 extra nurses across country Victoria. We are seeing country hospitals perform across Victoria — 800 extra nurses.

Mr Ryan — On a point of order, Mr Speaker, on the issue of relevance, the question related to current funding arrangements and the fact of an impending emergency meeting with eight country hospitals. Is it a fact? That is the issue to which I ask you to direct the minister.

The SPEAKER — Order! I ask the minister to come back to answering the question.

Mr THWAITES — Country hospitals have been funded for 800 extra nurses; they have been funded for extra equipment; they have had boosts in their budgets right around the state. Indeed, in the Leader of the National Party's own seat we see a very substantial increase in funding and in nursing. The country hospitals are doing very well indeed under this government. They are being funded in a way they have never been funded before — that is, they have been given adequate funds, more nurses and more equipment. For the Leader of the National Party, who sat on his hands while nurses were sacked at his local hospital, to ask this question is the height of hypocrisy. As a government we will continue to work with country hospitals.

Mr Ryan — I renew the point of order, Mr Speaker. This is not a debate. I have asked a question about whether there are meetings tomorrow at eight hospitals, and I ask you, Sir, to have the minister answer it.

The SPEAKER — Order! The requirement is that the minister remain relevant in the answer that he is providing to the question that was posed. I found the minister was being relevant. I will continue to hear him.

Mr THWAITES — The question related to the funding and budgets of hospitals. I just point out to the Leader of the National Party that in the Barwon region funding for those country hospitals under the Bracks government has increased by 31.6 per cent. In the Grampians region funding has increased by 32.2 per

cent. In the Loddon Mallee region funding has increased by 36 per cent. In Gippsland, which the Leader of the National Party is meant to represent, funding has been increased by more than \$33 million, or some 31 per cent. That demonstrates a government that cares, unlike the opposition.

Students: literacy and numeracy

Ms BARKER (Oakleigh) — Will the Minister for Education and Training inform the house what initiative the government is implementing to improve literacy and numeracy standards for our year 7 students and explain why this has been necessary?

Ms KOSKY (Minister for Education and Training) — I am very pleased to announce to this house today that in 2003 statewide literacy and numeracy testing, or the achievement improvement monitor (AIM) testing, will be extended to all year 7 students in government schools. The full implementation of the AIM test at year 7, along with the continuation of literacy and numeracy testing in years 3 and 5, will now provide a very solid research and data provision for the government in order to assess where we need to focus attention and where further improvement needs to be made. Of course, the results are speaking for themselves. We have improved literacy and numeracy results here in Victoria since coming to office. Our year 12 completion rates are improving under this government. They were going down under the previous government; they are improving under this government.

I am also pleased to announce that from 2003 we will also provide national benchmark data reporting to parents so they can look at their child's performance in years 3, 5 and 7 not only in relation to the state benchmark but also in relation to the national benchmark. The national benchmarks will describe minimum acceptable standards for students in the areas of literacy and numeracy and also provide parents with a point of national comparison.

This government is very serious about literacy and numeracy standards in this state. The previous government only talked about testing; it never put the resources in that were needed in order to see the improvements that we are now starting to see as a government in this state. The students are happy, the parents are happy and the teachers are happy.

Also, one of the major themes of this government in relation to literacy and numeracy results and other programs in our schools is access, innovation and excellence. We need to make sure that all students have

access to educational success within our schools, but excellence is a critical element. I read with interest advertisements on education that were run last weekend and previous weekends by the Liberal Party which quoted the Leader of the Opposition as saying:

Labor governments seem to think that excellence and merit are dirty words ...

I refer him to our previous education budget kit released in May of this year, where almost every page has the word 'excellence' on it. If we thought it was a dirty word we would not be investing \$550 million in the last budget in order to achieve access, innovation and excellence. How can the opposition hope to run the state if it cannot even read budget papers!

We are also very much focused on adult literacy because we know that some adults did miss out on learning literacy skills when they were young students at school. We have a whole array of literacy programs for adults. We certainly aim to help adults with their literacy. I should say that we will offer some of the programs to the Leader of the Opposition as well. The *Sunday Age* saw fit to correct the Leader of the Opposition on his comments in the newspaper: there were quite a number of typos, spelling mistakes and literacy mistakes. However, we will provide a very special exemption for him from the literacy testing because he would bring the state average down too far!

The government is also making a major commitment to numeracy in this state. It is not only putting the testing in place, but it has put in, through the last budget, 150 early years numeracy coordinators who will assist those students who are not improving enough in relation to numeracy within our schools. The Leader of the Opposition might like to avail himself of some of these programs as well, because the opposition has made promises of \$3 billion but it just does not add up. Here is a numeracy test for the opposition: how many schools will it close and how many teachers will it sack to fund its promises?

ALP: parliamentary levy

Mr McINTOSH (Kew) — I refer the Premier to the Australian Electoral Commission funding disclosures that show the Victorian Labor Party received donations from the Department of Treasury and Finance. These donations total more than \$400 000 over three financial years. Will the Premier explain the nature and rationale of these donations?

Mr BRACKS (Premier) — I shall examine this properly, but my impression would be that we have a system on this side of the house where a parliamentary

levy is taken out of the payroll and salaries of members of Parliament to contribute as a donation to the Labor Party itself.

Honourable members interjecting.

Mr BRACKS — Big question! Well done!

Honourable members interjecting.

The SPEAKER — Order! I ask government benches to come to order so that I can hear the Premier's answer.

Mr McIntosh — On a point of order, Mr Speaker, the disclosure records show the payment was made by the Department of Treasury and Finance, not the Parliament of Victoria.

The SPEAKER — Order! The honourable member for Kew is clearly not taking a point of order.

Mr BRACKS — This would relate — I will get some exact and clear answers for the honourable member for Kew — to the levy which is voluntarily —

Honourable members interjecting.

Mr BRACKS — Every MP on the Labor side loves to pay this levy. They enjoy paying this levy. There is overwhelming support.

Honourable members interjecting.

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

Mr BRACKS — This levy, which is supported by MPs who are Labor Party endorsed, goes as a contribution to the Labor Party. It is done with great goodwill. I take it from the chorus behind me that they are examining whether that should be increased in the future — although I will not be taking a plebiscite on that matter!

Police: stations

Ms DUNCAN (Gisborne) — Will the Minister for Police and Emergency Services update the house on the government's progress in rebuilding Victoria's police stations, particularly in country Victoria, and explain why this has been so essential?

Mr HAERMEYER (Minister for Police and Emergency Services) — I congratulate the honourable member for Gisborne because she has been a very ardent advocate of the interests of police in her electorate. I think she has scored about five police

stations in her first term in government, so she is doing an absolutely sensational job. This government has under way the biggest police station building program and the biggest police assets program in the history of this state. We started off upon election committed to building 16 police stations. As of the last budget, we are actually committed to 65. It is a \$125 million building program. That includes 22 large 24-hour stations.

Mr Honeywood — What about Croydon?

Mr HAERMEYER — Croydon is well under way, my friend.

Mr Honeywood interjected.

Mr HAERMEYER — It is one you refused to build.

The SPEAKER — Order! The minister, addressing the Chair. The Deputy Leader of the Opposition should cease interjecting.

Mr HAERMEYER — That also includes 43 smaller police stations that were previously in the gun. So we are providing reassurance to those small country communities about the future of policing in their area. Five of those I think have been opened relatively recently: at Lavers Hill, Eildon, Kaniva, Romsey, and Kinglake is very near completion also. We have new 24-hour stations which have already been completed at Mordialloc and Boroondara.

Mr Leigh interjected.

Mr HAERMEYER — I will come to that in a second, my friend!

Work on stations at Preston, Moe, Kilmore, Croydon and Eltham, amongst others, is well on the way. On Friday the Premier and I went down to Ocean Grove and turned the sod on construction for the new 24-hour police station to service the Bellarine Peninsula. Construction on that station is commencing this week and is due for completion around mid-2003.

I have to say that some of the local members, particularly the honourable members for Barwon South and Bellarine and Mr Cover, an honourable member for Geelong in another place, have been a little bit tardy. Cr Michael Crutchfield, one of the councillors in that region, has been a very ardent advocate for the Torquay community and he has taken up the cudgels on behalf of that community. The Premier and I were able to commit to a new police complex for Torquay to accommodate the growth in that particular community. That will be built to 24-hour specifications.

While I was down there I was given a leaflet which is actually put out by somebody called B. Loughnane from 104 Exhibition Street, Melbourne. It does not have a Liberal Party logo and does not put any of their names to it, but we know where it came from! It is headed 'Police stations to close' and makes the allegation that Queenscliff, Portarlington and Drysdale police stations will close. Despite the fact that we have on numerous occasions indicated and the Chief Commissioner of Police has given assurances that that will not occur, they still put it out. They got somebody at some Liberal Party rag by the name of the *Geelong Independent* to write this, without bothering to check their facts. They did not bother to check with anybody and then they ran that out with the heading 'Police stations to close' as if it is proof.

I will say quite categorically: Queenscliff, Portarlington and Drysdale police stations under this government will not close, will not be shopfronted and will not have their profiles reduced. The only party that ever planned to close those police stations was that of the members opposite. They were the only ones who ever planned to do that. None of the lazy Liberal Party members in the area stood up once against the closure of police stations or the reduction of police services in that area.

I have to say that after this government committed to establishing a new 24-hour police station in Endeavour Hills, Ms Luckins, an honourable member for Waverley in another place, came out and said that we were going to rob Peter to pay Paul. That is also denied by the acting assistant commissioner who covers that area. It is just an absolute nonsense! When they were in government these people opposite were not robbing Peter to pay Paul. They were robbing Peter, they were robbing Paul — and they murdered Mary just for good measure!

Mr Perton — On a point of order, Mr Speaker, not only is the minister now engaging in inappropriate humour given his position, but he has now exceeded your guidelines for succinctness by about 2 minutes. If he wants to have a debate about this we will accommodate him. I ask you to sit him down.

The SPEAKER — Order! The honourable member for Doncaster raises a point of order and infers that I have imposed some specific time limit in defining succinctness. I have not done so. However, I am of the view that the minister does need to be succinct and is not being succinct, and I ask him to conclude his answer.

Mr HAERMAYER — Just to sum up: this government is building 65 new police stations and is

putting on 800 additional police. When you compare that with the 1000 the Liberal Party promised, the 800 it cut, the 40 police stations it put in the gun, the 34 police station contracts it cancelled upon coming into office and the fact that it took away the binding right of appeal for police officers and their entitlement to legal fee reimbursement and refused to give them any indemnity against prosecution, Liberal members ought to hang their heads in shame! They talk about law and order, but at the end of the day it is what you do, not what you say.

Superannuation: public sector

Mr CLARK (Box Hill) — I refer the Premier to the fact that Australian share prices have fallen 6.5 per cent between 30 June and 30 September this year and United States share prices by more than 17 per cent — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member is entitled to be heard.

Mr CLARK — Given the \$515 million budget loss revealed last Friday, will the Premier immediately release the latest monthly report on the unfunded liabilities of public sector superannuation funds, and the September quarterly report showing the exact returns as confirmed by the Minister for Finance yesterday as soon as it is available?

Mr BRACKS (Premier) — Unlike the previous administration the government will report quarterly as it said it would, whereas the previous government cancelled those reports. The honourable member for Box Hill was the parliamentary secretary to the Treasurer and was complicit in withdrawing those reports in the past. There is a bit of hypocrisy in the question asked. I am very pleased that we have had reconfirmation of its AAA credit rating, which has been described by Standard and Poor's as a sensational set of figures. I can only agree with that assessment.

Hospitals: waiting lists

Mr HOWARD (Ballarat East) — Will the Minister for Health advise the house of the effect of the initiatives taken by the government to reduce elective surgery waiting lists in country Victoria, and will he explain why these initiatives were necessary?

Mr THWAITES (Minister for Health) — I thank the honourable member for his question. The Bracks government is committed to repairing the damage done in the seven years of the Kennett government to country health care. Mr Speaker, as you know, unlike the

Liberal Party, the Bracks government will grow the whole of the state. We see country Victoria not as the toenail but rather as the lifeblood of Victoria.

We have employed 800 extra nurses in country Victoria to improve the quality of care right around the state. We have had to do that because of the cuts to nursing in country hospitals under the previous government when, of course, the current Leader of the Opposition was the parliamentary secretary.

I am pleased to advise the honourable member for Ballarat East that in Ballarat we have employed 96 extra nurses. I am sure the honourable member for Narracan is pleased that the Latrobe Regional Hospital has an additional 49 nurses. The Leader of the National Party is obviously interested in country Victoria. No doubt he would be very pleased that in his hospital in central Gippsland we have employed 23 extra nurses. I am sure he will do what the shadow health minister and former adviser to the former Minister for Health did and admit he got it wrong.

In country hospitals right round the state the government has engaged 800 extra nurses. Additional funds have also been put into ensuring that we can reduce elective surgery waiting lists in country Victoria. Together with the Eye and Ear Hospital in Melbourne the government has instituted a special initiative involving 14 country hospitals to target long waiting lists in orthopaedic and ophthalmic surgery because of the shortage of ophthalmologists in some country regions. This initiative has been very successful. I am pleased to advise the house of the benefits of our waiting list strategy.

Mr Speaker, no doubt you will be aware that in the last two years of the previous Kennett government waiting lists rose by 7000, or more than 22 per cent. Since the Labor government was elected waiting lists have fallen. That is because we have strategies like the country initiative. The benefits are there to be seen. The honourable member for Ballarat asked about waiting lists, so we should look at the official figures. In June 1999 the waiting list at Ballarat was 2151, whereas in June this year it was 1305. The honourable member for Narracan is a strong advocate for the Latrobe Regional Hospital, where the waiting list has been reduced from 714 in June 1999 to 588 in June 2002. Similarly the same story is seen in the Goulburn Valley Hospital and other hospitals around the state. That is because this government has employed the extra nurses that are needed to treat more patients and reduce the waiting lists.

The government is choosing to invest in country health rather than make the wild and unsustainable tax-cut promises that the opposition has made. If the policies of the opposition to reduce taxes and spend more than \$3 billion were implemented, as it has indicated, there would be nothing left for hospitals. In the three years that the opposition has been in opposition we have not heard a single health policy. We have heard policies on tax cuts but not one health policy. That demonstrates that the opposition does not care about health.

Hospitals: waiting lists

Mr WILSON (Bennettswood) — I refer the Minister for Health to his media release when shadow Minister for Health in September 1999 in which he claimed Victorian hospital emergency departments were in crisis due to the number of patients waiting on trolleys for more than 12 hours, a figure of 2245 for the June quarter 1999. Given that nearly 7000 patients waited on trolleys in June 2002, more than three times the number in June 1999, will the minister finally admit to a crisis in Victoria's hospitals under the Bracks government — using your own criteria, Minister?

The SPEAKER — Order! The latter part of the question addressed directly to the Minister for Health was not in the correct form that is used in the house.

Mr THWAITES (Minister for Health) — I thank the shadow minister for his brief, precise and devastatingly tough question. I also thank the shadow minister, who was, of course —

Mr Bracks — What did he do?

Mr THWAITES — The honourable member was chief adviser to the previous Minister for Health at a time when ambulance bypasses went up by 360 per cent, when waiting lists went up by more than 7000, when five hospitals were closed in Melbourne, including a hospital in his own area, the Burwood hospital. It included the privatisation of the Austin hospital, another great move!

Mr Perton — On a point of order, Mr Speaker, regarding relevance, the question was quite clear and referred to patients waiting for over 12 hours in casualty. I ask you to bring the minister back to the question.

Mr Thwaites interjected.

Mr Perton — Relax, John!

The SPEAKER — Order! I ask the Minister for Health to take a seat.

Mr Perton — The minister might have been saving up a speech for the occasion but I think today he can answer the question, and if he wants a ministerial debate he can set one up.

Mr THWAITES — On the point of order, Mr Speaker, in fact the question did relate to 1999 and the situation then and a comparison with today, which I am getting to. But I am now advising the house in relation to the first part of the question, which was 1999, and the disastrous state which we inherited.

The SPEAKER — Order! I am not prepared to uphold the point of order at this time.

Mr THWAITES — The honourable member was asking about 1999 and the comments that I made in 1999, and I was referring to the fact that he was at the time the chief adviser to the then Minister for Health, who had closed five hospitals, including Burwood, and who also had a secret plan to downgrade the Maroondah and Angliss hospitals — —

Mr Perton — On a point of order, Mr Speaker, I do not think there is any tortured interpretation that could say that this current set of statements is relevant to the question, and I ask you to rule the current answer of the minister as being irrelevant to the question asked.

The SPEAKER — Order! I ask the Minister for Health to come back to answering the question.

Mr THWAITES — In relation to the question that was asked, everything in the press release that I issued at the time and to which the honourable member referred was entirely correct. That is why we have had to spend the last three years undoing the damage that this member brought upon the health system. I point out of course that the ambulance bypass in that year rose 385 per cent. The last figures indicate that it was 29 per cent lower in June of this year than when we came to government. I have already referred to the waiting lists and to the fact that for the last two years under the former government waiting lists went up and that for the first time under this government they are going down as we put in more nurses, open more beds and put more resources into our health system.

Rural and regional Victoria: infrastructure funding

Mr MAXFIELD (Narracan) — I have a question for the very successful Minister for State and Regional Development. Will the minister update the house on the government's progress in delivering new and better infrastructure in rural and regional Victoria through the

Regional Infrastructure Development Fund and explain why this is necessary?

Mr BRUMBY (Minister for State and Regional Development) — I am delighted to advise the house that the Regional Infrastructure Development Fund has now provided more than \$100 million in funding for capital projects across country Victoria. This has geared up in excess of \$200 million in total new investment in country Victoria. Under the \$180 million of Regional Infrastructure Development Fund funding we have provided grants to every local government area in country Victoria bar one — the Borough of Queenscliffe, which has not applied for a grant. This fantastic program — \$100 million, \$225 million of activity — is driving opportunities and new investment and growth right across country Victoria.

The honourable member asked me why this program was necessary. The answer to that is simple: it was necessary because the former Kennett government absolutely decimated country Victoria. We remember the record — it closed country rail services. We remember all of those.

Dr Dean — On a point of order, Mr Speaker, the minister is now entering into debating the question when he says, 'We remember about the past'. He is about to start doing what he is not meant to be doing — that is, debating the question in relation to previous policies and policies of the opposition.

The SPEAKER — Order! I am not prepared to uphold the point of order that the minister was debating the question.

Mr BRUMBY — I think they need to bring back Monbulk, don't they? That is what they need — they need to add a bit of commonsense.

The SPEAKER — Order! The minister, on the question.

Mr BRUMBY (to Dr Dean) — Are you taking responsibility for question time strategy as well? It has been a great strategy today.

The SPEAKER — Order! I ask the minister to return to answering the question and to desist from responding to interjections.

Mr BRUMBY — We remember the closed country rail services — Ararat, South Gippsland, Bairnsdale and Mildura. Needless to say we are putting all of them back. We remember the 12 country hospitals and the 150 country schools that were closed. We remember the scuttled relocation of the former Department of

Agriculture to Bendigo and the thousands of staff who were taken out of the Department of Natural Resources and Environment. We remember the attitude of the former Premier who referred to country Victoria as the toenails of Victoria. It was a city-centric government, and so we had to change that. But I guess the question remains about whether the attitude of the Liberal Party to country and regional Victoria has changed. I have a quote about Geelong, which I will read.

Mr Perton — On a point of order, Mr Speaker, the question related to the expenditure of the government's development funds. The minister is now entering into a debate about the Liberal Party. You have constantly ruled that this minister is not to use question time as an opportunity to debate the question, and I ask you to bring him back to answering the question.

Mr BRUMBY — On the point of order, Mr Speaker, I was asked why it was necessary for the government to introduce the Regional Infrastructure Development Fund, and I am answering that. At this stage I have not attributed the quotation to any person — I will in a moment, but not at this time.

The SPEAKER — Order! I ask the minister to come back to answering the question.

Mr BRUMBY — The quotation is this:

I have great affection for the place — —

Mr Perton — On a point of order, Mr Speaker, as I interpret your ruling you have asked the minister to move back to the question. As is typical with this minister, he is now proceeding beyond the point that you have ruled that he is being irrelevant. I ask you to call him to order.

The SPEAKER — Order! I made a ruling on the honourable member's previous point of order. The minister has hardly uttered two words since then and a further point of order has been taken. I will continue to hear the minister and make a judgment.

Mr BRUMBY — The quotation is:

I have great affection for the place, but I'm not sure whether I would recommend it.

That is the Leader of the Opposition talking about Geelong.

The SPEAKER — Order! Will the minister make it clear to the Chair and to the house — —

Mr BRUMBY — I was asked why we introduced this policy. Policies of the former government

decimated country Victoria, but there was also an attitude. It was about being city centric.

We put in place a different attitude and a different set of policies, but on that side the attitude has not changed. The attitude to Geelong and country Victoria is exactly the same. It is the old toenails attitude — 'I would not recommend it'.

We will continue to get on with the job of rebuilding country Victoria. It has the lowest unemployment in more than 12 years, record job growth — nearly 50 000 new jobs — a 65 per cent increase in building approvals and upward movement in capital prices for people's homes. Country Victoria is going forward. We will keep it that way. The opposition would send it back to the toenails days!

ROAD SAFETY (RESPONSIBLE DRIVING) BILL

Second reading

Debate resumed.

Mr LEIGH (Mordialloc) — Before the lunch break I was raising some of the concerns I have about the government's current road safety campaign. When governments are in trouble and have no agenda they latch onto road safety and claim they are doing marvellous things. As I said earlier — —

Mr Nardella interjected.

Mr LEIGH — For Foghorn Leghorn up the back there, the honourable member for Melton, the fact is that in three years under Labor revenue from speeding and other traffic fines has gone from \$292 million to \$720.2 million expected in the budget. You can say what you like, but the fact is that that is revenue raising and this is a government that, if it went its four years, would I suspect, with its speed cameras, fines from the police and the like, be heading for \$1 billion. Where would this government be financially if it were not trying to rip off the motorists who are 2 or 3 kilometres over the speed limit, which this government changed.

Mr Nardella — They are breaking the law.

Mr LEIGH — The honourable member for Melton interrupts and says they are breaking the law. If he knew anything about the Australian design rules he would know there is a 10 per cent tolerance. This government is the one government in the country that has moved to penalise drivers travelling 3 kilometres an hour over the limit and is not observing the Australian

design rules. The tyres can make the difference between a vehicle being booked or not.

There is a lot of evidence around to suggest that poorer people in the community are doing it even harder under this government as a result of this revenue-raising campaign. The Minister for Police and Emergency Services is an example. This is one of the men primarily responsible for breaking 30 years of bipartisanship in road safety. They have torn it up. They have decided, despite the Cain government, the Kennett years and the Hamer years when people worked collectively for road safety, to stoop to revenue raising.

I have no objection to taking it out on people who are setting out to break the law at the higher speed levels.

Mr Haermeyer interjected.

Mr LEIGH — The minister says I have got blood on my hands. I get a number of people complaining to me who have gone 3 kilometres over the speed limit. This is the minister who, I suspect, did a deal with the police to raise funds so he could pay the police more if they wanted more money. I reckon he did a deal.

Mr Haermeyer interjected.

Mr LEIGH — You did a deal with them, and a grubby deal you did. Let me assure you that there are many motorists out there. I say, '\$720 million; shame on you!'. If this minister bothered to read the statistics I set out before the luncheon break he would see that despite all those increases in revenue from speeding fines the road toll has not changed much. What has changed is the money the government is getting. He thinks it is just a joke. It is not a joke. I think it is important to grab the speedsters who are doing the wrong thing, but when it is 3 kilometres over it is a bit rich!

We sat in this house until 3 o'clock this morning because those clowns could not get their act together about what they wanted to do, yet this is the same political party that in opposition was going to advertise when the Parliament sat. 'We are going to sit family-friendly hours.' They were going to do all those things, but what did they do? They made sure that we have to rush through eight pieces of legislation in two and a half days, one of them dealing with the people's voting rights in this state. I would have thought that was a very significant piece of legislation. I know the Minister for Transport thinks it is significant from some of his actions in the past. The fact is they are treating road safety as a revenue raiser.

When I talk to ordinary police officers, the guys on the beat, I find many of them are upset about chasing people travelling at 3 kilometres over the limit. As I said earlier in debate, on Friday night I was on a couple of TV channels having a go at the government. The minister could not refute the evidence of \$720 million. He said, 'I have got the evidence' but when asked where the evidence was he was not able to come up with it.

Mr Nardella interjected.

Mr LEIGH — People like the honourable member for Melton have said they are breaking the law. Sure! Throw the book at people who are breaking the law; but if you are going at just over the 60 kilometres an hour speed limit is it your car's fault that you are over the limit or is it your fault? I do not know.

Let's dig a bit deeper into what the government has done as part of its campaign of reducing speed limits. I remind the minister of a terrific article published in the *Age* of 27 January 2001 and headed '50k change botched'.

That's what it said — it was a banner headline that day. Why was it botched? This is one of the reasons the government is making money out of this, and it is going to make more money out of it, because some of the speeding fines are going up. What happened was that when it was supposed to introduce the 50 kilometre per hour limit it did a big stunt and got wonderful TV coverage and all of that stuff — but the signs were not up. Virtually every council around the state — Labor, Liberal, you name it — criticised the government because Vicroads itself, to quote the article:

... has conceded that more speed signs are needed in some areas to spell out a different limit from the 50 km/h limit but denied this was the reason for the confusion. It said councils were slow on deciding the speed limits on so-called collector roads.

The minister created his stunt because he was more interested in getting TV coverage that night than in good policy on road safety.

The government wonders why the state opposition says, 'You're breaking the bipartisanship; you are the ones who have wrecked it', because its concept of bipartisanship is, 'You agree with us or you're not right'. My concept of bipartisanship is that when the government is going to do things like this it should come to the opposition, as it said it would on these things, and say, 'What do you guys think about that?'. Do we get that? No, we do not. What we get is a government desperately seeking revenue.

I would advise the minister to read the *Age* of that day, because it demonstrates how the government has got it wrong. I also advise the minister to take a trip to New South Wales, because if he did and he got on some of the freeways he would see all the cameras up there — but he would also see the signs identifying them. He would go to a black spot and see the black spot camera with three or four signs leading up to it saying, ‘There is a speed camera here’. But the government does not want to do that; it wants the money. It is so grubby for money that that is what it wants to do.

In relation to the current fines and the proposal in this bill — —

Mr Haermeyer interjected.

Mr LEIGH — I spend more time on the legislation than you ever did when you were in opposition, and you know it.

Let’s take the example of the current and proposed fines for excessive speeding. For breaking the speed limit by 15 kilometres an hour the current fine is \$125 and the demerit penalty is one point. The proposed fine is \$200, with three demerit points — so the fine is up 60 per cent. For breaking the speed limit by 25 kilometres an hour and over the current fine is \$200, with three demerit points. It will go up to a \$265 fine and four demerit points — so the fine is up 32.5 per cent. For driving 35 kilometres per hour over the speed limit the fine is currently \$265, with four demerit points. It will go to \$360 and six demerit points, up 35.8 per cent. For being 45 kilometres over the current penalty there is currently a \$360 fine and six demerit points; that will go to \$430 and eight demerit points, up 19.4 per cent.

I do not know why the government is doing it like that, but if you are caught doing 25 kilometres per hour over the speed limit I would be happy if you had the book thrown at you; I would not have a problem with it. Mind you, I recall that the Treasurer was caught driving at excessive speeds when he was alleging the former Premier was doing it. So everybody gets caught — or can be caught — speeding on some occasions.

Mr Haermeyer interjected.

Mr LEIGH — One of your members was driving through country towns at 40 kilometres per hour over the speed limit — 100 kilometres an hour through local towns!

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc and the Minister for

Police and Emergency Services will cease entertaining themselves across the table!

Mr Haermeyer interjected.

Mr LEIGH — If you want me to name names I will be happy to do it, so I wouldn’t push your luck.

Honourable members interjecting.

Mr LEIGH — You want me to name who it is? I was chairman of the committee. I do not want to do it, but if necessary I will. There is more than ample evidence as to who it was. Go and ask the former health minister, Caroline Hogg, who it was, and she will tell you. It is a current Labor member serving in this Parliament.

Let’s take a further example. What do other people think of the Bracks government’s road safety policies and legislation? Ken Ogden, the public policy director of the Royal Automobile Club of Victoria (RACV) says:

The Bracks government have placed too much emphasis on low level speeding offences.

That’s from Australia Associated Press of 8 September 2002.

That is exactly the point I have been making that this minister has been attacking me over. Ken Ogden from the RACV says the same thing. David Cumming, the government relations manager from the RACV, in a press release of 26 March 2002 said:

The public will lose confidence in speed cameras as a deterrent.

I am saying exactly the same thing. It is revenue raising. Everyone else is saying it, including David Cumming. A *Herald Sun* editorial of 9 September 2002 on the 3 kilometres an hour tolerance change states:

... the exercise smacked of revenue raising ... [and] lacked total public support ...

A *Herald Sun* editorial of 12 April 2002 states:

It threatens to erode support for the law. The government must reconsider this ill-considered initiative.

This is the minister who just said that I have blood on my hands. So he is saying that the *Herald Sun*, David Cumming, Ken Ogden and everybody else have blood on their hands because he breaks the bipartisanship of road safety policy. He is the one who decides to revenue raise, and I am the one who has blood on my hands. I reckon all the others have too. You are saying that Ken Ogden — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Through the Chair, please — and I ask the minister to cease interjecting.

Mr LEIGH — No wonder the bipartisanship has ended with the sort of behaviour of this minister. Other than Mal Sandon, he would be close to being probably the worst police minister in modern history from my recollection of this place. And let me tell you, it took a lot to beat Mal Sandon, but the minister is really working at it.

Let's go to another example. This is one of the bills that the opposition has been told if it makes any amendments to it at all the government will rush off and cry in the corner and use one of its phoney triggers to go to an early election because it is hiding the economic facts from the people of Victoria. This is John Cain and company all over again doing the same nonsense. The government, the Minister for Transport and now the Premier are saying, 'Move any amendments and we pull the bill'.

I do not wish to do that, and it is not my intention. But let me come to one of the more appalling levels of what is currently going on. I for one do not want to be responsible for damaging a court case, so I have no intention of being involved in making comment on the individuals concerned. The minister will know there is currently a case before the courts in relation to the deaths of some people that affects the tougher penalties on drink driving.

I have to say I am deeply concerned by the attitude and actions of the government in this area. For the life of me, despite having the departmental briefings and asking questions of the department and seeking answers — and I know others who have sought answers from the department as well, including people who have had family members die on the road from those responsible for drink driving — nobody can get a clear answer as to why the government is doing this. I understand there is a problem in respect of dealing with people who are involved in culpable offences, and what may happen when they lose their licence and when they do not. But in respect of this area of on-the-spot loss of licence for other drivers — and we are talking about other than learner permit and probationary drivers — currently it is .15, but it can be delayed through legal complications.

In respect of a probationary driver, the problem we have is that in those three years you are not supposed to have alcohol in your blood. The problem with this

section of the legislation is that despite that you will still be able to be involved in some form of driving of a vehicle at .07. The fact is — —

Mr Haermeyer interjected.

Mr LEIGH — On-the-spot loss of licence for learner permits and probationary licence with a blood alcohol content of .07, is that right?

Mr Haermeyer interjected.

Interjections from gallery.

Mr LEIGH — The point is there is a campaign by, I guess — —

The DEPUTY SPEAKER — Order! I ask the gentleman in the gallery to cease interjecting.

Interjections from gallery.

The DEPUTY SPEAKER — Order!

Mr LEIGH — There was not and is not any reasonable explanation as to why the government has taken this particular approach. I am not going to get involved in it in the house today for the simple reason that there is a court case, and it may well direct the issue too close to the circumstances of that case. My concern is that I have been forced to alter my contribution to Parliament because of that case. That is not a healthy thing to be taking place in this Parliament. However, it is basically because of the incompetence of the government that this bill has been lying around for at least 18 months and has not been dealt with. The Labor Party has decided in the last minutes of the dying days of this government to pull its stunts to make it look like it is doing things, so it has introduced it as part of this legislation.

What I can say — and I have written to the minister about this — is that if there is a change of government the Liberal Party will come back and have a look at this zero aspect, because while sitting in those briefings listening to the departmental people I did not think they had any understanding. I do not think the minister's office has any understanding. I think the way they have dealt with some of the people on this is also a bit callous. I am prepared today to say on behalf of the Liberal Party that if there is a change of government, one of the first actions the Liberal Party will take is to look at this area and see what changes should be made to make it fairer.

I know in the case of at least some instances that this legislation will pick them up. I am not sure it does it in

everybody's case. As I said, I think if zero means zero for those three years, that is what it ought to be, and I do not think in this aspect it is clear enough.

Mr Haermeyer interjected.

Mr LEIGH — No. The minister asks whether I am going to make it zero. Let's get it right. This is the government that was going to be open, honest and accountable, and behind the scenes it makes threats to opposition politicians, 'If you play around with this we will pull the bill'. That is exactly what the government is doing. I do not regard that as good policy for road safety or for the people who are concerned about it. I do not regard it as even good policy on how the Labor government should act about things.

Mr Haermeyer interjected.

Mr LEIGH — I do not want to get involved in the case for that reason. It is before the courts, and you as a minister — —

The DEPUTY SPEAKER — Order!

Mr LEIGH — This minister knows that the government is looking to play games for the sake of playing games. I am not interested in games. I have three sons — —

Mr Haermeyer interjected.

Mr LEIGH — If you want to play Trivial Pursuit as an incompetent minister, that is your — —

The DEPUTY SPEAKER — Order! I ask the honourable member to address his comments through the Chair, and I ask the minister to cease interjecting.

Mr LEIGH — I am fortunate. I have three sons, and my sons are all alive, healthy and all the rest of it. When politicians say, 'Look, I understand how you feel' when someone else has lost a child or a family member in an accident or whatever, unless you have been through those circumstances yourself I do not think you can relate to it personally. None of my children has been in those circumstances so I personally do not think I can relate to it. I am fortunate. As a parent I cannot think of anything worse than to outlive your children. I think you would always hope it is your children who are the ones who would be there after you have gone and not the other way around.

I have had to deal with the people involved in this issue. Some of them are upset with me because I will not move an amendment to the bill. I can understand their frustration and some of the anger they may have

towards me because I will not do it. But I am also cognisant of the fact that, as the opposition transport spokesman, I am not willing to give the government one of the triggers for its games. It is one of those classic examples where the spirit of bipartisanship of road safety has been destroyed in this Parliament. I think that is very sad. If I am ever fortunate enough to be a minister I hope I will never behave like that. I think it is churlish, cowardly, dangerous and bad policy. I am really sorry that I cannot do what the families I have spoken to want. I can understand their anger towards me and their anger towards the government.

Mr Haermeyer interjected.

Mr LEIGH — I will not bother responding to the interjections; it is not worth it.

Mr Haermeyer — I want to know what you are going to do. You have an opportunity, put an alternative.

Mr LEIGH — The fact is I am not getting involved in court cases for a start, and you should know better as minister. The opposition will revisit this at a point when the Premier has called the election and the Victorian people realise and are a wake-up to a government that does nothing.

Mr Haermeyer interjected.

Mr LEIGH — The minister asks whether I will have a review. I will not have a review, I will take some action.

Mr Haermeyer — What action will that be?

Mr LEIGH — I will take some action. The minister should not worry about it. I have put my propositions to the Minister for Transport in the past, and to his departmental people, and they know that. I asked more than a few questions about what happened.

I will close my argument by saying that the opposition will look at this in the very near future if it is fortunate enough to be the government. By that I mean within the first months of government. I understand the frustrations of family members. It is time we got better road safety policies in this state and it is time the government stopped doing what it is doing — that is, just milking motorists for money. An increase to \$720 million from \$292 million over three years is nothing other than — —

Mr Haermeyer interjected.

Mr LEIGH — My concern is that I want to see the police chasing the real problems out there in some of the back streets, those who are doing the hoon things, who are doing 15 and 20 kilometres over the speed limit. I am not interested in a car's speedometer being out by 10 per cent, which is the figure according to the Australian design rules. Obviously this minister knows better than the ADR standards; he is an expert in everything. When elected the Liberal government will adopt, as have other states, the Australian Design Rule. The Liberal government will put it back in place. It is another thing that will be done early on in our administration, as it should be. We will not be revenue raising like the government.

In conclusion, the other day the government announced its scheme for better drivers — and I congratulate Ford and the other sponsors on their involvement; they deserve great credit for wanting to do that. If the government were really serious about road safety policy people would not have to go to a web site to register to become involved in good driving skills. The government should simply have the form out there so it can be filled in by the police, the fire brigade and the ambulance and sent in, so that if they see someone has done the right thing they can involve them in the program. But no, that is not what the government wants. It is after names and addresses, and you have to have a sticker. Presumably the police are running around with binoculars looking at the backs of cars to find the stickers.

This is a stunt-making program rather than anything else — particularly when the government is not putting the funding in, the sponsors are. It is an appalling reflection on the government that the very people who are out there doing the right thing day after day, year after year, are the ones who probably will not put in for these schemes. This is about getting people on a mailing list for the minister to write to at some point. It is sad that the government has to resort to that.

The opposition does not oppose the legislation. I have made other comments that I have followed up, and I have also followed up personally with the minister. I am not happy that the government has made threats in the way it has. It is a sad reflection on the standards it promised three years ago, and it is disappointing. Hopefully they are not the standards I would ever lower myself to.

Mr STEGGALL (Swan Hill) — The debate has been rather sombre and strange for this place, with the house getting involved in areas where it probably did not need to go today. Road safety is of interest and concern to us all. I look at it a little differently from the

discussion we have heard. Over the last few years political parties seem to have entered into a bidding contest to see who can introduce the next harsh round of penalties. I know the honourable member for Mordialloc mentioned a couple of times the attitude in the community towards the law.

Country people have different problems and different issues with the laws, particularly with the impact of the present changes in tolerance for speed cameras and the like. While I hear all the arguments, I know there is no argument against any policeman or minister who stands up and says, '100 kilometres is 100 kilometres, and 60 kilometres is 60 kilometres'. Out in our country regions we sometimes have difficulties in those areas. Most people in the country have been well up with demerit points from time to time.

Tolerance levels are of concern where we get down to really testing out the margins. What worries me most is the attitude that is afoot now towards driving. There is no argument with drink-driving; it is straightforward. We have some trouble with speeding.

Interjections from gallery.

Person escorted from gallery.

Mr STEGGALL — We have a very good record in Victoria with regard to the law, with the introduction of seatbelts, breath testing, speeding penalties and the demerit point system. As each of the changes occurs we seem to be at the margin with those changes.

One of the areas I have mentioned before, and the parliamentary secretary would be aware of the discussions we have had in this place, is driver education and driver education programs in our schools. I refer to the Charlton driver education program which we battled to get settled during our seven years in government, and before that in the Cain years. During those seven years of conservative government we tried to get that training program accepted by government and by communities. It has not been; it has been patched up. We have patched it up every year from about 1988. It is still going strong in the country. This year there are record numbers of students going through it from schools in north-western and central Victoria, and it is a successful operation. The program gives an understanding of the responsibilities of driving. It is a beginning on the skill requirement for driving and a recognition of the responsibilities that go with driving.

We have done everything in this state. The former chairman of the parliamentary Road Safety Committee for many years is in the chamber. We have put in place

most steps that can be taken with penalties, introducing new rules, different ways of penalising and demerit points, but we have not as a society really had a crack at education. The education programs conducted at the Charlton Driving Training Centre were rejected by the police. They were rejected by other so-called academics and experts around the world, yet they have kept going for some 15 years. They are run by parents, schools and teachers.

