

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

16 April 2002

(extract from Book 3)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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The Hon. BILL FORWOOD to 13 September 2001

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The Hon. R. M. HALLAM to 20 March 2001

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The Hon. E. J. POWELL from 20 March 2001

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Chamberlain, Hon. Bruce Anthony	Western	LP	Powell, Hon. Elizabeth Jeanette	North Eastern	NP
Coote, Hon. Andrea	Monash	LP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Cover, Hon. Ian James	Geelong	LP	Romanes, Hon. Glenyys Dorothy	Melbourne	ALP
Craige, Hon. Geoffrey Ronald	Central Highlands	LP	Ross, Hon. John William Gamaliel	Higinbotham	LP
Darveniza, Hon. Kaye	Melbourne West	ALP	Smith, Hon. Kenneth Maurice	South Eastern	LP
Davis, Hon. David McLean	East Yarra	LP	Smith, Hon. Robert Fredrick	Chelsea	ALP
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Hadden, Hon. Dianne Gladys	Ballarat	ALP	Thomson, Hon. Marsha Rose	Melbourne North	ALP

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Tuesday, 16 April 2002

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.03 p.m. and read the prayer.

HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER

Hon. M. M. GOULD (Minister for Education Services) — I move:

That the Council agree to the following resolution:

We, the Legislative Council of Victoria, in Parliament assembled, express our sympathy with Your Majesty, His Royal Highness the Duke of Edinburgh and members of the royal family, in your sorrow at the death of Her Majesty Queen Elizabeth the Queen Mother.

We acknowledge her as a much-loved member of the royal family and pay tribute to her long years of devoted service which she carried out with charm, dignity and resilience throughout her life.

The Queen Mother is mourned today by members of the Legislative Council. With sorrow we mark the passing of a remarkable figure in public life. Her legacy spanned an entire century that included the commencement of Australia as a Federation. Her life and record were dedicated to public service and duty.

Many Australians, especially older generations, will recall the then Queen Elizabeth's strength of character throughout the Blitz on London during World War II, with her decision not to leave London at that time but to lend support, encouragement and cheer to people during those difficult times. Her great strength of character was typified by her dedication and devotion to her family and the public, even up to the last months of her life.

Queen Elizabeth was born the Honourable Elizabeth Angela Marguerite Lyon on 4 August 1900, the fourth daughter of the Earl of Strathmore and Kinghorne. Her Majesty was descended from the royal house of Scotland, a connection she maintained throughout her life through her family, residences and public work. Her Majesty assumed the title of Queen Consort after her husband, King George VI, ascended the throne in 1937, following the abdication of his brother, Edward VIII.

After her husband's death, Queen Elizabeth continued her public duties in the United Kingdom and overseas. This encompassed 40 official visits overseas, including three to Australia in 1927, 1958 and 1966, and patronage of some 350 organisations, including the Australian Red Cross.

The Queen Mother will be warmly remembered by Australians. Her first visit to Australia in 1927 was to mark the opening of Parliament House in Canberra, which she noted fondly in commemorating the 100th anniversary of the commonwealth Parliament last year.

The Queen Mother's visit to Victoria in 1958 was remembered vividly and recorded with great enthusiasm, including an afternoon visit to Flemington races, experiencing Australia's culture first hand by walking through the large crowds. Her popularity at these events could not be doubted. The Queen Mother's final visit to Australia in 1966 was to open the Adelaide Festival and to see her grandson, the Prince of Wales, who had just commenced school at Geelong Grammar, Timbertop. The Queen Mother was recorded following her trip in 1966 as saying:

I shall always remember these days in your midst with feelings of the greatest possible happiness. I leave a large part of my heart in Australia.

The Queen Mother was connected to Melbourne's own University of Melbourne after having accepted an honorary degree in 1958. She attended a number of official engagements marking her 100th birthday last year, including a thanksgiving service in St Paul's Cathedral in London and, like many other centenarians, received a telegram from Her Majesty Queen Elizabeth II.

Hon. BILL FORWOOD (Templestowe) — It is an honour to join on behalf of the Liberal Party in the motion expressing the Council's sympathy with Her Majesty the Queen, his Royal Highness the Duke of Edinburgh and other members of the royal family at the death of Her Majesty Queen Elizabeth the Queen Mother.

By any measure, Queen Elizabeth the Queen Mother was a remarkable person. Partly because of her extraordinary long life she became committed to us in so many ways. We became used to seeing her at events and participating in public life. She became a part of our lives as well as those of the people of Great Britain. The achievements of her life are the reason she was held in such high esteem and high regard, not only by the people of Britain and other members of the commonwealth but also the world.

The Leader of the Government has gone in some detail through the Queen Mother's life and history. There has been since her passing a considerable amount of anecdotal information made available about this extraordinary person who left an extraordinary mark on

the 20th century. As honourable members know, her life spanned the whole of the century.

The Queen Mother was, as the Leader of the Government has said, frequently in Australia, and participated in the opening of the houses of Parliament in Canberra in 1927. She was Queen of the British Empire and then of the commonwealth for 15 years from 1937 to 1952 as the wife of George VI.

An interesting article on her death appeared in the *People Weekly* of 15 April under the heading 'True Brit: Britain's beloved Queen Mum, a style setter and stalwart, dies at 101 after helping guide the monarchy through abdication, world war and scandal'.

The article begins:

Joseph P. Kennedy, FDR's ambassador to Britain, called her, admiringly, 'a cute trick'. Hitler, on the other hand, thought her charisma made her 'the most dangerous woman in Europe'. But it was society photographer Cecil Beaton who best summed up her place in the hearts of her subjects: 'She is the great mother figure and nanny of us all'.

She certainly had the capacity to draw imaginative words out of people everywhere.

As the Leader of the Government has said, she was patron of and participant in an extraordinary number of organisations, continuing to work in many of them right up to the time of her death.

At the funeral service, which many of us had the opportunity to see, the Archbishop of Canterbury in his eulogy spoke of her strengths, her dignity and her laughter, all remarkable attributes and qualities that mark her as a remarkable person of the last century.

I was privileged on behalf of the Liberal Party to attend a thanksgiving service last week in St Paul's Cathedral. It was a memorable occasion. The cathedral was packed with Victorians paying their respects to the Queen Mother and offering their sympathies to the royal family. The lessons were read by Her Excellency Lady Southey, Lieutenant-Governor, and by Sir Ninian Stephen, a former Governor-General of Australia. Previous premiers the Honourable Lindsay Thompson and the Honourable Dick Hamer were there; but the cathedral was full of ordinary Victorians saying farewell to a remarkable woman.