On Monday next week the police at Charlton are running an open day for students and other people to have a look at what we do at the Charlton Driving Training Centre. When in government we were working on introducing a concept — which I never succeeded in implementing, but I was getting close towards the end — of pre-driver education training programs. There would be three or four of them around Victoria and we would contract with the schools to achieve that level. It is to get people before they start driving to understand what the responsibilities involved in driving a motor car are all about and to really get to that level.

I still believe — I am still a very strong supporter of the Charlton training centre — that maybe someone might have another look at it. The Road Safety Committee, I am assured, is going to visit Charlton this year to have a look, and I would hope that some members would come for the open day on Monday next week.

This bill is one of a series we have had on road safety, but as I said, unfortunately it still focuses on more penalties. If we keep going down the penalty line I just wonder whether it is going to be effective. As I said, anything we do now to change the demerit points system is going to seem to be at the margin. The mindset that politicians and bureaucrats seem to have is: ‘What is the next penalty we can impose that might magically resolve some of the problems we have?’. We are getting to the end of that approach, because it is getting to be very difficult. When I say ‘getting to the end of that approach’ I mean that in a lot of areas people are not seeing the law as being as important as it was because it is getting too harsh and intolerant in some aspects.

The bill is set to discourage excessive speeding by providing for automatic licence suspensions for driving 25 or more kilometres an hour over the limit. This is a 5 kilometres an hour reduction in the trigger point of 30 kilometres an hour for automatic licence suspension.

The bill imposes longer suspension periods for high-level speeders exceeding the limit by 35 kilometres an hour or more. That is, 35 to

45 kilometres an hour over the limit equals 6 months suspension, and 45 kilometres or more an hour over the limit will equal 12 months suspension.

The object of these amendments is to deter driving behaviour that has a very high risk of causing injury and death and to remove dangerous drivers from the road for a time in the interests of public safety. We probably uttered exactly the same words when we introduced that 30 kilometres an hour level some time ago. We are just bringing it back. It is a means whereby members of Parliament, ministers and bureaucrats can feel good. But it is not the way we are going to resolve some of those important issues on road safety.

The bill proposes to introduce on-the-spot suspensions of driver licences for drink-drivers, who represent unacceptably high risks to public safety because of past patterns of behaviour and because of the very large amounts of alcohol they consume before driving. No-one is going to argue with that. Currently there are interim licence suspension provisions in the Road Safety Act, but they can only be activated where a driver is charged with a drink-driving offence involving a blood alcohol content of 0.15 per cent or above or where repeat drink-drivers are charged with exceeding the legal limit. The object of these provisions is to get high-risk individuals off the road as soon as possible. However, the requirement that the person be charged with a drink-driving offence before an interim suspension may be imposed can delay such action by several weeks and sometimes longer.

Where a person is charged with the more serious offence of culpable driving the interim suspension provisions do not apply. New provision will enable police to suspend licences on the spot when high-level or repeat drink-driving is detected. In essence this is a timing change designed to remove the person from the road immediately. No-one is going to argue with that. It is a fair and acceptable approach that the police would, in a reasonable society, be expected to take. One of the things that frighten us most is the people who drive without licences. Although they are repeat offenders, they are driving illegally in the first instance. For most drivers the blood alcohol levels at which interim suspensions may be imposed will stay the same. However, the combination of inexperience and impairment makes probationary and learner drivers who drink and drive a high risk group.

The bill therefore proposes on-the-spot suspensions for probationary and learner drivers before their blood alcohol content exceeds .07 per cent, which is the point over which some discussion took place earlier. Procedural safeguards including appeal rights for

on-the-spot suspensions will be included in the bill. Maximum limits for on-the-spot suspensions will also apply, ensuring that they are no longer than the relevant minimum disqualification period.

The bill follows other states in introducing a limit to the amount of demerit points a probationary or learner driver can accumulate in any 12-month period. A novice driver will risk suspension if five or more demerit points are incurred within 12 months. They also remain subject to the 12-points-in-three-years threshold that currently applies to all drivers.

The aim is to discourage the novice driver from adopting dangerous driving behaviour. We have all had young families that have started driving, and we all thought we could teach our children to drive and all the rest of it — though in my case I shunted them off to a driver training school because I did not want to teach them the bad habits I had. The point I made at the start is that before they begin driving and before they have the responsibility of being in charge of a car we must try to get most of our children to understand what is expected of them, what society expects of a person in charge of a car and in particular what responsibility young people have in getting into cars where that may be unsafe.

These proposed amendments will also lengthen the demerit point suspension periods of probationary licence and learner permit holders by changing the conversion rates before the period of suspension. Once again we are just building on the penalties; we are bringing them back, shortening the periods. If you do that long enough you run out of room. That is why I suggest to the minister and the parliamentary secretary, who I know has a fair bit of interest in this area, that it might be a good idea to look at some other areas.

The changes to the demerit point scheme in relation to probationary or learner drivers will be partly offset by removing the requirement for the automatic suspension of probationary licences and learner permits for other offences. The bill will enable police and Vicroads to send warning notices to drivers who have incurred demerit points. I am always pleased when they do that; it is very helpful. The purpose of this is to give people at risk of licence suspension fair warning and to encourage them towards more responsible driving behaviour. To get back to the start, we do not seem to have any way to teach people responsible driving behaviour before they get behind the wheel of a car.

The bill also makes several minor amendments to the Road Safety Act 1986 and the Marine Act 1988. The main one of these removes any doubt that if a first

breath test does not produce a result for any reason and a second test is required, the result of the second test can be used as the basis for a drink-driving prosecution. This is already the intention of the act, but the amendment will remove any doubt. Long live light beer! I think one of the great things that has happened with driving has been the introduction of low-alcohol beer. And the second test is very handy when it comes to that.

Some of the views I hold here are not held only by me; there are other people who believe we need to do more work to get away from penalties and more towards responsibility. We need to give people the wherewithal to learn what is expected as a responsible attitude on our roads and then try to bring our community along.

As the Minister for Transport knows, in my electorate of Swan Hill in northern Victoria we have a trial section for 110 kilometre an hour zones from Wycheproof to Mildura. There is a lot of demand in northern Victoria for 110 kilometre limits on those wide roads. There is a lot of strong argument against them as well, and the statistics have not led those of us in public life to be strong advocates for the introduction of 110 kilometre speed limits through that area. But I would like a little more tolerance when it comes to speed cameras. When you are travelling the distances we travel you can wander 5 or 6 kilometres over that 100-kilometre limit very easily.

Mr Batchelor — Use cruise control.

Mr STEGGALL — You can be clever and you can be smart, but people who drive the distances we drive and who drive the Mildura–Melbourne or Swan Hill–Melbourne routes regularly basically keep within a reasonable margin, but when you bring in close to zero tolerance — —

Mr Batchelor interjected.

Mr STEGGALL — I know there is no argument; I cannot argue logically against it, and you will win every time. But what happens with people in my electorate is that they start losing confidence in the rules and the law. It is important if we are going to be the people who make the legislation of this state that we make sure that our people come along with that legislation. We have to make sure it works. Bad legislation is ignored by the population.

Mr Batchelor interjected.

Mr STEGGALL — Leadership is very much part of that. The legal industry here will thrive on all those

points and make a mockery of anyone who gets caught wandering outside the limits.

I just point out that if we are going to approach road safety by continuing to tighten the penalties we will start to run out of room to move. I would dearly like to see future governments really considering what we might do with regard to driver training and education. I am not talking about teaching a person how to drive a motor car; they get experience in driving a motor car. What the education is about is the responsibility a person has when they are in charge of a vehicle, their responsibility to other people in that vehicle and to other people on the roads and the impact things like alcohol and drugs have on their body — what drugs do to them and to their reactions and the extra dangers they pose. That could also apply to speed, the conditions of the road and all those types of things.

I know people here get a bit sick and tired of hearing country politicians talking about roads, but in our electorates the safety of roads and the money that needs to be spent on roads is one of the key areas of road safety. It is what we want. It is not sexy for political people or treasurers to put a lot of money into roads, which is a pity because that is our no. 1 need. You can have all the other things you like in the country, but if you do not have a decent road to get to it, it is not much good to you. The condition of roads is a key part of road safety. These penalties do not operate to help with the condition of roads. There is no legislation stipulating that the government must provide roads to certain standards. We understand that. We also understand that we argue from a very weak point from time to time when we try to get more money put into the road networks.

I have to say that the federal government's introduction of its local roads program was the first time in my 20 years in Parliament that we had a big benefit for country roads and the improvement of country roads. That will be reflected in a lot of those areas. I know from the minister's discussion that road deaths are up in the country and about level or down in the city. I just say to the house that maybe it is time that we really considered some of that other stuff and put a little bit of the effort that we put into other things into educating our people, not about literally how to drive but about the responsibility our citizens need to have and understand when they get behind the wheel of a car.

Ms Asher — On a point of order, Madam Deputy Speaker, I waited until the honourable member for Swan Hill had finalised his speech to raise this matter with you. You may perhaps wish to refer it to the Speaker.

During this debate we have seen a visitor ejected from the gallery after some fairly abusive language, which I understand in the end was directed at my political opponents. I just want to run through the sequence of events and ask you to perhaps get some guidance from the Speaker as to consistency for when visitors who may or may not know the rules need to be ejected from the gallery.

As we all know, if people come to Parliament — and I want people to come to Parliament to observe the proceedings — they cannot interject on proceedings and as a matter of course they are ejected from the gallery if they do so. What just happened, for the information of the two ministers, one of whom was the recipient of the abuse in absentia, was that the honourable member for Mordialloc was speaking and an aggrieved man — from what I heard, a man who had every reason to be upset about life's lot — started interjecting. I certainly thought he was making some directly abusive comments to the honourable member for Mordialloc. You indicated to him, Madam Deputy Speaker, that that was unsatisfactory.

I am wondering whether there could be a protocol that simply explains to people like that that they cannot sit in the gallery and continue to abuse. I am unaware of what the attendant said to the man, if indeed the attendant said anything, because I could not see from here. But it seemed to me that action should have been taken at that point.

The gentleman continued to abuse during the honourable member for Swan Hill's speech, when it became apparent that he wanted to direct some of his abuse to the Minister for Police and Emergency Services and also the Minister for Transport, whom he mentioned by surname. He also used some fairly bad language — obviously swearing and abusive language — and was ejected from the gallery.

I am genuinely concerned about the safety of members in this chamber. I am also genuinely concerned about the lack of consistency in dealing with people who break the rules. I have seen young children, for example, hanging over the upper balcony. They are ticked off, if you like, for doing so, but they are only showing interest in looking at the proceedings of Parliament.

However, today — and on other occasions, I must say — I have seen people who are upset — I am not saying they are not genuinely upset — being allowed to abuse members of Parliament from the gallery, which is after all against the rules. I am not complaining about the way you have handled the circumstances. They

were difficult, given what the gentleman indicated he had experienced in his life. I do not think it is appropriate — even though I am not the closest friend of the Minister for Transport or the Minister for Police and Emergency Services — for people to abuse ministers of the Crown for the way in which they carry out their duties.

I would ask you to confer with the Speaker and perhaps work out a protocol for informing people of the rules of this place and for taking early action where it is quite clear that someone is particularly upset. I am genuinely concerned for the safety of members. I think we are lucky sometimes that it is only abuse. I have actually seen objects thrown onto the floor in the other place. I would ask that you — in conjunction with the Speaker, should you wish — examine the broader issue of handling transgressions by members of the public, no matter how legitimate their concerns are.

The DEPUTY SPEAKER — Order! I thank the honourable member for raising that matter. There is in fact a policy in place, which was adhered to today. The person who made the comment did not refer to the Minister for Police and Emergency Services. I believe it was the honourable member for Brighton who said he was speaking to the Minister for Police and Emergency Services. There is a procedure in place, which the clerks followed.

Mr CARLI (Coburg) — In these debates, I am always pleased to follow the honourable member for Swan Hill. I recognise his commitment to teaching responsible driving behaviour. It is certainly a theme that he has often expressed in this house.

The deterrents either to excessive speeding or to learner or probationary drivers not having a blood alcohol content over .00 are not about responsible driving. They are about the fact that we have people who deliberately disobey the law: they know the rules and how to drive, but they deliberately disobey. That is why we have these deterrents.

I want to use my brief opportunity to speak to clarify some of the issues that were raised by the honourable member for Mordialloc. He suggested that after this bill becomes legislation a learner or probationary driver who has a blood alcohol level lower than .07 will not face the suspension of their licence.

Mr Plowman — I am sorry to be interrupting on a point of order, but I do not believe the honourable member for Coburg should have unrestricted time. He has been speaking for 3 or 4 minutes without the clock being switched on.

Mr CARLI — We need to clarify what happens to learner or probationary drivers who have blood alcohol readings above .00 per cent. The effect of the changes to be made by the legislation will be that a learner or probationary driver who has a blood alcohol content of .07 per cent or above will lose their licence on the spot. A learner or probationary driver who has a blood alcohol content above .00 per cent will receive 10 demerit points. Given this legislation, a P-plater who has five demerit points within a year faces a suspension of four months. A P-plater who is over .05 per cent faces a suspension of six months, and for every .01 per cent above that there is a further period of suspension. So we have a system which suspends P-platers and learners with blood alcohol levels. The honourable member for Mordialloc did suggest that that was not the case in Victoria. That is absolutely wrong, and it needs to be put on the record.

The reason that .07 has become the figure for the on-the-spot suspension is not about punishment. It is about road safety. It is about taking away people who are clearly disobeying the law and who are clearly a hazard and getting them off the road as quickly as possible. What we are dealing with here is public safety. As I said, they are still susceptible and will lose their licences for a period of time.

The honourable member for Mordialloc referred to a case that is sub judice, so obviously I will not enter into discussion about that. While I clearly feel for any family who has lost a loved one as a result of culpable or drink-driving, it is also true that we have a court system to punish people who are culpable, who have disobeyed the law and who have made people suffer through either injury or death on the roads.

It needs to be really emphasised that the on-the-spot suspension for a .07 blood alcohol level is not only a deterrent but also very much an issue of public safety. We have to accept that in our legal system the question of the necessary punishment for people who cause injury and death as a result of culpable driving is in the realm of the courts, not in the realm of on-the-spot suspension.

I conclude by re-emphasising the fact that any P-plater who is over .00 per cent faces receiving demerit points and hence faces suspension in this state. It is an element of our law. The honourable member for Mordialloc is wrong to suggest otherwise.

Mr VOGELS (Warrnambool) — The Road Safety (Responsible Driving) Bill should be seen for what it clearly is — that is, another revenue-raising exercise by the Bracks government. Since this government came to

power it has managed to increase camera fines more than threefold while it has presided over the largest percentage increase in road deaths in the last 10 years.

Once again I will quote the figures: 1993 — 436 deaths, \$95 million raised; 1994 — 378 deaths, \$96 million; 1995 — 418 deaths, \$93 million; 1996 — 418 deaths, \$91 million; 1997 — 337 deaths, \$93 million; 1998 — 390 deaths, \$99 million; 1999 — the last year of the Kennett government — 384 deaths, \$99 million; 2000 — 407 deaths, \$177 million; and 2001 — 444 deaths, \$206 million. We do not know what the figure is going to be this year, but the projection in this year's budget is \$336 million worth of revenue. Those figures speak for themselves.

The really sad part about all this in country Victoria is that where our police were once part of the local community and were looked up to and really appreciated, there is now a real issue out there in the towns, given the cynicism. They have lost their rapport with the young people. In fact many of our officers are treated with contempt, which is very sad.

Why is this happening? I often drive along country roads, because that is where I live. Often you will come down the embankment of a local road and find the police car is hiding behind the bushes with a speed camera sticking out the side. Even if you have your vehicle on cruise control and you are sitting on 100 kilometres an hour, you will find that sometimes it creeps up to 105 when you are travelling down a steep incline. I know you are not supposed to be doing that under the 3 kilometres an hour threshold, but people get caught. When you are coming into a town, the speed limit goes from 100 to 80 and then 60. If you are doing 64 as you come into the 60 zone — bang, you are gone, even though you are slowing down.

I find it very sad, especially in rural Victoria, where local police officers and the community have had a great rapport but now they are seen as cash registers for the government or tax revenue collectors. I do not blame police officers for this. No doubt the government has spoken to police command and said to it, 'You wanted 800 extra police, so now get out and raise the revenue to pay for it'. I think this is what has happened. No revenue is raised by police chasing burglars or people who assault other people; that costs money. The easiest way to raise revenue is to do exactly what is being done — collecting speed camera fines.

In looking at the figures for the last 10 years it is tragic that probably 4000 people have died on our roads. If the government's policy was working, the number of fines would be increasing but the number of deaths would be

decreasing. We have not seen that trend so far. I often travel along the Geelong Road. It has been in the process of being built ever since I have been a member of Parliament, since late 1999. There is no way the road will be finished this year, almost three years later.

Mr Trezise interjected.

Mr VOGELS — I remember that prior to the last state election the former Kennett government signed off with the federal government, at a cost of \$270 million. I have no idea how much it will finish up costing, but I would estimate \$350 million.

Mr Trezise — You are wrong.

Mr VOGELS — We will wait and see. The government is being shrewd. It does not believe in road tolls, so it says, but it puts up speed cameras. The end result is the same. It will cost approximately \$270 million to build the Geelong Road. Speeding fines are about \$90 million, but are projected to be about \$270 million, exactly the same cost as the Geelong Road. I know that is drawing a long bow, but I am sure that if the Scoresby freeway ever gets built it will have enough speed cameras on it over the 10 years it will take to finish construction to pay for the cost of its construction with fines. It is another way of introducing tolls.

The average motorist will not be fooled by this high-taxing, high-spending government. As motorists cop the fines for being just over the limit they should remember to vote Liberal and they will get back the 10 per cent tolerance, which is clearly defined in the Australian design rule 18.5.1.12, which states:

Speedometers must indicate the actual vehicle speed, for all speeds above 40 kilometres an hour, to an accuracy of plus or minus 10 per cent.

Who could argue with that?

Mr TREZISE (Geelong) — As the member representing the Legislative Assembly seat of Geelong I am pleased and proud to speak in support of the Road Safety (Responsible Driving) Bill. I am pleased to support the bill because it adds to previous initiatives of the Bracks government in reducing the carnage on our roads. I am also pleased to support the bill as a member of the Road Safety Committee. Through my work on that committee I am well aware that speed kills — a message that the opposition clearly cannot comprehend, especially as it relates to the Geelong Road where approximately 56 people have been killed in the last decade.

The shadow Minister for Transport and the opposition advocate for a speed limit of 110 kilometres per hour plus the 10 per cent leeway, which means 120 kilometres per hour and no speed cameras. That is a disgraceful attitude when one considers the carnage on the Geelong Road. The opposition does not comprehend the message that speed kills, especially as it applies on the Geelong Road. I put on the record that I am more than happy and committed to saving lives before saving time on that road. The bill is responsible and addresses safety issues on our roads and as such it has my full support. I wish it a speedy passage through this house.

Mr PHILLIPS (Eltham) — I will speak briefly on the Road Safety (Responsible Driving) Bill and comment from my perspective about the inquiries I have received about speed cameras and the perception in the community that they are used for revenue raising. We can all admit that we do not support the principle or concept that people should be permitted to speed or exceed the speed limit. At the end of the day, with any legislation or application of the law, commonsense must prevail. Police officers are often placed in a damned if they do, damned if they don't position. They have to administer the law and they have an obligation to be responsible, but at the end of the day they also have to apply commonsense. Sometimes commonsense is not applied but in the majority of cases the men and women in the police force are responsible and considerate.

The difficulty that we all have is that from time to time members of Parliament or people close to them, family members or friends, have been caught for allegedly doing 1, 2 or 3 kilometres over the speed limit. We often hear about a person allegedly doing 62 kilometres an hour in a 60 kilometre per hour zone or 53 kilometres an hour in a 50 kilometre per hour zone. They feel the regulations or legislation are unfair in their case. It requires a balanced attitude to stop people speeding which increases the opportunity to cause serious accident or death, whether it is by education or by using the stick approach, which is introducing penalties such as demerit points, loss of licence or fines, or by using both approaches.

The legislation increases demerit points and penalties for those drivers who are caught exceeding the speed limit. Am I happy? Absolutely not because I am probably one of those mugs who will get caught at some stage. Some people travel a lot more kilometres than the average driver, who might do between 15 000 and 20 000 kilometres a year. Salespersons, people who live outside Melbourne and who travel to Melbourne or the northern, western or eastern suburbs to work and

members of Parliament, especially country members, travel many kilometres. The honourable member for Murray Valley probably travels 10 times the distance of the average driver, perhaps 100 000 kilometres or more a year — and I note the honourable member is nodding his head in agreement.

These people are placed in a more difficult position and have to be more responsible than the average person who jumps in his car to go and purchase the milk and bread. There is a balance, which is whether we are being fair or perceived to be fair by increasing penalties and fines. I think there is a perception in the community that this is revenue raising and that speed cameras are being placed in positions that are not obvious. Police members sometimes do themselves a disservice by not appearing in the open, but hiding on bends or where a car might go a bit faster.

Today we have heard that even though motorists may use cruise control, if their speedometer is not accurate they may be travelling at 103 or 105 kilometres an hour. Sometimes car tyres might not be appropriate for the car — which can happen to members of Parliament — or the speedometer has been inaccurate since the car was purchased.

So it is a balance. We heard members talk briefly about a tragic accident in the area that I represent, when two young people were killed. I have had contact on numerous occasions with the parents, and I understand that they have contacted the shadow minister, probably the minister and other people who are concerned about the aspect of this legislation which is to do with alcohol.

Should learner and P-plate drivers be permitted to drink and drive? The answer is no. Do they? Obviously they do, because some are caught. In this case two young people tragically lost their lives and the driver of the vehicle had alcohol in his blood. We know 'zero blood alcohol' means just that. I am not convinced that this legislation, although it endeavours to address the problem, is going far enough.

I believe a zero blood alcohol limit for P-plate and learner drivers should be exactly that — zero blood alcohol. We should be sending a very clear message to our young drivers about drinking and driving and about the use of drugs or any instrument that is going to interfere with what is already a very difficult situation. Those of us who are parents would have all gone through what I call the nervous Nellie years when their children first get a licence and are out in motor cars for the first couple of years. You lay awake in bed hour after hour, waiting for your child to come home. When you know the car has pulled into the driveway, the child

is in the car and everything is okay, whether it is 1 o'clock or 3 o'clock in the morning, you then go to sleep.

We do not need our young people to have any additional pressures over drink-driving, so we should be sending a positive message. This legislation mentions .07 and an automatic loss of licence. I believe zero tolerance means zero tolerance, that mums and dads should be able to say to their sons or daughters, 'You understand that if you are going out to have a good time someone within your group has to be prepared to be the driver, and that person should not drink. You have to understand that one glass means one glass. Any alcohol means that potentially you will be at risk not only of losing your licence — which you should treat with a lot of pride and respect — but also of maiming or even killing someone who is a close friend'.

In conclusion, we do not oppose the bill. But does it go far enough? No. Is it an improvement? One would question that, and I have talked about commonsense. We are talking about increasing demerit points and fines, and I am not convinced it is not about revenue raising. I am sure the average person out there is not convinced it is not only about revenue raising — but what else should there be? There should be a combination of driver education and the stick approach, which is about demerit points and/or fines for people who continually break the law. We do not oppose the bill, and in government I would hope our party would be a lot tidier with the legislation.

Mr KILGOUR (Shepparton) — I stand in this in place both as a proud member of the Victorian Parliament's Road Safety Committee and to say that I very much support what the government is doing with this piece of legislation. I say to my learned colleague the honourable member for Eltham that I did not think I would hear somebody who I thought would be more thoughtful about the road toll mention the words 'just revenue raising' in talking about these measures.

As a member of the Road Safety Committee, along with the honourable members for Bellarine, for Benambra and for Ivanhoe, I am constantly frustrated after speaking with senior police. We receive the Transport Accident Commission numbers each week on the deaths on our road, and it is a very frustrating thing to be a member of the Road Safety Committee and still see, weekend after weekend, the results in the newspapers of those who run off country roads into trees, those who continue to treat life with gay abandon and greatly increase their speed and then run off the road and into roadside objects. One of the next tasks of

the Road Safety Committee is to look at the problem of roadside objects that seem to jump out in front of cars! It will be an interesting exercise.

The government has had no alternative but to say that people continue to be downright stupid in the way they drink and drive and in the way they speed. They are the two major issues that are causing our road toll to remain high. As a member of that committee I have been very proud, as I am sure the honourable member for Bellarine and others on that committee have been, to be in other parts of the world such as Europe and hear people say, 'Why are you Victorians over here talking to us, because you lead the world in road safety situations? You have led the world in seatbelt legislation, you have led the world in blood alcohol content legislation'.

For heaven's sake, in Europe they still cannot decide whether you should have any alcohol in your blood or .05 or .08, or whatever, because they cannot come to an agreement across the continent. They are struggling with that problem too, but we have got it pretty right. Yet with all the work we have done and with all the millions of dollars that have been paid in fines, we still see people exceeding the speed limit to a greater extent than they should.

I am the first to admit that I have a couple of demerit points I am not proud of. I think it is more than a couple — it is probably five — and I am waiting for a letter.

An honourable member interjected.

Mr KILGOUR — I would be very pleased if the Attorney-General would check, because I am waiting on a letter just to find out what has gone wrong. I am not proud of it. I lost a couple going down a hill when I did not realise what speed I was doing. However, it was not as if I was trying to go too fast. I suppose being a teetotaller it is easy for me to stand in this place and say that nobody should ever drink and drive. I understand that these things happen after certain events have occurred, but we have to come to grips with this subject.

We have to support our police and the TAC, who are trying to do as much as they can to get the road toll down. While we have over many years brought the road toll down to a level that, while it is not acceptable, is certainly a lot better than it was, I am hopeful that these measures will prove a deterrent so people think when they get into a car that having a drivers licence is not a right but a privilege and that in using their licence they should drive to the rules of the road.

The Road Safety Committee was involved in a couple of driver training exercises, and I know the Minister for Transport has been there and done the same thing. One drives towards a group of obstacles on the road and is told when to hit the brakes and stop within a certain time. One does it at 65 or 60 kilometres per hour — whatever the case may be — and then at 55 or 50 kilometres per hour. One then realises why we had to reduce the speed limit in residential areas to 50 kilometres per hour. That has been very successful — not that a great majority of motorists are sticking to it — and people will learn to come to grips with it.

So it annoys me when people like the honourable member for Eltham talk about this as only being about revenue raising. There is not much more governments can do than to say to these people that if they do not control themselves when they are on the roads and if they will not remember that road users and others will be affected by the way they drive, then they have to come up with tougher penalties. While these measures are raising a lot of revenue, I wonder when the people of Victoria are going to wake up to the fact that the government has to do this to ensure that speeds are kept down.

I know what the Western Ring Road is like. I found myself one day doing 125 kilometres an hour on the ring-road and suddenly cut back to the speed limit. Maybe I am getting older and wiser, and maybe my involvement with the Road Safety Committee has given me a better understanding of speed limits and of what we should do. But I want to congratulate the government on bringing in this legislation and say that those of us on road safety committees and those of us who talk to the police and to people who have lost loved ones on the roads should see this legislation for what it is. We should hope that it will be a deterrent, that people will not drink and drive or speed as much on our roads and that the legislation will make for a safer Victoria so the rest of the world can continue to look at this state and say we are doing the right thing with road safety.

Mr HAERMEYER (Minister for Police and Emergency Services) — I will commence by commending the honourable member for Shepparton on his contribution, not just to this debate but also on his contribution to the Road Safety Committee. He has just shown the sort of bipartisanship that has driven the road safety debate in this state for many years. He has also shown a great deal of care and consideration and compassion in the contribution he has made.

It is unfortunate that people come into this house and try to score political points by referring to revenue raising in relation to important road safety initiatives. Let's make it very clear: a reduction of 5 kilometres on the road adds up to 95 lives. Some people suggest that if the sign says 60 kilometres an hour, you should be able to drive at 70, or if the sign says 100 kilometres an hour, you should be able to drive at 110; anyone who is giving people moral comfort by doing that is putting lives at risk. Let there be no mistake about that. The Monash University Accident Research Centre has said to us, 'Wipe off 5, wipe 95 off the road toll'. That is 95 people who might otherwise die. That is what the government is seeking to do.

We have had a few contributions to this debate on the Road Safety (Responsible Driving) Bill. The honourable member for Swan Hill lamented the fact that there is too much emphasis on enforcement. That is not quite the case. The Minister for Transport devotes considerable resources to improving the safety of our roads. Considerable resources go out of the Transport Accident Commission to improve driver education, driver awareness and driver attitudes, and considerable resources go into making cars safer. At the end of the day, however, the reason people are dying on our roads is that people are breaking the road rules.

Why are they breaking the road rules? Not because they do not know the road rules but because they choose to ignore them. That accounts for the vast majority of people who die on our roads — and I do not count in that the people who are maimed. That enforcement effort is necessary for those people who refuse to learn and to obey the road rules.

I have recently been in overseas countries where when the sign says 100, people drive at 100, where people stick to the rules. You might say, 'We think the limit is too low on this road', but you cannot really start revising those speed limits on particular roads until you can actually be confident that people are going to drive at the speed that the sign says. That is the point we are trying to get to. We want to get people to adjust the way they drive, to get their mind set on driving at 60 when the sign says 60 and at 100 when the sign says 100, not 'and then some'.

The honourable member for Mordialloc said he was getting inundated with phone calls from people who are getting pinged for driving 3 kilometres over the limit. I ask him to bring into this house one infringement notice showing that someone has been pinged for doing 62 or 63 kilometres an hour. I do not think he can.

He then went on to do one of the saddest things I have seen in my 10 years in this house: he referred to a court case that was sub judice. He danced around that very skilfully — as someone with his length of tenure in the house would — but he then played on the issue of the zero blood alcohol limit for the P-plate drivers and implied that someone under .07 who is a P-plate driver would get off scot-free. That is not the case. The legislation simply says that in future if you are over .07 you will lose your licence automatically, and if you are under .07 you will go to a court where, if you are proven to have a blood alcohol level over the limit, you will lose your licence. However, he sought to play on the grief of a relative of someone who had died in a road accident, someone who was quite understandably extremely distraught. I have never seen anything like that in this house in the 10 years I have been in it.

He was then asked if, were he the transport minister, he would propose legislation in this house that said ‘.00’, that if you are found with any alcohol in the blood whatsoever as a P-plate driver you would lose your licence. He was asked five times whether he would do that. He had the opportunity to reply but chose not to. The problem is that he is making promises to grieving relatives who understandably want to take the toughest possible measures, whose attitudes are fully understandable. He wants to play on their attitudes but at the end of the day he is offering them nothing. It is the most cynical and disgraceful piece of politics I have ever experienced in this house.

Mr SPRY (Bellarine) — I have pleasure in rising to speak briefly on this subject, particularly as I am also a member of the all-party Road Safety Committee. The Liberal Party, it must be said, has a proud tradition and record in the road safety area, particularly with its involvement in the introduction of seatbelt and drink-driving legislation — and I think you yourself, Mr Acting Speaker, in your former role as chair of the Road Safety Committee, had some input into these efforts. One of my distinguished constituents, Dr John Birrell, was formerly the police surgeon, and I commend him for his efforts along this line as well. We tend to forget, as the decades roll on, that he had a tremendous involvement in those two aspects of road safety. I put it on the record that we appreciate what he did.

The purpose of this bill is to amend the Road Safety Act 1986 to tackle, amongst other things, excessive speeding and the treatment of alcohol-related offences for learner and probationary drivers in particular. I do not think anyone in this house could argue with the direction in which this legislation seeks to take drivers. For that reason we on this side of the house will not be

opposing this legislation. However, we do have some misgivings.

I appreciate the passion and fervour for road safety of the honourable member for Shepparton because he, along with the Honourable Elaine Carbines in another place, the honourable member for Ivanhoe, the honourable member for Benambra, the honourable member for Geelong and me, led of course by the Honourable Andrew Brideson — I do not think I have forgotten anyone — comprise the road safety committee, and we have spent a lot of time and effort investigating these issues. We are without exception passionate about trying to drive the road toll down.

Regarding what the honourable member for Shepparton said earlier, I believe he took the remarks of the honourable member for Eltham slightly out of context. If he re-reads *Hansard* tomorrow, I hope he realises that is the case.

Whether we like it or not, enforcement procedures — fines and so on directed at road offenders — are a matter of balance, and if the public refuses to acknowledge the level of fines imposed in particular cases, then the legislation loses its effect completely. That is the point the various speakers from this side of the house have been trying to make as this debate progressed through the afternoon.

I do not want to labour the point any further than I have to, but I want to point out again that our misgivings about public acceptance were reflected in our own consultation process when this bill was introduced. I refer in particular to some of the comments made by leading stakeholders such the Royal Automobile Club of Victoria — through the voices of Ken Ogden and David Cumming — and a couple of remarks in editorials in the *Herald Sun*. I will refer to just one editorial, on 9 September, which branded this legislation as an exercise smacking of revenue raising which lacked total public support.

As I said earlier, I am privileged to be a member of the Road Safety Committee. It tends to focus the mind and raise the awareness of this issue right across the board. Last year members of the committee had the opportunity to visit foreign countries on one particular subject. It is worth noting that in the European Union the annual road toll is up around the 40 000 mark.

In America the same sorts of figures apply. It was estimated that nearly 1 million people a year lose their lives globally. That figure is horrific in anyone’s language. We are quite right here in Victoria to be focusing on these issues.

We had the opportunity to take a couple of driving instructor courses throughout the year.

Mr Leigh — How did you go?

Mr SPRY — It was very interesting. You begin to realise what your shortcomings are. I will mention two things in particular. So far as I am concerned, there is a need to slow down and to observe road speed signs. I do not think it has been mentioned this afternoon in debate, but it is necessary to leave a gap between your car and the vehicle you are following. That gap should ideally be about 3 seconds. The honourable member for Mordialloc asked how I went. I was a bit remiss about leaving a gap between my car and the one I was following. If there are a couple of lessons to be taken away from this debate today, I hope that is one of them.

Let me reflect for a moment on the Geelong road. The honourable member for Geelong sang the praises of that road — a \$270 million project that will undoubtedly run way over budget and is already well over time. But the interesting factor about the Geelong road is that the speed limits lack credibility. They lack public acceptance. I do not know the number of constituents who have come to me and said that the speed limits that are imposed on that road are just not acceptable: 40 kilometres an hour in some places, 60 or 80 kilometres in others, where there is not a workman in sight to justify those sorts of speed limits.

Sad to say, this is not a government project any more. It is not even a Vicroads project any more; it is a Construction, Forestry, Mining and Energy Union project, quite obviously, and those speed restrictions are driven not by the government, not by Vicroads, but by the CFMEU, and they are not accepted. The number of cars that go whizzing past me on that road when I am observing the speed limit has to be seen to be believed.

The point I would make to the honourable member for Shepparton as he leaves the chamber is that speed limits have to have public acceptance to be believed and be stuck to. It is just that one point that I would ask him to consider.

I make one remark in conclusion. It concerns a telephone call from one of my constituents, Thomas MacDonald from Leopold. He talked about the Geelong road and the acceptance of the speed limits imposed on it. He has got to the stage now where he says, 'I hate driving'. That is a sad indictment of the sorts of limits that are imposed on some areas; they are unacceptable.

I put it to you, Mr Acting Speaker, and to members in the chamber that if the public does not accept the

commonsense of speed limits, it is an invitation to speed. I will close on that note.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Second reading

Debate resumed from 12 September; motion of Mr BRACKS (Premier).

Government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

Mr DOYLE (Leader of the Opposition) — I think it is regrettable in this week when we are either going to be sitting until very late at night or the guillotine is going to come down at 4 o'clock on Thursday that we are debating one of the most important pieces of legislation to come before this house in this session or any other session. We are dealing here with proposed changes to the very institution in which we now stand. We are dealing with changes not just to the Parliament itself but to our constitution.

Just under a month ago the Premier introduced his so-called Constitution (Parliamentary Reform) Bill into this Parliament. Reform in this case is a euphemism of the highest order, because this bill seeks to fundamentally alter the structure and operation of the Victorian Parliament, and on this side of the house we believe it is also a bill which will remove safeguards from government.

The truth behind this bill is that it is motivated not by any desire to reform in the true sense of the word this Parliament, but rather by spite and cynicism. The Labor Party wants to change the fundamental parliamentary structure. It wants to change the rules under which our democracy operates because it believes it cannot win control of the upper house in a fair and square electoral fight. I hope to demonstrate that during the course of this contribution by looking at the flaws and holes in Labor's arguments for the changes proposed by the bill.

The Premier has said we need a democratic house of review, a genuine house of review, but the truth is that of the 286 bills that have been put before the Legislative Council only six have been opposed. If he is complaining that opposing six bills is inappropriate, then what he is after is not a house of review but a lap

dog or a rubber stamp. I will come later to the argument that the upper house is obstructionist. One can see quite quickly by looking at that very simple statistic about the number of bills that have been opposed and the number of bills that have been presented that it could hardly be called obstructionist. One would wonder about the necessity of removing such a house of review as it exists now if the government feels that that is an inappropriate number of bills to be opposed.

In the rhetoric we have heard so far I have yet to learn, despite the government telling us that it will improve country representation to make the changes he suggests, how stripping country Victoria of direct parliamentary representation is more democratic or how placing the fate of the entire state in the hands of small, single-issues or minority parties is more democratic — because make no mistake, Mr Acting Speaker, that is what this bill if passed would do.

If I could quote the Premier for a moment, he claims his proposal would ‘enhance the effectiveness, accountability and representativeness of the Parliament as a whole’. Yet he cannot outline any flaw with the current system other than the inability of the Labor Party to win a majority of seats under a system put in place when the Labor Party itself was last in office. The Premier has decided he cannot win by playing by the rules, so the response is through this bill to change the rules. The Premier spoke also of the measures in this bill allegedly being supported by the Victorian community, yet he provides no evidence of that other than a report of a commission set up by the government to reach a predetermined outcome.

The fix was in from the start, and the report of the commission in no way reflects the views of the Victorian community or a way forward for this Parliament and this democracy.

Mr Hulls interjected.

Mr DOYLE — Let me tell the Attorney-General that we firmly believe what I just said, and if that reflects on those people then so be it. I think we understand perfectly well that although they may once have carried the tag ‘Liberal’, their more recent history has indicated that they have found a whole new bunch of friends.

Mr Hulls interjected.

Mr DOYLE — I certainly hope so. If the Attorney-General wishes to take that up, let me tell him that I will win more friends on my side than he will gain on his. I am happy to contribute.

I refer to the other word the Premier uses without a touch of irony. The Premier talks of implementing the concept of a mandate, as if at the last election the Labor Party won a clear and outstanding majority of seats and then had them sit on that side of the house. That is not so. It is amazing to me that the Premier can utter the word ‘mandate’ and keep the smile off his face. He has no mandate, and he knows it, for heroin injecting rooms; he has no mandate for legalising street prostitution; he has no mandate for gutting our constitutional safeguards and country representation.

Throwing around words like ‘mandate’ does not hide the true nature of this bill. It is one more way in which the Labor Party — and we understand the way it does it — bends the language for itself so the word ‘reform’ is used when it simply means ‘change’, ‘wreck’ or ‘remake in our own image’. The word ‘mandate’ is used when the government simply means it wants to do what it wants to do. That is not a mandate.

This bill is nothing more than a cynical grab for power by the Labor Party. It wants a government that can avoid scrutiny, and it wants carte blanche to implement a radical social engineering agenda — and it wants both those without any support from the Victorian community. As I said, it used the word ‘reform’ in the most euphemistic sense possible to hide its true agenda — that is, the removal of checks and balances on the power of this Premier and the Labor Party.