On behalf of the Liberal Party I am pleased to join with others in supporting this motion and to pay tribute to the long years of devoted service the Queen Mother carried out with charm, dignity and resolution.

Hon. P. R. HALL (Gippsland) — I join with the Leader of the Government and the Leader of the Opposition in expressing on behalf of all of my colleagues in the National Party our sympathy with Her Majesty Queen Elizabeth and his Royal Highness the Duke of Edinburgh and the other members of the royal family and our sorrow at the death of Her Majesty Queen Elizabeth the Queen Mother.

As has already been said by previous speakers, by every measure the Queen Mother was a great lady. She was one of most popular members of the British royal family and, despite the ebb and flow of the monarchy's popularity over the years, she remained a much-loved figurehead of the royal family and the Commonwealth of Nations until her death on 29 March this year at the wonderful age of 101.

I, too, watched the television broadcast of her funeral and was moved by the sermon delivered by the Archbishop of Canterbury, Dr George Carey. Throughout his sermon he spoke of what he described as the Queen Mother's three greatest attributes: her strengths, her dignity and her laughter. He said:

Her strength was best displayed in her ability to make people she met feel special.

He also added:

There was nothing remote or distant about her own sense of dignity.

Publicly — and I am sure privately as well — the Queen Mother portrayed a great sense of dignity without ever appearing to be aloof or condescending. She was a person whom everyone could relate to and admire.

Throughout her life, however, the Queen Mother was often called on to demonstrate the strengths of character she possessed. Life was not always easy for the Queen Mother. She was born on 4 August 1900, the ninth of 10 children. Growing up in such a big family must have created significant challenges in itself. She was queen during the time of World War II, and her efforts to give hope to and inspire the people of Britain during that war are legendary.

She was widowed at the relatively young age of 51, but carried on with her royal duties, making over 40 official visits abroad, not to mention continuing her tireless work in Britain. I am informed that she was patron or president of around 350 organisations both in Britain and in other parts of the world.

The Queen Mother's strength of character was also tested by the sad death of her daughter Princess

Margaret just in recent times. But through all these diversities her work, her charm and her dignity were ever present.

Philip W. Pike, in his book entitled *The Royal Presence in Australia 1867–1986*, says:

... she had endeared herself to the world with her quiet charm and dedication to her duties and devotion to her husband who had unexpectedly inherited the throne.

Australia opened their hearts to this great lady who, as a woman saddened by the early loss of her husband, continued to be the gracious queen she had always been, performing her duties in an exemplary and warm fashion.

Laughter was the third great asset cited by the Archbishop of Canterbury in his sermon. The Queen Mother's ability to enjoy life while maintaining strength and dignity is also well known to us all.

To us she was Her Majesty Queen Elizabeth the Queen Mother. To her immediate family she was a mum, a granny and a great-granny. But no matter who we are or where we came from we all share common feelings of love and respect for this great lady.

Her Majesty Queen Elizabeth the Queen Mother will long be remembered by us all.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

Hon. M. M. GOULD (Minister for Education Services) — I move:

That the following address to His Excellency the Governor be agreed to by this house:

We, the members of the Parliament of Victoria, in Parliament assembled, respectfully request that Your Excellency will be pleased to communicate to the Governor-General the accompanying resolution for transmission to Her Majesty the Queen.

Motion agreed to.

ROYAL ASSENT

Message read advising royal assent to:

3 April

**Judicial Remuneration Tribunal (Amendment) Act
Water (Irrigation Farm Dams) Act
Water (Irrigation Farm Dams) (Amendment) Act**

9 April

Forensic Health Legislation (Amendment) Act

CONSTITUTION (GOVERNOR'S SALARY) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Education Services).

ELECTRICITY INDUSTRY (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time.

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Leave refused.

Ordered to be printed and second reading to be made order of the day for next day.

CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Leave refused.

Ordered to be printed and second reading to be made order of the day for next day.

**STATUTE LAW (FURTHER REVISION)
BILL**

Introduction and first reading

Received from Assembly.

**Read first time on motion of Hon. M. M. GOULD
(Minister for Education Services).**

AUDIT (FURTHER AMENDMENT) BILL

Council's amendments

**Returned from Assembly with message disagreeing with
Council amendments.**

Ordered to be considered next day.

BUSINESS OF THE HOUSE

Adjournment debate

**Hon. BILL FORWOOD (Templestowe) —
Pursuant to standing order 309, I move:**

That standing orders be suspended on the ground of urgency to the extent necessary to enable me to move the following motion forthwith:

That this house:

- (a) places on record its deep concern at the announcement on 27 March 2002 by the Leader of the Government that only one minister will be present during the adjournment debate in contravention of long-established practice in the Council;
- (b) condemns the government for such a practice which will enable ministers to avoid full public scrutiny and accountability;
- (c) reaffirms the fundamental principles of ministerial responsibility under the Westminster system of government; and
- (d) calls on all ministers to continue to attend the adjournment debate as has always been the case in the past.

I outline the following reasons for urgency. Firstly, the smooth conduct of the affairs of the house is of grave importance.

Secondly, this is the first opportunity the house has had to deal with the unprecedented boycott of the adjournment debate by government ministers on 27 March, which led the house into serious uncharted waters that night, including the suspension of the sitting

by the President. It is imperative that the house urgently consider the events of that night.

Thirdly, part of the resolution on 27 March, as well as the return of the ministers to the chamber, was an undertaking that there would be further discussions. The house is entitled to be informed of those discussions at the first opportunity.

Fourthly, these matters should be dealt with before the house faces its next adjournment debate tonight.

Finally, I wish to make the point that while I was under no obligation from the standing orders, the sessional orders, or convention and practice of the house to do so, I did inform both the Leader of the Government and the Leader of the National Party last night of my intention to move a motion today on the grounds of urgency.

House divided on motion:

Ayes, 28

Ashman, Mr	Forwood, Mr
Atkinson, Mr	Furletti, Mr
Baxter, Mr	Hall, Mr
Best, Mr	Hallam, Mr
Birrell, Mr	Katsambanis, Mr (<i>Teller</i>)
Bishop, Mr	Lucas, Mr
Boardman, Mr	Luckins, Ms
Bowden, Mr	Olexander, Mr
Brideson, Mr	Powell, Mrs
Coote, Mrs	Ross, Dr
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Smith, Ms (<i>Teller</i>)
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr

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Broad, Ms	Mikakos, Ms
Carbines, Mrs (<i>Teller</i>)	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms	Smith, Mr R. F. (<i>Teller</i>)
Jennings, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Madden, Mr	

Pair

Darveniza, Ms	Rich-Phillips, Mr
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Motion agreed to.