The only place Labor wants decision making is in the Labor party room or through the secret negotiations it may have with minority parties; but any outside scrutiny, any transparent scrutiny or any public or parliamentary scrutiny must be avoided, and that is at the heart of this bill’s philosophy.

Without a mandate the Labor Party is seeking to alter the very fabric of our constitutional arrangements. The evidence in this bill is that the Labor Party holds this institution in contempt, because it believes Parliament can be remade in an image that suits itself.

Mr Hulls — The upper house is a joke!

Mr DOYLE — ‘The upper house is a joke’, says the Attorney-General. It has actually provided, if the Attorney-General recalls, Labor leaders such as Jim Kennan, Joan Kirner and John Brumby. If the upper house is a joke it seems remarkable to me that these candidates continue to be put up by the Labor Party. To say that it is a joke is interesting, given that one member of its front bench is actually bound for the upper house. Is the government saying its own finance minister is a joke or the parliamentary secretary for

health, if he is still that, is a joke? That is their destination apparently if they win their seats after the next election.

Mr Hulls — We are going to fix it.

Mr DOYLE — Again, a wonderful Labor euphemism: ‘We are going to fix it’. But the interesting part is they have not yet shown how it is broken. I do not believe it is, and I will come back to the thread of that argument.

The only place Labor wants decision making is in the Labor party room. That is where this comes from. It does not have a mandate to alter the fabric of our constitutional arrangements, and it does not have *carte blanche* to alter this institution. At a time when institutions in our society are declining in prestige and in authority, it would seek to have this institution be one of those that is minimised. That is what this bill would do. The government has decided that if you cannot win the seats then what you do is change the system.

To the Liberal Party, and I certainly hope our colleagues from the National Party, this institution is more important than any individual who sits in here, and it is certainly more important than any political party that is represented here. This is not a change that has its basis in the institution. Make no mistake about it: this is a change which has its basis in Labor Party philosophy. Such is the contempt which they show.

Mr Mildenhall interjected.

Mr DOYLE — I will not take up that interjection; it is a little too easy. The institution is more important than an individual or any party.

But this approach by the Labor Party illustrates the contempt it has for open and transparent processes and for democratic institutions like this Parliament. When we think about what it tells us about transparency and accountability, two of the key planks that the government says underpin this legislation, we should look at its record. If it is to be believed about wanting changes to the institution of Parliament, what has it done with other such institutions like freedom of information (FOI)? Under the Labor Party freedom of information requests have been intentionally delayed in record numbers. That has been found by the Ombudsman, and it is an indicator of the way the Labor Party thinks about mechanisms like FOI. But it is not just about that.

It is ironic that we are debating this bill this week. If there could ever be an example of the contempt with which Labor treats this Parliament it was the farce we

had in here yesterday, when in opposing the government’s business program we were told that it was appropriate that we deal with seven pieces of major legislation, including this one, in effectively a day and a half. Take out the matter of public importance debate this morning, which was a piece of government propaganda and no more, and you have half of one sitting day and up until 4.00 p.m. tomorrow to deal with seven further pieces of legislation of enormous weight and moment. The government says that is an appropriate way to deal with legislation in this place.

If any one example could demonstrate the contempt the Labor Party has for this institution, I cannot think of one more apt than the way it rammed through the government business program with, I may say, the collusion of the Independents. These are people who have told us for the last three or more years that they believe in family-friendly hours and Parliament operating efficiently and behaving appropriately, yet the three Independents chose yesterday to vote with the government to allow this ridiculous and contemptuous business program. They stand condemned for that, because if the three Independents had followed the principles they have espoused since they have been in this place they would have voted with this side of the house, the government business program would have been defeated and we could have come to a more appropriate arrangement for debate. In that instance we would have had this debate over an appropriate period of time, not squashed in, as it is, between six other major pieces of legislation, each of which should be accorded appropriate debate.

Labor’s attempt to destroy the Legislative Council is aimed at furthering its ability to act in exactly the same way that it has behaved this week in this house. That is what it is all about. What we have seen this week is the mask coming off. We have seen what a Labor Party would do if it were to get this legislation through. Let’s not forget that under this party one of the other mechanisms it said it wished to enshrine — freedom of information — has been treated worse than at any time since the legislation was enacted.

For decades Labor has wanted to abolish any checks upon government in the lower house when it is in government at both the state and commonwealth levels. This contempt for Parliament, this running away from scrutiny, is entirely consistent with the history of the Labor Party in this country. Let’s make no mistake about this; this is a charade to give the Labor Party *carte blanche* to behave in exactly the same way that it has behaved this week and to ensure that it does not face public or parliamentary scrutiny of its agenda.

That is its problem. The upper house in the Victorian Parliament has for the last three years stood in the way of Labor's grand social engineering plan. Labor has a hatred of our Legislative Council. To understand that, all one needed to do was look at the reaction of the previous Attorney-General. Members of the Labor Party hate the institution of the Legislative Council.

Mr Steggall — Look at the people they put in it.

Mr DOYLE — Well, I must take up that interjection. An elegant interjection, if any demonstration were needed of the hatred of the Labor Party for the Legislative Council. My esteemed colleague from Swan Hill tells me one need look no further for evidence than the people Labor has put in there. I will not take up that interjection any further, but if I may say so it was a very astute and amusing observation.

That hatred is driven by the fact that the Legislative Council has acted as a dam, not against every piece of legislation, not against most pieces of legislation, in fact against very few pieces, but it has acted against Labor's most radical agenda. What Labor wants to dismantle is the safeguard. Presumably, because every other piece of legislation got through, its logic must be that the reason the upper house does not work is that these six pieces of legislation did not get through. These six pieces of legislation are so critical to Labor that what it must do is dismantle the institution of the upper house, presumably so it can introduce heroin injecting rooms, punish employers by enshrining industrial manslaughter, legalise street prostitution and, seeing the Minister for Senior Victorians at the table, I presume also allow supervised chroming.

These are issues of great social import and divide, and members of the Labor Party want to legalise and enshrine them. The only thing that stood up against them is the upper house of the Victorian Parliament. The Liberal Party does not want to legalise those things. It will not let Labor dismantle the upper house so it can have its way with its social engineering. Drugs, heroin, chroming, employers as murderers — these are issues that Labor would support if it were not for the safeguard of an effective upper house. Now members of the Labor Party want to nobble that house. We will oppose them implacably and coherently, with every fibre of our philosophy. We will oppose them.

Let me look at some of the myths that have been put forward during this argument — reasons, Labor suggests; myths, I would have it — about their desire to change the upper house. The first is as I have said: the upper house is obstructionist. I am delighted to see the

honourable member for Melton in the house, given that earlier the Attorney-General told us the upper house was a joke and given that he started his career in the upper house — an incubator for the talent the Labor Party wishes to bring to the lower house.

I am sure, given that they have moved the honourable member to the lower house, this is indicative of the talent that it wishes to bring to that great breeding ground of Labor talent, the upper house.

Mr Nardella — Where's Bulleen?

Mr Steggall — He's leaving now.

Mr DOYLE — I was just paying you a compliment, Don.

Let's take the first reason they give, which is really a myth: that the upper house is obstructionist. Since the Labor Party took office six bills have been defeated. What were those six bills? The creation of heroin injecting rooms; Labor's radical industrial agenda that would have seen unions given the right to enter the family home and farms; Labor's home detention program that would have placed community safety at risk; Labor's radical legislation creating the crime of industrial manslaughter that would have labelled employers as murderers and threatened national and international investment in Victoria; and the other two were two prior attempts to destroy the Legislative Council.

Two hundred and eighty Labor bills have been passed in the upper house. If the Labor Party wants to start a public debate about whether we have been obstructionist about those issues and whether we really should have let through heroin injecting rooms or industrial manslaughter, bring it on! We are happy to have that debate openly in our community, and believe me we will, because that is the message the government is sending: the reason Labor is doing this is because it needs these six bills through.

I am more than happy to stand by our rejection of Labor's social engineering and its radical social agenda. I am delighted to challenge the Premier to make those issues the core of debate in the next state election campaign. If the Legislative Council is being obstructionist, he will make those the centre of his campaign because they are so important to him that this legislation is being brought in so that those bills can be passed. If he does not make those issues the core of his election campaign, he is being hypocritical. People are entitled to see this as just another political stunt by the Premier and another excuse to centralise more power in

the hands of the executive of the Labor Party and the secret processes of the caucus.

The second myth: the government says that the Legislative Council is not an effective house of review and claims that it has not been a house of review at all. The facts tell us otherwise. During the time of the previous Liberal government the Legislative Council passed nearly 500 separate amendments to government legislation, so the answer to the argument that Labor often throws at us — ‘What about when you were in power?’ — is, ‘Yes, the Legislative Council did operate effectively as a house of review, and it passed 500 separate amendments’.

Honourable members interjecting.

Mr DOYLE — Again it is tempting to pick up interjections and I cannot, but I may just retrospectively do so and say there may have to be, as I think the honourable member for Mornington said — I think I detected his wit in that — that the usual terminology of ‘oncer’ may have to be revised if indeed the member serves only three-quarters of a term, which we believe will be the case for the honourable member for Burwood.

The honourable member for Burwood asks how many were Labor amendments. If that is his complaint, in the 10 years of the Cain and Kirner governments and the three years of this government how often have the Labor Party members of the Council moved to defeat their own government’s legislation? In those 13 years how often did the Labor members of the Council move to defeat or amend the government’s own legislation? The honourable member has suddenly gone very silent.

In contrast to this place — where this week the government is once again using the guillotine to restrict the time available for debate — one of the beauties of the Council is that there are no time limits on debate. That allows much greater scrutiny of legislation and government administration. It is an interesting thing that the Council is expeditious in getting through its workload without time limits. Yet why is it in this place that the government feels it necessary to guillotine debate by 4.00 p.m. this Thursday on bills of such importance and weight as the one we are now debating.

In the Council any bill can be taken into the committee of the whole to consider it line by line and to allow detailed questioning of ministers. Again, because of the government ramming legislation through in a hurry this rarely occurs in this place, unless, of course — and I may be cynical in this — a deal is done with

Independents to make sure they can take their particular hobbyhorses into committee.

Mr Nardella interjected.

Mr DOYLE — I am very cynical, but then maybe politics makes you so when you see the voting patterns of Independents, particularly with the government business program yesterday.

Mr Robinson interjected.

Mr DOYLE — It may be uncharitable, but that is not a defence against the truth. I notice the honourable member did not suggest it was untruthful, just that it was uncharitable. I will plead guilty to that! The idea that the Legislative Council is not an effective house of review is simply not right.

The third reason that the Labor Party gives — the third myth — is that somehow the Legislative Council is not representative. Earlier today at the start of this debate the Attorney-General called the upper house a joke. That is typical style for our Attorney-General. He makes personal and vitriolic attacks which are later found to be completely wanting in accuracy.

On 30 May this year he was quoted as saying the Legislative Council was an irrelevant retirement village. The facts say otherwise. I wonder what he would say about this house. A greater proportion of members of the Legislative Council — indeed, more than double the proportion of this place — are younger than 40; and less than half the proportion of the Council, as opposed to this place, are aged over 60. So how does the Attorney-General’s claim stack up? It just does not. Once again his personal slurs are found wanting. It would be different if he had said, given the actual facts, ‘Never let the facts get in the way of a good line’. If the Attorney-General thinks the Council is an irrelevant retirement village, given the facts of the situation, I wonder what his comments would be on our house. Is he suggesting that changes therefore should be brought in our house in the same way?

The other furphy which is raised, the other reason that is given, the other myth which I wish to explore, is that somehow the Legislative Council terms are too long. That is one of the great lies propagated by the Labor Party — that our Legislative Council is the only chamber with a term of eight years. Firstly, New South Wales Legislative Council enjoys fixed eight-year terms. Under six and a half years of Labor governments in that state they have not seen fit to change that in their upper house — and their upper house members have fixed eight-year terms; it is not as in Victoria where if we run to an early election this year, as it is now

looking increasingly likely that we will, the Victorian term would be far shorter than the New South Wales one. Why is this Premier so out of step with Bob Carr, his senior colleague in New South Wales? There has been no move from — —

Mr Nardella — This is not New South Wales.

Mr DOYLE — I thank the honourable member for Melton. He is always useful with such encyclopaedic knowledge when he tells us that this is not New South Wales. I thank him; I do appreciate that. I know it is very difficult for the honourable member for Melton to resist showing off his encyclopaedic knowledge, but in this case I thank him for his contribution.

The reason I mention New South Wales to the honourable member for Melton is that New South Wales is the direct comparison most often used and most appropriate to Victoria. Given that New South Wales has had a Labor government in power for six and a half years, and that they have fixed eight-year terms, why is it that that has not been the argument put forward by the Labor government in New South Wales?

We should never forget this: when honourable members opposite say it is too long they are denigrating their own party's heritage. It was the Cain Labor government that legislated for eight-year terms in the 1980s. That is what happened. I heard the Premier refer to eight-year terms and only half the Council being elected at every election. If that is a criticism I think it is ill founded. It is common for upper houses in bicameral parliaments to have longer terms than in the lower house. That is common throughout the Westminster system of democracy, but that institution seems to mean absolutely nothing to the Labor Party.

The New South Wales Legislative Council, the Australian Senate, the United States Senate, many state upper houses in the United States and many others that I could name all ensure that their upper houses have longer terms than their lower houses, and it is that independence of the upper house that ensures that it can effectively function as a house of review, independent of the government of the day. That is the beauty of that term and, properly used, that is what you get — you get a corporate memory, an understanding of the institution, and the mechanism by which you can have an appropriate house of review. So what lies behind the government's fairly populist argument about longer terms? The truth of the agenda is this: what it wants to do is remove independent checks on executive power, eliminate independent scrutiny and centralise further

power in the hands of the executive and those secret processes of the Labor caucus room.

The other interesting myth, or reason, that is given is that somehow the Legislative Council — this is again a wonderful misuse of language, just as Labor misuses the words 'reform' and 'mandate' to turn them into words of their own meaning — is undemocratic; that is another term that it throws around. In fact I think it was Tuesday when I heard the Premier refer on radio to the gerrymander in the Legislative Council. It is one of the greatest myths.

The simple fact is that Legislative Council electorates are based on electorates for this chamber, drawn by the same independent Electoral Boundaries Commission. The current boundaries were actually implemented under the previous Labor government and the boundaries for the upcoming election were implemented under this government. It is nothing to do with us. There is no gerrymander, unless Labor is admitting to overseeing a gerrymander over the boundaries in the previous Labor administration as well as this one.

The Legislative Council is elected on the principle of one vote, one value. That is the fact. There is no gerrymander. Again, we see that misuse of language, which is almost Orwellian — turn words into what you want them to mean; throw them out into the public and hope they have resonance — 'reform', 'mandate', 'gerrymander' and 'undemocratic'. None of them have any foundation in truth, yet still the Premier and Labor insist on the use of these terms and they know — and that is the cynicism — that that meaning is wrong. Why is that the case?

Let's go back again to history and extrapolate from Labor's past a continual, relentless and ongoing hostility to upper houses, public scrutiny and checks and balances on the power of the executive. They are the myths that have been out in the public debate. Let's look at what Labor proposes and what that would mean. In short what it would do is destroy the Legislative Council. That would be the impact of what Labor wishes to do. If you are a country Victorian Labor's agenda will take your voice away — it will strip away your voice and strip you of direct representation. Labor's proposal would see electorates stretching from Frankston to Mallacoota and see both Geelong and Ballarat in the same electorate. Wouldn't that make a great electorate?

Multimember electorates, also a proposal, will strip regional towns of their own dedicated representatives. Multimember electorates will also see local problems

overlooked, because what happens then is that you get buck passing and blame shifting, and they are substitutes for debate between MPs. The honourable member for Doncaster describes it quite clearly: what it becomes is a feeding frenzy for factional hacks. There would be debate between members of Parliament elected from huge swathes of country Victoria, but responsible only to their Labor Party masters. Labor's proposal is about decentralising more power in the hands of political parties. When members of Parliament are removed from local communities and placed on party lists we lose local accountability and responsive democracy.

Mr Nardella interjected.

Mr DOYLE — We actually stand for that.

Mr Nardella — Not really.

Mr DOYLE — The honourable member for Melton says, 'Not really'.

Mr Nardella — Not at all.

Mr DOYLE — He has moved his firmly held opinion in the last 15 seconds, which shows it has been a carefully considered stand. But the Liberal Party actually stands for local representation.

Under the Labor Party proposal people will not have the option of changing a local member, because proportional representation virtually guarantees most positions to both major political parties. Unless, of course, representatives of minorities or single-issue candidates are elected.

We believe you have to keep the connection between individual members of Parliament and their constituents. That is true of both upper house members and lower house members. Despite our good-natured banter, I suggest the honourable member for Melton felt no less keenly about his constituents when he was an upper house member than he does now as a lower house member — and I mean that sincerely. He is the sort of person who would go to work for his own constituents tirelessly, regardless of whether he was an upper house member or a lower house member. It is true of most members in this place that they will go in to bat for their constituents. It is nonsense to suggest that in some way our upper house members do not represent their own constituencies as effectively and as passionately. They do.

We would be the first to admit that our democratic system is not perfect. But it is a great deal better than any alternative, where faceless men and women decide

closed party lists of candidates who deliver little real accountability to the community. In New South Wales we have actually seen it occur, and that is why it is a good example for us. The number of rural-based MPs has been reduced as more and more have moved to Sydney.

The Liberal Party stands for local representation drawn from right across this state. Labor's proposals would see representation centred on Melbourne and, as a second tranche, the major regional centres. It would be a direct trade-off: Melbourne and the major regional centres at the expense of country Victoria. People in country Victoria would lose their voice and their country community representation.

Let me go back to the constitution commission, which was a matter the Attorney-General raised before with some humour. It was a sham inquiry, and let's be blunt about that: it was nothing more than another one of Labor's attempts to bypass independent scrutiny. Labor's understanding of the role of the commission was made clear by the Premier when he pre-empted the commissioners report. Before the commission had even conducted its deliberations, the Premier referred to its:

... recommendation to say we need proportional representation.

That is what the Premier said on *Stateline* on 23 November 2001.

Mr Stensholt interjected.

Mr DOYLE — The honourable member for Burwood interjects unbelievably inanely. He has probably just made his major contribution to good order and debate in this house by leaving the chamber.

That was what the Premier said on *Stateline*. He referred to its:

... recommendation to say we need proportional representation.

That was before the commission even commenced its deliberations. Are we to believe that this commission was really sent out to communities to listen to them, to take on board their concerns, to weigh those up and then to make independent recommendations to the government to be enshrined in legislation to be brought before the house? Of course not. The fix was in from the start, because that is the way Labor governments work. That is the way they work appointments like that of Jim Reeves to the Urban and Regional Land Corporation: you put the fix in at the start and then you just bend the processes and make it happen.

If yesterday's government business program was an example of the contempt in which Labor holds this house, the Reeves affair — the report on which was again tabled in the upper house, so without the upper house that inquiry would never have happened — demonstrates Labor's contempt for process. When you do not get the answer you want, change the process, get your fingerprints all over it, make sure you get the fix right, deliver the outcome the Labor Party wants and never mind propriety or the process.

It could not be more clearly ironic. The day before this debate the business program was rammed through, showing contempt for this place and for proper debate, and the Reeves inquiry report was brought down, providing a clear demonstration of Labor's inability to understand propriety and process.

Worse than that, it is not just about the Premier telling us the fix was in. The members of the commission made their own view known before they even started work. How can members of a so-called independent commission inquiring into our parliamentary arrangements place advertisements saying 'Victorians are saying the upper house is not working' halfway through its work? This was the second advertisement widely run by the commission following the release of its discussion paper. It was advertising what they actually wanted to find, not what they were hearing. It was not just the Premier and the government who had pre-ordained the outcome, the commission knew the score. It knew what it was expected to find, and then it actually took out advertisements to make sure that other people knew as well.

Mr Cooper — It did what it was told to do.

Mr DOYLE — The honourable member for Mornington again, if I may say so, wisely interjects, 'It did what it was told to do'. It did so admirably, so I suspect members of the Labor Party think it did a great job. We will hear enormous praise for the commission and its work, when in fact all it needed to do was sign off at the end of a list of recommendations that had clearly been transmitted to it. How can a so-called independent commission inquiring into our parliamentary arrangements take out ads that tell Victorians what they are supposed to be listening to? I assume the advertisements refer to the only people to whom it intended to listen — that is, the Labor Party and the Premier.

We on this side of the house consider the so-called commission to have been fundamentally compromised, and we consider its recommendations to be nothing more than the government intended them to be — an

affirmation of Labor Party policy and the Premier's predetermined views. If that requires criticism of some of the members of that commission, I can promise the Labor Party that we on this side will not shirk from making that criticism.

In conclusion, the Labor Party has tried to run every possible line it can against the Legislative Council in order to remove the checks upon its own power. Members of the Labor Party say it is not democratic, despite the fact that its members are elected on the same basis as those in this chamber: one vote, one value.

They say it is not effective, but it has opposed six of Labor's most radical bills which were not supported by the whole community and which otherwise would have passed into law. They say it is not representative, despite it being arguably more representative of younger Victorians than even this chamber.

Labor's proposal would gut country Victoria of its representation. I am sure my National Party colleagues will take that up as a recurring theme — and certainly country Victorians on the Liberal side will as well. I hope many others will turn their minds to this, including members of the Labor Party. There is no way around that. These proposals would strip country Victoria of its voice.

In desperation it has been claimed — and this is a desperate claim — that the Council is too expensive, despite the fact that under Labor's proposal it would be more expensive because of the complexity of the model that is being proposed.

What is the agenda here? Why are we debating this? Is it some highly principled debate about what the Labor Party wants to do for the democratic institutions of our state? Members can see the Labor Party's response to a debate of this moment: in the chamber we have one member of the party as well as the necessary minister at the table.

The agenda is to remove scrutiny of the government, because that removes any barrier to the government legislating for its radical agenda. If the Premier wants to make an issue of those Labor proposals that are blocked then let him make those the subject of debate at the next election. We will welcome that; in fact we will fight on that basis.

What Labor wants is a compliant upper house that negotiates in secret and a chamber that does not stand up to a government with a radical agenda but without a mandate. In fact, I admit to a slight queasiness every time I hear a member of the government mention that word 'mandate'. You feel nauseous hearing that word

coming from the mouths of members of the Labor government. Their smirking self-satisfaction at the thought that somehow they might change one of our most respected institutions and mould it to their own view is just hypocritical.

Mr Mildenhall interjected.

Mr DOYLE — It is interesting. The honourable member for Footscray is actually a member of this institution. If he is not proud to be so, as indeed I am, let him say so.

Mr Mildenhall — It's perfect, is it? No need to change!

Mr DOYLE — What a wonderful, elegant argument. In fact I covered that before. This is not about change; this is about destruction.

Mr Mildenhall — We should be happy with the 1860s.

Mr DOYLE — This is not change, this is destruction. I am looking forward to the contribution of the honourable member for Footscray, and I am sure it will be of his normal calibre.

The Labor government has no mandate for this bill, and the opposition will not hear that as an argument. The opposition will not allow a radical transformation of our constitution and democratic arrangements simply because the Labor Party feels it cannot win control of the upper house. That is not the way these institutions work. You do not remake them in your own image because you cannot win by the rules of the day. This debate should be appropriate and weighty after a lengthy and proper process. It is not. It is a sham. The Labor government knows that. Hence its sniggering and carrying on. Honourable members opposite know this is not a serious debate about reform. They are treating it as a joke because they know in their own hearts that they are duplicitous. They know this is not a serious debate about democratic reform, but about remaking the Parliament to suit their own processes.

This bill, like other bills we have faced in the Parliament, is one that does not deserve the support of this side of the house or the support of the government side. The bill will not get the support of the Liberal Party. We will oppose it in this house; we will defeat it in the upper house; and we will go out to the people of Victoria and in a real conversation explain to them why we vehemently oppose this bill. I believe after the honest conversation that we will have with the Victorian public the people will understand the hypocrisy of the Labor Party in even proposing the bill,

especially when you wrap around that the way the debate is being conducted this week — something we will make abundantly clear.

The Labor Party should make no mistake about our position on this bill. We will oppose it in this house and we will defeat it in the upper house, because that is all this bill and this sham deserve.

Mr STEGGALL (Swan Hill) — I acknowledge the contribution from the Leader of the Opposition as a very genuine speech and a good summary of the position we find ourselves in with this debate today. Supposedly we are debating one of the government's vital bills, introduced by the Premier of the state and responded to by the Leader of the Opposition, yet we have two Labor members present, the most junior minister in the government and the honourable member for Footscray. The Premier was present at the start of the contribution of the Leader of the Opposition but left before his contribution got going. I wonder why members of the Labor Party bother. They are the masters of selling one story and doing another. This is one of the vital bills on which the government said just a few days ago it would go to an election if it did not pass. I can assure the members of the Labor Party, who do not seem to be present today, that the National Party will also oppose the legislation.

You only need look at this major piece of legislation that the Labor Party is presenting to this place and look at the Premier's second-reading speech — take your time to read it, because it will not take you very long — to see how silly this whole thing is. The National Party wants to join in a full discussion on improvements to the upper house to make that house of review function even better than it does now, but this is not the means of doing it. This is a cynical political exercise that the Premier has embarked on and he is now not in the Parliament to hear the Leader of the Opposition respond to his case. How stupid can you be!

A similar situation occurred back in the 1980s with the then Premier, the Honourable John Cain, who tried to do the same thing. At least he sat at the desk and fought his way through it and lost, which is fair enough. This Premier has presented a lightweight speech on a major constitutional change and is not even in the Parliament to hear the response to the case he put.

One of the things that has made me wild about this is that the Premier continues to say that the people of Victoria want this change. He said there was a groundswell of support for changes to the upper house. He said he would bring about this change that everyone wanted. When the constitution commission visited

country areas of Victoria its biggest meeting was attended by seven people, and on some occasions only one person attended. They were well-advertised meetings. This proposal is not welcome in the country at all. There is not even a thought about this type of approach in country areas. Even the Labor Party's supporters in the country do not support this legislation. Please understand that.

When members of the government say in the Parliament or through the media that the upper house is undemocratic and is not representative of the people, they should consider what they are saying. When you look at the proposals in the legislation — proportional representation and three country regions, which I will go through in detail later — and consider the spread of representation that you have in the operation of the upper house today, you realise that the one we have today is the one you would pick every time. We are all experienced politicians, and we know how the numbers work, where we get votes and how we get power — and sometimes we have to share that power. If you look at the three country regions set out in the bill you see that in region 2, the western region, the power will be in Geelong and Melton. The other areas may as well whistle *Dixie*. In the northern region it will be Sunbury and Bendigo; forget about the rest, they will not count. In region 6 it will be the Mornington Peninsula and the western edge of the eastern side of Melbourne.

Don't kid yourself that this has anything to do with country representation and will mean that people in Mallacoota, Mildura, Portland or Warrnambool will have a hope in hell. They will not. You might say, 'Where is your evidence?'. Look at the representation in the Senate of Victoria. Victoria has 12 senators, and not one lives outside Melbourne.

Mr Delahunty interjected.

Mr STEGGALL — No, he does not live in Benalla. Members of the Senate in Victoria operate from Melbourne. In New South Wales, which has a statewide upper house and a proportional representation system, all the upper house members operate out of Sydney. I work with some members of the New South Wales Parliament, and I have never seen a member of its upper house in southern New South Wales. It does not happen. Please, do not think that country people will say, 'Isn't this new proposal the government is putting up wonderful'. It is not acceptable in the country. It is not what we are interested in.

I would have thought the Premier would have put a far better case than he has put. I thought he would have put the argument for what we think he strongly believes in,

although I do not think he does now because he has not bothered to be present for the response to his bill. The Labor government said this is a vital bill and if it is not passed it will be off to an election. That suits me. I guess it could be taken the wrong way. If ever country people wanted an issue on which to fight an election, this is one of them.

I wonder whether the Treasurer would say in this place the things he said at question time about the regional development fund in relation to the election of representatives through the proportional representation system proposed in this bill. I am sure he would not. I have been a great advocate of our system of democracy. We have had many battles in this place about the concept of proportional representation.

One of the arguments that the Labor Party has put to us — it is in the Premier's speech — is that minority parties will be represented in the upper house. That is interesting, because the Labor Party, the Liberal Party and to a lesser extent the National Party have those minority groups represented in their numbers. It is not like in Tasmania where there is a Greens party. There are Greens members in the National Party, the Labor Party and the Liberal Party. In this state it is necessary to bring people with you to get anything through. It happens — not always the way we like it, but it happens.

Tasmanians, God rest their souls, rely on the power of the numbers to achieve those results. We do not have that here. If you were to have the proportional representation process in our Parliament, it would mean that you could have 86 per cent per cent of the population voting against you — voting you out, not wanting you — and you will still get elected. Under our process every member who is in this place and is in the other place needs to get 50 per cent of the vote plus one, somehow. We have a system by which we do that and it works pretty well. Proportional representation in a place like Victoria would not be in our interest, nor would it lead to good government.

Recently I was in Scotland and Wales. They have single-house parliaments where some members are elected first past the post as single-member constituencies and other members are voted for on a proportionally represented basis. Discussions with the proportional representation (PR) members of that house were interesting because it is all new — they are in their first Parliament. The regional MPs there all said, 'We don't feel like we belong. The other members have single-member constituencies and they have a local base. We do not have that local base'. Those who represent country Victoria in this place would know if

we had a PR operation in this place that no-one would spend the time and effort that we do in the small county towns. The honourable member for Gippsland East would recognise that and acknowledge it. He will argue against me on this and he knows that the basis on which he will put these arguments today is a little strange, to say the least, and has been around a while.

Let's look at some of the things in the bill. The Leader of the Opposition did not go through those in detail, but I thought he gave an absolutely first-class address on this bill. I will take us through some of the detail. One purpose of the bill is to recognise and accept the principle of government mandate. He mentioned the mandate, remember that? It is in the bill. It does not say what it means or what happens if the Council or the Assembly or all of the Parliament disregards this. It does not say what might be the penalty.

Let's look at what the mandate means — and the minister might be interested in this. It means that we would have had uniform electricity tariffs in Victoria, a fast rail link to the airport, and Waverley Park as a football oval — not changed or chopped around. All those great little single things that were in the mandate, so-called. I do not believe the Labor Party received a mandate at the last election because of the close result; but apart from that, had Labor been elected in its own right, the concept that having that government mandate meant it was somehow mandatory to carry everything out bears some consideration. The problem is just how on earth you would do it.

The principles of the democratic process are that the policy put at election time is the way in which the group will generally govern if elected. You cannot have it written down that you must then go ahead and do whatever it was that the election policies and arguments were all about — because they change. There are provisions in this legislation to entrench freedom of information, the Ombudsman and several other things, all of which are in other acts of Parliament. I do not like the concept and, apart from that, it is a very poorly thought out process and does not mean anything anyway. The four-year fixed term is there. People around the world have those, and they work. It is a choice similar to the one we have. Our system has its good points and its flaws and so has a four-year fixed term, but the Labor Party is looking at changing that. That has already been debated this year.

The Council is to consist of 40 members — 8 electorates by 5 members. That starts to become a huge problem for us in the country. When you get into that you just lose us completely and there is no way you could go back. The electorate process is strange. For

those who understand proportional representation, the most common and the best proportional representation boundary is one that returns seven members. The seven multimember constituency is regarded in the PR world as the model. This one returns five, so it lifts the quota that much higher and defeats some of the arguments that the Labor Party has put in place.

The firming of casual vacancies is also interesting. It is important to remember that this amends the constitution. It tells us how the party list system will come in and do the job. If there is a casual vacancy, the next person on the list of the party will be elected. In the case of an independent, three-fifths of both houses will be required as a majority to elect someone, and it does not tell us what happens if the three-fifths mechanism does not achieve a result. This is, once again, the constitution of Victoria we are talking about.

Removing power to block annual appropriation is in the bill. It is an old one, it has been around, and in a genuine debate it would be part of the discussion about the operation of the upper house. I think of the House of Commons and the House of Lords at Westminster where there is no power to block appropriation. The Lords will send back to the house a message of contentment or non-contentment with the legislation. It is a bit quaint for our terms. Where the Lords are not content the legislation will go back three times, and at the end of that it is deemed to have passed. It draws to the attention of government and the population that there is strong disagreement over something, that it should be reconsidered, and time is given for that to take place.

I have dealt with the issue of proportional representation so I will not go over it again. For those of us in the country, PR is not much good. In Melbourne it is a little different because the members of Parliament, even those in the single constituency seats, are more influenced by the popularity or non-popularity of the party structure than they are in the country. In the country that move is not always as strong and there is more of an individual base in many of the areas, hence we sometimes get some strange results. And I can speak of that on a personal basis.

Let's look at what the *House for Our Future* — the report — talks about as being generally agreed that a house of review should be able to do.

If you can tell me why this cannot happen with our present structure and why we should not look at improving the operation of our upper house to achieve some of these things in a better way, let me know; but I

do not think it has got anything to do with what is in the bill before us.

The report says that a house of review should be able to:

... effectively scrutinise and report on government activities, policies and legislation, both direct and delegated ...

I have for a long time been an advocate in this place of using the upper house far more for committees. We have seen some instances lately of the upper house using its committees, and I think that is a healthy and good way to go. Governments and the Parliament should use it more so that legislation coming into this place could go through some of those committee structures.

Other Parliaments have parliamentary committees that really tear legislation apart after it has been introduced and before it gets fully debated. Our upper house would be capable of doing that in its present structure. We do not give it that role, but we could.

The next point is that it should be able to:

... review and, where appropriate, amend legislation in the immediate and long-term interests of the community ...

There is no argument about that; it does and is capable of doing that. The Leader of the Opposition went through examples of its record over the last 10 or 12 years. It should also:

... ensure time and opportunity for community consultation —

here again the committee structures would be handy —

review and, where appropriate, disallow subordinate legislation —

a function that is not a problem to carry out —

identify areas of concern requiring further consideration or action;

require the government to justify or reconsider policies, programs or actions ...

Once again I am looking more at committee structures from within. It should also:

... provide checks against overbearing or arbitrary exercise of power, on the part of the government —

that is its role today —

[and] initiate legislation or policy on issues of importance neglected by the government.

If anyone can tell me that any of those things cannot be done, carried out and properly presented under the methods we have today then I'll go 'he'.

This Labor government has not been good at consultation or even attempting to have a genuine discussion in this place on the upper house, what it is and what it could do.

Mr Mildenhall interjected.

Mr STEGGALL — You have not tried to do that at all. Read your Premier's second-reading speech.

I will say one thing about John Cain, Jr. As Premier in the 1980s he went over and over the changes he achieved with all the parties and all the groups involved, some of which the Labor Party today is critical of. He worked really hard to achieve them, and he showed us that there is a desire amongst politicians to work through issues when there is a genuine desire to achieve an outcome.

The bill has another little quirky bit I think is interesting, and that is the cooling-off period of eight days for a vote of no confidence in the government. That is not just for the upper house but for our house as well. An eight-day cooling-off period, for God's sake! Can you imagine what a government would be like during those eight days before the vote of no confidence? That would be a silly and a stupid way to go. Our Parliament is a bit more rigorous and a bit more vigorous than that. That concept is very poorly thought out.

The National Party, as I said at the start, will oppose this legislation. When you analyse the operation of democracy in the state of Victoria you find it is not in bad shape. I believe it can be better. Apart from during the early days with John Cain back in 1983–84, I have not seen anyone really tackle parliamentary reform or upper house reform in a genuine way. Changing the electoral base and the representation base is a silly way to start if you want to achieve the aims that the Constitution Commission of Victoria sets out as things that should be achieved by an upper house.

The council is a house of review, and it could be made a far better house of review through the use of its committee structures — if the government and the members of the Victorian Parliament wanted to do it. The committee system is there to be used. Attempts to change by legislation the way our Parliament operates can only be seen as an attempt by the Australian Labor Party to win an advantage for its own base and structures, not for anyone else.

As I have said, this is, to use the Premier's own words, a vital bill — yet only two members of the Labor Party and not one member of the Independents group — not one! — were in the chamber to listen to the Leader of the Opposition respond. I am very sorry that the Premier would not come and defend his stand and respect the Leader of the Opposition by listening to his response. I think the Premier did not do that because of the very poor quality of his own second-reading speech. Any words from the Premier and the ministers of this government to the effect that this is a vital piece of legislation that we just have to get through come hell or high water are very hollow, because the government has a very hollow argument.

I trust this legislation will go down, and go down very severely, in the upper house.

Mr MILDENHALL (Footscray) — Again it has happened: we have had another shameful episode of the Liberal and National parties shrinking from the opportunity for reasonable reform of this Parliament. This is another shameful, self-centred defence of the status quo and of structures that date back to the 1860s. The defence of a less accountable, protected, complacent and self-indulgent upper house is one of the less savoury features of the Victorian Parliament.

This was another reasonable opportunity to bring Victoria into line with the rest of Australia, with the principles that govern the structure and operation of upper houses around Australia and the rest of the world.

We have to put up with the reputation of the upper house in this state. I turned on the radio this morning when I got in here, and two commentators on state parliamentary matters were having a chat — Michael Magazanik, the TV reporter for the ABC, and Jon Faine. Michael Magazanik said, 'The Victorian upper house is indefensible. It is a total joke; it is a farce. It is not a brake on government except in opposition'. Jon Faine said, 'Yeah, I used to think it was, you know, a reasonable part of the system — I used to support it — but then I recently observed it. It is just a rubber stamp. Abolition is a good option'. He was profoundly disappointed at the experience of witnessing it in operation.

Unfortunately for us — and members opposite might try to deny it, might hope it is not the case — the overwhelming majority of Victorians either do not know about our upper house, or if they do know about it are profoundly disappointed and disenchanted with its structure and role.

We have before us a considered, well-thought-out, well-researched and balanced set of propositions which have been extensively developed by the constitution commission for the restructuring of the upper house and its powers and operation. The commission looked at sensible issues, like what happens with deadlocks. Our Parliament has an unfortunate history of the blocking of supply and governments falling as a result of capricious activity by the upper house, on many more occasions than the infamous 1975 sacking of the Whitlam government because of that upper house. The commission also looked at sensible propositions like the entrenchment of a number of our values and powers and the concept of a mandate. A number of these outstanding political issues have not been able to be manifested in the structure of Parliament in any way until these proposals came up.

I had the opportunity to visit the United Kingdom when the House of Lords reform debate was taking place. I came away with a fundamental understanding of the structural difficulty that we have in Victoria. The overwhelming international and interstate experience is that if you want to have a wasteful duplication of the same sorts of structures and powers — as we have in Victoria — then it is incumbent upon you to at least make it electorally sensitive. If you are going to have extraordinarily strong powers — like our upper house — then at least it ought to be responsive and accountable to the changes in voting patterns. If not, if you want to have a longer term, you should try to establish it as a genuine house of review with a different type of structure and with different powers.

It is interesting that the Leader of the Liberal Party was talking about the comparison with New South Wales and saying, 'Hey, they have an eight-year, locked-in term. What's wrong with an eight-year, locked-in term?'. As I was just describing, if you are going to have an eight-year term, it is important to have a different sort of role for the upper house, a genuine house of review, not one that is a wasteful duplication without the electoral sensitivity of going to the polls on the same cycle as the lower house. So it is with the New South Wales upper house that you do not have the ability to block supply and you have a proportional representation model. You have a range of groups able to be represented with a different sort of perspective, a different type of analysis, a different sort of role for the upper house than just the wasteful duplication that we have in Victoria.