**Hon. BILL FORWOOD (Templestowe) —
Pursuant to the foregoing resolution, I move:**

That this house:

- (a) places on record its deep concern at the announcement on 27 March 2002 by the Leader of the Government that only one minister will be present during the adjournment debate in contravention of long-established practice in the Council;

- (b) condemns the government for such a practice which will enable ministers to avoid full public scrutiny and accountability;
- (c) reaffirms the fundamental principles of ministerial responsibility under the Westminster system of government; and
- (d) calls on all ministers to continue to attend the adjournment debate as has always been the case in the past.

The motion is about accountability and scrutiny, and about standards of behaviour and the conduct of ministers. It deals with some of the issues that Victorians regard as important, even if they are not so regarded by government members. I will deal with that in more detail later.

The motion goes to the heart of the credibility of the Bracks government. At the moment the government is suffering because the upper house in Victoria has established two parliamentary select committees: one to look into the Reeves affair; and one to look at the Frankston affair. In response to the scrutiny under which this house is putting it, the government is spitting the dummy. Government members are behaving in a petulant way and have decided to ignore years of practice and convention just because they feel under pressure and want to try and get back at the opposition.

The motion is not about the workings of the house but about ministerial behaviour; it is about full public scrutiny, accountability and responsibility. On a number of occasions in the past I have gone through the way this place operates and I need to do that again briefly. There are some fundamental things about the way this house behaves. Page 20 of *Australian Senate Practice* says:

Broadly speaking, the standing orders were framed for the purpose of enabling the Senate to be master of its own procedure —

the same applies to the Council —

but recognising the fundamental parliamentary rule that there should be safeguards against surprise and haste.

On 27 March, the last time this house sat, we were surprised twice: once by the behaviour of Mr Theophanous in tabling a report when other members of the chamber did not know about it; and secondly, by the action of the Leader of the Government that night when she breached years of tradition and practice in the way this house operates by coming into the house and stating that the ministers would not be attending the adjournment debate that night. I should say again: it seems that breaches of convention and practice are coming to be the rule with

this government. It has been the practice of this house that if the government intends to seek leave that it at least advise the opposition first. That day there was no such indication. Let me deal with the way this house operates. It operates according to sessional orders.

Hon. T. C. Theophanous — Were you asked yesterday?

Hon. BILL FORWOOD — Mr Theophanous, I will get to yesterday's meeting in full time, and I will detail it then.

As honourable members know, this house has the capacity to make its own rules. More than that, the house has four key responsibilities. It does many things. It has a responsibility to deal with legislation — the government program. It has a function to scrutinise the executive. That is a very important function and one which the Premier acknowledged in his response to the Independents charter when he said:

I am personally committed to transforming Parliament into an open and democratic forum for the exchange of ideas and the scrutiny of the executive government.

What hollow words they seem now, 'the scrutiny of the executive government'.

A third responsibility this house takes very seriously is its inform function, and there are numbers of ways that people are informed of issues of importance, not least of course through the adjournment debate.

The fourth function I will mention for the purposes of debate today is the one we all have of representing our constituents. Again, that function is undertaken during the adjournment debate.

The adjournment debate has a long history in this place and there are guidelines for how it should be conducted. One of the conventions that has been apparent from the very beginning and has always applied is that all ministers will turn up to attend the adjournment debate.

On 22 November 2001 during an adjournment contribution by my colleague Mr Rich-Phillips, I raised a point of order which is reported in *Hansard* at page 1301 as follows:

... Mr President, I am reluctant to take a point of order while an opposition member is on his feet, but the Minister for Small Business and the Minister for Energy and Resources have left the chamber. I understood that during adjournment debate in this house all ministers are required to be here, and I invite the Leader of the Government to get them back into the chamber.

This issue, Mr President, was not ruled on by you because of the response that day of the Leader of the Government, in which she indicated that what I had said was entirely appropriate. She said:

On the point of order, Mr President, the Honourable Bill Forwood would be aware that the Minister for Consumer Affairs was at the table during the committee stage in debate on the previous bill and has gone to have a health break — and she has now returned to the chamber, even before I resume my seat —

acknowledging that the minister had returned straightaway. The Leader of the Government then went on to say:

The Minister for Energy and Resources has gone to pick up a piece of paper and will be back in the chamber in the next couple of minutes. The Honourable Gordon Rich-Phillips is raising a matter for my attention ...

Again, she acknowledged that it is the practice of this house for ministers always to be here during the adjournment debate.

Honourable members interjecting.

Hon. BILL FORWOOD — No, I do not have any objection. The issue then becomes: what was it that had occurred on 27 March which led the government to make the decision it made collectively that it would not in future allow ministers to participate fully in the adjournment debate? The first thing we have to go on is the statement made that night by the Leader of the Government. She started her statement by saying:

... the ministers are not prepared to participate in the abuse of the parliamentary process that happened on the adjournment last night ...

In those circumstances one would be able to assume that the reason the ministers did not turn up for the adjournment debate on the night of 27 March was because of something that had happened the previous night. Honourable members would be aware of the events of the previous night, when the Honourable Maree Luckins sought and was given leave by the Leader of the Government to incorporate into *Hansard* two statutory declarations to which she later spoke.

Hon. G. R. Craige — Hear, hear! I was present.

Hon. BILL FORWOOD — We were all present. There was nothing in her behaviour that night which could be constituted as an abuse of the parliamentary process.

Hon. T. C. Theophanous — She did it in a shifty way.

Hon. BILL FORWOOD — Mr Theophanous talks about being shifty. I am not one to talk of pots and kettles and the colour black, Mr Theophanous!

I invite honourable members to go to the end of the *Hansard* report of the adjournment debate of 26 March. They will see the statutory declarations on the next pages. If they turn to page 336 of that *Hansard* report they will see that leave to incorporate them was granted by the government on that occasion. So one would be entitled to believe that after having given leave the government had decided it had made a mistake and that it had not been a sensible thing to do. My recollection is that the Leader of the Government announced in the debate that night that she had not fully read all the pages but had only scanned them.

I shall make two points: firstly, the events of that night happened by leave of the government. It was odd that the Leader of the Government then came into this place the next night and tried to paint what happened as abuse. The second and subsidiary point is it was done by leave. So much of this house runs on the issue of leave, and we saw it again today. Standing order 265 says that when legislation is introduced from the other place it shall lay over until the next day unless leave is granted to do otherwise. Much of the operation of this house is based on goodwill and cooperation. I make the point, as I have on previous occasions and at both my meetings with the Leader of the Government and the Deputy Leader of the Government, that we are prepared to continue to work in a cooperative way regarding the business of the house.