That is the fundamental structural issue. You will be hard pressed to find any other examples like the Victorian position where you have essentially a duplication of the powers without the sensitivity and

without the accountability. That is what we mean when we say that the upper house is not democratic, because the membership does not change according to the wishes of the people. If we were fair dinkum about what democracy means in this place, we would acknowledge that the Parliament needs to be representative of the views of the people and not have a stale mandate, and not have people elected at a different time, at a time of different preferences, different issues, different voting strengths and different personalities.

We have people elected in the upper house who were there to follow the leadership of Premier Kennett and to be part of that particular program. That is what the community understood when they elected them, and they were the aspirations of those members. How that situation has fundamentally changed!

Those who have taken part in the constitution commission's processes, and those in the media who have observed them, have broadly and generally come to the view that reform is indeed necessary. The *Age* stated in an editorial of 14 July 2002 that it believes the Victorian Legislative Council 'is the least representative chamber of any mainland Parliament'. Eight-year terms are 'too long to maintain accountability'. There is an 'unresponsiveness to change in the mood of the electorate' and 'the composition of the Council never catches up to the electoral cycle'. This is a widely held view.

The *Herald Sun* in an editorial of 12 June 2002 referred to:

... the somnolent Legislative Council, which is a barely relevant in this day and age ... MLCs enjoy their red velvet seats unchallenged for eight years before answering to an electorate which could be forgiven for having forgotten that they exist.

We can pretend that those are ill-informed attitudes or opinions, but they are the only people who are looking at the upper house. Those who look at it, those who analyse it and those who think about it, unless they are there to protect it and unless they are part of it, generally come to that view.

I think it is a bit sad the way some people have treated Alan Hunt, a member of the constitution commission. It would be a dangerous occupation to be an elder statesman of the Liberal Party, to have the extraordinary record of leadership, contribution and stature within the party that Alan Hunt has, and then to get the treatment that he has. The government was interested in having him on board for the following reasons: can you think of a better qualified person; can you think of somebody else who would have had a

broader experience, a range of perspectives on the role of the upper house in government, in opposition, in leadership, in executive responsibility, and now as an analyst?

It ill behoves senior members of the opposition to make gestures that he did it for the money. It ill behoves that sort of reaction, and it ill behoves the reaction we got from the Leader of the Opposition who said, 'Alan Hunt may have been a Liberal once, but now he has new friends'. If the government wanted to challenge the opposition to criticise him, it would well and truly take up that opportunity.

I would have thought there is a reasonable argument to be had about the types of structures and reforms that the government is proposing, but I think it is a bit rough when the Liberals treat their own like that. It is a bit rough when they use that as an argument for opposing this legislation, that Alan Hunt is no longer the person that they once thought he was, that his record that they once admired and were proud of, that his stature that they once looked up to is all rubbish. I think it shows the calibre, integrity and human qualities of members of this opposition who would use those sorts of arguments to say that our legislation is no good, because they now do not like Alan Hunt, and they will take up the opportunity to give him a real rubbishing and a bagging in here. They will elect his son and put him in the federal Parliament. Well, Greg — I think his name is Greg — watch out when you are retired, mate. Don't have a good record of leadership of and contribution to the Liberal Party. Its members will not treat you with respect.

I would have thought there would be a bit of thought going on in the Hunt family to say, 'Did I actually give my career to this mob? Were we all part of the same team, all supporting each other, going into battle together?' My goodness! You know who your mates are when there is a bit of self-centred protection to look after a bit of luxury, a few privileges and a lack of accountability. This mob that we call the upper house is a pretty rough turnout. It ill behoves the opposition to use those sorts of arguments.

I too thought it was odd for the Leader of the Opposition to argue, as the Leader of the National Party did, that having proportional representation was not a democratic form of representation. I think that also flies in the face of international experience, that there is a place and a role, and the Parliament is strengthened by having the two different types of representation in the same institution. It gives you different perspectives. It causes different arguments to be put forward. I think, rather than fearing that diversity, of fearing minority

groups, that a mature chamber and a mature democracy like ours ought to be able to embrace it and make it work. So I disregard that criticism. I would also challenge the other criticism from the National Party that the consultation process was faulty.

It has been pointed out that we had more participation in this review of the upper house in Victoria than occurred with the House of Lords process in England, and when you consider the size of that you can see it is of a vastly different scale. Nobody could criticise the constitution commission for its efforts to go out to different parts of Victoria and offer the opportunity for a range of views to come forward. The report is enriched by the various observations that are contained within it.

This is reasonable legislation. It is a more mature version of the previous legislation that came before this house. I am disappointed that there has been such a knee-jerk reaction to it, with the Leader of the Opposition saying that the fix went in before the constitution commission started. I encourage opposition members to read the report. It is a useful and thoughtful analysis of our institution, but if the fix went in it was the automatic opposition to the thought of a constitution commission and any of its activities and the automatic rejection of its conclusions. That is the disappointing part of the opposition's attitude.

In the committee stage I am sure honourable members will take up many of the specific criticisms made by opposition members around things such as the location of offices in country areas and those sorts of things, but in the broad the legislation warrants much more detailed analysis and consideration than it has obviously been given. I will wait with some interest to see the reaction of other honourable members, particularly non-metropolitan members, and their expanding on some of those themes.

I congratulate the constitution commission on its report. The legislation is good, and I only hope that during the course of the debate the Liberal and National Party members who were so active in their criticism of the commission will look at the details of the proposals and have a genuine think about them. There are some good ideas in the report about the structure and processes of this most important institution.

Mr HONEYWOOD (Warrandyte) — The Labor Party constantly underestimates the considered views — —

Ms Delahunty interjected.

Mr HONEYWOOD — The minister would not know even one half of Victoria; she never leaves her ministerial office!

Labor constantly underestimates the considered views and democratic ideals of Victorian voters. Just as the ALP should not have taken for granted the outcome of the referendum on the republic, so too it is out of touch with the issue of so-called upper house reform.

Victorians are constantly perplexed by attempts to overturn our constitution, and they do not want to do it lightly. For example, one has only to look at the voting patterns for upper house seats in Victoria compared with those for the four lower house seats in each upper house electorate to see the differences. How does Labor explain away the fact that even authorities as eminent as Malcolm Mackerras have to admit that there is a safeguard factor when it comes to the differentiation Victorian voters make when they vote in the lower house and when they vote in the upper house? That safeguard factor is something that Victorian voters regard as part of their constitutional rights.

Malcolm Mackerras occasionally gets it wrong, as can be witnessed in the *Geelong Advertiser* today, but when it comes to his overall analysis of theoretical and upper house voting patterns he has got it right when it comes to highlighting the safeguard value of different upper and lower house voting patterns.

Over the years the ALP's platform has consistently been to abolish the upper house entirely. That is its real agenda, and this legislation is just one step along the pathway to that outcome. Let's never forget the experience of the only state in Australia not to have an upper house. We have only to refer to the former Bjelke-Petersen government to see the pitfalls of having a unicameral legislative system. What was delivered there, for example, was a situation in which one of the major heritage buildings in Queensland and the most historic hotel in Brisbane was demolished overnight by the stroke of a pen because a law was passed to amend the Queensland Heritage Act. Of course that went through overnight, and the bulldozers were there waiting, ready and primed to demolish that building before anybody knew about it.

We know that would suit the ALP in Victoria very well. It wants to hide behind its so-called constitutional reform agenda, but we know it is all about the centralisation of power. It is all about its modus operandi, which is to control entirely the leverage that goes with democratic institutions.

Of course when it comes to our upper house we now have a committee system that is well and truly in place.

Would we have got to the bottom of the Jim Reeves affair if it had not been for the upper house being able to generate a committee to inquire into a scandal of massive proportions, a job-for-mates scandal which overrode all the independent interview processes that are supposed to go with any democracy? Do not suggest that such independent and objective scrutiny could have or would have occurred through the all-party parliamentary committees. While many MPs take their membership of these all-party committees conscientiously, too often the government of the day dictates the references for inquiries with its political agenda at the forefront. The power of these all-party committees to self-generate inquiries and references is all too often compromised by the government of the day.

Our state is one of the few to have regionally based upper house electorates. This has real and genuine benefits compared to one statewide electorate with a party shopping list of centrally endorsed and imposed members of Parliament. Our current regionally based system of upper house electorates often provides constituents with a variety of parliamentary representatives.

Ms Delahunty interjected.

Mr HONEYWOOD — Mary, unlike you we write our own speeches. You have to rely on others to do your speech making for you, and even then you read the wrong speech, as *Hansard* shows.

The ACTING SPEAKER (Mr Seitz) — Order! The Deputy Leader of the Opposition will address his remarks through the Chair.

Mr HONEYWOOD — The minister is the first minister in the record of this Parliament to read the same second-reading speech twice and not know what she was doing at the time — but she wants us to forget that.

At the start of this debate today, in his typical bellicose and bucolic manner, the Attorney-General stated that the upper house is a joke. This type of thuggery or bullyboy talk belittles the outstanding contributions of longstanding party statesmen and women from all parties. That includes the Honourables Evan Walker and Caroline Hogg from the ALP, two individuals who made remarkable contributions to this Parliament over the years and who time and time again put the interests of the Victorian Parliament and the people of Victoria ahead of party politics.

Be it a very young Robert Gordon Menzies in the upper house or a very young-at-the-time Honourable Mark

Birrell, still in another place, each of these individuals time and again put their respect for the institution of democracy in Victoria ahead of party political considerations to ensure that we got legislation right before we rushed it through.

Never let us forget, Mr Acting Speaker, when the party opposite had control of the upper house. Look at the legislation it shoved through — the worst workers compensation legislation on record! What did it achieve? It was designed — —

Mr Nardella — That's rubbish!

Mr HONEYWOOD — We hear from the other side it is rubbish. It was designed, according to former Premier Cain, to ensure that the lawyers were taken out of workers compensation. Friends of mine and people I know in the legal profession said it was the greatest lawyers' picnic that has ever been devised in any piece of legislation in the history of Victoria. It provided loopholes so large you could drive a truck through them, so that everyone, be they defendant or plaintiff, was required to hire barristers and queen's counsel to deal with the supposedly watertight workers compensation legislation. Former Premier Cain rushed it through knowing that he had control of both houses of Parliament.

At the time the Liberal Party quite objectively and genuinely tried to point out that there were major problems with the legislation, but what happened? They ignored us, of course, and took their control of the central institution for granted — and the lawyers cleaned up on the deal. There are those who say, hopefully in a more considered manner than the Attorney-General, that if you were starting all over again as they have done in Scotland — as we heard from the Deputy Leader of the National Party — you may not necessarily have an upper house today. But what you would undoubtedly do is provide genuine checks and balances within your legislature in any number of ways. Our particular legislature's mechanism of check and balance is our Legislative Council. It is not, of course, a perfect creature of human imagination or the implementation of pure democratic precepts, but it is a structure that, like all democratic institutions, reflects the peculiarities of the community it serves and represents.

It is also open to evolution. The Minister for Planning would not have a clue about some of the evolutionary reforms in the upper house, but I will mention them to her because she still has her L-plates on when it comes to parliamentary procedures. Some of these reforms have included questions on notice. How would we as

an opposition ever get answers from ministers without the mechanism of questions on notice? In the upper house a 30-day rule was put forward by the Honourable Mark Birrell to ensure that ministers of the Crown had to answer within 30 days genuine questions from the party in opposition.

Mr Acting Speaker, you are a veteran of many adjournment debates. How often do we get any answer from a minister —

The ACTING SPEAKER (Mr Seitz) — Order! It is disorderly to involve the Chair in the debate.

Mr HONEYWOOD — How often, Mr Acting Speaker, do we ever get answers, particularly from the minister at the table, when it comes to adjournment debate matters? Contrary to the openness and transparency commitments the government gave and its commitment that this place would meet more often, we find only one minister at the table every night on the adjournment debate. All they do is refer questions on, and we never hear anything again. We never get a response. We never hear an answer to our constituents' genuine concerns.

The honourable member for Brighton raised a genuine concern last night about a 24-hour police station in her electorate which is about to be closed. Who did she hear back from? She heard back from the half-minister, as we call her, the Minister for Senior Victorians. And what did that minister have to say? She said she would refer it on. The honourable member for Brighton knows, as I do, that that means we will never get an answer. But whether it be under Jeff Kennett or under the current Premier, the upper house requirement that questions on notice be answered within 30 days is the only mechanism in this legislature to ensure we get answers.

When we go to freedom of information —

An honourable member interjected.

Mr HONEYWOOD — Mary knows all about it because she sits on them for seven months and then she sends you back a response that says 'Too much information required; try again' or 'Confidential information'. For seven months she sits on them, and of course we know that often it is because her in-tray is piling up or she has not found her way to the office in the morning, but at the end of the day, instead of 45 days at maximum, this minister takes seven months to send non-answers to freedom of information requests, answers which under the laws of this Parliament are required in 45 days maximum.

So we should thank our colleagues in the upper house, because they provide the only device by which we can get answers to questions, given that the adjournment debate is a complete farce and that the whole mechanism of freedom of information, which the Bracks government promised would be open and transparent, takes seven months on average to send any answer back on education, and not 45 days maximum as per the law. Therefore we should thank the evolution that has occurred in another place.

An honourable member interjected.

Mr HONEYWOOD — The answer is usually 'Too much information' or 'Confidential information' because you want to hide behind it. You don't want the truth to come out.

As I said, as part of the evolutionary process in the upper house we now also have a much stronger upper house committee structure, which will also get to the bottom of the Seal Rocks \$60 million lawyers' picnic.

Again the good old ALP has to farm out money from the taxpayer to have its select band of Labor lawyers look into things on its behalf to get it out of sticky situations. In the process the taxpayer signs a blank cheque as a result of this ridiculous government being hooked on process and not outcomes.

In summary, you do not throw institutions away lightly, particularly those that have so often met and delivered on the needs and aspirations of the community they serve. The current Labor government's performance on this bill has been so ambivalent and so lacking in passion and conviction that it does not deserve this bonfire for its vanities.

Mr STENSHOLT (Burwood) — I rise to support this bill, for which the Bracks Labor government clearly has a mandate. Before it was elected to office the Labor Party specified the reform of the upper house and general constitutional reform as a priority.

This bill provides reform. As honourable members can see it is a parliamentary reform bill. The government is looking at making genuine reforms that come out of the recommendations of the Constitution Commission of Victoria. I note that the Leader of the Opposition called it a sham inquiry. Does that mean the Liberal Party is a sham? Does it mean that previous Liberal ministers are shams? That is the only conclusion we can draw from the words he used about the commission, which includes two former Liberal ministers and leaders.

This reform bill has many key provisions. It aims to reconstitute the Legislative Council and put in fixed

four-year terms. Among a range of other measures it provides for proportional representation and accountability, which of course is a strange notion for the Liberal Party and the National Party as well. It is about genuine reform that seeks to modernise the upper house, make it more representative and allow for wider representation. It means we will get better representation. We will get five members rather than two in a province, making them closer to the people. People will be able to choose their representatives every four years to ensure currency. It will be good to see members actually out there meeting and doing something for their constituents. In my own electorate I am well aware of the lack of involvement of the upper house members.

Mr Nardella — Who are they?

Mr STENSHOLT — One of them has barely raised any issues of concern to local constituents over the last two years. Of course he did take one of two taxpayer-funded trips overseas. The other one was taken by the former Leader of the Opposition, who unfortunately got stabbed in the back when he returned. The other upper house member spends his time masquerading as a parliamentary secretary, which is an office of profit under the Crown. He actually wrote to school principals the other day, signing the correspondence 'parliamentary secretary'. This is what Liberal members of the upper house currently do — masquerade as parliamentary secretaries. Who are they kidding? They still think they are in office. They are so arrogant in the upper house that they still think they run the state. They do not. We have an excellent government here, supported by some superb Independents, and we do the best thing possible for Victoria.

Under this bill upper house electorates would be better represented. As I said, there would be five members instead of two for each province. In my area we would probably have a couple of Liberals and a couple of Labor members, and the fifth might even be from a third party. At least the voters would have a choice so they could have some change from time to time. I should also mention that one of the benefits of this reform would be a saving of over \$1 million a year. This met with commendation from the press. The editorial in the *Herald Sun* of 12 June referred to:

... the somnolent Legislative Council, which is a barely relevant in this day and age ... MLCs enjoy their red velvet seats unchallenged for eight years before answering to an electorate which could be forgiven for having forgotten that they exist.

Quite frankly, most of them do not know who they are! The *Age* editorial of 14 July said the Legislative Council:

... is the least representative chamber of any mainland Parliament.

It says eight-year terms are:

... too long to maintain accountability.

This bill will make sure that democracy returns to Victoria after 150 years. I am proud to support it.

Ms ASHER (Brighton) — This bill introduces proportional representation to the upper house. It sets up an upper house of 40 members, 5 from each of eight regions. It removes the upper house's power to block supply, it fixes four-year terms, and it sets out the process for filling of casual vacancies. It sets out a mechanism to deal with deadlocked bills, which is something the government did not do in its first run at constitutional reform, and it sets out a system for optional preferential voting. It refers to a government mandate, which raises the question of what happens when there are two conflicting mandates, as this government had in the run-up to the 1999 election. It entrenches in the constitution certain provisions such as those affecting freedom of information — of all things — and other statutory offices of Parliament.

Labor says the trigger for the bill is the report of the Constitution Commission of Victoria entitled *A House for Our Future*. This commission was established in March 2001, and it has produced a consultation paper, a discussion paper and a report. In short it represents \$2 million of wasted taxpayers money. But even more terrifying is the commission's predetermined outcome.

I refer to the Premier's comments on 23 November 2001 on the *Stateline* program which clearly indicate that this commission came to a predetermined, if not directed, outcome. The Premier said:

There's two courses of action. One is to make it a very important central plank of the election campaign, and we as a government did that last time and we'll do it again. We'll do it with the full force of a constitution commission recommendation to say we need proportional representation because we want a true house of review and not simply a rubber stamp and we want four-year fixed terms so that we don't have a stale mandate.

The unfortunate element of that interview on *Stateline* is that it was given on 23 November 2001, way in advance — significantly in advance — of the constitution commission's report to this Parliament and to the people of Victoria.

In fact it is this statement of the Premier's that shows the real trigger for this bill before Parliament tonight: in very simple political terms — let us not beat around the bush — the ALP wants to control the upper house. This is not about any nonsense about democracy or high-mindedness; very simply it is about the ALP wishing to have the numbers in the upper house. The ALP has a track record of attacking the upper house as an institution. It attacked the Council in 1987, 1988, 1990, 1999 and 2000, and now it has attacked it in 2002.

Mr Ingram interjected.

Ms ASHER — That was before I was born — you might be older than me!

The ALP is using three arguments in its defence of this bill, and all three arguments are fallacious. Labor's first argument is that the upper house is undemocratic. If the upper house is undemocratic the lower house is as well, because both houses are elected by exactly the same method — that is, compulsory preferential voting, established under independent boundaries.

The second fallacious argument used by the ALP is that the upper house is obstructionist. It is not. Of the 286 bills considered by the upper house in the term of the Bracks Labor government, 6 have been defeated.

Mr Nardella — Talk about the Kennett government.

Ms ASHER — I will. That is scarcely obstructionist. The upper house has amended 25 bills. It appears to me what the Labor government is concerned about is the scrutiny exercised upon it by the upper house. Again, the Cain and Kirner governments did not have an upper house majority — except for a very brief time — and 97 per cent of bills were passed. Likewise, Sir Henry Bolte managed to govern from 1955 to 1970 without an upper house majority.

The third argument used by the Labor Party to advance its cause is that the Kennett government used the upper house as a rubber stamp. I refer to the Premier's press release dated 12 September 2002 which states:

Under the former Kennett government, the upper house proposed 480 amendments — and every single one was defeated.

That is wrong. You would expect the Premier of this state to get his facts right. In fact, 57 amendments presented during the Kennett government were accepted by the upper house, and a total of 795 bills were passed. It is fallacious for the Premier to argue that no amendments were accepted.

Mr Nardella — Not one of our amendments was passed.

The ACTING SPEAKER (Mr Seitz) — Order!

Ms ASHER — The key sticking point of the opposition's attitude to this bill is the changes to the method of voting proposed within the legislation. The proposal is for 8 provinces, electing 5 members each — that is, for 11 lower house districts to be contained within each upper house province or district. Four models were put forward by the constitution commission, so the following question arises: of the four that were presented or suggested by the commission, why was this particular model chosen by the government? The answer is very simple: this is the one the government wanted all along. The model is in fact exactly the same model as that proposed in the Constitution (Proportional Representation) Bill which was debated in this place on 6 September 2000. So the government has gone through a whole \$2 million process to simply arrive at the same point we were at in terms of the government's desire as evidenced by the legislation it presented in September 2000.

There are a number of significant problems with this particular model. The first problem is that it will result in a decline of rural and regional representation. I refer honourable members to the schedule to the bill, set out in clause 45, and I ask: in terms of region 1, what has Nepean got in common with Gippsland East and Gippsland South? Where is there any community of interest between those areas?

In terms of regional representation, again the model proposed is exactly the same model proposed in 2000, where the same members of Parliament would represent both Geelong and Ballarat. There are many examples where these regional cities have conflicting interests and yet the Labor Party's proposal, as set out in the schedule, is for one member of Parliament to represent both Geelong and Ballarat. I suspect, given some measure of acquaintance with the parochialism — —

Mr Nardella — There will be five. You're wrong again!

Ms ASHER — The idea of proportional representation is they cover it all; they do not divide it between them. Individual MPs will represent both Geelong and Ballarat. Given the parochialism of the cities, I find that to be extraordinary.

Again, in terms of region 6 I would ask: how can an individual MP — albeit multiplied by five — possibly represent Benalla, Benambra, Bendigo East, Bendigo West, Macedon, Mildura, Murray Valley, Rodney,

Seymour, Shepparton and Swan Hill? It is hard enough to represent four regional or city electorates, let alone spreading yourself right across that particular amount of territory.

Again, if honourable members look at office allocations in Sydney, given the New South Wales system, it would be absolutely impossible for rural and regional Victoria to get the sort of good quality representation — on both sides of the house — in terms of the individual attention that it receives now. This is recognised by the constitution commission. On page 31 the report states:

Country voters expressed the view strongly to the commission that they would prefer to vote for a candidate who understood issues relevant to them, whether confined to the region or wider issues with a specific aspect in the region.

So the first fundamental flaw of this bill in terms of the PR system set up by it is the diminution of representation for rural and regional Victoria. The second fundamental problem with the bill is the proportional representation system itself. There are, of course, varying views on this. There is no perfect electoral system, but generally the PR system will throw up an overrepresentation of minorities. The quota for this model is just over 16.66 per cent. I note it is slightly higher than the Senate quota.

The more significant issue, as I see it, is accountability. Now there is a direct relationship between upper house members with four seats and their constituents. I am the member for Brighton. Clearly if you live in Brighton I am your MP; if you have a problem you come to see me. There is a very direct relationship of accountability. It is very easy to define in the lower house and at the moment with four lower house seats it is identifiable in the upper house.

There is some significant academic evidence which raises questions about the accountability set out in proportional representation. I refer honourable members to an article in the *Australasian Political Studies Association Journal* 1975 Vol. X by a learned academic in this area, Dr R. A. Herr, with W. J. Hemmings and others, entitled 'Accountability and PR'. These particular academics have studied the PR system. I am obviously familiar with the arguments in favour of PR but these are arguments I want to put to the house to actually note the point that under PR accountability is not the same as, for example, the system we have with direct representation with one member. The article states:

... under a single-member system because of the one-to-one relationship between voter and elected representative, the lines of responsibility are clearer and more direct whereas

with a multiplicity of members the voter may legitimately wonder which one is his or her 'real' representative and who can or will adequately deal with his or her individual problems.

I refer to another article on that very important issue of accountability within our democratic system. Again the article is written by Dr Richard Herr. It is from *For and Against — An Anthology of Public Issues in Australia*, edited by Richard Giles. The article is headed 'Will proportional representation achieve a greater degree of democracy in Australia?' and states:

Opponents of PR argue that the multiple membership of PR constituencies disguises the responsibility of parliamentarians to their electors. A representative from a single-member district ... has no doubts as to who are his or her electors, just as they have no doubt regarding who is their MP. The same cannot be said for PR systems. In a survey in Tasmania, which has PR for the House of Assembly, I found that electors do not know who 'represents' them or whom to approach if they have a constituency problem. A parallel survey showed that MHAs were almost equally perplexed on their relationship to their electors.

So I do not automatically accept the general view being thrown around this chamber that PR results in some sort of magical representation.

The bill also has provision for above-the-line voting. I note the honourable member for Gippsland East in a paper dated 2 February 2002 described above-the-line voting as 'an affront to intelligent and thinking members of the community'. I look forward to his opposition to this particular aspect.

Fixed four-year terms are something that the Liberal Party, unlike the Labor Party, has supported and voted on in this chamber in the past. M. Fitzherbert of Sandringham says:

This is fairer and means that neither party has an advantage — it is more democratic.

I agree with M. Fitzherbert of Sandringham, who happens to be my electorate chair. I have voted for four-year terms in this house, which would indicate to the Labor Party that there are elements of this bill that are acceptable to the Liberal Party but which in the current package are not acceptable.

Sitting suspended 6:31 p.m. until 8:03 p.m.

Ms ASHER — I turn now to the more vexed issue of the blocking of supply. The Labor Party's real wish was revealed in the Constitution (Reform) Bill 2000, which was withdrawn. Not only did the Labor Party in that bill want to remove the Legislative Council's ability to block supply, it wanted to remove the upper house's capacity to have any debate at all on supply.

This is the real Labor Party agenda. That bill embodied the Labor Party's desire to move the budget from the Legislative Assembly straight to royal assent, with the real possibility of the guillotine of the budget. That is Labor's no. 1 desire, and that blank cheque is what the Labor Party has always wanted.

This proposal before the house tonight is a modified proposal, but it is at odds with other jurisdictions such as the Australian Senate, South Australia, Western Australia and Tasmania. Supply has been blocked in only six episodes in the state of Victoria, and I have spoken on the detail of this on previous occasions. They occurred in 1865, 1867, 1877, 1931, 1947 and 1952. There has been very limited use of that capacity.

I also look forward to support from the honourable member for Gippsland East on this proposal. In his paper *Upper House Reform — An Independent's View* he said on 2 February 2000 that the blocking of supply would:

... give a government unfettered power for four years no matter what outrageous action it may take.

He went on to say:

It is essential to retain the power for the Legislative Council to reject supply.

Not only that, his recommendation states:

That the Legislative Council retain the power to reject the annual appropriation bills. Consideration should be given for the Council to be given power to amend the allocation of funds but not to increase the overall budget expenditure.

So the member of this house who argues for the capacity of the upper house to reject the budget to the greatest degree possible is the honourable member for Gippsland East. I look forward to his continuing to articulate a position that is way in excess of anything the Liberal Party has ever argued in terms of supply and the powers of the upper house. I welcome his contribution on this.

In conclusion, what would Victoria be like now if we did not have a Liberal-controlled upper house? What would Victorians have got if we had not had a Liberal-controlled upper house? We would have had heroin injecting rooms; we would have had home detention for criminals; we would have had a fair employment bill and industrial manslaughter legislation; we would have had 40 000 jobs lost in Victoria as a consequence of having a Labor government in control of the upper house.

I strongly favour genuine reform of the upper house; I am in favour of a genuine committee system; I am in

favour of a genuine house of review, but many of the features of the upper house that the Labor Party claimed as reforms of that house have been incorporated into the sessional orders here — for example, 10 questions in question time and matters of public importance. It will be interesting to see how the Minister for Finance votes on this issue as he runs from a very dicey seat for the protection of the Legislative Council, the house of retirement. Is the Minister for Finance going to retire? I think he wants to knock off the leader in the upper house and lead that so-called retirement village. Do not think for 1 minute that the Labor Party is serious about this bill.

I am strongly in favour of reform of the upper house. I want to see a better working democracy; I want to see a better working Parliament. I do not want to see the things that happened in this chamber last night where we stupidly sat until well into the morning.

The Liberal Party will oppose this bill in this house and in the other place. It is a piece of nonsense; it is a stunt; it is electoral claptrap — something that we have come to expect from the Labor Party. I wish the Minister for Finance good luck in his political career in the upper house.

Mr LONEY (Geelong North) — It is a pleasure to enter this debate following an honourable member who is so passionate in her commitment to the value of the upper house that she walked out on it! A number of things have been said during this debate, but I wish to pick up on what the honourable member for Warrandyte said. He spent some time extolling the reputation and credibility of Malcolm Mackerras.

He told us that Malcolm always gets it right. Given that very fine testimonial, I thought it would be worth noting that in today's *Geelong Advertiser* Malcolm Mackerras not only projected a Liberal Party clean-sweep loss in Geelong but also added that there is a perception in Victoria that the Liberals are hopeless. So I agree, Malcolm does get it right!

This is an important debate because it is about something significant in Victoria. The Labor Party went to the last election with a policy of reforming the upper house. That policy was put to the people and it was voted on, and there is a mandate for the legislation before us tonight.

Mr Plowman interjected.

Mr LONEY — If a mandate is more than 50 per cent of the vote, we have a mandate. We got more than 50 per cent of the votes, as the honourable member for Benambra well knows. What we know, not just from

that election but from numerous other polls, is that the Victorian community is looking for change in the upper house because it regards upper houses as the outmoded relic of an era of privilege — roughly the same as the Liberal Party!

We heard an argument put in this debate — again I think it was from the honourable member for Warrandyte, who raises interesting arguments — that this legislation is a mechanism for the centralisation of power. The Liberal Party would probably not go along with that. In seven years of government we saw the ultimate mechanism for the centralisation of power in Victoria, and it was called Jeff Kennett. There was no greater centralisation than his.

Those who want to examine that centralisation of power can look at what occurred in this bastion upstairs, for which the honourable members for Brighton and Warrandyte want to argue passionately. In that seven years of Kennett government not one opposition or backbench amendment was passed in the upper house — not one in seven long years — yet we are told that this is a house of review.

Not only that, tonight we have heard extolled the upper house's virtues as a house of inquiry. How many inquiries did it hold there in seven years? When Victoria's assets were being flogged off left, right and centre, did we see an upper house inquiry? Not a one!

Honourable members interjecting.

Mr LONEY — When Victoria's electricity industry was being flogged off — as the honourable member for Benambra knows — was there an upper house inquiry? No! When the Premier of this state flouted this state's constitution was there an upper house inquiry? No, there was not.

The ACTING SPEAKER (Mr Phillips) — Order! The honourable member for Geelong North knows that the Chair needs to be involved. He should go through the Chair and allow him to vibrate through to the honourable members who are interrupting.

Mr LONEY — Thank you for your advice, Mr Acting Speaker. When we had things like the neutering of the Auditor-General, did we have an upper house inquiry? Did we have an amendment? Not a thing. There was not a whisper, a whimper, an inquiry or an amendment in those seven years. For the opposition to come in here and suggest that what we have upstairs is a house of review is nonsense, and the people of Victoria know that. The Labor Party and I suggest that Victorians deserve better than that. I will go further and suggest that the members of the upper

house deserve better than that, that they are entitled to a better deal than the Liberal Party wants to give them. The members of the upper house deserve better, and so do the people of Victoria.

We just heard arguments about the rejection of supply — raising one of the old myths that somehow this would bring down the fabric of democracy.

An honourable member interjected.

Mr LONEY — The upper house of Westminster does not have the power to block supply. The Australian Senate — —

An honourable member interjected.

Mr LONEY — Are they appointed? Where is their power?

An honourable member interjected.

Mr LONEY — And why don't they have the power? Because the Australian people said they did not want upper houses to have that power! But once again the Liberal Party does not want to listen to the people. It did not listen when in government, and it does not want to listen now. It just keeps on going down this same path.

The Constitution Commission of Victoria sets out very well what this legislation is about. It states on page 6 that the changes it recommended are in the interests of good governance in Victoria and will enhance the effectiveness, accountability and representativeness of Parliament. They will also help to diminish the distrust of the political process that is evident in the community.

Who could possibly oppose those aims? You would think that only the hopeless could oppose them — and I guess I have gone right back to Malcolm Mackerras. As he said, there is a perception in Victoria that the Liberals are hopeless.

Mr Spry interjected.

Mr LONEY — I will just say this for the interest of the honourable member for Bellarine. In the *Geelong Advertiser* today Malcolm Mackerras and Nick Economou tip the Libs to lose every seat in Geelong. That is what this legislation is about — the democratisation of an upper house that is now a vestige not of the last century but of the century before last.

Mr Ingram interjected.

Mr LONEY — That is right. The honourable member for Gippsland East, who has an interest in this

subject, knows only too well that the upper house requires reform. That is what this is about — giving Victoria and Victorians an effective, accountable and representative upper house, as the constitution committee said. The bill should be supported by all members. It obviously will not be, and we know why — because as Malcolm Mackerras said, the Liberals are hopeless.

Mr ROWE (Cranbourne) — We have heard a number of eloquent speeches tonight from both the defenders of the upper house and the Whelan the Wreckers of the Labor Party. But we have to look at the bill — someone has to start talking about the bill, I suppose — seeing that we are here to debate legislation. Certainly the purpose of this bill is to reform the upper house in line with the Victorian constitution commission report entitled *A House for Our Future*.

Before looking at the legislation one has to have regard to the background of the commission, because I do not think the two are related in any way whatsoever. The box-ironbark consultations got more submissions than the Constitution Commission of Victoria. I understand that at least one of the commission's public hearings was attended by five people, all members of the Liberal Party. Claims that there were working consultations far and wide are fallacious. They are completely false.

The people of Victoria, and certainly the people of my electorate of Cranbourne, are absolutely totally bored and not interested at all in this piece of legislation. It is a farce in its entirety, because it has been set up by the government purely to be knocked back. The government never had any intention of having this legislation considered seriously.

To say that the commission should be listened to by the Liberal Party because it had Alan Hunt and Ian Macphee as two of its members is again not an argument that holds water. Alan Hunt has always been a proponent of proportional representation and Ian Macphee unfortunately lost preselection and did not leave the party the happiest of men. The constitution commission was a \$2 million farce. That money could well have been spent on other issues.

The bill amends the Constitution Act 1975, the Electoral Act 2002 and the Electoral Boundaries Commission Act 1982. It also seeks to entrench certain provisions in the state constitution so that they can be amended only by referendum, these being: the number of members of Parliament of both houses; the new regions for the Council and the Assembly districts; local government; the offices of the DPP and the Auditor-General; the Supreme Court; removing the

ability of the Council to block supply; a process for removing deadlocks between houses; fixed four-year terms for both houses; the Ombudsman and the Electoral Commissioner to be officers of the Parliament; the functions of the Freedom of Information Act; and that there be an act requiring that the electoral boundaries function be conducted by an electoral boundaries commission. The last is something that I believe does not need an act of Parliament to implement.

The bill also puts in place two methods of entrenchment, being a three-fifths majority or an absolute majority. It also introduces a voting system of proportional representation for the upper house, with a model of eight regions, each with five members. In addition, the bill amends the Electoral Act with consequential reforms and some amendments that were requested by the Electoral Commissioner.

Members of the Labor Party have sought for decade upon decade in every state of Australia and in the commonwealth to bring down the upper houses of Parliament — simply because they do not like to be reviewed, to suffer the scrutiny of an upper house. Labor members do not like someone looking over their shoulder and bringing them to account for things like heroin injecting clinics; home detention; the so-called fair employment bill; and industrial manslaughter legislation. Those are the only pieces of legislation that have been stopped — —

Mr Ingram interjected.

Mr ROWE — And constitutional reform, that is correct. Those are the only bills that have been stopped by the upper house during the life of this government.

Why does the Labor Party want proportional representation? Labor members say they want proportional representation to allow for minority groups and others to have representation in the upper house. Is that something that is good for Victoria? Even the *Herald Sun* of 31 May 2000 questioned why we might want minorities in the upper house, reporting that introduction of proportional representation would allow minority interest groups the balance of power, which could paralyse a government in this state.

Certainly we have seen in the Senate examples of good government being stopped by minorities, and by the Labor Party. To look at the immigration debate just briefly, we would not have the situation we have now, and we never would have had *Tampa*, had the minority parties and the Labor Party members passed the amendments to the Migration Act that would have

stopped and made unnecessary the compulsory detention of immigrants. That would certainly have speeded up the process of handling people's claims for asylum. But those amendments were stopped by a minority upper house.

I understand the New South Wales government finds it difficult at times to deal with the religious far right wing that controls that state's upper house. The gun lobby holds a position — —

Mr Ingram — They represent a percentage of the population.

Mr ROWE — A very small percentage of the population. If it was truly an attempt to bring in proportional representation the quota would be nowhere near what it will be under this proposal. Under this proposal the Labor and Liberal parties would still get a majority of the positions in the upper house.

In addition to the National Party you may get the Greens. There is no guarantee because they need to get 15 per cent of the vote to even look like getting a seat in the upper house, so it is not truly proportional representation. It is another farce, another lie, another grab for a vote in the upcoming election by trying to woo the minor parties with this misconception that they may be able to obtain a seat in the upper house of the Parliament of Victoria.

Effectively the Labor Party wants a blank cheque. It wants the ability to be able to pass whatever budgetary positions it may choose, or spend without anybody having the right to question, alter or amend anything that it does, without questioning the need for a state-based industrial relations system and without questioning the need for some of the social engineering that has been attempted to be undertaken by this government over the last three years. Social engineering has been the basic platform of the Labor Party for more than 10 years.

One of the biggest problems with this piece of legislation is the size of the regions and the number of regions that have been chosen by the government. This was not the recommendation of the commission. It was, I think, its second preference. But if we look at the schedule in the bill in relation to the regions, we see that region 1 takes in the lower house electorates of Bass, Frankston, Gembrook and Gippsland East. I would be in the same electorate as the honourable member for Gippsland East. We would have to get on!

Mr Ingram interjected.

Mr ROWE — It also covers Gippsland South, Hastings, Monbulk, Mornington, Morwell, Narracan and Nepean. There is absolutely no relationship between Frankston and Gippsland East. Certainly the quality of representation is far better in Frankston.

Mr Ingram — That is a bit harsh.

Mr ROWE — The representation in Hastings will certainly be of a very high calibre, being Neil Burgess. The representation in Mornington is of the highest quality, being the Honourable Robin Cooper, and, of course, we have Martin Dixon down at Nepean, and many other good members. There is absolutely no relationship between those communities, but what it does say is the electors in Frankston, Hastings, Monbulk, Mornington and Gembrook would have the greatest say in who the five elected representatives would be in region 1.

The people of Gippsland East, Gippsland South, Narracan and Morwell would have very little say. They will lose their local representation. The same occurs when you look at all the regions. You have a loss of rural and regional representation. That is something that the current upper house provides. It provides true democracy in one vote, one value. That is what democracy has always been based on — one vote, one value. A simple majority gets you across the line.

If you were really going to consider electoral reform, maybe you would look again at first past the post. On a first-past-the-post basis we would be in government. On a first-past-the-post basis we would not have any Independents. That would be heaven sent! But this weak, feeble attempt by the government to put up a piece of legislation purely for political purposes as legislation of critical importance to the governance of Victoria for the future, so much so that if this legislation is not passed the Premier threatens to hold an election, well, bring it on, because if you have not got the guts to stand up and say to the people of Victoria, 'I want to go to the polls', you have not got the guts to govern the state. You need to stand up there and say, 'I am going to the polls because I want to go, because it says in the constitution of Victoria that after 30 November I am able to go, so I am going'. What is there to hide from? There is absolutely nothing to hide from.

To put up eight pieces of legislation this week to give us a farcical 1 hour and 25 minutes, or whatever it is, to debate — —

Ms McCall interjected.