However, one could believe it was the abuse of the parliamentary process, so-called, by the Leader of the Government, that led to the behaviour of the ministers in not turning up for the adjournment debate that night. The minister in her statement went on to say that it had something to do with consistency with the Senate, and I shall turn to that in a moment. That was the first indication, by surprise — there was no discussion — of a change to the convention, practice and traditions of the house. How far does one need to go back — at least to the Second World War, and probably earlier. That never happened under the first Cain government, never under Sir Henry Bolte's government — he did not have the numbers in the upper house — nor under the Kirner or Cain governments. Such a tawdry stunt was never pulled except by this government and this leader.

This was the first indication. In the adjournment debate that night it became apparent that there was an issue about the way the government behaved that we on this side of the house objected to. The President put the question that the house should adjourn, and we said no.

The Deputy Leader of the Government got to his feet and raised a number of issues, not all that consistent or inconsistent with the Leader of the Government. Obviously they had not got together and sorted out their stories because in his contribution that night the Deputy Leader of the Government said that the Leader of the Government had indicated to the chamber that this was not a permanent decision and that there would be opportunity for consideration and reflection on the matter.

I invite every honourable member to turn to page 75 of *Daily Hansard* of 27 March to find those words. They are not there! I have been through the two things said by the Leader of the Government that night. She said it was in response to the issue of the abuse of the parliamentary process and because of Senate practice. She said nothing at that time about the fact that it was not a permanent decision — it now appears to be so — and she did not say there would be an opportunity for consideration or reflection.

That night further indications arose. We had an exchange of points of order between Mr Jennings and me, and concern was expressed about the capacity of the house to continue to behave in its normal way. In other words, if ambushes take place surprises occur, and if we move away from the practice of there being some notification and no surprise, people are given time to do things. If that does not occur we get ourselves into difficulties. It was on that basis that Mr President suspended the sitting, which is a rare occurrence. I do not recollect how many times Presidents have suspended the sittings in my nearly 10 years in Parliament. The party leaders met in his rooms and orchestrated a way through the impasse that night.

It was resolved that on the resumption of the bells all the ministers would return to the chamber. By that stage the adjournment debate had passed, but at least the ministers acknowledged that they were back in the chamber and the agreement was that if they were to return we would not be vociferous and remind them that it was good to have them back. I gave my best endeavours that the Liberal Party would behave in that way, which it did, and we met the ministers with silence, as we had undertaken to do, and the house adjourned. Finally that night the President said the talks had been productive, and the house adjourned.

The President said the talks had been productive — they were because the house adjourned — amicable — they were because of the tenor in which they took place between the party leaders — and that there would be further discussions. I made my point very clear. I believe discussions are always worth while and we

stand ready to discuss with the government the business and conduct of the house, its business program and any other issues it wishes to discuss.

I was horrified on Friday afternoon after our first conversation with the Leader of the Government and her deputy to find when I got back to my office an email from the Clerk saying that the Leader of the Government has, ‘Asked me to inform you that she intends to move a motion in respect of the Queen Mother’s death and that she further intends to move a motion adjourning the house until 8 o’clock that night’. What surprised me was that the Leader of the Government had not communicated that to me — she was using the Clerk to do so. My initial — and I believe legitimate — reaction was that the government had decided it was no longer going to communicate in the normal way about the business of the house but — —

Hon. T. C. Theophanous interjected.

Hon. BILL FORWOOD — Mr Theophanous, we decided to follow the practice of the Legislative Assembly in this case, which I believe is entirely appropriate.

I am concerned because when you have a breakdown in relations between the parties in the houses it becomes difficult to do things. Again I make the offer to the government that we stand ready at any time to speak to it about any issues on the operation of the house, However, in return we do not expect to be surprised or to find, like we did on one occasion last year, that leave is refused for us to carry out the business we wish to carry out on a Wednesday, which is traditionally the time the opposition has for that. That is a matter of fundamental importance.

I went to the first meeting that Friday afternoon with the Leader of the Government and the Deputy Leader of the Government with an expectation that we would find a way around this problem. I discovered at that meeting a total reluctance on the part of the government to abide by the traditions of the house that all ministers turn up for the adjournment debate. We had a number of discussions about it and about the reasons why they would not do it. I make the point strongly that to my recollection — and I stand to be corrected — not once in that conversation or in subsequent conversations we had on Monday night did anybody raise the adjournment issue of Ms Luckins on the Thursday night. The ground had shifted. It was no longer an issue about Ms Luckins’s behaviour being the reason why the ministers were not turning up; it had become a different issue.

I started to think about these issues. I made a genuine offer to the government that we would look forward to resolving the issue by returning to the normal practices of the house where each of the ministers turned up at the adjournment debate and subjected themselves to scrutiny and be held accountable. All honourable members on all sides of the house could then raise issues on behalf of their constituents, as has happened under all previous governments. In the tense days of the 1980s when the numbers in the house were tight we did not see Evan Walker, David White or Bill Landeryou pull such a stunt — not even Joan Kirner would pull a stunt like this.

I approached the meetings with the intent that we get back to that sort of response. We left the meeting on that Friday afternoon agreeing to meet again yesterday afternoon. Yesterday afternoon with my colleagues the Leader of the National Party and the Deputy Leader of the Opposition we met again with the Leader of the Government and her deputy in line with the President's statement that we would have further discussions. I made the point at that time that there was not a lot of work on the business paper for this week. If you look at the business paper you see there is not a lot there and not a lot coming in.

I suggested to the Leader of the Government that one of the approaches we could take would be not to sit this Thursday, because there is not a huge amount of legislation. There is legislation that we could deal with, certainly, and there are other things that normally take place on Thursday, very important parts of the parliamentary process: question time, adjournment, 90-second statements, taking note of committee reports, all of which are fundamental parts of the parliamentary process. But there was no particular urgency about sitting on Thursday.

The point I made to them then was about why the ministers do not come in for the adjournment debate. If they did, we would not need to sit on Thursdays. That offer was rejected by the government. The government decided it would prefer to sit on Thursdays, to have another adjournment debate and another question time rather than change its stance on no ministers turning up to the adjournment — or rather, only one minister turning up to the adjournment debate.

I started to think, 'Why would they do this?'. It is not in their interest to behave like this. It seems to me odd that they would require ministers to spend an extra day in the chamber when they perhaps may not need to and when there was not all that much urgent legislation needing to be dealt with. In fact, everybody knows that

under this government there has been a paucity of legislation coming through.

An honourable member interjected.

Hon. BILL FORWOOD — Yes, as my colleague says, there is a paucity of leadership to go with it.

I can only assume that the government has decided that it wants to make the upper house unworkable. It wants to try and orchestrate behaviour in this chamber, to try and assist its cause being run by the Constitutional Commission of Victoria. Mr Justice Hampel and his constitutional commissioners are due to report later this year, on 30 June I think. Everybody knows that the group has been given \$2 million and the Premier's instruction to come up with a system of changing the way the members of this chamber are elected.

The government has embarked on a deliberate strategy, it seems to me, of making the chamber difficult to operate. I believe the institution of the Parliament and the democratic process are too important to allow them to be playthings for people such as —

An honourable member interjected.

Hon. BILL FORWOOD — Well, the challenge I will put to the Leader and Deputy Leader of the Government is to say who actually does, on their side, control the activities of this chamber. As long as I have been a member —

An Honourable Member — Justin Madden just left!

Hon. BILL FORWOOD — Well it certainly is not him! We need to have some confidence, Mr President, that the activities of this chamber are run by the Leader of the Government, her deputy and her whip, the Leader of the Opposition, his colleagues and the Leader of the National Party and his colleagues, and that the conduct and business of the chamber resides not only with us but within the whole chamber. I suspect, however, that the vigour this chamber has been showing, particularly with the select committees on Frankston and the Reeves business, and with the new question time style, which has put some pressure on the chamber, has led to the situation where the executive has decided that rather than allowing the Leader of the Government to run the business of the house it will do it for her.

I look forward to a situation where the Leader of the Government can come to us and say, 'We would like to do this — and we have the authority to do it'. That would be useful because my strong view is that the

government has now decided that it is not going to behave according to convention. It is going to breach the longstanding practice and convention of no surprises, no haste. It is going to act in that unilateral manner as it did that night. It is going to allow the deputy to come in and say things that are completely at odds with the things her leader has said. I look forward to — —

An Honourable Member — His leader!

Hon. BILL FORWOOD — What his leader has said, I mean. Or perhaps it is the other way around: she is saying things that are not in keeping with the deputy. However, I do believe that that is an important issue.

The crucial issue is one of scrutiny and why this house behaves in the way it does. It behaves in that way in the interests of good government. As the Premier himself said, he is prepared to have the executive scrutinised by this chamber and by the other house.

So where do we go from here? The motion calls on the government to revert to longstanding practice. Government members will come in here and say, 'This is not the practice in the Senate; in the Senate it is done in a different way'. That is true; but we do not have to adopt everything the Senate does.

I make the point, Mr President, that the reason we changed the question time structure was because of the total inability and unwillingness of government ministers to answer questions. I invite anybody to turn in *Hansard* to the last time we were in here and read the questions by my colleague the Honourable Andrew Brideson on Lilydale Heights Secondary College and its capital works, by the Honourable Gordon Rich-Phillips on the capital works of the Courtenay Gardens Primary School and by the Honourable Bill Baxter on privatisation of the school systems, and to read the answers.

If anybody wants a good summary of what happened I refer them to some entirely apposite comments of my colleague Mr Baxter, along the lines — I will not quote *Hansard* — that ministers cannot just come in here and run the same answer to four different questions, which is what happened that day.

So because of the inability and unwillingness of ministers to respond to questions in an appropriate way — which has a long history since 1999 — the opposition decided that we would bring in a new system that provided a capacity for a supplementary question to be asked and for there to be a debate thereafter.

The new system did follow a set of rules that were there to be followed, but we could have designed our own, and we would be quite happy to do so. Honourable members might remember that at the same time we adopted the 90-second statement structure from the Assembly. Honourable members might also remember that at the same time we introduced procedures for the tabling of reports, which I think — the Clerk will correct me if I am wrong — were entirely the invention of this house itself, or maybe, to put it better, the invention of the Clerk in conjunction with others who were keen to do it, as part of the inform and scrutiny role. We get our ideas from everywhere.

It is a nonsense for members of the government to say that just because ministers do not turn up in the Senate so they should not turn up here. I make the point that the Senate has a vigorous committee system that looks at legislation all the time. If one were to follow slavishly what the Senate does, one could consider establishing a further raft of committees of this place to hold the executive government to account and to scrutinise the activities of the government — particularly a government that I am happy to say has broken all its commitment to freedom of information! Honourable members ought to see the sort of nonsense coming back under FOI! This is a government that is scared of scrutiny and accountability. It is nonsense to say that we should either slavishly or not slavishly follow the precedents established by the Senate.

So where do we go from here? We could have more debate — and perhaps we will. This house has never gagged people and never used the guillotine. It is important that government legislation is properly scrutinised. We could certainly have more committee stages. It is the practice in this house that leave is given for debate on bills not to go into committee as a matter of course. We certainly could scrutinise the government through more committee stages. I hesitate to say that we could revisit the issue of the questions and how they are asked, but that is a possibility the house might like to consider. We certainly can think about adjournments and how they operate.

The one thing I decided that this house should do is that it should have the capacity or ability to sit as a matter of course on Fridays. We could come back on Fridays and have another question time, more debate and more adjournment debates. Let me be clear about this: I am not saying that I want this house to sit every Friday, but I do believe that the capacity should exist. If members of the government are going to hide from scrutiny, then we will find ways of holding you to account and one way of holding you to account is to come back on Fridays.

I am happy to foreshadow that later this afternoon I will move a motion that will enable the house, as a matter of course, to sit on Fridays until the end of June this year. All that will mean as a matter of practice is that when we get to a Thursday night the Leader of the Government presumably will have had a conversation with us — although we are not sure in the current climate whether she will continue to talk to us — and she will have the capacity to say, ‘Do you think we should come back on Friday, or should we adjourn until next Tuesday or the following Tuesday?’. That capacity will exist. Tomorrow we will have the capacity for this house, if it so chooses, to sit on Fridays so that it will have the capacity to hold this government to account. There certainly will not be any opportunity for Mr Theophanous to avoid exercising his debating skills — he will have lots of opportunities. The issue will become that if the government behaves in a way that avoids scrutiny the opposition — as is its responsibility on behalf of the people of Victoria — will find ways of holding government members to account, and we will continue to do it.

Let me make the point very strongly: we stand ready to talk at any time about the smooth operation of this chamber and we stand ready to talk on a daily basis about the government’s desires on how the house should operate. But we will not stand, sit or be around to be treated in the way that members of the government treated us on the adjournment debate last time, when you walked in and actually threw out the window the conventions, traditions and practices of this house.