Mr ROWE — One hour and 17 minutes — I thank the honourable member for Frankston for the

correction. A farcical 1 hour and 17 minutes to debate each piece of so-called essential legislation is an absolute disgrace.

This is a government that is lazy and has not made any decisions of note for Victoria, that has not done anything other than make promises and threats — a threat to go to the poll and promises to spend money and bring on projects. You only have to look at my electorate to see that the promise of the extension of the electric train was in the budget for the first two years of the Bracks government, but not this year. It has dropped out. It has gone into oblivion. It is not going to happen.

You look at the Scoresby freeway — a project that is of vital concern to Frankston, Cranbourne and all the south-eastern suburbs. No, it is not going to happen because they have absolutely bungled the tendering on the extension of the Eastern Freeway. Labor does not really want to go ahead with the Scoresby freeway, so it has put them all together and put them out to tender again.

What company would want to deal with Victoria having spent hundreds of thousands of dollars putting a tender together only to have it thrown out and be told, 'Start again, boys, we have made a mistake'. No wonder Labor bugged up Seal Rocks totally. The government had an opportunity to get out of that for \$20 million or thereabouts. It is now going to cost over \$60 million to get out of a mistake that it made. Mistake after mistake, a project that is not starting, projects that have been promised and not delivered.

This government can make all the threats it likes. We are ready to go to the polls any time it likes. It does not need this farcical performance this week. It should just tell the people of Victoria what it is going to do and not go on with the garbage of putting up a piece of legislation that means nothing, that changes nothing, that really does not mean that mandates are entrenched because the mandate does not have to be adhered to; it only has to be taken into account. That is something that the upper house does all the time — takes into account the fact this government does not have a mandate to govern at all and was not given a mandate by the people of Victoria at the time of the state election in 1999. It has no mandate. As I have said previously, we are ready to go. Bring on the election.

Mr INGRAM (Gippsland East) — It is a pleasure to speak in this debate. At the outset I would like to say that we have heard much mention from both sides of this place about democracy. We have had both sides using the argument about democratic institutions and democracy to basically prop up their arguments in this

case. I would like to put on the record what I believe is the meaning of democracy. Democracy is government by the people — a form of government in which the supreme power is vested in the people. It may be exercised through their elected agents.

This is an interesting concept that we are looking at here. We are saying that the upper house is currently a democratic institution; yet when you ask the voters how many people know their upper house members, most of them would not know. There have been a number of surveys recently that indicate that very few people in the population know who their upper house members are.

It is usually better in country areas than in a lot of the city areas because the members of the current upper house, and in most upper houses around Australia, are there to work for the party machine. They spend most of their time working for the party machine and not working for their constituents. It should be noted that when honourable members come into the Parliament and say that we cannot change because we will lose regional or country representation, the majority of those members spend most of their time working for the party machine.

Recently I had dinner with a number of members of Parliament from both sides of this chamber, and the discussion turned to how many people could identify the 12 Victorian senators. Considering the 12 Victorian senators are there to work for Victoria, they are there to put Victoria's interests first, it was an interesting discussion because neither side, Labor or Liberal, could name all the Victorian senators. That says a lot about the democracy of our upper houses.

Members of the political parties in this place would like to have us believe that democracy happens once every three or four years, or in the case of the upper house democracy only happens once every eight years. It is an untenable position. We really have to ask what is the role and function of the Parliament, and more importantly what is the role and function of the upper house. The upper house is not there to represent areas. We have area representatives in the lower house; we have area representatives in the House of Representatives federally; we have area representatives in local government. We are overrun with local representatives. We need a check and balance house of review, a house that looks at legislation and is a check on rampant executive governments.

That is the role of the upper house at both state and federal levels. It is there to look at legislation differently. It is there as an independent review of how

government is performing, the function of government and whether the government is managing its finances with the highest level of probity, and also to make sure the government is behaving in the best interests of the community. That is the upper house role. I argue strongly that our upper house works like that, but only when the Labor Party is in power. We need a house that works all the time as a house of review.

The role of a government member in this place — and you see this too often, and it is where we get down to the partisan and winner-takes-all nature of politics — is to defend the government. Their role is to make the government look good. On the other hand, the role of opposition members is to make the government look bad. When you fill an upper house with either government or opposition members and when the power in the other place is dominated by the government, then it protects the government. It is not a house of review, it is not a check. It is not performing its proper function.

The same goes for the committee system. When a committee system is dominated totally by the political parties it has the same role. The committee system is too often clogged up with references, and if the committee is dominated by government members it rarely criticises the government. On the other hand, when it is dominated by the opposition it is not treated with the respect with which it should be treated. I argue strongly that the reason some of the upper house inquiries that have been conducted recently have not been given the credit they in some cases deserve is that they are deemed by the public to be partisan political stunts. It is not in the best interests of the Victorian public, the Parliament or the people we are supposed to represent that the role and function of our committee system is not treated with the respect it duly deserves.

I refer to the actual performance of the Legislative Assembly. You hear both sides of the argument from either side of this place. I look back to the Cain and Kirner governments. The coalition had control of the Legislative Council for the whole period, except for three months — the only three months Labor has had control of the Council since its formation. The fact that the Council was not controlled by the government of the day did not prevent any of the calamities that were to be inflicted on the state. Nor did the Council conduct inquiries into the causes of one of these events.

We hear much about the mismanagement and the whole range of events that caused much of the financial damage that had to be repaired by the Kennett government, but not one inquiry was conducted into what happened during that period. If an inquiry had

been held we may now have known how to make sure we do not get into that situation again.

According to the honourable member for Brighton, during the Cain and Kirner governments the Legislative Council passed 97 per cent of the legislation presented to it. Given the severity of the action the coalition felt it had to take to put Victoria back on track, it seems extraordinary that the house of review did not make major changes to legislation, block legislation or really take the time out to protect the interests of their constituents.

We hear much about the claim that changes to the upper house would lose country representation. The biggest impacts of the Kennett era were in country areas, yet although we had a Liberal and National Party-dominated upper house during that period never once did those people stand up and protect us. During the Kennett era when those changes really did bite, the same thing. When we had area representation in the Council, they did not stand up and protect us.

I also point out that I am here because of the failure of my local member. If the upper house had protected the interests of my constituents, maybe I would not be here and maybe the conservative government would have been in power. It is an interesting point.

Independents and minority groups normally run for upper houses and influence the house of review, they do not run for the chamber where government is formed. If we had a proportional representation system in Victoria the last state election may have had a different outcome. That is something we really should consider here.

I recognise the effort that the constitution commission put in. It did a good amount of work. It got out and had some lively discussions. One of the hearings in Bairnsdale was an extremely lively discussion. A lot of good points were brought out. I believe we had a good hearing. I had a number of discussions with the commissioners. I am a strong supporter of parliamentary reform. We need to achieve real changes to the democratic nature of our parliaments. As I said, I recognise the work of the constitution commission.

Sadly, I think the government's commitment to genuine parliamentary reform has been undermined by the introduction of this legislation. It was obviously a political stunt, and from the public comments from the Liberal and National parties it comes as no surprise that they will not support it. More active consultation should have been attempted to reach some type of consensus position.

I acknowledge that it is unlikely that a party that dominates the upper house would give up that power. Political parties are very unlikely to surrender the power they have. It is a fundamental flaw in our system that when you do have that power you are very unlikely to make a change until the population becomes so cheesed off and cynical about the process that it rebels.

One of the outcomes that I read with most interest in the final report *A House for Our Future* was the level of cynicism and distrust in the population. All members of Parliament should acknowledge that there is a big portion of the population out there that has very little faith in the political system. One of the most disappointing aspects at the last state election, when handing out how-to-vote cards at the polling booth, was that a large number of young people in particular are very alienated by the system and do not believe they can have a real influence over it.

We have a good democratic system where governments can change without violence and all the rest of it, but not everyone feels they have some power of influence or representation or real avenues to change the will of rampant executive governments. That is when communities rebel and have distrust and little faith in the democratic institutions. It is a disappointing aspect and it is very clear from the commission's report that there is a whole range of things that cause disenchantment. They are:

Planning, policy and programs are directed predominantly towards the next election rather than the longer term;

governments are indebted to the vested interests that support them;

politicians are unduly partisan, adversarial, confrontational and divisive;

governments seem unable to weigh economic, social and environmental ends fairly in both short and long terms;

politicians lack, or seek to avoid, accountability by keeping parliamentary sittings as short as possible —

tearing up Parliamentary sitting dates! —

and not allowing Parliament to do its job;

governments fail to meet community expectations;

governments fail to honour election promises;

governments resist mechanisms designed to provide checks on their power.

These are issues that were identified in this report and I think they are pretty well right, because there is that level of cynicism and distrust out there.

The clear things that also came out of the report were that the rigid party discipline that was not evident when our political institutions were established has caused a fair amount of that disillusionment with the political system. It is that rigid party discipline where members, whether they believe in something or not, will always vote for it.

I will get on to a major point. I gave a notice of motion the other day which was very lengthy and I know it drew some raised eyebrows from honourable members in this place. That was an attempt to divide this bill, to single out the fixed terms of elections. That party discipline is an interesting point here because I have had discussions with a whole range of members across this place and the interesting thing is that if we asked honourable members in this place to put up their hands if they support set dates for elections in the Legislative Assembly I think most honourable members here would do so. It would be interesting. We have tried it. Originally a bill was introduced in this place for four-year fixed terms and it was withdrawn. Another bill was introduced; it failed. A private members bill was introduced — I introduced a private members bill — and that failed as well.

Here again today we have another attempt. Supposedly all parties agreed after the 1999 election that they supported fixed dates for elections — four-year set terms. I have had discussions with honourable members in this place, even members of the National Party, who have privately confirmed to me that they support fixed dates for elections because of the existing uncertainty created within the community. The business community, the bureaucracy and most honourable members in this place want fixed dates for elections. I know that the population out there wants fixed dates for elections, and yet —

Mr Cooper — How do you know that?

Mr INGRAM — I should not take up interjections, but when I go around my electorate and other areas it is one of those issues that is very strongly expressed. There is a lot of cynicism about politics and the endless speculation about the election date is not good for the certainty —

Mr Cooper — Never. I have never heard anyone say that.

Mr INGRAM — That is probably because the honourable member has not actually raised it with anyone.

Mr Cooper — I speak to a lot of people.

Mr INGRAM — I would like to think members in this place will support the motion that will be put forward during the committee stage to split this bill, because I believe the four-year fixed terms are a separate issue to constitutional upper house reform. That is why I have separated it out because it is theoretically something that all sides of this place do agree on and I would like to think we would get that support.

In conclusion — and I know everyone is very glad that I am concluding — one argument in favour of the current system against proportional representation of the upper house is that the upper house electorates are smaller and people are more likely to know their upper house member, but as I stated before, very few know their upper house members. That was raised in the report *A House for Our Future* and also a recent *Herald Sun* survey found that of 300 voters polled in five provinces, only three knew the name of their parliamentary members and what role they filled. This is an age in which many people right across business and bureaucracy and government and in all sorts of walks of life have to demonstrate that they add value to their organisation.

They have to justify the work they do. I think the challenge for the Legislative Council in this debate is to demonstrate how it adds value to the democratic process in Victoria.

Mr COOPER (Mornington) — I was not expecting the honourable member for Gippsland East to sit down so quickly. I thought he would wind up in a more vigorous way. I have been fascinated with his contribution to the debate on this bill. I was particularly fascinated with his assertion that upper house members spend most of their time working for the party machine. I am not quite sure on what grounds the honourable member bases that assertion, but I put it down as nothing more than wild and irresponsible generalisation. Certainly the upper house members I work closely with — and there are quite a few of them — do not spend any time working for the party machine; they spend time working for their constituents and working in close cooperation with the members who represent the Legislative Assembly electorates in their provinces.

It seemed to me that the honourable member for Gippsland East thought that statement seemed like a good one to make, so he stood up and made it. But he does not cover himself in glory in making it. If that is his justification — and it seems it is pretty well his only justification — for changing the way the Legislative Council is elected he needs to think again. The

honourable member for Gippsland East needs to reflect on the fact that the upper house, the Legislative Council in this state, is elected on the basis of one vote, one value. This may be a foreign concept to him, but it is not foreign to the electors and those people that actually believe in the definition of true democracy.

In his opening words and in the latter part of his speech the honourable member mentioned democracy and said that democracy to him was the power of the people, that the people were controlling it. In fact, the people who are sitting over there in the Legislative Council at the moment have been elected by the people of this state in the various provinces, and they have been elected on the basis of one vote, one value.

If the honourable member for Gippsland East wants to swallow hook, line and sinker the arguments that have been put by the government to try to prop up this bill, that is his business. But the fact is that commonsense and reality do not support the arguments he has put in saying, by implication, that the upper house is somehow or another an unrepresentative body. It is a very representative body. It is elected on the basis of one vote, one value. It is elected on boundaries that have been established by the Victorian Electoral Commission, and it is elected on the basis of a system that was put into place by a Labor government back in 1984.

The Cain government, with a redistribution, changed the boundaries of upper house provinces, brought in 88 lower house seats and had 22 provinces with 2 members in each as representatives of those provinces in the Legislative Council. It is very clearly a democratically elected house, and it is very clearly a body that is responsive to the electorate because, as I and others from this side of the house have said, it is elected on the basis of one vote, one value.

The other thing I just want to mention to the honourable member for Gippsland East, because his sense of history is completely out — I do not know who gave him this advice — but he said, and I hope I have understood him correctly, that the coalition, as he put it, has controlled the upper house for its entire life except for three months in 1985. I think that is what he said. That is how I remember what he said. He is absolutely wrong. Either he needs to go back and look at history or he needs to get his staff to do it, because between 1955 and 1970 the Bolte government was in power and it had a hostile upper house; there has not been a coalition in this state except between 1992 and 1999. If the honourable member for Gippsland East had done just a modicum of work he would have had his facts right, but

when he gets his facts wrong on such a simple matter you really have to question the rest of his contribution.

I want to address very briefly a few matters relating to this bill. I want to deal with the issues that have been raised by the so-called Constitution Commission of Victoria (CCV), which comprised three people. Of course the government was absolutely delighted to be able to say at the time they were appointed and constantly since that two of them are members of the Liberal Party — Alan Hunt and Ian Macphee. I do not believe Ian Macphee is a member of the Liberal Party, I think he resigned after he lost preselection some years ago, but Alan Hunt is certainly a member of the Liberal Party. He is a person I have known for a great many years. He lives in Mornington, and I regard him as a friend. He is somebody I have worked with closely over the years both inside and outside Parliament.

Alan was an outstanding Minister for Local Government and an outstanding Minister for Planning. I think his contribution to the Legislative Council both as Leader of the House in opposition and in government and as President of the Council needs to be recognised and applauded. I find it difficult, therefore, in dealing with the Constitution Commission of Victoria, to understand why Alan Hunt would have not only been a party to the recommendations that came down in that report but also would seem to have been the leader in pushing those recommendations publicly, because they are absolutely contrary to the views Alan Hunt held back in 1984 and the views that he held all the time that he was a member of this Parliament and publicly espoused both inside and outside this building.

It would seem to me that what we have here is a report that has been preordained. As was said earlier today by the Leader of the Opposition, certain decisions were announced by the Premier prior to the CCV even having a meeting. Therefore it would seem to be preordained. It seems to me — it is very sad that I have to say this — that this \$2 million farce was in fact simply just a bit of window-dressing to gather around a whole bunch of recommendations that had been worked out in advance by the government and the three people who formed the commission. That is something that cannot be escaped.

The honourable member for Richmond shakes his head. Just like this bill, it is a phoney shake, a farcical shake, because he knows full well that this is what it was all about. It was all about getting a position and then trying to find the means by which to railroad it through. That is what we have here today: we have a bill based on a report that was a complete farce. It was preordained. The position on what would happen was already on the

books, and the three commissioners put their hands up and said they would go along with it.

For the government to say that this is a bill that is based on a report that has had significant community input is simply ludicrous. We all know because we saw the written reports and heard from the few people who attended them that these community input discussions that were held around the state were the most poorly attended meetings that have been held over probably the past decade.

As the honourable member for Bellarine said earlier, the submissions on and the number of people who responded to the document about firewood collection were far in excess of the submissions received on this so-called parliamentary reform. What does that say about the impact this whole matter has had out in the community? You can cover it in one word: yawn. They are not interested, and they have shown that lack of interest by not turning up at meetings and not making submissions. They are simply bored with the subject; it does not register with them at all.

Of course it is a very important matter, because this is the bill the Premier will be using as the trigger or the vehicle to say that he must go to an early election. If that is what the Premier wishes to do, we on this side will be quite happy to see that early election called. If this is an issue out there in the electorate we will be more than happy to have it as an issue in the election campaign, because the community knows this bill is, as was said earlier, a farce. The extraordinary push poll advertising that was conducted by the Constitution Commission of Victoria, with the members all being precommitted and the little community input, simply shows that this is not an issue that will register in the way the government believes it will.

Let's look at the Legislative Council, this so-called unrepresentative body that members of the government like to denigrate because they say it does not do the job it is supposed to do. Firstly, of course, this bill is a vote of no confidence, not in the Legislative Council so much as in the Cain Labor government, which actually set this up. That is a fairly extraordinary step by this government. The Legislative Council was established in its present form in 1984 and elected on its present boundaries in 1985, and during that time, unfortunately for the Labor Party, it has remained under the combined control of the Liberal and National parties or, as it is at the present time, under the control of the Liberal Party in its own right.

The Labor Party had control of it for three months during 1985, which shows that if they put in the effort

and do the work they could win the seats to control the upper house. But no, that is all too hard. They say, 'Let's do it a different way. Let's manipulate the system. Let's tweak it and twitch it; let's move it around. Let's shunt it about a bit and see if we can do it the easy way. Let's not go out there and try to win an election. Let's see if we can tweak this whole thing in a different way. Let's see if we can firstly get control out of the hands of the Liberal Party'. Then they will move on to the next step, no doubt, which will be either abolishing it or alternatively tweaking it again to ensure that the boundaries somehow or other make it possible for the Labor Party to get the numbers up.

What do we have with this particular proposal before us? We have a system that will effectively remove rural representation from the Legislative Council. It will mean that people from the larger populated areas in these huge proposed provinces will in fact dominate the vote. The people out in the bush will not get the representation that they wish.

Despite the fact that the honourable member for Gippsland East believes the rural representatives in the Legislative Council work only for the party machine, he is wrong. It does not matter whether he talks to Labor, Liberal or National Party upper house members, he ought to talk to them and look at their diaries and see what they do on a day-to-day basis, week after week. He might get a surprise, as a lot of people would, because he would see people who are active, effective and keen to ensure that they give their constituents the best possible vigorous representation, both in the house and to government — and in all the other ways that members of Parliament, whether they are members of the Legislative Assembly or the Legislative Council, represent their constituents.

We have a situation where this government wants to change the whole process because it says the present Legislative Council is obstructionist. Yet during the time of the Cain and Kirner governments 97 per cent of the bills put before the Legislative Council were passed. The Bolte government, as I said earlier, governed without an upper house majority. From 1955 through to 1970 it had a hostile upper house with a coalition of Labor and the then Country Party, yet it managed to do its job, as did the Cain and Kirner governments, too.

In the life of this Parliament the Legislative Council has considered 286 bills presented by this government, 6 of which have been defeated and 25 of which have been amended. That is not the record of an obstructionist house. When you look at the record of the Legislative Council on the legislation that it has defeated, you would certainly find that the vast majority of people in

this community would say, 'Thank God they did what they did'. Because if it had not defeated those bills we would have heroin injecting rooms, we would have government-sanctioned street prostitution in St Kilda, and we would have government inspectors going into people's houses under their Fair Employment Bill demanding and being able to take the books out of private homes.

Honourable members interjecting.

Mr COOPER — These bills were defeated. Of course that gets all the donkeys braying on the other side of the house. These bills are sacred to them. These bills show why this government is so determined to try to seize control of this upper house for itself — so it can put this kind of social engineering legislation through Parliament and inflict it on the people of Victoria. That is what this is all about. It is nothing to do with democracy or parliamentary reform.

I understand the genuineness of the honourable member for Gippsland East in wanting to see parliamentary reform. He has his ideas about what he wants, and that is fine. Unfortunately for the honourable member his views are not shared by members of the government. They are not on about parliamentary reform, they are on about parliamentary power. They are on about trying to ensure that they have control of both houses so they can get the kind of legislation I have just mentioned through this Parliament. I am sure the honourable member for Gippsland East would not find that to be welcome news to his constituents. They would not like to see that kind of legislation go through this Parliament, just as mine would not like to see it, either.

Clearly there are a lot of people on the government benches who are saying, 'Thank God we have an upper house that we do not control', because in that way this government can be kept in check and under control, as it was in the years of the Cain and Kirner governments, so that the worst excesses of a Labor government are not allowed to be inflicted upon the people of Victoria.

Finally, the government also wants this bill to go through to institute proportional representation, which would allow minority groups to hold all governments to ransom. I doubt very much whether even members of the Labour Party, in their more sane moments, would see that as a reasonable proposition. Do they actually believe that the Senate and the New South Wales upper house are operating as reasonable houses of Parliament? I do not believe they do. The members of the New South Wales government that I have spoken to in recent times have said, 'Oh my God, I wish we had

what you have' — because they are nothing but trouble to the government.

This is what we have here. The government is hypocritical. It is trying to couch this bill in the guise of parliamentary reform when it is really about parliamentary power. Many members of the Labor Party want the bill to fail and indeed it will.

Mrs MADDIGAN (Essendon) — I have pleasure in joining the debate on the Constitution (Parliamentary Reform) Bill and in supporting a bill that contains some excellent reforms to this Parliament that are well overdue. Honourable members have put a number of arguments in the debate tonight that are peripheral to the main question about whether this bill should stand or fall. An important question is whether the upper house is a house of review. Does it operate as a house of review? I can find no evidence that suggests it does. On the contrary, there is evidence that it is not a house of review and has not operated in that way for a long time. It is not fulfilling the role that it is expected to fill in this Parliament and must be reformed. It must be changed in a way that does have an effective role rather than it being a rubber stamp of governments in the lower house, as has occurred in previous times.

In the last few years there has been significant evidence to indicate that the upper house has not been a house of review. Between 1992 and 1999, under the former Kennett government, when the upper house was controlled by parties of the same flavour as the lower house, not one government backbench member moved amendments to a single piece of government legislation. It is not a house of review. The opposition sought to amend 185 pieces of legislation and moved 480 amendments, all of which were unsuccessful. This is not reflective of a house of review.

Since October 1999 the coalition parties have defeated or obstructed 10 complete bills and forced through 158 amendments to Bracks government legislation. If honourable members compare the behaviour of the upper house over that period they can see it is not operating as a house of review.

Under the previous Kennett government the Legislative Council refused to investigate matters that should have been investigated by a house of review. I refer to such things as the then Premier's KNF conflict of interest in 1993, moonlighting by the Honourable Bruce Atkinson, an honourable member for Koonung Province, in 1997, credit card abuse by government employees in 1998, the casino contract, Intergraph, share trading by the then Minister for Police and Emergency Services, the Honourable Bill McGrath, the honourable member for

Mornington's Troughton Swier rort and the Council's failure to support the independence of the Auditor-General. In all these cases, which were well known and well reported at the time, the upper house failed in its duty as a house of review.

It did not give much time to reviewing the previous Liberal government's legislation either. It passed 739 bills, sitting 141 500 minutes, an average of 191 minutes to pass a bill. That has been extended to 269.40 minutes per bill under the Bracks government, an increase of 41 per cent in the time to pass a bill. In addition, as found by the constitution commission, members of the other place are not called on to deal with local issues as much, if at all, as members of the Legislative Assembly. In that case they should be spending more time in parliamentary debate, as the Council does not sit as often or as long as the Legislative Assembly. Again, it is not fulfilling its role as a house of review.

It is hardly surprising that the people of Victoria are not aware of its role. The honourable member for Sandringham referred to the number of people who presented at public hearings. The fact that the numbers were not as high as expected is an indication that the upper house is totally unsuccessful. People do not understand that it has a different role from that of the lower house. There is no debate about what the upper house does because it does not do anything. If the upper house operated as a house of review, if it had committees in the way the Senate has committees, if it had an independent review of the way legislation is passed in its house compared with the lower house and if it had a voting system that allowed smaller parties to be represented in that house, it could make some claims about being a house of review and would be better understood and appreciated by the people of Victoria.

The electoral distribution as it relates to the upper house clearly demonstrates that it is unrepresentative of the people of Victoria. If you look at the voting pattern in Victoria for the Senate, we returned one member who is not a member of the main parties. Victoria returned a Democrat, but it was almost a member of the Greens Party. It means that 17 per cent of the population of Victoria wished to be represented by a party other than the Labor Party or the Liberal and National party coalition. Those 17 per cent of people cannot be represented in the Victorian Parliament in the way we vote for representatives of the upper house. We are denying a significant number of Victorians the right to elect a representative that suits them best. That is clearly demonstrated by the vote that is obtained by minor parties in federal elections. For the opposition to refuse to acknowledge that, and to refuse to allow

Victorians to have that freedom of choice and elect the party of their choice clearly shows that they have only one interest, maintaining the power they have in the upper house and to be in a position to frustrate legislation from opposing parties and rubber-stamp legislation from the conservative parties as they did during the period of the Kennett government.

The fact that the community of Victoria does not show a great deal of interest in the upper house is an indictment of the fact that the house does not operate in the way it should. If the bill were passed it would give the upper house a real role as a house of review. It would allow fairer representation for the people of Victoria and allow the house to be respected as a real house of review. It is a great shame that the Liberal and National parties are not happy to support that and the people of Victoria will see their opposition to a bill which would provide a much fairer electoral system as nothing more than a desire to hang on to power in the way that the upper house was first established as a house representative of the upper class. While the Liberal Party persists in maintaining that discriminatory role for the upper house it will continue to remain irrelevant for most people in Victoria.

This is a great opportunity to make the upper house work so that it is an important part of the parliamentary process in Victoria. I am pleased to support the bill and I hope the other parties in this Parliament adopt a fairer position, not taking their power only into account but looking at it as a bill that will give much fairer representation for all the people of Victoria.

Ms McCALL (Frankston) — Most of us in this chamber would recognise that any legislation or any construction within democracy has sometimes a need to change, has a time to grow, has a time to alter. But the need for that to happen is when in the overall view of the community something does not work. If it is not broken, why are we fixing it? There is a view that differentiates both sides of Parliament fairly clearly. Members of the current government believe the upper house does not work, and that belief is based purely and simply on the view that it does not work for them. It is not that it does not work, it is that it does not suit them.

It would be naive of anyone in the house not to say that people come into government because they want to control, because they want the power, because they want the authority. But they also have to recognise that we live in a democracy that entitles every single person in the state of Victoria who is of voting age to have one vote that carries one value, and that is how the upper house works, exactly the same as the lower house.

I have no difficulty, as I know members of the Liberal Party have had, in supporting the proposal of the honourable member for Gippsland East for fixed four-year terms for the lower house. It is a perfectly reasonable idea. However, I do not support the concept of fixed four-year terms for the upper house. His concept that eight years means that they are in for too long fails to recognise that every four years half of the upper house, having served its term, changes over. So the composition of the upper house, democratically elected by the people of Victoria, enables it to change at least 50 per cent of its members every four years. It enables it to have continuity through those who stay, a level of experience and understanding of the system — all of which we recognise is just as important in this house for members who continue from one term to the next — but at the same time enables younger people and less experienced people to come in as a result of the direct democratic process.

I recall something the honourable member for Malvern said. He talked clearly about the comments made by the Attorney-General. It is a cryogenic chamber, I think he said on the news this evening. He said something about them all being a bunch of old fossils from a retirement village. Saying he considers the upper house to be a retirement village for village idiots does not say a great deal for his own parliamentary colleagues who are members of the upper house. He clearly did not differentiate; he made a very nasty, cruel assertion. I point out that the average age of those in the upper house is lower overall than the average age of those in the lower house, so to suggest that it is a retirement village and that the age of members of that chamber is somehow related to their ability is unfair.

It is also interesting that the constitutional convention that went on the whistlestop bus tour around Australia and cost the Victorian taxpayer in excess of \$2 million rated nowhere on an interest scale of from 1 to 10 for most members of the community. As the honourable member for Mornington remarked, attendance at the meetings was negligible; responses to articles in newspapers, advertisements from local members of Parliament and levels of interest were nothing. This is not an issue that rates highly in the community of Victoria.

What rated far higher in the community's psyche was the fact that the upper house stopped heroin injecting rooms, something this government had no mandate to introduce. Thank goodness the upper house recognised that the community did not support that idea and rejected it on that basis. It is important that the pieces of legislation that were rejected by the upper house were bills that in the main the community did not support.

They were the fair employment bill; the home detention bill, which did not take into account the impact of home detention on issues such as domestic violence and community safety; the industrial manslaughter bill, which referred to employers as murderers; and the two previous constitution bills that were really a total mishmash.

So I have absolutely no hesitation in supporting my colleagues on this side of the house. I have no difficulty in supporting the Legislative Council in the role that it undertakes. I support my colleagues in the upper house. I recognise the democratic right of all parties to be present in that upper house, and I hope this bill fails, as it rightly should.

Mr HARDMAN (Seymour) — It is a pleasure to join this important debate on the Constitution (Parliamentary Reform) Bill 2002. This important bill will bring about true representation for all Victorians and also a genuine house of review. The bill covers two areas. I wish to talk about both.

Firstly, having lived in safe conservative seats through times of my life, it was always a pity to go to state elections knowing that whether I voted Liberal or Labor it would not affect the outcome. Under proportional representation people will know that their vote counts in the upper house at least. I know what it is like to know that no matter what, after the election I will have a conservative member who represents interests that certainly are not mine.

Federally at present no matter where you live you know that your vote counts. Whether you vote for a Democrat, a Green or an Independent, you know that your vote will count and will make a difference. In Victoria under our constitution when you vote in a safe Labor seat for a lower house electorate, in the upper house you will end up with a conservative representing your interests, which is very unfortunate; or if you are a Liberal or a National Party person living in a safe Labor area you will end up with a Labor member. This bill addresses that issue and means you will be able to have true representation for your thoughts and ideas.

We know that at present we do not have a genuine house of review. Under this government everything done in the upper house has no credibility and has been recognised by the community as a farce. The Reeves review came out last night — big deal! No-one cared because we all knew there was an upper house witch-hunt to which there was absolutely no point whatever.

Under the Kennett government what did the upper house do? It sat in silence and passed all legislation, no matter how much it hurt members' communities, and let it go through. As a result we saw devastating effects, especially in country Victoria. I find it absolutely insulting that the Liberals and members of the National Party get up and say that because you might get a Labor Party person representing you in country Victoria you are not getting true representation in country Victoria. That is the logic that is being thrown at us tonight. I represent country Victoria, and I know the Seymour electorate, and no matter whether you live in Healesville, Yea, Seymour, Heathcote or Kilmore, you are getting true representation. Those people have a local member who is being listened to by the government and is delivering for them.

Over the past three years we have seen members of the upper house, with an increasingly stale mandate, abusing their power to protect their positions for their own sake by blocking this bill. A genuine house of review would aim to improve the bill to create a fairer system. It would not spit the dummy in the way we have become so used to over the last few years.

This system might also make conservative MLCs more accountable, because at the moment I do not think they really are. Tonight we have seen conservatives attacking two of their own members who are respected by the whole community in order to save their own skins. The constitution commissioners are unarguably decent and respected people who have had to suffer from the self-interest of the Liberal Party tonight in trying to protect its own position.

If this bill fails tonight it will be a shame for all of Victoria. I commend the bill to the house. I would like the Liberal Party and the National Party to consider it more seriously, to stop protecting their own self-interest and to vote for the bill tonight.

Mr SMITH (Glen Waverley) — I am delighted to be able to speak on this bill tonight. I did some research on one aspect of it, proportional representation, when I was in the UK and Israel a couple of years ago, and I have written a report on it, so some of the material in my speech tonight will come from the report I prepared in 2000.

As we know, all political parties with control of the lower house naturally want control of the upper house to allow the speedy passage of legislation. As I said, I intend to talk on the proportional representation, or PR, aspect of the bill, and it is interesting that what the bill proposes is contrary to the lessons learnt by most democracies that have PR in operation. In every

country that uses PR there is a growing dissatisfaction with its outcomes — namely, uncertainty, compromise and its inability to maintain stable legislative programs.

The person who was most opposed to proportional representation is former Prime Minister Paul Keating. His hostility to PR in Australia is reflected in his answer to a question on loan council arrangements in November 1992. In referring to his decision to prevent the Treasurer from being cross-examined by the Senate, Paul Keating said:

I would forbid him going to the Senate to account to this unrepresentative swill over there.

He later made a major attack on PR on 3 March 1994 in response to a question from Ted Mack, who reminded the house that it was the Chifley Labor government that introduced the proportional voting system into the Senate. Keating's reply was:

Italy, amongst other countries, is moving away from PR.

Let us not mix words about the Senate. It is not a states house; it is a party house.

Worse than that, it is now a party house which throws up members who cannot get themselves more than 2, 3 or 4 per cent of the vote. I would not have thought, if you put yourself up as a democrat, you would have found something alien about the concept of getting 50 per cent plus one somewhere, even if it was through preferences.

The notion is that somebody can try to usurp executive authority with 3 or 4 per cent of the vote. Remember that governments are formed in the representative chamber, the House of Representatives.

The Senate is unrepresentative, and because it operates as a party house and now a spoiling chamber, it is in fact usurping the responsibility of the executive drawn from the representative chamber, the House of Representatives.

Gareth Evans also took a great swipe at the proportional representation (PR) system operating in the Senate. He said on 17 March 1994, when he was Leader of the Government in the Senate:

There is something a little unhealthy about that degree of power being concentrated in people with that little claim to represent any kind of democratic mandate in the sense of a major democratic mandate. It is very well for minorities to have their voice.

...

Getting on with the business of governing is what the population wants governments to do.

In other words, there is frustration at the inability of governments to get their programs through. The last time the federal government had a majority in the Senate was when Malcolm Fraser was Prime Minister, and he lost it in the election of 1982.

The honourable member for Footscray was earlier curious about the reaction of the Leader of the Opposition to the people making up the constitution commission. He talked about how wicked it was for the Leader of the Opposition to be making accusations in the way he did. Fascinating again!

Getting back to the Labor Party, the defection of Senator Mal Colston for whatever reason resulted in the greatest tirade ever heard in the Senate from Senator Ray. What we heard tonight from the honourable member for Footscray was mere mildness in comparison to what his own lot can deal out when things do not go their way.

Mr Mildenhall interjected.

Mr SMITH — We know all about that, and we are not trying to justify him in the slightest. The point I am making is that what we heard from the Leader of the Opposition this afternoon was gentlemanly by comparison with the way Senator Ray handled former Senator Mal Colston.

Other countries that have proportional representation systems include Israel. I got quite a bit of material from that country when I was there that I would like to share with honourable members. This was when Ahud Barak was the Prime Minister, before the time of Ariel Sharon. Israel, with its proportional representation system, had 17 parties filling 120 seats. The Labor Party, which over there is called One Israel, had 26 of the 120 seats, giving it 20 per cent of the vote. Likud, which was the second party and the main opposition party, had 19 seats and 14.1 per cent of the vote. Seventeen parties vied to make up a government in that unbelievably crazy system.

In the United Kingdom I spoke with the Labor member for Burnley in the House of Commons, Peter Pike, who is considered by the people there to be an expert in the area of proportional representation. He said he felt that the PR system being considered by the UK would not give a fair say but a controlling say to minorities. The point is that the Labor Party, even over there, has not got itself into a position where it is prepared to go with it, because hard-nosed Labor people are not going to fall into the trap of losing control.

You might get control of an upper house for a particular period, but the point is what happens once you have it. I go back to Paul Keating's statements, which I have already read out but which were missed by the minister at the table. Paul Keating's statements were very representative of what the Labor Party in government really felt.

Mr Hulls interjected.

Mr SMITH — No, we would not do that for the minister!

Another country that has proportional representation is Romania. PR encourages party fragmentation, so Romania has 47 parties as opposed to Israel with its 17. In Romania one party has a clear majority — —

Mr Perton interjected.

Mr SMITH — No, this was after Ceausescu, when stability was the order of the day!

It is very difficult for governments to ever get a majority without giving in on many issues. A cynical view would be that countries with weak governments usually have stronger economies — but we will not go through that one, because it does not come into the argument tonight.

Business confidence rises when the threat of government intervention is furthest from business operations. That is, the economy is a powerhouse when there is confidence, and fragmenting government to the degree seen in the examples I have given concerning Israel, the British Labor Party and Romania does not make for stable government and does not lead to governments eventually getting their own way.

When an upper house operates as the Senate does, from time to time it runs inquiries that you would never be able to get up without having a majority in that house. I refer to inquiries such as the Frankston council inquiry that we had here in Victoria, where a former Labor mayor in Frankston was charged under the Local Government Act. The Reeves inquiry implicated the Deputy Premier — —

Mr Hulls interjected.

Mr SMITH — It is usual when the Attorney-General is backed into a corner to hear that idle giggle. It is usually an indication to me that you have struck the nail on the head. Inquiries into matters such as Seal Rocks are the sorts of things that can come out of the work of the upper house. We heard it before, almost using the words of Paul Keating when he was attacking the federal upper house, but these are the sorts of things that can occur when an upper house is working as it ought to be working similar to the way the Senate runs its inquiries.

The point I am trying to make is that we have a system that was brought in by John Cain after the landslide of 1982 and before the 1985 election, which in turn set up

the current system. For a three-month period, I think it was, from May through to August, Cain had control of the upper house. He brought in the 22 seats of the upper house with two members, one of them going for two terms and the other for one term until the next election. Members were then up for alternate elections. The point is that this system was brought in by the Labor Party. Interestingly enough, in the 1988 elections when Cain scraped over the line the upper house went the other way, so people do differentiate in how they vote in the upper house and in the lower house.

What we have is a system that was set up by the Labor Party. I think the Liberal Party may have opposed it at the time, but it was backed by the National Party which got it through. Premier Cain got what he wanted, and that is the system that we have today. The fact that the people have voted the way they have over the years for the upper house is to me part of the justification for looking at the arguments that the Leader of the Opposition put up this afternoon. The system was set up by Labor. When I hear the Premier talking about a gerrymander, I think he misunderstands some of the terminology he uses because his own side set it up.

How can you run a gerrymander unless someone has had control of the Victorian Electoral Commission? Again, I do not think anyone in their right mind believes the electoral commission run by the Auditor-General, the Surveyor-General and some bureaucrat that they have is in any way influenced by the political parties. I think the way they set it up and the way they eventually come up with their findings is above board and I have perfect confidence in them. I have seen the way they operate over the years. It does not always suit the political parties, but it in turn is the system that works and is working with great integrity.

What we have seen with this particular bill in the area of proportional representation is an attempt by the government to get itself in a position where it is able to win the seats. I think if people read the arguments that John Cain put up in 1982–83 when the bill was coming before the house and the commission was set up, they would see that he thought at that time it was the fairest system. It is something that has worked exceedingly well, to my way of thinking, as someone who has been here for much of that time.

We heard the honourable member for Mornington before extolling the virtues of many of the upper house members. I did not hear anyone from either side making any comment on that one.

Mr Hulls — We'd never heard of them!

Mr SMITH — You may not have heard of them. That is your problem. But the point is that what we have is a system that has worked. The fact is that the upper house since this government has been in power in Victoria with the help of the Independents has only knocked out six bills. We have heard what those bills are, and I am not going to repeat ad nauseam what we have already heard, but they are the sorts of bills that at the time wiser heads thought were bills that were not for the benefit of the community. That will be tested at an election and we will see which way it goes. That is what it is all about.