Hon. T. C. Theophanous — You should talk!

Hon. BILL FORWOOD — I have looked at some members of the Labor Party over many years. Not even Mr Theophanous would have pulled a stunt like this when he was minister — nor did he pull the stunt when he was a minister.

I have been interested in politics for a long time and I have known members of the Labor Party of real calibre, real ability, real sensitivity and compassion. I have also met some people who do not live up to those standards. The problem that we have at the moment is that we are faced in this house with four dud ministers. I do not need to make that assertion. Meghan Shaw wrote an article that appeared in the *Age* of 2 June 2000, headed:

Labor four below par in upper house

We actually have ministers in this place who should not be ministers. The other day the Leader of the Government was dumped. She was so bad as the Minister for Industrial Relations that she was shifted

sideways, downwards — out off the way. The sort of behaviour that she has exhibited in this house and the lack of leadership that she brings to this place, is evidence of a person so far out of her depth that it is an embarrassment. We are not embarrassed — members of her own side are embarrassed. You should have seen their faces — I can see them, you cannot — on 27 March when the Leader of the Government was found out as having given leave for the Honourable Maree Luckins to incorporate in *Hansard* two statutory declarations which she had not read. They were embarrassed.

I finish on a positive note. The government is entitled to have its legislative program dealt with in this place, and the opposition stands ready to deal with the program as it brings it through. However, the opposition believes that the best interests of this chamber are accommodated by dialogue, goodwill, agreement, and by the accepted traditions, practices and conventions of the house. The opposition looks forward to the government’s reconsidering its decision for ministers to boycott the chamber, in the interests of the smooth operation of the house, but more particularly in the interests of the people of Victoria.

Hon. M. M. GOULD (Minister for Education Services) — I make some comments about the urgency motion moved by the Leader of the Opposition. It was a bit hard to follow his line of argument about the government’s decision to implement a practice that only one minister be in attendance during adjournment debates in upper houses. I remind honourable members that that procedure occurs not only in the Senate of the federal Parliament but in every other parliament across the country.

The Leader of the Opposition is well aware that the Australian Senate does not even have ministers attend the adjournment debate. In most cases a parliamentary secretary attends. In Western Australia a parliamentary secretary attends adjournment debates in the upper house. In the South Australian Parliament and in the Tasmanian Parliament only one minister attends the adjournment debate.

When it suits the opposition and at the whim of the Leader of the Opposition it is happy to throw out the door what it says are the practices and traditions of the house. But if the conventions do not suit the opposition it amends the sessional orders by using its numbers and rule 14:30.

On two separate occasions the current Leader of the Opposition has moved amendments to the sessional orders. On one occasion he gave notice on the Tuesday

that he would move a motion on the Wednesday to amend the sessional orders. On another occasion he gave a week's notice that he would move amendments to the sessional orders.

With respect to the last amendment to the sessional orders in the spring session last year, did the government oppose those changes when the house debated the proposed amendments? No, it did not. Why did it not oppose them? Because, as the Leader of the Opposition said, the government is open and accountable. The government did not oppose those amendments to the sessional orders, and agreed with the proposals put by the Leader of the Opposition with respect to having supplementary questions.

Mr President, you led a delegation of party representatives and leaders of the respective parties to the federal Parliament to look at how the Australian Senate operated. When it suits the opposition it is happy to put forward changes to the sessional orders, but when the government introduces legislation to make this place more open, accountable and representative, the opposition opposes it. It did not suit the opposition to be open and accountable to its constituents across the state every four years. Does it suit the opposition to have proper representation in this house? No. The opposition voted down that legislation.

The Leader of the Opposition says that the government does not want to be open and accountable but then says that to ensure the government is open and accountable he will give notice that later this day he will move that this house sit on Friday. That is fine; the government has no problems with that.

The Leader of the Opposition was critical of the government following discussions that took place in my office between the Deputy Leader of the Government and others yesterday. He said the position was put that the house sit only today and tomorrow, which could occur if leave were granted for the second reading of legislation today. The government is happy to sit on Thursday or Friday to have another question time. It is open and accountable. In his contribution, the Leader of the Opposition said that the government is not open and accountable and that he will move a motion that the house sit on Friday, and yet he is critical of discussions about the house sitting only two days. The Leader of the Opposition is not even sure what his argument is.

The opposition likes to change the rules when it does not suit it by using rule 30:14 — 30 opposition members and 14 government members. That is all the opposition is interested in. It talks about the traditions

of the house. When it suits the opposition it is happy to follow the traditions of the house.

In the time the Leader of the Opposition has been the Leader of the Opposition in this place he has changed the traditions of the house by changing the sessional orders. He is a member of a political party that on every occasion opposes any attempt to scrutinise the proceedings of this house through proper reform of the upper house. On a number of occasions the government has introduced legislation for proper reform of the house to ensure accountability and openness. What is the opposition's position on this? It does not want it. It wants members to be in this place for seven or eight years without facing their constituents, but when it comes to facing the electors every four years to ensure this house is open and accountable, the opposition says no.

The Leader of the Opposition made four points, and I could not follow all of them. He referred to the need to pass legislation. All honourable members accept that this is what we are here for and that it is the premise on which Parliament is established. He then referred to scrutiny of the executive. This house has a question time lasting 20 minutes each day it sits. In the time that I have been here I know of only two occasions on which you, Mr President, have restricted question time to that period. You have ensured that five questions are asked by members from both sides. The changes that the opposition brought in resulted in supplementary questions, so it has ten questions. Now we as the government can choose to take advantage of the supplementary questions if we wish to; at this time we have not, but that has opened it up.

As far as I can see the opposition is getting a bit precious about the adjournment debate because it is something that it is not in control of. It is the first time that members of the opposition have learnt that they are exactly that — the opposition. They are not the government; they do not have total control of this house, and they are a bit upset about it.

Mr Forwood is running a line about the traditions and forms of the house and the government's choice to have only one minister present during the adjournment debate in the last sitting week of this house. That is in line with the traditions of the Assembly; it is in line with the traditions of the Senate; it is in line with every other state except Queensland, which does not have an upper house. I am sure if it did have an upper house it would have only one minister present during the adjournment debate.

More than 85 adjournment matters have been raised in this house in this autumn session of 2002. Of those, about 85 per cent have been referred to ministers in the other house. In the last sitting week of this house I took all the adjournment matters — there were 17 — and 13 of them were referred to the other place. On the very next morning I signed off 16 letters to my ministerial colleagues informing them that this was a matter that was raised in the adjournment debate and asking them to respond in the usual manner.

Hon. K. M. Smith — We got no answers!

Hon. M. M. GOULD — Mr Ken Smith from the other side comments that he has not received any answers. He has raised a number of adjournment matters to do with getting responses from ministers, and will never have them, but I am still waiting for answers to adjournment matters I raised when Mr Smith was in government — because when his lot were in government they did not respond to the opposition! So if Mr Smith wants to compare our track record with his, I suggest he turn his hearing aid on and keep his mouth shut!

In 2001 a total of 375 adjournment matters were raised and 258 of them were referred to the other place, so more than 70 per cent went to the other place. As the Leader of the Opposition indicated, the adjournment debate is a time when members usually raise issues specific to their electorates. I could break those down to give details of what they are about, but most deal specifically with constituent matters; many are to do with roads and those sorts of issues. I will not go into all those details, but it is clear that the adjournment debate is an opportunity for members to raise matters; ministers can take notes and give short responses to the members who raised issues and refer them on to the appropriate ministers, who will in turn send the members written, informed responses. That has been the practice in the Victorian Legislative Assembly for years and years. It has been the practice in the Senate for years and years and it is the practice in every other parliament across the country.

The only argument we have had from the opposition is, 'Oh, it is one of the customs and practices we have had and we do not want to lose it'. When it suits them, opposition members are quite happy to throw out any traditions or past practices. Opposition members are quite happy to make amendments to the sessional orders; they do it on a whim. If the rules or the practices do not suit them, they will change them. They still do not have in their heads that they sit on your left, Mr President — that they are in opposition and not in government.

All we have from the Leader of the Opposition are comments about freedom of information. This government honours its commitment to openness and accountability. It has made changes to the Freedom of Information Act to ensure that people get proper access to it. The opposition is complaining at the moment that the responses to FOI requests have not been supplied, but the opposition has put in 1100 FOI requests! That is fine, but I urge the members of the opposition to talk to each other from one house to another, because they are obviously not doing that. This government has made changes to ensure that FOI legislation is more open and accountable and that the departments are responding to FOI requests in a timely manner.

I know the opposition has some concerns about this. The Leader of the Opposition made a comment about my seeking leave earlier in the formal part of the business today to give second readings to a couple of bills that were on message, and those two bills were read a second time. My ministerial colleagues were not granted such leave, and the Leader of the Opposition indicated that the normal practice is that we talk about these sorts of things. Well, I dare you to deny the fact that we did have a conversation last night about the question of seeking leave with respect to the four pieces of legislation that were on message, and you said just — —

Hon. Bill Forwood — No, we did not.

Hon. M. M. GOULD — We did!

Hon. Bill Forwood — You didn't seek leave — —

Hon. M. M. GOULD — You did! Mr Hall was there, Mr Furletti was there, and we said we would be seeking leave for the four pieces of legislation — —

Hon. Bill Forwood — You did not!

Hon. M. M. GOULD — We did seek leave last night with respect to the four pieces of legislation that were on message. So I refute the comments that were made by the Leader of the Opposition in his contribution. That was not the case. We did seek leave, and I accept and acknowledge that the opposition granted leave for the second reading of two pieces of legislation to take place later this day. The government obviously does not have any problems with that, and I thank the opposition for granting the leave. Again, it is at the whim of the opposition. It always has been possible for any member to deny leave on any issue that may be raised by any member in this house.

The government rejects the urgency motion moved by the Leader of the Opposition. With respect to full

scrutiny and accountability, this government is more open and more accountable than the previous government ever was. I am aware of and have been party to a number of pieces of legislation that have gone through the committee stage — that is one of the practices that has taken place in this house, and I have been party to it. I know Mr Baxter will remember that on the City Link legislation we were in the committee stage for about 8 hours one night. We started at about 9 o'clock at night and finished at about 4.00 in the morning, so it is not unusual for this house to be in committee stage. I know one piece of legislation that Mr Hallam will recall dealt with the Auditor-General. We started at 10 o'clock in the morning and finished at a quarter to ten the next morning. So this house has been party to scrutiny and this government has been party to scrutiny with amendments to legislation put in at the committee stage, so we have no problems with that.

With respect to the adjournment debate, I have already stated that the government's view is that a note of most of those matters can be taken down by a minister and referred to the responsible ministers, who can then refer their replies to the honourable members who raised them. That is in line and consistent with the practice in every other Parliament in this country, except of course in Queensland, which does not have an upper house. In all other capitals — in New South Wales, South Australia and Western Australia — it is the parliamentary secretaries who on most occasions attend the adjournment debate, not ministers. More often than not the Senate has a parliamentary secretary in attendance, but Victoria's constitution does not allow that. The government will have a minister attend at adjournment time, and the opposition's claim that this government is not prepared to be open and accountable is an outrageous assertion. This government is more accountable than the opposition was when it was —

Honourable members interjecting.

Hon. M. M. GOULD — How many amendments were put through when the opposition was in control?

Hon. Bill Forwood — Fifty-four!

Hon. M. M. GOULD — And how many of them were government amendments — house amendments — rather than amendments put up by the opposition?

Hon. Gavin Jennings — Fifty-four!

Hon. M. M. GOULD — The government does not support this urgency motion. There is no urgency in stating that the government should have all ministers

attend the adjournment debate. It is quite an acceptable practice. The opposition is just whingeing, whining and carping because on this particular occasion it wants to chop and change the rules. The government has taken a position and a view that having one minister present for the adjournment debate is quite acceptable and it is the practice across all states, so I reject the urgency motion before the house.

Hon. P. R. HALL (Gippsland) — It is always difficult to follow the Leader of the Government in debate in this chamber because there is certainly no logic in the arguments employed by her. It is the responsibility of subsequent debaters to make comment on the arguments advanced by previous speakers. There have been no cogent arguments at all advanced by the Leader of the Government in defence of this motion, and for that reason I find it extremely hard to follow her in the debate.

But let me make some comments, Mr President. First of all, the National Party wholeheartedly supports this motion by the Leader of the Opposition and sees a gross disservice to the operation of this house by the actions of the government on 27 March in ceasing the practice of having all ministers attend the adjournment debate.

I have been a member of this house for just in excess of 13 years, and some of my colleagues in the National Party have been here longer. Our collective memories cannot ever recall a time when a full complement of available ministers did not front up to an adjournment debate on any occasion. I say 'available ministers' because there have been times when for some special reason, such as illness, ministerial conferences or personal leave, a minister may not have been here. But apart from special reasons, at every other time in the collective memory of my colleagues in the National Party a full complement of available ministers has always attended the adjournment debates on every occasion they were held in this chamber.