I believe the introduction of proportional representation, on overseas experience and that of the Australian Senate, particularly when you listen to the words of Paul Keating — someone not from our side of politics who has thought clearly about what he believes is a system that does not work, a system that frustrated him in government, and a system which has frustrated most governments in power — can only ever get through as a result of deals. To my way of thinking, to bring proportional representation into a system that is working well is folly.

I have pleasure in supporting the contribution of the Leader of the Opposition tonight. I believe by opposing this bill that Victoria will continue to have a form of government that is not only fair but is probably the best we can possibly have at the moment.

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

Mr SAVAGE (Mildura) — My commitment to parliamentary reform is well known. I indicated a position at the last state election. It certainly figured quite significantly in the charter that the three Independents signed. One issue that we have vigorously pursued during that period of time was four-year terms. It is an imperative that could be described as good for Victoria. It gives us some certainty and would certainly wipe off the uncertainty and speculation that we are enduring at the moment.

I am often concerned when I read certain articles in the newspaper. The heading of an article in Tuesday's *Age* was 'Bracks sets the scene for early poll'. It referred to several pieces of legislation that would be debated in this place and said that if they were obstructed it may trigger an early election. That concerns me because I can see no pressing reason at all for an early election. Mr Feeney at campaign headquarters for the Labor Party is certainly indicating a stable government, a stable Premier and a stable Parliament.

I can see no reason why we should change from the current policy of four-year terms, and I am hoping that at some point tonight this bill will be split, and therefore the four-year aspect will be enshrined as part of this reform package, but one that has a greater deal of achievement than if it is put through as a single item.

I have to say that it is a frustrating process to get to this point. I think reform is undermined by political stunts. There has been some very critical opportunism on the report that was looking into the upper house reform. I think we do need reform. I am not sure that I want to see any upper house that is controlled by one party. That would concern me, and I have some grave reservations about that. I do not see that it is desirable that we move from control by one side of politics to control by the other. I do not see that we get any benefit from that. The upper house, in the observations that I have made of it in the last three years, has been performing as an upper house. It has been reviewing legislation, making observations and generally doing what it is paid to do.

Unfortunately there has not been a consistent outcome for the total time that I have been in this place. I certainly cannot support the bill in its current form. I know there are some issues where I can see that a referendum should be extended to parts of the bill — for instance, to abolish the positions of the Director of Public Prosecutions, the Ombudsman and the Electoral Commissioner, but not the Governor and the Lieutenant-Governor or the administrator. Why not enshrine that part of the bill so that it is part of a referendum. I will move amendments along those lines.

The bill allows a political party to nominate a person to fill a casual vacancy created by a member of the Legislative Council who is elected as a member of that party. It also provides that in the event of a casual vacancy created by a person elected as an Independent, a joint sitting of the Parliament would decide on an Independent to fill that vacancy. That is a very difficult problem. I cannot see how this Parliament under any circumstance, joint sitting or otherwise, could make that observation.

The amendment I propose is for a countback of the votes cast at the last election to determine the person with the next quota, who would be entitled to fill that position. If you cannot get that quota, then it has to be a joint sitting of the Parliament. The idea that a political party should be able to nominate some faceless seat warmer is anathema to the parliamentary process, whether or not it is an Independent or a member of a political party.

The bill also establishes a disputes resolution process which favours the government of the day and consequently undermines the concept of fixed four-year terms, even though it was recommended by the constitution commission. The government has indicated that it would accept amendments concerning these issues.

In addition, because of the rulings about what constitutes an appropriation, it would not be possible to promote an alternative model to the government's proposed eight regions, with 5 members in each, even if the alternative creates less than the current 44 members. I consider the government's decision to adopt a model precluding the promotion of alternatives to be unfortunate. If the bill was amended it would fail, because the Liberal and National parties have made clear their opposition to the proposals contained in the report.

The fact remains that Labor and the coalition parties have signed an agreement that supports fixed election dates. While the government claims its commitment to a total package, fixed election dates were a stand-alone item in the charter. I believe the case for reforming the upper house is both overwhelming and urgent. I also believe in settling what can be achieved and what cannot be achieved. At the moment fixed election dates would appear to be achievable, but not much else.

Consequently I strongly support my colleague the honourable member for Gippsland East and his attempt to split the bill, which will occur upon the bill being committed. It is unfortunate that both the government and the opposition have refused to support this motion. If that occurs I will certainly be voting against the bill.

The major parties are not prepared to adopt measures to achieve the precious little on which they purport to agree, so it tends to be a charade which is lacking in meaningful reform. The election dates are one thing that could be promoted in the community and would have overwhelming support. As time marches on there are many people in this place who secretly or not so secretly support the certainty of knowing when an election will be called.

That reform process has been rather tortuous. It is not the first time we have stood in this place and promoted change. If we cannot achieve a change that is reflective of looking after the community interests as a primary objective, then I will not be supporting it.

Mr DELAHUNTY (Wimmera) — On behalf of the Wimmera electorate I am pleased to make a contribution to the debate on the Constitution

(Parliamentary Reform) Bill. As honourable members know, the bill seeks to amend the Labor government's John Cain model of the upper house. I want to cover a few issues within the bill, the purpose of which is to introduce proportional representation into the Legislative Council, to change the definition of an appropriation and to provide a cooling-off period after a vote of no confidence has been passed in the Legislative Assembly. On behalf of the Wimmera electorate, which I strongly and proudly represent, I am proud to say that I will be opposing this.

Ms Allan — That is such a shame!

Mr DELAHUNTY — I am sure you were waiting for that with bated breath. The legislation came about because of the recommendations of the Constitution Commission of Victoria. I have heard the Premier and others on the other side talk about how this group gallivanted around country Victoria. The week it came to Horsham I was unable to attend because we were sitting in Parliament, but I sent along one of my staff members to see what went on. There was supposed to be enormous interest in the Wimmera in the proposed changes to the upper house. It was advertised in the paper, and they were expecting to need police to control the traffic and the people who turned up.

The reality is that not even a dozen people turned up. A couple of those were schoolchildren who had been invited by the government to attend. The reality is that there was very little interest in the constitution commission's trip around Victoria.

The bill picks out a proposal from the commission which suits the Labor government. It does not pick up all the commission's proposals but includes a host of other issues which were not canvassed by the constitution commission. For example, it widens the definition of 'appropriation' so far that virtually any expenditure would be encompassed by this legislation. This would mean that almost any bill knocked back, held up or deferred by the Legislative Council for one month would be deemed to be passed. The reality is that that is nonsensical. Why would we have the upper house?

The bill also introduces an eight-day cooling-off period.

The ACTING SPEAKER (Ms Davies) — Order! The time appointed under sessional orders for me to interrupt business has now arrived.

Sitting continued on motion of Mr HULLS (Attorney-General).

Mr DELAHUNTY (Wimmera) — As I said, the bill also introduces an eight-day cooling-off period before a successful no confidence motion can take effect and thus trigger a dissolution. One can imagine what would go on in that eight days. I am sure the cheque books would be running around, and I am sure there would not be a stay of any operation of government. Government members would be doing as much as they could. There would be enormous pressure to reverse the vote.

I refer to a couple of the key parts of the bill, which as I said introduces proportional representation to the upper house. From my discussions, consultation and research, this is not in the interests of Victoria. We often hear members of the Labor Party talk about the Senate and other upper houses, but I do not ever hear them criticising the way the election process operates. The Senate is controlled by the Democrats, who do not have one member in the House of Representatives. The federal government is formed in the House of Representatives, just as in this place the government is formed by a majority in the Legislative Assembly. The reality is that the government is controlled by the Senate, yet there is not one member of the Democrats in the House of Representatives.

Under proportional representation, as highlighted by the honourable member for Swan Hill, the reality is that someone with 82.5 per cent of the people voting against them could be elected.

The reality is that where the National Party has very proudly won the seats, we have won 50 per cent plus 1 at least to get over the line, the same as I am sure the honourable member for Bendigo — —

Mr Nardella — After preferences.

Mr DELAHUNTY — That is correct. That is what you mean — with preferences you get 50 per cent plus 1; in a two-party preferred vote you will get across the line. Thank you for your assistance.

This proportional representation clause also refers to continuing candidates, quotas, surplus votes and transfer values. It cannot be good for the democracy of this state if the voting system is beyond the comprehension of everyone except academic experts — and I think even some of them have difficulty understanding it.

Ms Allan interjected.

Mr DELAHUNTY — No, I will be glad; I will be waiting for your input, because I am sure you do not totally understand it.

The regional model proposed makes a farce of the Premier's claim of increased country representation. I will talk about what would happen in western Victoria. At the moment we have four Legislative Council upper house members — two in Hamilton, one in Mildura and one in Maryborough. Can you imagine what would happen with — —

Mr Hulls interjected.

Mr DELAHUNTY — They are there. Three of them are very good.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Wimmera should ignore interjections, and the Attorney-General knows that interjections across the table are disorderly.

Mr DELAHUNTY — This is better than a game of football.

The reality is that we have four upper house members in country Victoria in the western part of the state. With the model proposed by the Premier we would have eight regions with five members in each area. That would mean western Victoria would go just about along the Powercor lines. In other words, we would see that western Victoria would go right into Werribee and places like that. Could you imagine any members living outside those areas, whether it be Werribee, Geelong or Ballarat? We would take representation away from country Victoria. You would take the voice of country Victoria out of the area. I would like to hear what the honourable member for Bendigo East is going to say to that.

If we look at the New South Wales model, we see that not one member of the upper house lives or has their offices outside Sydney. It is a different system, but the principle is the same. They live where the population is. The population is there. That is what would happen.

I will talk about the redistribution we have had. At the moment we have 88 members in this chamber. Of those 88 members 18 come from country Victoria, outside Melbourne, Ballarat, Bendigo and Geelong. After the next election there will be only 16, so we lose two country seats.

Ms Allan interjected.

Mr DELAHUNTY — The reality is the size of the electorates. I represent the largest electorate in the state now — 27 308 square kilometres.

Honourable members interjecting.

Mr DELAHUNTY — The smallest is Prahran, which is about 13 square kilometres. After the next election the seat I will be putting my hand up for will be 26 per cent bigger than Wimmera. It goes to 34 500 square kilometres, and guess what? The seat of Prahran goes from 13 back to about 12 square kilometres.

Ms Allan interjected.

Mr DELAHUNTY — That is correct. And we have got to cover those areas. Where would we see the members of the Legislative Council in such a big area, half the size of Victoria, covering that area and giving representation to those people? Their constituents would never see them. I do not want to look them up on a monitor or on a TV screen. Country electorates are made up of a collection of communities, and those people want to see their elected representatives in their towns and communities. They are looking for personal representation; they are not looking to vote for a member of a party. They are voting for personal representation, which they get from the National Party.

Mr Hulls interjected.

Mr DELAHUNTY — I am glad the Attorney-General was listening to that one.

The honourable member for Swan Hill has also given great personal representation, and that is why he was elected at the last election: because he got 50 per cent plus 1 or more. That is democracy at work. The members of the Legislative Council now have to win 50 per cent plus 1 to be elected to their seats. That is why they are there, to represent their communities.

I was really amazed that in this proposal we also talk about candidates being required to place their residence on the ballot paper to assist the selection of candidates. The reality is that they would eventually come from the larger centres. I could not imagine someone who was putting up their hand for one of the two country provinces — I reckon there are only two country provinces — putting Patchewollock on the form against someone from Werribee or Geelong; it would make it very difficult. That highlights the fact that we would see a shift of representation from country areas to the larger centres around Melbourne, and that is not good for country Victoria. As I have often said in this place, if it is not good for country Victoria and the Wimmera, then I will not support it. That is why I will be opposing this bill tonight.

Ms ALLAN (Bendigo East) — I am very pleased to contribute to this debate. It is always a pleasure to follow the honourable member for Wimmera on matters to do with the upper house. This bill is very

simple; it is about Labor wanting to modernise and reform the upper house. The Liberal and National Party members in this chamber want to keep the upper house in its present archaic, irrelevant form, not because it is working as an effective parliamentary chamber but because the numbers fall their way and they want to keep in place their century and a half of protected-privilege control of the upper house.

Through the constitution commission and the debates we have had it is very clear that Labor is endeavouring to bring democracy to the upper house. At the same time it is very clear that the conservatives are endeavouring to keep their house of privilege. Labor wants to make the upper house a genuine house of review. The Liberal and National parties are more than happy to sit back and allow the house to be used as a rubber stamp when they control both houses of Parliament and to act as a road block to legislation when Labor is in government. This is not radical reform in this bill. Labor simply wants to introduce an upper house that reflects the wishes of electors at each Victorian election.

The house should consider that the conservatives kept women out of the Parliament in Victoria, and particularly out of the upper house, until 1923 — well after many other Parliaments in this country allowed women to vote. Now the Liberal and National Party members, particularly in the upper house, are resisting the push to share their comfortable red velvet seats with representatives from minor parties like the Greens, the Democrats and other Independents.

The upper house in its present form is irrelevant to many Victorians. The Constitution Commission of Victoria report found that four out of five Victorians do not even know who their upper house members of Parliament are. Why would they when that house and its members do not play a truly participatory role in Victoria's parliamentary democratic processes?

It is always interesting to note the National Party's argument, which is hanging its hat on the pretext of the changes in this bill somehow reducing country representation. This is quite a laughable argument. In the seven years from 1992 to 1999, when the former Kennett government had control of the upper house, did the National Party ever represent the interests of country Victoria? Not once! When the former government was closing 176 country schools, 12 country hospitals and 5 country train lines, and while the upper house supported the privatisation of electricity, resulting in people in my electorate —

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Wimmera has had his opportunity to participate in the debate, and the honourable member for Murray Valley is interjecting out of his seat and is disorderly. The honourable member for Bendigo East, without assistance.

Ms ALLAN — Certainly the National Party did not represent the interests of its country constituency when it supported the closure of 176 country schools, 12 country hospitals and 5 country train lines and when it supported the privatisation of Victoria's electricity industry, which is resulting in country people paying the highest prices for electricity in Australia. What the National Party does is grab votes from country Victorians, but it cannot wait to get into the upper house in Spring Street and vote against the interests of country Victorians.

Victoria's upper house is in desperate need of a makeover. This bill would bring fair representation for all Victorians in the country and the city and would make it a representative chamber. I commend the bill to the house.

Mrs PEULICH (Bentleigh) — I shall make some fairly brief comments given that we have had this debate before. Of course we all know why we are having it again — that is —

An honourable member interjected.

Mrs PEULICH — Coming from a working-class background and having been born in Bosnia-Herzegovina under a Communist regime, let me say to the honourable member that I do not take democracy as lightly as he does. In fact, I am able to appreciate both the political stability and the economic prosperity that this system has been able to deliver not only to people born in Australia and Victoria but also to migrants such as me. So while the honourable member may be flippant about it and while he has the luxury and freedom of being cynical about our political system, let me tell him that I am not.

We all know the reason why we are having this debate. It is to manufacture a trigger to justify an early election. This government is scrambling to an election one year before the expiration of its four-year term — something to which it theoretically committed in the Independents charter — as a way of avoiding scrutiny.

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The Minister for Finance is out of his place and is

disorderly. The honourable member for Bentleigh, without assistance.

Mrs PEULICH — We all know that scrutiny will lead to the undoing of this government, so it is desperate to get to the polls as soon as it possibly can. It needs to clock up a few more refusals in the upper house before it can even try to justify an early election to the public — and of course a level of uncertainty has been caused by speculation about an early election.

I shall briefly comment on the explanatory memorandum and the purposes of the bill. First and foremost is the government's so-called principle of a mandate. We all know why Labor has been able to occupy the government benches — because of the support of the three Independents, based on an agreement which has been shredded and cast aside and which has really proved to be quite meaningless. Nevertheless that is why the government is there. If the government calls that a mandate it is using a different dictionary from the one I have been looking at, because mine has a very different meaning.

The Labor government wants to reshape an institution so that it serves its purposes rather than those of the Victorian people. If by some chance the government had come to this house following a plebiscite, broadly based discussion and a vote by the Victorian people for a particular position, then it could claim to have a mandate. Then we as members of Parliament would have a moral obligation to support the decisions that had been made by Victorians about the shape and nature of their parliamentary institution. This has not occurred. Anyone who votes for this bill is selling short every single Victorian voter.

This bill supposedly provides for fixed four-year parliamentary terms. I guess that in theory most people would probably agree with fixed four-year terms in the lower house. I am sure that perhaps there are members in this house, especially perhaps a couple of the Independents, who would love to make that retrospective. We are also looking at a proposition to make it fixed four-year terms in the upper house. What a ludicrous proposition! That would fundamentally change its purpose as a house of review. There can be debate about whether or not it is or whether or not it could be more effective as a house of review, but nonetheless it would be a fundamental change. The Victorian people have not been involved in that.

The Constitution Commission of Victoria has been run by basically three people — three men, the majority of whose use-by dates have passed — and quite obviously given the attendance figures and the number of

submissions received the involvement and engagement of the Victorian community have been minimal. What is more, the engagement and involvement of people from multicultural backgrounds have been virtually non-existent.

Ms Beattie interjected.

Mrs PEULICH — And the 12 attendees!

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Bentleigh should ignore interjections.

Mrs PEULICH — In terms of the structure of the upper house, the bill proposes eight regions with five MPs in each. Goodness me, what a nightmare! Is the Labor Party trying to tell me that the people of Bentleigh would rather have five upper house MPs representing Bentleigh, Brighton, Burwood, Carrum, Caulfield, Clayton, Malvern, Mordialloc, Mount Waverley, Oakleigh and Sandringham than two upper house MPs representing four lower house districts?

Mr Hulls — No, they'd rather have Robbie Hudson!

Mrs PEULICH — That is not so. Robbie Hudson would rather have Northcote, and Robbie Hudson would rather have Richmond! Let me tell the Attorney-General that I am waiting, and so are the people of Bentleigh, to send Labor a very loud message. Of course Robbie Hudson, being a resident of Cunningham/Northcote, will find it really hard to cast his own vote in Bentleigh — and cast his own vote for an upper house MP. In fact, his upper house MP would represent region 2, covering the districts of Albert Park, Box Hill, Brunswick, Essendon, Hawthorn, Ivanhoe, Kew, Melbourne, Northcote, Prahran and Richmond — a very different world to the modest and humble suburbs of the Bentleigh district.

The honourable member for Mildura suggested that having the eight regions with five MPs each would be more democratic. Every aspect of the proposal means a reduction in voter power and a diminution of democracy, apart from the obvious fact — the honourable member for Wimmera put a very convincing argument earlier — that the larger provincial cities would dominate and that there would be a drain of voices from the smaller rural areas of Victoria. There is no doubt about that.

The proposal that there could be a countback which may occur three years after the vote when there could be a change in the whole political scenario and there could be a range of different issues is an absolutely absurd proposal that quite clearly means a diminution

of voter power and a diminution in the meaning of the vote. It would mean less democracy. The proposal is to remove the power of the Council to block supply.

Honourable members know why Labor wishes to — could I use the word? — castrate the power of the upper house. We all know what Victorians would have ended up with if members of the Labor Party had had their way. The people of Bentleigh and the people of Victoria would have ended up with heroin injecting rooms; 40 000 jobs would have been lost with the introduction of a state-based industrial relations system under the Fair Employment Bill; we would have had state-based inspectors who could have romped into a home-based business, perhaps run by a single female at home, and big, burly union members demanding entry into that home-based business; we would have ended up with home detention of burglars; and the issue of marine parks and compensation would never have been resolved.

I do not have much more to say, except that this house had a three-month recess. It then sat for three days and had another three weeks recess. Most of the members in the upper house have continued to work on their various committees, as we have. The argument that the upper house members are less well known is a fabrication. Would the alternative system that is being put forward mean that the upper house members would be better known? I suggest very strongly that that would not be the case.

The loss of accountability, the loss of geographic representation and the diminution of voter power all mean that this proposal is a farce. It is a manufactured trigger for an early election. It is an attempt by Labor to reshape an institution by itself, without the fair and comprehensive involvement of the Victorian people. I have great pleasure in speaking against it.

Mr HOWARD (Ballarat East) — I am pleased to add a few words to the debate on this bill, which is a very significant piece of legislation. It is obviously late. The words of the honourable member for Bentleigh did not bear much sense of logic and demonstrated that some members in this house are clearly tired.

The key thing about the legislation is that the government is looking to ensure that the Parliament continues in a contemporary way to provide good and effective democratic opportunities for the people of Victoria. As all honourable members know, no matter what arguments people want to put forward, when you have the same dynamics operating in the upper house as in the lower house it means you essentially have no more than the three parties represented in the upper

house. When there is no different dynamic you have, as we have now, a house that acts as a rubber stamp on the legislative process, as it did under the former government, or as a house of frustration, as has happened on other occasions and is happening under the current government. It does not serve the people of this state very well at all.

Members of the government want the same process that applies in the federal Parliament and the other states with upper houses where a different dynamic of proportional representation is added. That means that after legislation is passed by the lower house it will be reviewed on a different basis in the upper house, providing an opportunity for the conservative versus Labor system to have some different dynamics thrown in and thus providing some useful benefits to the people of the state.

As honourable members are aware, through the constitution commission extensive consultation took place across a range of centres throughout the state over the past six months and longer. One of the things that has come out is that large numbers of people did not become involved or attend the hearings. As honourable members know, many people do not have an appreciation of the upper house at all. However, those who did wish to make a contribution have clearly looked at the system and seen that it is not working and that we need to make some significant changes. Those in control of the upper house at the moment need to recognise the reality of that and say, 'Okay, we're prepared to accept a new system rather than just wanting to hold on to our power base there'.

A range of things have been said about the proposed eight new regions. A very negative view has been expressed by some of the rural and regional members from the other side of the house, who said there would be a loss of rural representation. In fact there is a great opportunity for increased rural representation. Three of the regions have a significant rural base, and the others have some parts of rural Victoria in them. In each region, where five members would be elected, the major parties would be looking to gain perhaps three seats, and therefore they would put forward a range of candidates. I imagine those candidates would be selected with some demographic view in mind, but the selection would also be based on the strengths and capabilities of those candidates. I believe that under that system rural candidates would stand a good chance of demonstrating their ability to be good candidates, and there would be an excellent opportunity for them.

The proposed system offers a great deal to the people of Victoria. They would like to see a different dynamic,

something that actually works, and maybe there would be a greater recognition of their upper house members. They would see that their upper house was doing something to contribute constructively to the democracy of this state. It would give the upper house an opportunity to be really respected by the people, rather than their not knowing what upper house members are doing or, when they see what is happening, seeing it as either a house of frustration or a rubber stamp.

It is a pity if members of the opposition simply wish to again maintain their power base and not accept the opportunities for truly democratic contemporary change, but that appears to be the case. I would like to think that we will still see opportunities for genuine reform of the upper house to take place, whether it is through this bill or bills in the future. Certainly, the people of Victoria would be far better off if that could be the case.

Mr THOMPSON (Sandringham) — At the outset I would like to make a number of comments about the disparity between promise and performance on the part of this government. I thought the Constitution (Parliamentary Reform) Bill might have been an opportunity for the government to address one of the statements made by members of the Labor Party on a number of occasions between 1996 and 1999.

I refer more specifically to statements made at a president's luncheon at the Law Institute of Victoria. The honourable member for Northcote, now the Minister for Planning, is reported to have said that the then government:

... had restricted the legal right to appeal to the Supreme Court in about 200 bills and acts ...

This is absolutely unprecedented in Australia and, no doubt, in most of the Western World.

It is a savage and cynical attack on the democratic notion of judicial review.

She was alluding in general terms to the operation of sections 18 and 85 of Victoria's Constitution Act, which require that any variation of the jurisdiction of the court be passed by an absolute majority of both houses and an express statement in the act of the intention to vary section 85 and notification of the reasons for the variation to be outlined usually in the minister's second-reading speech.

Accordingly attention is clearly drawn towards each bill, perhaps indirectly creating the impression that such bills are unique to Victoria. However absent such constraints may be, other states similarly vary or limit

the jurisdiction of their supreme courts without generating the same publicity.

The now Leader of the Labor Party and Premier of Victoria, when Leader of the Opposition, stated that a future Labor government would scrap more than 200 pieces of legislation that stopped Victorians from appealing against government decisions in the Supreme Court.

I was also interested to note in the letter I wrote to the *Law Institute Journal* whether the Labor Party's plans included scrapping legislation supported by their own members, together with approximately 300 pieces of legislation introduced by the Cain and Kirner governments varying the jurisdiction of the Supreme Court. These remarks were relevant because one of the objects of parliamentary reform, the importance of which is alluded to in a paper prepared by a former Speaker, together with an academic, and circulated to honourable members tonight on the Internet, was the disparity between promises and performance on the part of members of Parliament and the reduced standing they have in the wider community.

If in opposition the Labor Party was prepared to make statements regarding the jurisdiction of the Supreme Court and the removal of the right of appeal, one might have thought the Constitution (Parliamentary Reform) Bill 2002 would have provided the platform for the fulfilment of their pre-election statements between 1996 and 1999. If the government were fair dinkum about parliamentary reform it might look at the disparity between the statements it has made and what it has achieved or fulfilled in office. I do not see those issues being addressed in the predominant number of cases during this term in office.

The next matter I turn to is the issue of the removal of the right of the upper house to block supply bills. The Labor Party has often had a keen interest, in theory, in pointing out the importance of removing this power from an upper house. I note that from 1955 to 1975 the Labor Party cast a negative vote on supply bills on eight different occasions. Furthermore, the last occasion when a supply bill was defeated in the Legislative Council was in 1952 with the Labor Party voting in the negative. That led to an early election in that year.

It is important to quote for the parliamentary record regarding the blocking of supply the disparity between the public statements of members of the Labor Party both federally and in Victoria and the reality of what has taken place. I have some classic examples by former leaders of the Labor Party in both the House of Representatives and the Senate. In my contribution on

this bill I will refer to some of those quotes. In the reflection by Sir David Smith in a paper entitled *1975 Revisited* Senator Lionel Murphy is quoted as saying:

For what we conceive to be simple but adequate reasons, the opposition will oppose these measures. In doing this the opposition —

it was a Labor opposition —

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

At the end of the speech Senator Murphy tabled a list of 169 occasions when Labor oppositions had attempted to do, unsuccessfully, what the Liberal–National opposition were to succeed in doing five years later. I refer also to the *Hansard* report of a speech made in 1970 which states:

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

These were not the words of the then Leader of the Opposition, Malcolm Fraser, in 1975, but the words of the then Leader of the Opposition, Gough Whitlam, in 1970.

I now turn to the issue of fixed four-year terms for both houses. One of the great strengths of the Victorian Parliament has been the continuity of tradition in the parliamentary process, and one element of that process has been the use of parliamentary committees. If every member in the Legislative Assembly and the Legislative Council were required to face the electors on a four-year basis there may not be the opportunity for the detached level of reflection which a longer term

in the upper house otherwise affords — that is, without the need to return to the people within a shorter period.

One example is the work of the Law Reform Committee, which received a reference earlier this year about the collection, use and effectiveness of forensic sampling and DNA in crime detection and prevention. It was an upper house reference and we have a number of members of the upper house on the committee. The ability for some of those members to do additional personal research regarding that topic and to review comparative best practice in other jurisdictions around the world is one of the great strengths of the parliamentary system. I believe it is anomalous to contemplate that the two parliamentary chambers would be under the same electoral cycle, which is in contrast to most of the other Westminster model parliaments around the world.

The next issue I comment on is the introduction of a proportional representation voting system for the upper house with a model of eight regions, each with five members. One of my concerns about this proposal is that in the case of my electorate an upper house area would comprise Bentleigh, Brighton, Burwood, Carrum, Caulfield, Clayton, Malvern, Mordialloc, Mount Waverley, Oakleigh and Sandringham. It would be very hard for any individual member who represented that electorate to actively advance the interests of his constituents where the local constituents knew who their local member was.

In country Victoria there is the example in region 1, which encompasses the districts of Bass, Frankston, Gembrook, Gippsland East, Gippsland South, Hastings, Monbulk, Mornington, Morwell, Narracan and Nepean. You would need to own a printing press to communicate properly and appropriately with constituents in that particular area. In 1899 in the other place, according to my understanding, there were multimember electorates and they changed to electorates where there was a more limited allocation of members, which allowed for a stronger relationship between the elected person, the servant of the people, and the people they represented.

In the Victorian Parliament today we have the examples of electorates which cover a large land mass that is nobly covered by those members who serve vast geographic regions and the people in those regions know one or two people who represent or advance their particular interests.

The bill has a number of provisions which are sought to be amended. I will not go through those amendments per se other than to indicate that as part of the debate a

number of claims have been made that I argue are incorrect. They include: Labor claims that the Legislative Council obstructs the government's agenda; Labor claims that the upper house was a rubber stamp for the former government; Labor's perpetuating the myth that only the Liberal Party has blocked supply; Labor claims that the Council is an exclusive men's club; Labor claims that the Council is a retirement village for MPs; Labor claims that the Council has longer parliamentary terms than anywhere; Labor claims that reforming the Council will save money; Labor claims that its hand-picked constitution commission is independent; and Labor claims that the Council is not a genuine house of review.

An analysis prepared by the Leader of the Liberal Party in the other place highlighted how Labor's plans will stifle the voice of rural Victoria; how the outcome of the Constitution Commission of Victoria was predetermined; that Labor's plans are a dubious necessity; that Labor's plans could result in cover-ups of ministerial incompetence; that Labor's plans are mainly about introducing proportional representation; that they are also ultimately about the abolition of the upper house; that Labor's plans seek to remove a vital parliamentary safeguard; and that Labor does not have a mandate and its actions were purely politically motivated.

I now turn to a number of specific issues relating to the bill and to the myths that have been raised — firstly, that the Liberal opposition has been obstructionist in the upper house. This was raised in the *Herald Sun* on 27 February this year, reporting a quote by the Premier:

The upper house is becoming not a house of review but a house which wants to block and block and block and stop legislation getting through.

The facts are that at the time this document I am referring to was prepared the upper house had considered some 286 bills, defeating only 6; it had amended 25 bills; 51 bills were being scrutinised at the committee stage; and the upper house had initiated 35 bills, including 9 private members bills. The bills that were defeated included legislation relating to heroin injecting rooms, the Fair Employment Bill, the proposed home detention program bill, the Crimes (Workplace Deaths and Serious Injury) Bill, and two bills that would have effectively removed power from the upper house.

The second issue I take up relates to the upper house having been a rubber stamp for the former coalition government. The fact was that upper house members passed nearly 500 separate amendments between 1992 and 1999 contained in 60 different pieces of legislation

to government bills. During the Cain and Kirner years Labor upper house members never once moved to defeat government legislation. Similarly, neither have the Bracks government upper house members moved to do so.

The next myth I allude to is that only the Liberal Party has blocked supply in the Legislative Council. Earlier I indicated that the Victorian Labor Party had on eight prior occasions blocked a finance bill in the upper house, bringing down a government in 1952. There is also the example in the commonwealth arena, where both Lionel Murphy, who was I think the Leader of the Opposition in the Senate, and Gough Whitlam, who later became an Australian Prime Minister, unequivocally reinforced the right of the Labor Party to block supply in the upper house.

The next myth relates to the upper house being a men's club. There is a raft of information relating to the diverse backgrounds of members of the upper house, who include people with training in business, in agriculture and in many other occupations, which are readily discernible from the parliamentary handbook.

The next myth is that the upper house is a retirement village. There is a breakdown of the ages of Legislative Council and Legislative Assembly members, and I draw the following contrast. Only 8 per cent of Assembly members are under 40, whereas in the Legislative Council 18 per cent of the members are under the age of 40. In the Legislative Assembly 79.5 per cent of members are in the 40 to 60 age group. Contrast that with the upper house, where 75 per cent of members are in that age bracket. In the over-60s stakes, 11.4 per cent of the Assembly members are over 60 whereas in the Legislative Council only 6.8 per cent are over 60. So if one applies that statistical evaluation, the upper house is not a retirement village.

The next myth I turn to is that the upper house term is the longest anywhere. This is disputed by the fact that the fixed four-year term in New South Wales was introduced by the Labor government. The next relates to the suggestion that the reforms will increase efficiency and save money. However, under Labor's announced proposals the reduction in the number of MPs would not mean reduced costs in the running of the upper house. The next myth is that the Liberal Party endorses the Constitution Commission of Victoria. The facts are that the minority Bracks Labor government chose the commissioners and set the terms of reference for the commission without consulting the opposition.

The next myth is that the upper house is not a genuine house of review. There is a detailed analysis of the

process of reviewing legislation in the upper house. In addition, there is reference to the active involvement of the joint parliamentary committees in investigating a range of matters. They include the Drugs and Crime Prevention Committee, the Environment and Natural Resources Committee, the Family and Community Development Committee, the Law Reform Committee, to which I alluded earlier — the contributions of upper house members, including those on the other side, are invaluable to the work of that committee — the Public Accounts and Estimates Committee, the Road Safety Committee and the Scrutiny of Acts and Regulations Committee, which has a proactive role in the scrutiny of legislation.

That represents a summation, within the time available, that refutes some of the arguments that have been advanced on this debate.

In concluding I will return to where in part I started. It is very important that as a legislature there is no disparity between promise and performance. The Labor Party's failure in the last three years to address the circumstances it went to the people of Victoria on between 1996 and 1999 in speeches to the law institute and in this particular chamber is a indictment of it, and the form of the Constitution (Parliamentary Reform) Bill represents a lost opportunity.

Mr NARDELLA (Melton) — I will deliver three messages in speaking on this very important bill. The first is that without any shadow of a doubt the upper house needs reform. The members of the Legislative Council are very privileged — and I should know, because I was there. They are privileged because they have eight-year terms — sometimes they are a bit shorter — and a lot of them do not do much work. Some do, and honourable members on the other side talked about that before, but others do not need to do much at all. Certainly when the Kennett government was in office a large number of them did absolutely nothing at all while they were in that place.

So there is a need for change. The last change occurred in the early 1980s with the concurrence of the Liberal Party, which brought this place up to the standard of the day — that is, maximum four-year terms with fixed three-year terms before the upper house has the ability to block supply. It is now time for further reform, which is what this bill is about — that is, fixed four-year terms for the upper house. It takes away the right of the upper house to block supply, but there is a dispute resolution process for disputed bills and a provision for proportional representation voting.

The second message is that the upper house is a house of review only when Labor is in office. That was the situation under the Cain and Kirner governments, and it is now the situation under the Bracks Labor government. We want to strengthen the upper house as a house of review because it was not a house of review and did not care about the devastation the Kennett government was wreaking when it closed 176 country schools and 360-odd schools in Victoria in total, 12 country hospitals and 5 country rail lines. We had the ludicrous situation of the National Party saying that it wants greater representation for country Victorians when its members stood idly by — I was in the upper house at the time — when those five country rail lines were closed. And they continued, apart from the honourable member for Murray Valley, to keep their mouths shut and to concur with the Liberal Party every step of the way.

Look at the privatisation they agreed with: Heatane LP gas, the Gas and Fuel Corporation, public transport, electricity and insurance. Imagine if we had retained an insurance company under this government; imagine how we could have had some influence in the problems being experienced at the moment. But no, they agreed with it because it was not a house of review.

In my seven years in the Legislative Council there was not one amendment, not one select committee, not one bill rejected by the upper house, not one motion during general business adopted by the upper house, and not one private members bill adopted by the upper house. How much of a house of review is that?

Suddenly now we have two select committees, changes to question time with supplementary questions, taking notes of answers and a whole raft of changes where the sessional orders have been modified to suit the Liberal opposition. I remember when the sessional orders were changed in 1992 to disadvantage the Australian Labor Party. The Honourable David White and the Honourable Bill Landeryou took part in the debate at the time, and the situation was an absolute disgrace. If the Legislative Council were a genuine house of review we would not have had the KNF affair; the corrupt Crown Casino tender process; or the FOI laws being emasculated under the Libs. We would have had protection for the Auditor-General and real controls over poker machine proprietors and pokie kings would have occurred during the coalition's term of office.

Reform would give the balance of power to Independents or third parties like the Lib Nats or the Greens, and would at least give minor parties representation and provide better democracy.

Lastly, honourable members need to be elected fairly in the upper house. It sticks in my craw that in the 1996 state election for the Legislative Council the ALP got 46 per cent of the vote but only ended up with 33 per cent of the seats — that is, 10 out of the 22 seats that were up for re-election at the time. Proportional representation is the fairest system of voting in the world. It is used in the Senate. It would protect democracy in Victoria for the long term, not for the political expediency at the time. That is why I support the bill before the house.

Mr ASHLEY (Bayswater) — I join in debate on the Constitution (Parliamentary Reform) Bill to give a critique of the review as my way of critiquing the bill, but first of all I want to lay to rest the view that somehow the upper house is not representative because its election outcomes are different from those of the lower house.

The truth of the matter is that there are far less candidates and far fewer parties that contest upper house electorates. The result of that is that votes are not dissipated away from the major parties as they are in lower house elections. This means that each of the major parties holds greater numbers of primary votes than happens in the lower house. Thus in many ways upper house voting produces a cleaner indication and a truer picture of where people's primary interests lie.

The Constitution Commission of Victoria's 2002 report, *A House for Our Future*, is a document of limited scope. This is probably the direct consequence of the terms of reference imposed upon it by the government. The commission had two objectives; it sought the fulfilment of two primary objectives through upper house reform. The first was expansion of the community's spectrum of represented political opinion, and the second was the permanent destruction of single-party majorities brought about by the presence of what would amount to a more or less neutral third force.

The commission accepts the allegation that over recent decades Victorian governments have become progressively less responsible. That is its basic position. It is not so much that the upper house is not necessarily an effective house of review; it is that the lower house is not an effective house of legislation. Victorian governments, it says, have become progressively less responsible. It claims that the lower house is now incapable of holding government to account. It implies that the expansion of party discipline during the 20th century was so pervasive that it has effectively rendered reform of the Assembly a non-starter, a lost cause.

So the basis of real reform goes missing from the very outset, because the lower house is a lost cause. The commission clearly considers that the adoption of hardened forms of party discipline and party government — these are the words it uses — have created an unsatisfactory state of legislative affairs. To resolve this it proposes that a system of election to the Legislative Council be introduced which would deny governments and oppositions outright majorities and, thus, control of the upper house.

The reforms it proposes would facilitate the election of minority interest groups. That is what this is about: the election of minority interest groups, parties or individuals — and individuals will be rare — to the upper house with the express purpose of preventing either a government or an opposition from dominating outcomes in that chamber.

The commission contends that the inability of either a government or an opposition to impose its will on an upper house would, of itself, go a long way towards ensuring accountability of governments — something rendered non-achievable in an electoral college-style lower house. Those are the commission's words. It certainly argues that denial of control to either government or opposition by the presence of sufficient non-government and non-opposition members would facilitate the transformation of the upper house into an effective house of review. That is its argument for a house of review characterised by inclusive decision making and transparent processes of disclosure.

The commission goes on to make a dubious leap of faith based on the premise of denying the virtue of control of the upper house to either governments or oppositions. This faith, I believe, is quintessentially naive and at odds with the reality of organised political life and behaviour.

The commission gets perilously close to admitting the thin ice upon which it skates when it comments:

But to simply confine the upper house to a review role would render it ineffective. An authoritarian government could ignore it.

Its words again. Enhancing the powers of an upper house to initiate and amend legislation is similarly unlikely to stop a wilfully authoritarian government from rejecting its initiatives and amendments — in other words, we are not getting any further forward.

It is astonishing that the commission does not canvass, even hypothetically, the likely consequences of a group of non-government or non-opposition members forging a coalition with a government or an opposition either to

facilitate or to obstruct the passage of legislation. It is extraordinary stuff!

Though pragmatically more checks and balances may be brought into play by the election of minority group representatives the report advances no compelling reason whatever why strategic voting — hedging — would not still take place to overcome either a government's or an opposition's lack of an upper house majority.

Given the nature of politics, whatever the make-up of a legislative chamber governments, including minority governments, would continue to be well placed to offer incentives to any group prepared to pledge the level of support necessary to maintain stability of office. We have the perfect example here. Just three minority members, and they influence all the outcomes. There is no reason why it would not happen in the upper house.

Political realities and pressures would almost certainly dictate that in the new world of the upper house envisaged by the commission conventional internal party disciplines would be recast and applied just as effectively to alliances. It is hard to see how such outcomes would equate with the degree of operational independence the commission confers upon its preferred model. There is a lot of rhetoric around stuff that is just as likely not to get anywhere. It goes on to say that the reason it wants proportional representation and the reason it favours multimember electorates is simply that they are the devices by which you get minority groups into the upper house. There is no other reason for it. It is to get minority groups to take away the possibility of a majority from either a government or the major opposition party.

The commission is quite adamant about its preference for what it regards as equality of proportionality over community of interest — this is another problem — despite the fact that this severely undermines prospects for a clearly delineated urban and rural representational divide to match Victorian reality. The report makes sympathetic noises about rural representation. For instance, it says:

... the commission encountered —

these are its words —

strong concern from non-metropolitan Victoria that its representation in the Legislative Council should be maintained and should continue to be separate from city representation. The commission understands and accepts these views.

That is what it says, but in reality the commission does not do any such thing, not at least in terms of accepting

it. The commission rejected the opportunity to recommend the creation of distinct urban and rural constituencies, arguing that the notion of a geographically based community of interest is rapidly giving way to less territorial forms of shared interests, often state wide or even global.

The story of the 1990s is a quite different story as experienced at least in regional Australia and rural Victoria. There is now a heightened concern in non-urban constituencies that political processes must be seen to seriously and adequately acknowledge and respond to distinctly rural and regional priorities. The resistance of country Victoria to what it perceives as the systemic distortion of political outcomes through the dominating influence of metropolitan interests is nothing new. What does appear to be new is the clamour with which country people have been reacting to the prominence given to city-centric agendas and the accompanying tendency to push regional and rural issues into the shadows.

Country Victoria will not take kindly to the commission's decision to summarily reject three and five-member electorates in pursuit of uniformity. It is absolutely possible to have three distinctly rural regional electorates — one of three members for Gippsland; two five-member electorates for the northern and western rural and regional areas; Geelong would not be involved; the Mornington Peninsula would not be involved; and you could create four urban electorates with seven members each. If you had four urban electorates with seven members each you would have greater diversity. But the government really has not taken this issue of diversity as seriously as the commission. In fact, it wants to crimp diversity.

In pursuit of its equality of proportionality line the commission is quite prepared to dilute the link of shared vital interests between representative and constituent. The best it can offer is a little gratuitous advice to political parties that if they fail to factor the significance of the sense of shared interests into the preselection processes they indulge in, they will, to use its words:

... risk losing ... to a regionally resident candidate with a different affiliation.

Given the nature of attachment to party there is precious little evidence to suggest that this will have much leverage given the past experience that we have had with upper house electorates that have been an amalgam of urban and rural areas.

I guess I have to speed on towards the end. In my conclusion I will say this: in summary the report fails

on two counts. Firstly, it assumes the lower house to be irredeemably a party house and beyond reform. Secondly, it assumes that the reform of the upper house into something markedly different from the Assembly — into an interactive so-called people's house — is eminently achievable, essentially through the introduction simply of wider spectrum voting. Both arguments are flawed, and even if the latter were to be realised it raises the question of the nature of the Council's ongoing relationship with what the commission regards as a culturally recalcitrant and resistant lower house. New wine into old bottles won't go.

What will probably happen is that we will simply enter a new era of protracted feuding between one house and the other with all the ministerial clout having been taken out of the upper house, and so arguably it ending up with lowered status. This in fact would be a self-fulfilling prophecy for the Attorney-General. It would end up being a pussy-cat house. It would end up being a retirement village, because there would be no ministers there to give it clout. It would not be a house of review, it would be a house of frustration.

Ms DAVIES (Gippsland West) — I desire to move:

That all the words after 'That' be omitted with the view of inserting in place thereof the words:

'this house refuses to read this bill a second time until such time as a plebiscite has been held in Victoria on the questions of whether the Legislative Council should stay in its present form, if it should be reformed or whether it should be abolished'.

The ACTING SPEAKER (Mr Savage) — Order! Is there a seconder for the motion?

Ms DAVIES — If nobody is going to second it, I will leave it.

The ACTING SPEAKER (Mr Savage) — Order! The motion will lapse if there is no seconder.

Ms DAVIES — I wish to speak on this Constitution (Parliamentary Reform) Bill. I have been a strong supporter of Legislative Council reform for a very long time, and I have now spoken on this issue several times in this house. That is the reason I wanted to move the motion I moved, for which I was unable to get a seconder, asking that this bill be withdrawn.

Legislative Council reform was an issue detailed in the Independents charter. The formation of the Constitution Commission of Victoria to enable community discussion was also part of the charter, as was the

notion of the plebiscite. The motion which I put, or wished to put, before the house says in part:

... that this house refuses to read this bill a second time until such time as the plebiscite has been held in Victoria on the questions of whether the Legislative Council should stay in its present form, whether it should be reformed, or whether it should be abolished.

I did that as an expression of the reality that this bill, as it has been framed and put before this house, will fail. I firmly believe we need Legislative Council reform. I just as firmly believe all sides of Parliament need to participate in negotiations on the detail of that reform. It is very sad and ultimately self-defeating for one side of the Parliament to continue to refuse to take part in any negotiations.

I note that the honourable member for Bentleigh made the point, with which I would agree, that a plebiscite vote on this issue is necessary to properly resolve it. I believe people should be given the simple choice, with a ballot paper at the next election, of deciding what option of Legislative Council reform they would prefer. A plebiscite during an election campaign would ensure a proper debate and discussion. During the election campaign it would be easy for both government and opposition to provide in the public arena basic arguments of their points of view.

If the current members of the Legislative Council were able to see after a plebiscite just how many people in this state believe the upper house should be either abolished or reformed, I believe they would then feel compelled into reform. Only then is there potential for proper negotiation to take place.

I do not support all the elements of this bill as it has been framed. The proposal that a joint sitting of the Parliament, which would be numerically totally dominated by parties, choose a substitute Independent to fill a casual vacancy formed by a departure of any Independent is ridiculous in the extreme. It is obviously far preferable and completely appropriate to do a countback. That would ensure that whoever was chosen to fill that casual vacancy had actually been through the electoral process.

I understand why the parties would want to insist that they fill a casual vacancy with a member of their own party, and I accept that since the individual member of the party is a relatively trivial part of that person's representation, it does not matter that it is filled with a party nominee. It is obviously completely inappropriate to do that with an Independent. Even if the countback resulted in a party member as the person who filled that casual vacancy, that would be a more clear

demonstration of the democratic will of the people of the state than any nomination chosen out of thin air by the parties.

However, I support the main thrust of this bill. I commend the work of the Constitution Commission of Victoria in adding to community awareness on the issue. I also commend some of the innovative ideas that the constitution commission came up with. One of the very clear ideas that it projected was the notion of regional committees. People across the state would find it very appealing to have a regional committee where all members of Parliament, regardless of their party status, sat down together with a very clear focus that it was their region's interests that they were looking at in their committee work and their region's interest to which they were committed to finding joint solutions.

The commission's notion of ensuring that candidates for election need to state their address on the ballot paper is also a very useful idea. I know there are some who would prefer to vote for people who lived in their particular area, and in this way it would be much harder for parties to import people from outside for positions.

I have heard many arguments in this house against proportional representation, and those arguments fail. I do not support proportional representation in the main house of any government. One honourable member gave examples from overseas saying that this was proportional representation and that it resulted in unstable government. The overseas examples were of proportional representation in the main house of government. However, I do support proportional representation in a house of review.

Three representatives are not necessary for any one particular area. The local member of the Legislative Assembly represents one geographic area, which in this state is not an impossible area to manage. Although there are some honourable members, my Independent colleagues in particular, who have large geographic areas to cover, the numbers of people they are representing are not outrageous. Area representation in both the lower house and upper house is not necessary. What is needed in the Parliament, specifically in the upper house, is the representation of a wider range of views, a wider range of interests and a wider range of issues in proportion to the views held within the electorate. That means proportional representation.

One of the truly superfluous aspects about our current set-up is that many areas have multiple representatives and they all come from the same party. That is not democracy; that is winner takes all. Basically it is useless. In the new part of my new seat of Bass every

one of the current representatives is from the same party. They all vote the same way and they all think the same way — they may as well be one person with several legs — yet the population of that area is quite diverse. There are many views and many interests, and I am sure if we had proportional representation in the upper house a wider range of views would be represented.

The original seat of Gippsland West used to be represented by the representatives of one party. The consequence of having the representatives of both the lower house and upper house from the one party is that you have invisible members of the Legislative Council who do not campaign in elections. They sit there for seven or eight years doing nothing, being invisible, and members of the public never see them. We never saw the MLCs from Gippsland West before I was elected.

One of the major achievements that resulted from my election in 1997 was that it got a couple of MLCs off their backsides and working, particularly in the rural part of the electorate.

Both the MLCs were based in the metropolitan part of that province and they never bothered coming into the rural area. It is a pity that one of those MLCs in particular has not yet learnt to work in a more positive way. I have been trying to demonstrate by example, but he is a bit of a slow learner and he is not very good at it.

I will not be supporting the splitting of the bill as proposed by the honourable member for Gippsland East. As with the Liberal Party and the government I have agreed not to support the splitting of the bill. I can see there is a logic in the wish of the government and the opposition to deal with both four-year terms and Legislative Council reform together. I acknowledge that the government's response to the Independents charter joined the two issues together, and I think we can look at that as a lesson to be learnt in the framing of future documents.

The current Legislative Council, while we have a Labor government, is acting in some ways as a house of review. I accept the Legislative Council's role in amending and even rejecting legislation where the amendments and rejections are based on genuine differences of views and arguments. I do not accept the rejections when they come for fairly trivial reasons. Some of the amendments that have come back to the lower house have been trivial or have been for the sake of grandstanding and territory marking. However, I accept that if you have two houses of Parliament, it should be the right of the upper house to reject and amend legislation.

I would like to see voting be much more conscience based and much less party dominated. We can live in hope on that one, but it is much more likely to happen with proportional representation than it ever will when one party always dominates. So yes, at the moment the Legislative Council operates as a house of review. Unfortunately the danger comes when you have a Liberal government and once again you are operating in a Parliament where you do not have negotiation, amendments or different points of view being represented. You just have one direction, one view, many mouths speaking the same words and no proper Parliament. That is the scary bit, and that is why it is essential that we ultimately have this reform in the upper house.

I believe the government has made an error bringing this legislation back into the Parliament when it knows it is going to fail again. I have said many times, and I will continue to repeat it, that the most successful way to ensure that we have Legislative Council reform is to go to the people with a plebiscite. Give them a clear choice and clear arguments. They know the Legislative Council does not function properly or represent a wide enough range of views. I believe there is great wisdom in the people and if it went to a plebiscite we would then see the upper house being shamed into agreeing to reform itself. So I continue to urge the government to not go on bringing in legislation when it knows that two parties in the house will continue to not even consider it and will refuse to negotiate on the issue. Go to a plebiscite and encourage them to listen to what the people of Victoria say — that is, that the upper house at the moment costs a lot of money, is not representative of the wider views in the community and should be reformed.

Honourable members interjecting.

Mr KOTSIRAS (Bulleen) — It is a pleasure — —

Ms Davies — On a point of order, Mr Acting Speaker, an honourable member over there was casting aspersions on me, talking about me somehow costing millions of dollars in this state. I ask them to withdraw.

The ACTING SPEAKER (Mr Savage) — Order! Which member specifically?

Ms Davies — I think it was the honourable member for Sandringham.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Sandringham is not present.

Mr Perton — On a point of order, Mr Acting Speaker, what sort of —

The ACTING SPEAKER (Mr Savage) — Order! I am dealing with this first.

Mr Perton — On a point of order, Mr Acting Speaker, what is the stunt? I did not know that interjection is prohibited in this house, nor a comment that is accurate. The honourable member is so befuddled that she is identifying a member who is not even in the chamber. I would ask you just to cease to hear her on this matter.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member is entitled to ask for a comment to be withdrawn if she finds it offensive. If the honourable member for Gippsland West can identify the member I will ask them to withdraw the remark.

Ms Davies — Unfortunately I heard it from over that way. I did not actually see the member. I have asked for the honourable member who made the comment to acknowledge that they made the comment.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Bulleen, continuing his remarks.

Mr KOTSIRAS — It is a pleasure to contribute to debate on the Constitution (Parliamentary Reform) Bill. In lieu of the fact that it is late and for the safety and wellbeing of honourable members and parliamentary staff I will be brief.

This bill is a grab for power. It is nothing more than a request for Parliament to grant Labor a blank cheque. I was amused to read in the second-reading speech that the provisions in this bill permit the government to review the operation of the Legislative Council to truly make it 'a house for our future'. It should read, however, 'to truly make it a house for the Australian Labor Party's future'. It is all about self-preservation and total control of the upper house. Why would you want to sabotage the upper house if you had control? The upper house is working well. It is democratically elected, and it is elected on the basis of one vote, one value.

I refer to clause 5, which attempts to entrench the freedom of information (FOI) provision. As honourable members know, I make numerous FOI requests to acquire documents from the government. Let me tell the house that despite the fact that the government has promised to be open and accountable, it is making it very difficult for me to access documents under FOI.

So I think this again is rhetoric, and instead of putting its words into practice the government is avoiding being open and accountable.

Recently I distributed my newsletter throughout my electorate, and in it I raised the government's attempt to sabotage the upper house. I received some feedback on all the issues raised in that newsletter, including the upper house. I must say there was not one person who felt the ALP was right in trying to dismantle and sabotage the upper house. They were concerned about law and order, planning, roads and transport, but they felt the upper house is working well. Why fix something that works? My constituents see this as a means of bringing about this government's social agenda and having a trigger for an early election.

The reason that many constituents in my electorate feel this way is that they believe the upper house behaves responsibly. On any objective analysis it is there to perform the check-and-balance role. Without the upper house, as I said, the government would be given a blank cheque, and no-one would be allowed to review its actions. The upper house has not become obstructionist. In fact the upper house has considered 286 bills, defeating only 6. It has amended 25 bills; 51 bills have been scrutinised in committee; and it has initiated 35 bills, including 9 private members bills. More than 97 per cent of the bills presented have been passed. The bills that have not been passed include those dealing with drug injecting rooms, home detention for criminals and increases to union powers. I must say the community supported us on all those occasions.

To make the upper house more relevant there have been recent improvements. Unfortunately this government wants to take it further, so it set up a commission. The Premier is also the Minister for Multicultural Affairs. I point out that the government is meant to spend 5 per cent of its advertising budget on ethnic advertising. I never heard one advertisement on any Italian or Greek radio program, yet the Premier can sit in this chamber and claim he is the Minister for Multicultural Affairs. He is supposed to spend 5 per cent across all departments on ethnic advertising. How can you set up a committee and ask people to come in and put forward their views when it is reaching only two-thirds of the population?

The plan for the upper house is simply to allow minority interest groups to hold the balance of power. We all remember the problems with One Nation. If this bill goes through people like Pauline Hanson will be in the upper house and might even control it. If that is the type of Parliament we would have I am disappointed

that the Premier, who is also the Minister for Multicultural Affairs, is approving it.

If the Premier wishes to use this debate as a trigger for an early election the Liberal Party is more than happy for him to do so. I will not be supporting this bill. My constituents do not support it, and it should be thrown out.

Mr JASPER (Murray Valley) — I am pleased to join the debate on the Constitution (Parliamentary Reform) Bill and indicate from the outset that I am a strong supporter of the current system of government in Victoria — the constitutional monarchy and the democratic processes that have operated in this Parliament since I have been the member for Murray Valley.

It is interesting to note that over the years I have been in Parliament there has been quite a lot of rhetoric and criticism. In fact in the 1980s the Labor government of the day introduced legislation to reform the upper house. I have to say that I think former Premier John Cain was probably appreciative of the fact that he did not have a majority in the Legislative Council as well as in the Legislative Assembly, because I think that protected him from the extremist views of some people in his party and indeed in the union movement. Although I have no evidence of this — he has not told me personally — from what I have read in his book and from examining what happened at that time, I think he was quite happy about the situation where there was a majority of conservative members in the Legislative Council.

As I said at the outset, I am a strong supporter of the current system of government in Victoria, with the two houses of Parliament, and a strong supporter of the constitutional monarchy and the democratic processes that exist. I have also seen no evidence among the general public of the need for change in the system of government we have in Victoria. The government believes it needs change because it regards the upper house as not being of assistance to it in what it wants to do. The government instituted the review. I think it has been an obsession of the Premier and the Labor Party in government to see a change in the Legislative Council because in their view the system does not work. So far as I am concerned the two houses of Parliament have worked well, and they produce a very good system.

As would any member of Parliament who represents a country electorate, I believe the system has worked well. When I consider the representation in north-eastern Victoria, I believe the lower house members are well identified as the political

representatives of whatever party they might belong to, and the upper house members — with four of the lower house seats forming an upper house province — are also well known.

Mr Mildenhall interjected.

Mr JASPER — I can understand a metropolitan member not understanding what goes on in north-eastern Victoria, but I suggest to the honourable member for Footscray that he too should visit north-eastern Victoria on occasions, particularly my electorate of Murray Valley. If he did he would understand that a lot of progress is going on in that electorate.

Mr Batchelor interjected.

Mr JASPER — The Minister for Transport did visit the Murray Valley electorate recently. He also opened the very successful rail trail in north-eastern Victoria and — listen to this! — when he did the opening he gave credit for the fact that the rail trail was approved for funding by the previous government, which amounted to \$1.5 million. The trail is a great success for north-eastern Victoria. I applaud the fact that the minister came along. We were both able to get on bicycles and take part in the opening of the rail trail, but the minister looked better than I did because he was in some special cycling gear. I did not have the special gear provided to me. It was all marked ‘Vicroads’, so I guess it was a Vicroads outfit that he was wearing. He could have provided one to me — I would have appreciated having that as well.

That highlights the point I make: in country Victoria the people identify who their local members are. The situation may not be the same in metropolitan Melbourne, but if you go into the north-eastern part of country Victoria you will see that we are identified in those electorates, as are the upper house members. In fact my strong support for this system comes from the fact that it has worked well in terms of the composition of the houses of Parliament, with four lower house seats forming an upper house province that is represented by two members.

I listened with a great deal of interest to the contribution to the debate of the honourable member for Sandringham. I thought he presented to the house an excellent statistical analysis of the situation relating to the bills debated in Parliament and the bills debated in the Legislative Council. I see the situation quite clearly, with the two houses of Parliament and with the upper house being a house of review.

Over the years I have frequently seen legislation debated appropriately in this house, the Legislative Assembly, with issues of concern being raised by members who saw a particular clause as not appropriate. But time for consideration was provided while the bill was between the two houses. The Legislative Assembly debated and completed the legislation and then transferred it to the upper house. In fact, with the span of a few weeks between the debates in the two houses there was time to further assess the legislation and provide us with better legislation. The upper house has operated well as a house of review. Yes, it is not perfect — no system is perfect.

On my recent parliamentary study tour I visited five other parliaments, getting a comparison between their operations. In some of those parliaments with a unitary system of government — that is, where they have one house — they have instituted systems of committees. Legislation is reviewed either before or after it gets to Parliament, going through a committee to protect the system. We do not need that protection so much, although the committee system works well in those places. In Victoria we have two houses of Parliament and legislation can be scrutinised when it is between the two houses.

As I indicated, over the years I have been in the Parliament on many occasions I have seen legislation improved dramatically because of the operation of the Legislative Council. The bills have come back to our house reviewed, changed and improved. That is one of the pluses. The statistical information presented by the honourable member for Sandringham needs to be read by all of us to enable us to understand the number of bills that have been debated in the upper house and the small number of bills that have been rejected. I believe that the community at large would not accept the bills that have been rejected. The Legislative Council has been most effective.

I listened to the views of the honourable members for Bendigo East and Seymour. I have mentioned in this house before that they have rose-coloured glasses on and they are blinkered. Time and again I hear members of the government saying, 'Nothing's happened in country Victoria'. Okay, it has not been perfect. It is tough, particularly at present because of the dry conditions in many parts of the state. But members should never say that nothing has happened within the state of Victoria.

The Leader of the National Party indicates that I should present the strongest views possible in detailing to the house my opposition to this legislation and the genuine concerns I have put forward. We need to say that

because those two honourable members I mentioned have come into the house and been very critical in general statements of things that have happened. Members should not make general statements but make sure they know what they are talking about. They should not say that nothing has happened in country Victoria.

I challenge the honourable members for Bendigo East and Seymour to come up to Murray Valley. If they visit us they will see that we have had development in north-eastern Victoria. I do not know how that was wound into debate on the bill, but I listened to the two views. The honourable member for Seymour seemed to say that what has happened in Seymour since he has become the member has something to do with the proposed changes to the upper house. I think what he was saying was, 'I'm known as the member for Seymour, but the upper house members aren't'. I challenge him again, as I believe that many people in north-eastern Victoria know the two members who represent us in the upper house. That is important in looking at the legislation.

We have talked about the issues in relation to the upper house and the two houses. I have identified reasons why we need to continue with the Legislative Council. There are many reasons why the bill should be rejected, and I want to mention just a couple of those. The proportional representation system is mentioned in *A House for Our Future*, the report prepared and submitted by the Constitution Commission of Victoria. It indicates that the government supports model 3, which provides for eight regions of five members each. If you look at the map you will see the province in the northern part of the state reaches from the upper reaches of the Murray River to the South Australian border, goes across the northern part of the state and right down into the northern parts of Melbourne — to Sunbury and close to the Calder Highway. That is a huge area and as far as I am concerned you cannot expect people to represent it appropriately. The system we have at present works well in being able to get people to represent those areas. That is another reason why I would oppose the legislation — the system proposed in the report that has been prepared.

There is no doubt that if you refer to page 25 of the report you will see why the Legislative Council needs to be there and operating and why its members need to be able to present their views so that we can get what I see as balance in the operation of the Parliament. As far as I am concerned this legislation should be rejected. I do not believe that the people of Victoria really want to see changes, because we have an effective system. Yes it can be improved, but the system has worked well and

will work well into the future. We can make it more efficient if we work on it.

Mr PERTON (Doncaster) — In the Premier's words, this is the most important piece of legislation that he has brought to the Parliament. If you looked at the gallery you will see that there are two public servants and two members of the public there. There is not a journalist from a newspaper of record or a television or radio journalist. There is in fact no-one here demonstrating any interest at all in this piece of legislation.

This is a piece of proposed constitutional reform. One would think that a piece of major constitutional reform could come to this house through a tripartite process bringing reforms that reflected a new millennium and century. Instead, we have a process that is utterly flawed. We have two former members of the Liberal Party, who many years ago I would have counted amongst my friends, allowing themselves to be used for a political process that is utterly flawed. The bill is transparently designed to transfer power in the upper house from one side of politics to the other without achieving any other end.

In this day of the Internet and when we are trying to raise the standards of the Parliament and to get greater public participation in politics, there is nothing in this bill about greater participation by the public.

There is nothing in this bill that contains any deeper or richer legislative process. The Canadians, for instance, have a process where after its first reading legislation goes to a parliamentary committee for a deep and rich public debate in which members of the public and organisations participate, and legislation is drafted to a higher standard with the confidence of the people.

This bill purports to entrench the freedom of information principles. They are still principles of the 1970s — paper based, slow and designed for the convenience of the minister rather than the convenience of the public. What better ways could we have designed, had the three parties worked together to achieve this end, to actually enrich the process by which information is passed from the Parliament to the public and from the executive to the public? Instead the Premier, in an utterly cynical move obviously designed by his campaign committee — the Feeneys of the world — has brought to this house a bill that does not reflect the wishes or needs of the Liberals, the Nationals, two-thirds of the Independents or, indeed, the public.

The great indictment of this piece of legislation is that the public has demonstrated no interest in it whatsoever. The honourable member for Warrnambool told us of the lack of participation in the process. The honourable member for Wimmera told us clearly that only a dozen people, including his own staff, attended the consultation for the whole of the Wimmera. This process was purely a creature of the Labor Party, and the bill is purely a creature of the Labor Party. It is designed for only one purpose — to prop up a poor excuse for an early election. It is not a blueprint for better democracy, it is a cynical and contemptible doctrine. In stating your views, Mr Acting Speaker, you expressed a wish to split the useful parts from the political parts. You were at least trying to salvage something from this awful document, which is a slap in the face to Victorians. It does not reflect the views of the Victorian public but reflects the views of one sordid faction of the Labor Party.

The opposition will oppose the bill because it is designed not to enhance our democracy but to defeat it.

Mr BRACKS (Premier) — I thank the 28 honourable members who have spoken — the honourable members for Malvern, Swan Hill, Footscray, Warrandyte, Burwood, Brighton, Geelong North, Cranbourne, Gippsland East, Warrnambool, Mornington, Essendon, Frankston, Seymour, Glen Waverley, Mildura, Wimmera, Bendigo East, Bentleigh, Ballarat East, Sandringham, Melton, Bayswater, Gippsland West, Bulleen, Murray Valley and Doncaster — for participating in the debate on this important reform bill, which has come before this house for a second time.

The government has identified this as a major bill, but it is also a reform that is well overdue. It does several things which are crucial and essential to having a modern upper house that is a true house of review and not simply a replica of the lower house but with a stagnant mandate, which the upper house currently has. The key tenets — —

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster has just had his opportunity to debate the question.

Mr BRACKS — The Liberal Party finds it hard to accept that it lost the election.

Mr Perton interjected.

The SPEAKER — Order! I ask the honourable member for Doncaster to cease interjecting. He has just made his contribution to the debate.

Mr BRACKS — The reform is well overdue. It is important and proper to have an appropriate house of review, but the tenets of the reform go to establishing a much more democratic, representative and appropriate house of review. The first is the alignment of the terms of office between the lower and upper houses, with concurrent four-year terms. That is the most fundamental of the reforms because it will mean that the views expressed by the public at an election will be reflected in both houses of Parliament, not separately or not with a lag effect, with one election lagging after another, effectively producing a stale mandate. That will serve enormously to express the will of the people at any one election, and by itself it is an important reform.

The second part is proportional representation, which is common in almost every upper house in every jurisdiction in the country, including the commonwealth Parliament. That will effectively mean the upper house will have a different form of representation to the lower house, which will enhance its capacity to be a real house of review and not a replica house, which the Legislative Council is with its stale mandate.

I congratulate the Constitution Commission of Victoria for recommending over and above those matters that go to the direct reform of the upper house other constitutional reforms. The entrenchment powers which are recognised in this bill, which are the third important part of this reform, require a three-fifths majority so that a simple majority of both houses cannot change the constitution on certain matters. That is an important reform, because it will enshrine in the constitution entrenchment powers relating to local government, the Auditor-General, the Director of Public Prosecutions, the Ombudsman and the Electoral Commissioner.

The effect of not supporting this reform agenda and this piece of legislation is to reject their entrenchment in the constitution. It is a vote against the Auditor-General, against the Director of Public Prosecutions and against the independence of the Ombudsman and the Electoral Commissioner. Effectively their entrenchment will be rejected if the bill is rejected.

Additionally the bill seeks to prohibit the Legislative Council's ability to block supply, an aim which most jurisdictions have sought and which is recommended in the report. The bill also has a sensible system for the resolution of deadlocks between the Legislative

Council and the Legislative Assembly, particularly by the forming of a committee between the two houses to resolve deadlocks.

This is an essential, appropriate reform, and it means that the will of the people expressed at the one election will be expressed in both houses of Parliament. That is an important aspiration for the public to have. As I said, this bill also entrenches the independence of certain office-holders in the constitution, which cannot be changed by a simple majority but only by a three-fifths majority. Why would the house reject those proposals? Why would the house reject the independence of the Auditor-General being enshrined and entrenched in the constitution? It is a matter that we have fought very hard for on this side of the house, and we will continue to fight for it.

From the outset the government had a choice, after the last piece of legislation was defeated in this house, of seeking to reintroduce this reform or looking at abolishing the upper house. We have chosen to seek to reform the upper house, because we are committed to the notion of having a check on the executive government and a proper house of review. I hope this bill will pass. If it does not we will pursue this reform further in the future. The government has a mandate for this change, and as I said, it is something we will seek to prosecute again in the future.

I congratulate those who worked hard as a secretariat for the Constitution Commission of Victoria in compiling the report. The house is indebted to the three-person constitution commission comprising the Honourable George Hampel, QC, the Honourable Ian Macphee and the Honourable Alan Hunt, all of whom have considerable experience and expertise and all of whom had a considerable weight to bear.

This is a blueprint for a democratic upper house. I implore honourable members to pass this bill so we can finally have a democratic and representative upper house in this state.

The SPEAKER — Order! The question is that the bill be now read a second time. As there are not 45 members present in the chamber and the bill is required to be passed by an absolute majority, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

House divided on motion:

Ayes, 46

Allan, Ms	Kosky, Ms
Allen, Ms	Langdon, Mr (<i>Teller</i>)
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr (<i>Teller</i>)	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr

Noes, 40

Asher, Ms	McIntosh, Mr
Ashley, Mr	Maclellan, Mr
Baillieu, Mr	Maughan, Mr (<i>Teller</i>)
Burke, Ms	Mulder, Mr
Clark, Mr	Naphine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perton, Mr
Delahunty, Mr	Peulich, Mrs
Dixon, Mr	Phillips, Mr
Doyle, Mr	Plowman, Mr
Elliott, Mrs	Richardson, Mr
Fyffe, Mrs	Rowe, Mr
Honeywood, Mr	Ryan, Mr
Jasper, Mr	Shardey, Mrs
Kilgour, Mr	Smith, Mr (<i>Teller</i>)
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr

Motion agreed to by absolute majority.

Read second time.

Instruction to committee

Mr INGRAM (Gippsland East) — I move:

That it be an instruction to the committee that they have power to divide the Constitution (Parliamentary Reform) Bill into two bills as follows:

- (a) A Constitution (Council Reform) Bill being the Constitution (Parliamentary Reform) Bill with the following changes:

- (i) Long title as follows:

“A Bill to amend the **Constitution Act 1975** and the **Electoral Act 2002**, to provide for the election of members of the Legislative Council by using a proportional representation system and for other purposes.”;

- (ii) Short title as follows:

“**Constitution (Council Reform) Act 2002**”;

- (iii) Part 1 and Clauses 1 and 2 as follows:

“PART 1 — PRELIMINARY

1. Purpose

The purpose of this Act is to amend the **Constitution Act 1975** and reform the Parliament of Victoria based on recommendations made by the Constitution Commission Victoria by —

- (a) recognising the principle of Government mandate;
- (b) providing for the entrenchment of certain legislative provisions;
- (c) providing for a fixed 4 year term for the Council;
- (d) re-constituting the Legislative Council to consist of 40 members elected from 8 regions each returning 5 members;
- (e) providing for the filling of casual vacancies in the Legislative Council by a joint sitting of the Legislative Council and the Legislative Assembly;
- (f) providing for the election of members of the Legislative Council by using a proportional representation system with optional preferential voting.

2. Commencement

- (1) This Part comes into operation on the day on which this Act receives the Royal Assent.
- (2) Divisions 1 and 2 of Part 2 come into operation on the coming into existence of the Legislative Assembly first elected after this Act receives the Royal Assent.
- (3) Divisions 3, 4 and 5 of Part 2 and Parts 3 and 4 come into operation on 1 July 2003.”;
- (iv) Heading to Part 2 of the Bill;
- (v) Divisions 1 and 2 of Part 2 of the Bill;
- (vi) Heading to Division 3;
- (vii) Clauses 8, 9, 11 and 12(3) and (4) of Division 3 of Part 2 of the Bill omitted;

- (viii) Clause 10, omitting proposed section 28(3);
- (ix) Clause 12, omitting clause 12(3) and (4);
- (x) Divisions 4 and 5 of Part 2 of the Bill, omitting clause 15;
- (xi) Divisions 6 and 7 of Part 2 of the Bill omitted;
- (xii) Part 3 of the Bill, omitting clause 23(1), (5), (6) and (7);
- (xiii) Part 4 of the Bill;
- (xiv) Clause 10 renumbered 8, clauses 12 to 14 renumbered 9 to 11 and clauses 20 to 23 renumbered 12 to 15;
- (xv) Clause 23(2), (3), (4) and (8) renumbered 15(1), (2), (3) and (4);
- (xvi) Clauses 24 to 48 renumbered 16 to 40;
- (xvii) Clause 5, in proposed sections 94E(7), 94F(7) and 94G(a), (b) and (c), omit “**Constitution (Parliamentary Reform) Act 2002**” and insert “**Constitution (Council Reform) Act 2002**”;
- (xviii) Heading to Division 3 of Part 2 of the Bill, omit “**Fixed 4 year term**” and insert “**Duration of Council**”;
- (xix) Clause 8, consisting of clause 10 of the Constitution (Parliamentary Reform) Bill as renumbered, omit “section 10 of the **Constitution (Parliamentary Reform) Act 2002** ceases to exist on that commencement” and insert “section 8 of the **Constitution (Council Reform) Act 2002** ceases to exist on the day of the dissolution or other lawful determination of the Legislative Assembly next occurring after that commencement”;
- (xx) Clause 9(1), consisting of clause 12(1) of the Constitution (Parliamentary Reform) Bill as renumbered, omit “Sections 2(4), 2(5), 4(1), 4(2), 66, 67 and 68 of the **Constitution Act 1975** are” and insert “Section 4(1) of the **Constitution Act 1975** is”;
- (xxi) Clause 34, consisting of clause 42 of the Constitution (Parliamentary Reform) Bill as renumbered, omit “section 42 of the **Constitution (Parliamentary Reform) Act 2002**” (wherever occurring) and insert “section 34 of the **Constitution (Council Reform) Act 2002**”;
- (xxii) Clause 36, consisting of clause 44 of the Constitution (Parliamentary Reform) Bill as renumbered, omit “section 42 of the **Constitution (Parliamentary Reform) Act 2002**” and insert “section 34 of the **Constitution (Council Reform) Act 2002**”;
- (b) A Constitution (Fixed Term) Bill being the Constitution (Parliamentary Reform) Bill consisting of:
- (i) Long title as follows:
- “A Bill to amend the **Constitution Act 1975** to provide for fixed four year terms for the Assembly (unless the Assembly is dissolved sooner) and to establish a dispute resolution process for deadlocked Bills and for other purposes.”;
- (ii) Short title as follows:
- “**Constitution (Fixed Term) Act 2002**”;
- (iii) Part 1 and Clauses 1 and 2 as follows:
- “**PART 1 — PRELIMINARY**
- 1. Purpose**
- The purpose of this Act is to amend the **Constitution Act 1975** and the **Electoral Act 2002** to reform the Parliament of Victoria based on recommendations made by the Constitution Commission Victoria by —
- (a) providing for a fixed 4 year term for the Assembly unless the Assembly is dissolved sooner; and
- (b) removing the power of the Legislative Council to block the Annual Appropriation Bill; and
- (c) establishing a procedure to deal with disputes concerning Bills between the Legislative Assembly and the Legislative Council.
- 2. Commencement**
- (1) This Part comes into operation on the day on which this Act receives the Royal Assent.
- (2) Division 1 of Part 2, other than section 6(2), and Division 4 of Part 2, other than section 11(2), come into operation on the day of the dissolution or other lawful determination of the Legislative Assembly next occurring after the day on which this Act receives the Royal Assent.
- (3) Sections 6(2) and 11(2) come into operation on the day that Division 3 of Part 2 of the **Constitution (Council Reform) Act 2002** comes into operation.
- (4) Divisions 2 and 3 of Part 2 come into operation on the coming into existence of the Legislative Assembly first elected after this Act receives the Royal Assent.”;
- (iv) Heading to Part 2 as follows:
- “**PART 2 — AMENDMENT OF THE CONSTITUTION ACT 1975 AND THE ELECTORAL ACT 2002**”;
- (v) Heading to Division 1 of Part 2 as follows:
- “**Division 1 — Fixed 4 Year Term**”;
- (vi) Clauses 8, 9 and 11;

(vii) Heading to clause 12 and clause 12(1) and (2) as follows:

‘12. Consequential amendments

- (1) Sections 2(4), 2(5), 4(2), 66, 67 and 68 of the **Constitution Act 1975** are **repealed**.
- (2) In section 38A(1) of the **Constitution Act 1975**, as proposed to be inserted by section 5 of this Act, for “writ issued under the **Electoral Act 2002** for a simultaneous election” **substitute** “writs issued under the **Electoral Act 2002** for a general election”;

(viii) Clause 12(3) and (4);

(ix) Divisions 6 and 7 of Part 2 of the Bill;

(x) Following clause 19, heading to Division 4 of Part 2 as follows:

“Division 4 — Amendments to the Electoral Act 2002”;

(xi) Heading to clause 23 as follows:

“23. Writs and voting centres”;

(xii) Clause 23(1);

(xiii) Clause 23(2) as follows:

- (2) In section 61(1) of the **Electoral Act 2002**, as proposed to be substituted by section 11(1) of this Act, for “simultaneous election” **substitute** “general election”;

(xiv) Clause 23(5), (6) and (7);

(xv) Clauses 8 and 9 renumbered 3 and 4 and clauses 11 and 12 renumbered 5 and 6;

(xvi) Heading to Division 6 of Part 2 of the Bill renumbered 2;

(xvii) Clauses 16 and 17 renumbered 7 and 8;

(xviii) Heading to Division 7 of Part 2 of the Bill renumbered 3;

(xix) Clauses 18 and 19 renumbered 9 and 10;

(xx) Clause 23 renumbered 11 and clause 23(5), (6) and (7) renumbered 11(3), (4) and (5);

(xxi) Clause 3, consisting of clause 8 of the Constitution (Parliamentary Reform) Bill as renumbered, omit “**Constitution (Parliamentary Reform) Act 2002**” and insert “**Constitution (Fixed Term) Act 2002**”;

(xxii) Clause 5, consisting of clause 11 of the Constitution (Parliamentary Reform) Bill as renumbered, in proposed section 38, omit “section 11 of the **Constitution (Parliamentary Reform) Act 2002**” and insert “section 5 of the **Constitution (Fixed Term) Act 2002**”;

(xxiii) Clause 5, consisting of clause 11 of the Constitution (Parliamentary Reform) Bill as renumbered, in proposed section 38A(1), omit “writs issued under the **Electoral Act 2002** for a general election of the second Assembly elected after the commencement of section 11 of the **Constitution (Parliamentary Reform) Act 2002**” and insert “ writ issued under the **Electoral Act 2002** for a simultaneous election of the second Assembly elected after the commencement of section 5 of the **Constitution (Fixed Term) Act 2002**”;

(xxiv) Clause 11(1), consisting of clause 23(1) of the Constitution (Parliamentary Reform) Bill as renumbered, omit “general” and insert “simultaneous”.

(c) That each Bill may be ordered to be printed and reported separately to that House.

Owing to the late hour I will make a brief contribution to explain why I have moved this motion. It has been fairly obvious that the legislation as proposed was unlikely to gain the support of the National Party and the Liberal Party in this debate. They have made that quite clear in the past, and we have been down this track a couple of times.

One of the main reasons I moved this motion is that it splits the Constitution (Parliamentary Reform) Bill into two separate bills, one that has a number of purposes — the majority of the government’s bill — and the other part providing fixed four-year terms, fixed four-year dates of elections and dispute-resolution processes in the Parliament. I believe it would be very good for us to achieve that outcome — to actually get fixed four-year terms. It would reduce the endless speculation we have in the current parliamentary debates, and that is something we really need to do.

Unfortunately I have not had a lot of support for the motion. I encourage all honourable members to give it their full consideration. I think the idea of fixed four-year terms has wide support from large numbers of individual members, and I would like to think we could break down the partisan nature of politics so that those who support this notion would support it in the house today.

I would like to achieve something out of this debate, and I believe real parliamentary reform could start with one simple thing: fixed dates of elections. Once that happened I am sure no party in this place would ever change it back.

The SPEAKER — Order! I have examined the bill and have found that it lends itself to such division as explained by the honourable member. The motion

therefore is in order. Are there any further speakers for the motion?

Mr MILDENHALL (Footscray) — The government’s package is an integrated one. It has been developed over a long period from the excellent work of the constitution commission. All the parts fit together like a very neat jigsaw puzzle. One of the very real prospects if this motion is carried is that we will lock the upper house into a fixed eight-year term, and that would indeed be an outcome that many in this place would not want to see occur. It would continue and exacerbate the lack of accountability and the stale mandate that characterises the upper house. I urge the honourable member for Gippsland East to reconsider his motion, and I urge the house to reject it.

Dr DEAN (Berwick) — We think it is perfectly appropriate for the Independent to move his motion, and we are absolutely fascinated by the government’s response.

House divided on motion:

Ayes, 2

Ingram, Mr (*Teller*)

Savage, Mr (*Teller*)

Noes, 84

Allan, Ms
 Allen, Ms
 Asher, Ms
 Ashley, Mr
 Baillieu, Mr
 Barker, Ms
 Batchelor, Mr
 Beattie, Ms
 Bracks, Mr
 Brumby, Mr
 Burke, Ms
 Cameron, Mr
 Campbell, Ms
 Carli, Mr
 Clark, Mr
 Cooper, Mr
 Davies, Ms
 Dean, Dr
 Delahunty, Mr
 Delahunty, Ms
 Dixon, Mr
 Doyle, Mr
 Duncan, Ms
 Elliott, Mrs
 Fyffe, Mrs
 Garbutt, Ms
 Gillett, Ms
 Haermeyer, Mr
 Hamilton, Mr
 Hardman, Mr
 Helper, Mr
 Holding, Mr
 Honeywood, Mr
 Howard, Mr

Leighton, Mr
 Lenders, Mr
 Lim, Mr
 Lindell, Ms
 Loney, Mr
 Lupton, Mr
 McArthur, Mr
 McCall, Ms
 McIntosh, Mr
 Maclellan, Mr
 Maddigan, Mrs
 Maughan, Mr (*Teller*)
 Maxfield, Mr
 Mildenhall, Mr
 Mulder, Mr
 Naphine, Dr
 Nardella, Mr
 Overington, Ms
 Pandazopoulos, Mr
 Paterson, Mr
 Perton, Mr
 Peulich, Mrs
 Phillips, Mr
 Pike, Ms
 Plowman, Mr
 Richardson, Mr
 Robinson, Mr
 Rowe, Mr
 Ryan, Mr
 Seitz, Mr
 Shardey, Mrs
 Smith, Mr (*Teller*)
 Steggall, Mr
 Stensholt, Mr

Hulls, Mr
 Jasper, Mr
 Kilgour, Mr
 Kosky, Ms
 Kotsiras, Mr
 Langdon, Mr
 Languiller, Mr
 Leigh, Mr

Thompson, Mr
 Thwaites, Mr
 Trezise, Mr
 Viney, Mr
 Vogels, Mr
 Wells, Mr
 Wilson, Mr
 Wynne, Mr

Motion negatived.

Committed.

Committee

Clause 1

Mr SAVAGE (Mildura) — In view of our loss of the last division, I wish to withdraw my amendments.

Clause agreed to; clauses 2 to 9 agreed to.

Clause 10

Mr BRACKS (Premier) — I move:

1. Clause 10, lines 8 and 9, omit “ceases to exist on that commencement.” and insert —
 “__
 (a) continues to exist subject to section 28(1) as in force before that commencement, if the first general election after that commencement is held before 1 July 2003; or
 (b) ceases to exist on the dissolution or other lawful determination of the Assembly, if the first general election after that commencement is held after 1 July 2003.”.
2. Clause 10, lines 10 and 11, omit “(other than the Council to which sub-section (1) applies)” and insert “(including the Council in existence after the first general election held after the commencement of section 10 of the **Constitution (Parliamentary Reform) Act 2002)**”.

Amendments agreed to; amended clause agreed to.

Clause 11

Mr BRACKS (Premier) — I move:

3. Clause 11, page 22, line 34, omit “the previous Assembly” and insert “it”.

Amendment agreed to; amended clause agreed to; clauses 12 to 14 agreed to.

Clause 15

Mr BRACKS (Premier) — I move:

4. Clause 15, line 16, omit “section” and insert “sections 28(1)(a) and”.

5. Clause 15, line 17, omit "Section" and insert "Sections 28(1)(a) and".
6. Clause 15, line 17, omit "is" and insert "are".

Amendments agreed to; amended clause agreed to.

Clause 16

Mr BRACKS (Premier) — I move:

7. Clause 16, line 26, after "rent" insert ", return".
8. Clause 16, line 30, after "rent" insert ", return".

Amendments agreed to; amended clause agreed to; clause 17 agreed to.

Clause 18

Mr BRACKS (Premier) — I move:

9. Clause 18, page 33, line 11, omit "30 days" and insert "the period of 30 days or the period of 10 sitting days (whichever period is longer)".

Amendment agreed to; amended clause agreed to; clauses 19 to 48 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

The SPEAKER — Order! The question is:

That this bill be now read a third time.

House divided on question:

Ayes, 44

Allan, Ms	Kosky, Ms
Allen, Ms	Langdon, Mr (<i>Teller</i>)
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Seitz, Mr
Hardman, Mr	Stensholt, Mr
Helper, Mr	Thwaites, Mr
Holding, Mr (<i>Teller</i>)	Trezise, Mr
Howard, Mr	Viney, Mr
Hulls, Mr	Wynne, Mr

Noes, 42

Asher, Ms	McIntosh, Mr
Ashley, Mr	Maclellan, Mr
Baillieu, Mr	Maughan, Mr (<i>Teller</i>)
Burke, Ms	Mulder, Mr
Clark, Mr	Naphine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perton, Mr
Delahunty, Mr	Peulich, Mrs
Dixon, Mr	Phillips, Mr
Doyle, Mr	Plowman, Mr
Elliott, Mrs	Richardson, Mr
Fyffe, Mrs	Rowe, Mr
Honeywood, Mr	Ryan, Mr
Ingram, Mr	Savage, Mr
Jasper, Mr	Shardey, Mrs
Kilgour, Mr	Smith, Mr (<i>Teller</i>)
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr

The SPEAKER — Order! As only 44 members have signified their assent to the third reading of this bill, in accordance with section 18(3) of the Constitution Act 1975 the bill is therefore void as the third reading was not carried by an absolute majority.

Question negated.

COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT BILL

Second reading

Debate resumed from 12 September; motion of Ms GARBUTT (Minister for Environment and Conservation).

Government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

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

Mr THOMPSON (Sandringham) — The state of Victoria has one of the greatest natural environments in the world, ranging from its alpine regions through to the Victorian coastline. It also has an outstanding and unique range of flora and fauna. The bill before the house this evening, and the early hours of the morning, concerns the Commissioner for Ecologically Sustainable Development.

I would like to ask a number of questions at this juncture, noting that one of the key environmental platforms of the Labor Party in 1999 was that if elected it would appoint a Commissioner for Ecologically

Sustainable Development. Where is that commissioner? Where is he? Where is the report on the state of the environment? Where have been the annual strategic audits and preparation of reports in relation to the environmental management systems? Where have been the public education programs? Where has been the encouragement for the adoption of practices and procedures for good government at a state government level and also a local government level? Importantly, where has been the advice to the minister on any other matter of ecologically sustainable development? Where has been the assistance in the development of policies which will advance sustainability principles in Victoria?

As I indicated earlier, this policy promise was made in September 1999, and there has been no development towards its implementation until now, in the closing hours and days of this parliamentary sessional period. The opposition in fact supports this legislation, but there are a number of issues we would like to raise in relation to it. Sustainable development is the key objective, but the question that has been asked is whether this will be the key mechanism to achieve outcomes, noting that nothing has been achieved in the last three years. In February 2001 the government advertised for the appointment of a commissioner, and any international academic or expert on the environment who had an interest in that position would be unlikely to wait a further 18 months to take up the proposed role.

No annual reporting will be realised in this term of government, and the government is now trying to rush through this legislation so it cannot be accused of not meeting a promise it made to the people of Victoria in 1999. It might be noted that the legislation in fact is without any muscle as well. A very important recommendation by the all-party Public Accounts and Estimates Committee was to ensure that the role and powers of the commissioner included the recommendation that he report directly to the Parliament. What has the Labor Party done? It has overlooked this important recommendation by an all-party committee and has allowed him to report directly to the minister.

I also note for the parliamentary record that there was a budgetary allocation of \$1 million a year in the financial period 1999–2000, 2000–01 and 2001–02. Noting that there are serious environmental threats in the state of Victoria, where has that money been expended?

In closing I draw attention to there having been a failure by the government to properly address some of the

serious environmental threats that Victoria confronts. Two examples are the northern Pacific seastar in Port Phillip Bay and the relocation of the bats from the Royal Botanical Gardens, where money has been expended but nothing has been achieved. The opposition is concerned about this legislation and the failure of the government to fulfil a key plank in its environmental policy.

Mr KILGOUR (Shepparton) — I rise to state the National Party's position on the Commissioner for Ecologically Sustainable Development Bill. First of all, the National Party does not oppose this legislation, but it has a number of concerns. We suggest that there is really not a great necessity for the bill. Rather than saying what the National Party thinks about it, I could do nothing better than quote from a letter received from the Victorian Farmers Federation. The president of that federation gave us information after we advised him of the bill. He wrote:

The Victorian Farmers Federation does not believe that this legislation is necessary for Victoria.

The National Party concurs with that view. He goes on:

It ... is designed to introduce another level of unnecessary bureaucracy to this state.

The role of the commissioner ... as specified in section 8 of the introductory bill is already undertaken, or could reasonably be undertaken by existing government departments and agencies.

As far as the commissioner preparing a report on the state of the environment of Victoria is concerned, there is no doubt, he writes, that:

... Victoria already has a range of government organisations with a reporting mechanism to government on the state of the environment.

Catchment management authorities are required to report on the health of their catchment regions and develop regional catchment strategies to outline environmental priorities for each region. This is prepared every five years.

Each catchment management authority is overseen by the Victorian Catchment Management Council. Every five years the Victorian Catchment Management Council is required to prepare a catchment condition report. This report is designed to be a 'report card' on the health of the Victorian catchments.

So why do we need another bureaucracy? In regard to the audits the Victorian Farmers Federation president wrote:

Agencies and public authorities should be responsible for the implementation of environmental management systems for their own agency or department. The VFF agrees that the audit process should be external, but there is no reason why this function could not be undertaken as part of the EPA role.

They already audit private industry on its environmental performance.

As far as public education is concerned, he wrote:

Many government departments and agencies already provide public education programs on the environment.

...

EPA acts as a watchdog for industry and individuals encouraging the uptake of ecologically sustainable development practices.

... Local councils have employed environmental officers to deal with planning and environmental issues in relation to development.

As far as the advice to the minister is concerned, the VFF president wrote:

There are already enough government departments and agencies skilled in environmental management issues that would be able to adequately assess and provide advice on matters relating to ecologically sustainable development.

In regard to the administration, he wrote:

The introduction of this legislation will only serve to fragment the issue of environmental management further giving some responsibility for environmental management outcomes to yet another government agency. What is needed is better coordination of the existing government departments and agencies throughout the state. This will be of far more value to encourage and promote ecologically sustainable development in Victoria.

Whilst the National Party agrees with the Victorian Farmers Federation that it is really not necessary to have this new level of bureaucracy — another agency — it will not vote against the legislation. We will watch its implementation with interest.

Mr HOWARD (Ballarat East) — I am pleased to be able to briefly put the government's case regarding the Commissioner for Ecologically Sustainable Development Bill. It puts in place a very key part of this government's sustainability agenda. It is in line with the 2010 vision, the Growing Victoria Together vision, that the Bracks government has put before the people of Victoria.

To sum up, the role of the Commissioner for Ecologically Sustainable Development will include three key things. The first is to do reporting on the state of the environment, which is vitally important to set benchmarks to enable us to analyse how we are progressing as a government and as a community in addressing environmental issues by establishing sustainability processes as part of our ongoing development.

The other aspect of the role of the commissioner is to do annual strategic auditing of the implementation of environmental management systems by government agencies. So it is important that each of the government agencies at a lower level is able to be reviewed in terms of its sustainability auditing processes.

The third role of the commissioner is one that is very much supported by local government — that is, conducting public education programs to promote across the community ecologically sustainable development as a concept that the community can understand and can take personal and joint action to help to promote and respond to. These are three very significant roles that the commissioner and his or her office will be able to carry out.

The government is very pleased to be able to bring in these various aspects of the role of the commissioner. It has been done following extensive consultation both by putting out a discussion paper, to which 67 responses were received, and through various discussions with government agencies as well as through targeted state stakeholder consultations with local government and environmental groups. This bill has been well worked through with a range of groups across the community. We believe it will provide a significant advancement in sustainability in this state into the future.

Mr INGRAM (Gippsland East) — The principle behind the Commissioner for Ecologically Sustainable Development Bill is sound. We already have state-of-the-environment reporting. This bill sets up a commissioner position and requires that reporting to be done in a more structured manner.

How do we measure ecologically sustainable development? I think it is one of those bureaucratic loser phrases that seem to get put up from time to time. I fully support the principle of it, but how do you measure it? There have been state-of-the-parks reports, state-of-the-rivers reports and catchment reports. They do a good job, but really in the end they are irrelevant unless the government ensures that the money is there to implement the necessary changes to protect that environment.

The amendment I have prepared also requires the commissioner in that report to focus not only on the state of the environment but also on the state of ecologically sustainable development — the social and economic factors as well. I commend the bill to the house.

Ms GARBUTT (Minister for Environment and Conservation) — I thank the various members who

have contributed to this significant debate. The government believes in leading by example when it talks about commitment to the environment and to ecologically sustainable development, and the role of the commissioner includes measuring the work of the government and reporting on it.

The state-of-the-environment reports are restored to Victoria by this bill. Victoria was the first state in Australia to have a state-of-the-environment report. The previous government abolished the office of Commissioner for the Environment and abolished reports on the state of the environment.

It will be this government's proud record that it has brought back state-of-the-environment reports and a Commissioner for Ecologically Sustainable Development. I thank honourable members for their contributions and commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 16 agreed to.

Clause 17

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

1. Clause 17, line 5, after "Victoria" insert —
 "prepared at intervals not exceeding —
 (a) 5 years; or
 (b) if the framework for environmental reporting specifies a shorter period, the shorter period".

The amendment requires that a report on the state of the environment be prepared no later than every five years. That does not mean that it cannot be prepared in two or three years or one year. A shorter timeframe is acceptable, but the intervals must be no longer than five years. It is a sensible requirement, and I do not think it is of a controversial nature at all.

Amendment agreed to.

Mr INGRAM (Gippsland East) — I move:

Clause 17, line 8, after "reporting" insert "which focuses on the state of ecologically sustainable development".

I briefly raised this point earlier. It includes the ecologically sustainable development principles as part

of that reporting, and the amendment fits in well with the principles of the bill. It would improve the nature of the reporting by including the social and economic impacts and the environmental impacts in the state-of-the-environment reports.

Ms GARBUTT (Minister for Environment and Conservation) — The government does not believe this amendment adds a lot of value. Reports on the state of the environment are well recognised, and every other state in Australia produces a state-of-the-environment report. They set benchmarks for various environmental indicators, whether they are for native vegetation, soil health or rivers, and allow measurement of progress or lack of progress on each of those indicators at the time of the next state-of-the-environment report. They build a platform for us to measure our efforts against and test whether our policies are working or not.

To change the nature of the report as the honourable member has proposed completely alters the type of information that would be provided in that report and would focus on ecologically sustainable development objectives such as intergenerational equity and progress towards that, and protection of social welfare, biodiversity and so on. They are a quite different range of indicators and would not allow us to measure the success or lack of success of our environmental efforts and policies. The government does not believe this amendment will add anything and would prefer to stay with state-of-the-environment reports.

Amendment negatived.

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

2. Clause 17, line 22, after this line insert —

"(5) If a Report on the State of the Environment of Victoria includes recommendations made by the Commissioner, the Minister must, not later than the first sitting day after the period of 12 months since the sitting day on which the Report on the State of the Environment of Victoria was laid before each House of the Parliament, cause a statement of the response of the Government to be laid before each House specifying the action (if any) proposed to be taken by the Government with respect to the recommendations."

This is a requirement to table any recommendations that the commissioner makes. The response must be tabled no later than the first sitting day after a period of 12 months since the state-of-the-environment report was laid on the table. So it is just a reporting back mechanism by the government on recommendations made by the commissioner.

Amendment agreed to; amended clause agreed to; clauses 18 to 22 agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That the government business program resolution agreed to by this house on Tuesday, 8 October 2002, be amended by omitting the orders of the day, government business, relating to the Travel Agents (Amendment) Bill and the Business Licensing Legislation (Amendment) Bill.

I will be mercifully brief. This is a change to the government business program to accommodate an agreed way forward in dealing with the government business program. It means that we will be doing six bills this week, rather than the intended eight. The major pieces of government legislation that we wanted to progress this week will be accommodated within the outcome that this amendment provides.

Dr DEAN (Berwick) — It is amazing how you can put a twist on something if you have a really good wrist and you can turn the ball to make something which is decidedly dull and rather unattractive into something that looks a bit shiny. The truth of the matter is that members of the opposition stated right from the beginning — even before the sitting started — that there was far too much legislation for this house to handle in one week. It appeared on the front page of the *Age* on Tuesday, before we started. We made it clear to the government all along that there was far too much legislation that it was trying to rush through this house unnecessarily, particularly when it had another five or six weeks left in this sitting. One has to ask why on earth the government would be doing such a crazy thing.

It is pure incompetence on the part of the government to try to get through a legislative program of 10 bills, all of which are major bills. When the timetable was debated we said there were too many bills to be done, and we debated it vigorously. What did we get from the government? The response was, ‘Oh no, there are just eight bills. You did seven the last sitting week, so this is no problem at all’. I invite honourable members to look

at the comments of the government when we debated time.

The fact is that the opposition has been shown to be absolutely correct. The government is now in the embarrassing position at 1 o’clock on Thursday morning — having sat until 3.30 on Wednesday morning — of still being short two bills which it could not possibly cover. The opposition has accommodated the government with two major bills. It has allowed the government to get through a couple more bills tomorrow which it otherwise would not have been allowed to do. That is because the Liberal Party attempts to make the business of this house appropriate. But it is important to point out at this stage that the next time the government brings in a totally ridiculous program it might listen to some of the comments of the opposition, which warned that it could not do it.

Motion agreed to.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Courts: judicial appointments

Ms McCALL (Frankston) — I would like to raise an issue with the Attorney-General, or in his absence the Minister for Housing. I am quite happy to supply the minister with any information he may require. It relates to a road rage incident that occurred outside my office in Frankston at 4.30 on a Saturday afternoon. Without going into too many gory and graphic details of the incident, it was an alleged murder. Someone died as a result of being stabbed by the man in the car behind. The victim was a man named David Van Velzen. The supposed murderer was a person called Paul Winter, who was bailed in the Supreme Court last week after having been charged.

The local community viewed this with some interest, because it asked why you would bail someone who had been charged with murder. The reason given was that owing to the backlog of work in the Supreme Court the case will not be listed for trial until late 2004. The community is enormously concerned that whether or not the individual is found guilty of murder, there is an issue of closure for the families concerned. They must

now wait anything up to two years for a potential closure or settlement of a very serious incident.

I therefore ask the Attorney-General to consider looking at an additional appointment, because there is clearly a current shortage of judges in the Supreme Court. I would like him, without interfering with anything to do with legal process — that would be quite inappropriate — to consider measures he might take to avoid any member of the community or any family members who have been disadvantaged in such a way having to wait anything up to two years for the matter to be resolved.

Drought: government assistance

Ms ALLAN (Bendigo East) — I wish to raise a matter with the Minister for Agriculture. I ask that the minister take action to ensure that farming communities and individual farmers who are experiencing drought conditions, particularly in the north-western part of the state, understand the real challenges involved in achieving a successful exceptional circumstances application.

This follows the announcement last week by the Premier of a \$27.7 million drought relief package from the state government. I was very pleased to join the Premier at the Elmore Field Days, held just north of Bendigo. I note that the Leader of the National Party was also present. We had a lovely day, and I acknowledge the positive feedback. The Leader of the National Party welcomed the announcement of the drought package. It was great to see that support, and I have received tremendous feedback from a number of quarters on the announcement of this package.

However, this leads to the next stage where many people have to go through the process of making exceptional circumstances applications. This process involves the federal government. It is my understanding that the following steps need to be taken in order for an exceptional circumstances application to be successful, and it is important to note them. Yes, the process is initiated by the state and that also involves the local communities and farming bodies. The state government then prepares the submission and submits it to the federal government for its consideration. The federal Minister for Agriculture, Fisheries and Forestry will then refer the application to the National Rural Advisory Council.

Honourable members should note that at this stage there is an automatic trigger for welfare payments to be provided for a time while the application is considered. The National Rural Advisory Council advises the

federal minister if the application meets the exceptional circumstances criteria and the minister makes the final determination of an exceptional circumstances declaration.

Members can appreciate that this is a lengthy and detailed process. It is of the utmost importance that the minister ensure that country people in these drought-affected areas who are thinking of applying for exceptional circumstances relief understand this process. The impact of the drought in north-western Victoria is stressful for farmers and the local communities. It is very worrying for the whole community stretching right up through north-western Victoria. It is important that people understand this process, because it is another process that has to be followed and it is quite detailed. I would like to reiterate that the state government is providing enormous support through the \$27.7 million drought relief package announced by the Premier last week.

Victorian respiratory support service

Mr RYAN (Leader of the National Party) — I raise a matter for the consideration of the Minister for Health on behalf of Mrs Marjorie Cavedon of Porepunkah. I recently visited Mrs Cavedon and her husband at their home in beautiful Porepunkah and discussed with them the matter I now bring to the attention of the minister.

The best way to summarise these matters is to outline to the house a letter which Mrs Cavedon sent to the Minister for Health, the Premier and a number of other ministers on 5 March 2001. In the course of that letter Mrs Cavedon said:

I understand that the government is considering funding for a specialist respite care centre on the site of the disused Darebin–Thornbury secondary school in Darebin.

May I plead with you to consider this issue very deeply, as there is a great and increasing need in the community.

My son-in-law has two nights respite every fortnight to enable my daughter to have two nights uninterrupted sleep. He currently goes to Pendle Street, Box Hill, which I understand is a Yooralla facility. However, they cannot accept him during school holidays, as children have preference at these times. Admission to Bowen ward at the Austin hospital is often difficult and can be cancelled at the last minute, and a lack of staff there makes his stay very uncomfortable for him.

I must point out he is totally incapacitated, needs everything done for him and is on a ventilator 24 hours a day.

Please give your utmost consideration to this proposal as it is a very urgent and necessary step for disabled people in general and my daughter and son-in-law in particular. Provide funding in the 2001 budget so that this work can commence without any more time being wasted.

Please make this project a priority in 2001.

In response to that heartfelt plea, Mrs Cavedon received a letter dated 16 July 2001 from Dr Chris Brook in his role as the director of acute health for the department. I will not read out that letter in its totality. I think the responsible summary of it is that Dr Brook indicated to Mrs Cavedon that work was under way with a view to establishing the sort of facility she had requested in her initial correspondence to the Minister for Health.

No more was done about this for some considerable time, and so it was that Mrs Cavedon was referred to me for the purpose of a further inquiry being made. I made that inquiry on her behalf earlier this year. The Minister for Health wrote back to me in a letter dated 19 April this year. In the course of the letter the minister indicated that there was a commitment by the government to establishing what is called the Victorian respiratory support service residential and respite care development. He indicated that land in the nature of that described by Mrs Cavedon was being acquired by the government for the purpose. I ask the minister to confirm progress on this very worthy project.

Ballarat Learning Exchange

Mr HOWARD (Ballarat East) — I wish to raise an issue for action by the Minister for Education and Training. It relates to some misinformed statements made by the shadow minister for education when he was in Ballarat recently. On that occasion the shadow minister called a news conference at which he criticised government actions relating to the establishment of the new \$5 million Ballarat Learning Exchange.

At that news conference he stood in front of a building which he wrongly believed to have been purchased for the exchange. He also presented some misguided information about the purchase price and then suggested that as the building was purchased for less than \$5 million the government must be shifting the money elsewhere rather than spending it all on the project. He was wrong again! Clearly the shadow minister had not done his homework and had been receiving misinformation from his local candidate.

I therefore ask the minister to provide the shadow minister with a map showing him the exact location of the building that has been purchased for the Ballarat Learning Exchange — perhaps a compass might also be of use — and to provide the shadow minister with the material relating to what is planned for the centre. Although that information has been made publicly available through both the range of potential user organisations in Ballarat and the pages of the *Ballarat Courier*, somehow or other the shadow minister has not

been provided with that information by his local candidates or people on the ground in Ballarat, so it is appropriate for the minister to take action to ensure that the shadow minister has the relevant information.

The Ballarat Learning Exchange is a very exciting project. The centre will provide information about the range of education and training options that are available not just for young people but for people of all ages in the Ballarat region. Its facilities will include state-of-the-art technology for computer networking and a multimedia centre. Something like \$1 million will be spent on equipment which individual schools or training organisations would not be able to provide. The centre will also have facilities to help young people who are no longer at school to gain basic confidence and skills training to get them either back into some formalised form of education and training or into the work force.

If the shadow minister had seen the correct building, he would have seen that it involves basketball courts. A lot of money will be spent on upgrading those.

Disability services: Redlands placement

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Community Services to agree to meet with family representatives of the 28 people with intellectual disabilities who have been living at Redlands in Wandin. Some of those family representatives came to see me recently and I subsequently received communication from them.

They feel that their family members and friends who are being moved out of the Redlands site at Wandin — and they have agreed to that — will be disadvantaged by being split up into community residential units. They feel very deeply that these people, who have been together for 30 years, have established very strong friendships and that to split them up would be cruel. The maintenance of those friendships would become very difficult; it would depend on staffing levels being sufficient for them to be taken between the residential units so they could visit each other.

They also contend that the residents would be in a lock-step development in community residential units, so that if one was sick then the whole group would have to stay home or they would all have to go together. They would not be able to walk between the houses as they are currently able to do at Wandin. They also say that a range of recreational facilities can be made available on a single site but that those facilities are not necessarily available in the community for people with intellectual disabilities.

These people have been asking for a meeting with the minister since she became the minister early in 2002. So far, through public servants and the Department of Human Services, there has been no agreement to a meeting. I was impressed by their sincerity and their very strong belief that the social and emotional wellbeing of their mainly relatives but also friends will be affected if they are forced to move into community residential units, so I am simply asking that the minister find the time to meet with these people.

Cheltenham Road, Keysborough: safety

Mr HOLDING (Springvale) — I raise with the Minister for Transport the matter of a section of Cheltenham Road, Keysborough, in my electorate. The action I seek is that the minister act in conjunction with Vicroads to address the construction of the missing third lane along the stretch of Cheltenham Road approximately adjacent to the Springers Leisure Centre in Keysborough. As it stands, Cheltenham Road narrows from three lanes to two for a 1.5-kilometre section on the north side of Cheltenham Road. That section of road can be quite dangerous, as bottlenecks can occur during heavy traffic periods and at other times cars can drift inadvertently into the non-sealed section and come to grief on the gravel.

Of greater concern, however, is that recently a bike lane has been added to that section of the road, creating an even more severe narrowing. This road takes an enormous amount of traffic, including local traffic from the Keysborough area travelling to Dandenong or the Parkmore shopping centre or traffic from further afield — for example, commuters or freight carriers travelling through Dandenong from Dingley and beyond. Several local residents have contacted me in recent weeks to express their concern about this section of road and in particular about the bike lane that has recently been added.

I have raised the matter with the Vicroads regional office, and I have also formally written to Vicroads in town to express my concerns about this portion of Cheltenham Road. The regional office was aware of the problem and was very helpful in providing information about progressing a solution. I have had the opportunity of investigating this section of road on many occasions. On one occasion I investigated it with the Minister for Transport and the local ward councillor, Dale Wilson, from the City of Greater Dandenong. I know from my discussions with him at the time that the minister shares many of my concerns.

I particularly ask that any action addresses the new bike lane. I ask that action be taken as soon as is practicable

to address this issue by constructing a third lane along this incomplete section of road to alleviate congestion during peak periods and also, and more importantly, to promote safer access and egress for people travelling along Cheltenham Road towards Dandenong from the direction of Dingley — that is, people travelling in an easterly direction from the west — and I ask that action be taken as soon as possible.

Peninsula Continence Service

Mr COOPER (Mornington) — I ask the Minister for Health to reconsider his refusal to provide adequate funding to the Peninsula Continence Service. I wrote to the minister a couple of months ago asking him to double the funding to the Peninsula Continence Service from \$200 000 to \$400 000 to cut the current waiting list from six months down to zero. In his response the minister rejected my request. He used the spurious excuse that the government has no money available and said that I should try and get the federal government to bail out the state government. Honourable members have heard the Premier and the Treasurer assert in question time over the last two days that the government has plenty of money available, and therefore the excuse put forward by the Minister for Health about this miserly \$200 000 is certainly spurious. It boils down to the fact that the Minister for Health obviously could not care less about the genuine needs of senior Victorians who live on the Mornington Peninsula.

This matter was drawn to my attention by the Mornington Peninsula Legacy Widows Club. When it wrote to me about it and asked me to pursue the Minister for Health on the issue, it stated that continence services should be available to all within a reasonable time instead of people being placed on a long waiting list due to insufficient funds and staff. I would suggest that every member of this house would have people within their electorates who are in need of these services.

The shadow Minister for Health, the honourable member for Bennettswood, advised me today that there are many patients who are in nursing homes occupying nursing home beds simply due to continence problems and that if the continence services such as the Peninsula Continence Service were provided with the relatively small amounts of money to be able to deliver the proper services to people in their own homes then there would be a significant number of nursing home beds released for patients who need them.

I ask the Minister for Health to reconsider his rejection of this request, to double the funding to the Peninsula

Continence Service from \$200 000 to \$400 000 and, in doing so, to see the waiting list cut from its present six months down to zero.

Consumer affairs: soccer clinic

Mr ROBINSON (Mitcham) — I raise through the Minister for Housing for the attention of the Minister for Consumer Affairs a matter concerning an organisation called the Australian Soccer Scouting Organisation (ASSO). I initially raised this matter with the minister some time ago. I am seeking the minister's assistance to instruct Consumer Affairs Victoria to continue its involvement and to assist people to obtain refunds for soccer clinics that have been run by the organisation.

The background to this matter is that the ASSO placed advertisements in local newspapers across Melbourne earlier this year advertising soccer clinics for children. These clinics were promoted in a way that encouraged parents to think that the ASSO could organise these clinics and promote opportunities for children and teenagers to play soccer internationally. It turned out that there were a number of unfounded claims in the promotion, including references from international players that could not be substantiated, and there was an undisclosed relationship with an organisation called the European Football Institute, which was in fact set up by the same directors as the ASSO.

I appreciate the prompt action taken by the minister earlier in dealing with this matter and her enlistment of Consumer Affairs Victoria in sitting down with the company and demanding explanations. The company was later required to put out some advice to people who were participating in the clinics advising that claims were being amended.

I am concerned, however, that the company is still not in line with community attitudes about what is a fair deal here. I spoke last week with a woman who is seeking a refund from the company. She read some newspaper reports, rang the company and requested a refund. The company, instead of complying with what I understand was an agreed position with Consumer Affairs Victoria, gave her a reasonably hard time and tried to insist that the claims it was making were genuine and this was all some effort by a rival soccer organisation to discredit it.

It is important that this company comply with community standards and that Consumer Affairs Victoria continue to investigate its activities and to assist people such as the woman I spoke to who are in all good faith seeking refunds for services and claims

which have not been delivered and are not capable of being delivered at this point in time.

Templestowe Valley Primary School

Mr KOTSIRAS (Bulleen) — Through the Minister for Housing I raise for the attention of the Minister for Education Services in another place the need for Templestowe Valley Primary School to construct an assembly area to accommodate the increase in student numbers at the school. I ask the minister to investigate the possibility of providing sufficient funds to the school to construct an amphitheatre.

I received a letter from the principal of the school on 21 June in which he writes:

The purpose of this letter is to request some additional funding to build an amphitheatre at Templestowe Valley Primary School. Since my arrival in April 1999 our student enrolments were 170. We now have around 245 students. We are growing a grade each year and will continue for the next four years. Unfortunately, we do not have a general meeting area where we can meet collectively. My general-purpose room can only fit 200 with a tight squeeze. Next year, 2003, we are expecting enrolment figures to be around 270 to 280.

The year 2004, student enrolments of 300, and in 2005 I am expecting enrolments of 350.

The ... committee with the assistance of architect ... has drawings for a new amphitheatre and car park facilities. The cost of the amphitheatre is around \$50 000 to \$60 000. The car park facilities are around \$25 000 ...

The amphitheatre can be built with seating for 350 with a concrete stage, landscaping at the sides and an all-weather roof.

I wrote to the minister on 9 July 2002. I have not received a response as yet, so I would appreciate it if the minister could respond to me in writing.

Consumer affairs: e-commerce

Mr SEITZ (Keilor) — I raise with the Minister for Consumer Affairs the issue of a relatively new industry that is developing — that is, e-commerce. We are heading now for that time of the year when people are starting to buy Christmas presents on the Internet. Last year various scams involved purchasing goods either on the Internet or with your mobile phone, with the purchase being charged to your mobile phone account.

Consumer Affairs Victoria has been working on a lot of those issues to establish protection for interstate and international transactions. I ask the minister to bring the risks to the attention of our community and to warn members of the general public that when they trade electronically the bills do come and that sometimes, particularly when there are scams involved, it is very

hard get redress or a refund if you are dissatisfied with the goods. This is particularly so once you have handed out your credit card number to people who can access your account from a different country and charge the goods to you.

Consumer Affairs Victoria has done a lot of work developing safeguards for the general public. I ask the minister and Consumer Affairs Victoria to start up a progressive campaign leading up to the Christmas period this year warning people about the dangers so that they will not find themselves disappointed and disillusioned with the spirit of Christmas.

In my own area we have been receiving material in the letterbox basically saying, 'If you buy something on the Internet or by mobile phone you will get a discount. Order now to be able to cash in on this offer'. Now is the appropriate time to take action and warn our community because there are always people who try to make a fast buck and run scams, in particular with some of those email addresses that are not even based in Australia but are based offshore.

I recall that last year the newspapers and the television stations were running ads and stories about how easy it was to shop on the Internet. It might be a good way to purchase your groceries from Coles, but I would not recommend it for purchasing expensive items, particularly if you get your purchase sent to you and you then find it is faulty and you try to exchange it or get it repaired. It is a very difficult thing to do if you do not have warranties or guarantees in place.

It is a very important issue. It is something that society is not really aware of as yet, and I do not want to see families getting disappointed at Christmas time.

Dingley bypass

Mr LEIGH (Mordialloc) — I raise tonight the continuing treachery of the Bracks Labor government towards the south-eastern suburbs and our now united stand — both Liberal and Labor — against the government's decision to cancel the Dingley bypass and move the money to the Burwood tramline.

As of this week the City of Kingston, which is not normally noted for being close to me — it is a majority Labor council — put out its news sheet across the city with the heading 'Council continues lobbying for lost Dingley bypass funding'. The mayor is quoted as saying:

We have to act now as a united community to convince the government that the construction of the Dingley bypass is essential for Kingston and the wider region ...

She then goes on to say that this road:

... would provide a vital east-west route through the city and would ease traffic congestion on local streets as well as reduce delivery time and increase productivity for the many manufacturing industries in the area.

Many members of the Labor Party in this place may not want to hear it, but the locals who are Labor are saying to the Labor Party they are ashamed of you and that your treachery is an outrage.

I call on that minister, who is often too cowardly to come in here at night and answer what is going on. The fact is we now know that this treachery was even greater because the honourable member for Carrum knew one and a half months before the decision was taken that it was going to be cancelled, and then she pretended to wash her hands like some sort of Pontius Pilate as she sold out our community. This outrage has continued.

What people now know in the south-eastern suburbs is that if you vote for Labor in the future, whenever it may be, it is a vote for putting the money to the Burwood tramline. Our community is not going to wear this, the Labor Party locally is not going to wear it. As much as the tin-pot dictators from the factions of the Labor Party want to carry on about it, the fact is that they have sold us out. We know Scoresby freeway is dead under this government. Three years later the Eastern Freeway extension is dead under this government. Yet these were the roads that were supposed to save us.

I call on the minister, who I know is out there: come in, you coward, and answer it. Where are you? The honourable member for Carrum's treachery, and a few others members of the Labor Party — —

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

Responses

Ms PIKE (Minister for Housing) — I thank the honourable member for Mooroolbark for raising with me the matter of the future of residents in the Redlands community. She has articulated a number of concerns that members of that community have about their future. The relocation of people at Redlands has been an ongoing process which was begun a number of years ago. People from the Department of Human Services have been working very hard to find appropriate placements, to purchase new properties, even to build new properties and locate people appropriately.

On top of that, Sue Tait, the chair of the Intellectual Disability Review Panel, has had conversations with all

individual residents, with their supporters and with their families to ascertain the most appropriate future location for the residents. Members of my staff and officers of the department have met with family and friends. I am happy to look at the possibility of having a further meeting with family and friends, but I want to reassure the honourable member that this matter has been, I believe, handled with the utmost care and compassion. The site at Redlands is old, it is inappropriate and it is actually quite dangerous. We want to work to find the best possible outcomes for these families.

A matter for the Attorney-General was raised by the honourable member for Frankston, regarding a road rage incident.

A matter for the Minister for Agriculture was raised by the honourable member for Bendigo East regarding the federal response to the drought.

Matters for the Minister for Health were raised by the Leader of the National Party, regarding an individual client, and by the honourable member for Mornington, regarding the Peninsula Continence Service.

A matter for the Minister for Education was raised by the honourable member for Ballarat East, regarding the Ballarat Learning Exchange.

Matters for the Minister for Consumer Affairs were raised by the honourable member for Keilor, regarding e-commerce scams, and by the honourable member for Mitcham, regarding the Australian Soccer Scouting Organisation.

Matters for the Minister for Transport were raised by the honourable member for Springvale, concerning the missing third lane on the Cheltenham Road, and by the honourable member for Mordialloc, concerning the Dingley bypass.

A matter for the Minister for Education Services was raised by the honourable member for Bulleen concerning an amphitheatre at Templestowe Primary School.

All of these matters will be referred to the relevant ministers, who will all respond accordingly.

Motion agreed to.

House adjourned 1.34 a.m. (Thursday).