There is no doubt that practices of this chamber have changed over the years. At various times we have seen some alterations to sessional orders, for example, but every one of those changes had a specific purpose of making this house function better and improving its operation. Those changes were always debated and agreed upon by the majority of the members of this house in the belief that they would make the operation of this chamber better. But the action taken by the government on the presence of ministers during the adjournment debate contradicts this: it does not make for a better debate in this chamber, no matter what the Leader of the Government or any subsequent speakers

may say. No-one will ever be able to convince me or members of the Victorian public that the absence of ministers in this chamber when honourable members are raising legitimate concerns on behalf of their constituents will make the debate better. It certainly will not! It degrades the role of the Legislative Council in the Parliament of Victoria, and for that the government stands condemned.

The basic question which I think everybody wants an answer to is: why has the government taken this action of prohibiting ministers from coming in in full to the adjournment debate? We are still awaiting an adequate explanation for that. As has been pointed out, we got part of a first-flush explanation on 27 March when the Leader of the Government said that they would not participate because of the abuse of the parliamentary process that had taken place. Well, that is a long since abandoned reason that has not even been mentioned in dispatches since then. Certainly it was not the subject of the meeting with the leaders that I went to last night. It was not mentioned at all by the Leader of the Government in her response, when she had plenty of opportunity to talk about these matters. Not once did she refer to an abuse of parliamentary processes. So we have abandoned that, and I think we all agree with that, otherwise the Leader of the Government would have thought up that argument — that it is not because of an abuse of any parliamentary process.

It then occurred to us that the reason the government has taken this decision is because it will be consistent with Senate practices. I say this: we chose to adopt some practices used by the Senate, and we have chosen to adopt some practices which we designed, all in the belief that that will make the workings of this house better. There is no reason whatsoever why we should consistently adopt every single practice of the Senate, or indeed any other chamber of any Parliament in Australia or the world. We should be concerned about making this house function better, and we should be picking out the good points of any parliamentary processes. Adopting some of the practices employed by the Senate has made this a better chamber, although it has not made it operate better. There is no logic in choosing to implement every practice of the Senate.

I refer to another reason given by the government for introducing this practice. As the Honourable Bill Forwood remarked in his opening comments, the reason for this urgency debate is to inform members of this chamber about what has occurred during discussions among party leaders since the fiasco of 27 March. As he rightly said, members of this house have the right to know what was involved in those

discussions. After all, we were all involved in the fiasco on 27 March.

Last night when I asked the government why this decision had been taken one of the reasons given to me was that the ministers are spending unreasonable amounts of time in the chamber. That was not reported on by the Leader of the Government today, but that was what was said by the government.

They are ministers of the Crown; they are paid to do a job. A reasonable expectation of constituents, who are the people of Victoria, is that ministers spend appropriate amounts of time in the chamber and be here at appropriate times, particularly when members wish to raise matters on behalf of their constituents. Members expect ministers to be here at those times and to directly take those questions, queries and issues raised. After all, what are they paid for? As ministers of the Crown they have a 75 per cent pay loading on top of their base salary. One would expect they could be here for a few hours each day to take account of the questions and issues raised directly by honourable members. We did not hear that in the address of the Leader of the Government; perhaps we might hear it from subsequent speakers, or maybe the government has abandoned that reason as well. Who knows, but it was certainly mentioned in discussions with party leaders.

Another interesting reason advanced by the Leader of the Government today for the ministers not needing to be present during the adjournment debate was that it is not necessary for them to be in the chamber, because after all, 70 per cent of the matters raised by members of this chamber are referred to ministers in the other place. That might be so, but is that not reasonable? Is it not roughly proportionate? About 30 per cent of ministers are in this place and 70 per cent are in another place; therefore, questions raised would probably be in the same ratio — 30 per cent directly for the ministers here and 70 per cent for the ministers in the other place. That seems perfectly reasonable to me.

I was pleased to hear the Leader of the Government say that 85 adjournment items have been raised in the couple of weeks we have been sitting this year. That means at least 85 constituents or groups of constituents would be grateful that we are working and raising matters on their behalf. At the very least they would expect ministers to be in the chamber to hear matters first hand and not for the matters to be conveyed to them in some other sense.

The Leader of the Government says it is not necessary for the ministers to be here because the issues are not

always directly for that particular minister. What if I wanted to raise something with the Minister for Energy and Resources? Would it be reasonable that I make a request that she be present during the course of the adjournment debate because I wish to raise something directly with her tonight? Or if I wished to raise something directly with the Minister for Sport and Recreation, is it reasonable that I make a request that he be present in the chamber tonight? The fact is that almost every night matters are raised for the direct attention of the four ministers during the course of the adjournment debate. Therefore, it is beholden on them to be present in the chamber so they can hear those concerns directly.

I refer to the adjournment debate itself. It is interesting to look at the guidelines to the adjournment debate because it is an important part of the program of the Legislative Council. After all, the guidelines tell us the sorts of matters we are allowed to raise, which are to make a complaint, to make a request, or to pose a query. Importantly, the guidelines say that the matter must be of recent occurrence and of an urgent nature, which is the key point which makes the adjournment debate such an important part of the daily workings of this house. We would not be raising matters if they did not fit within those criteria. We are not allowed to raise issues which are not important or legitimate, so it is important for honourable members to raise those matters. It is equally important for the ministers to be here to listen and to respond directly to those urgent matters. It is a basic expectation of Victorians that people who are representing them both locally and in a ministerial capacity will hear what the issue is first hand.

It is interesting to also note that the adjournment debate has hardly changed since the current set of guidelines were put out by the then President on 19 November 1975. I am only going back just over 26 years but in that time guidelines for the adjournment debates have not changed, apart from one thing that happened on 29 February 2000 when we inserted a 3-minute time limit on the raising of an adjournment item. To verify that I looked back to the guidelines for adjournment speeches prior to 2000. Back in 1997 they were exactly the same as the 19 November 1975 guidelines.

For more than 26 years the adjournment debate has remained the same. Apart from what took place on 27 March, the criteria and guidelines of debate have remained the same. Every night ministers have been in the chamber to listen to the issues. It has always been that way. It only changed on one occasion, and that was the last time this chamber sat, on 27 March. I sincerely

hope we revert back to our old ways tonight when we move on to the adjournment debate.

What a lot of rot the government espoused on throwing up a change in procedures and throwing out traditions. The adjournment debate has always been as it is and should continue with a full complement of available ministers present.

I cannot help but mention the issue of openness and accountability that was raised by the Leader of the Government in her contribution. Let's look at the description the government so often applies to itself — that it is open and accountable. Let's consider this one action alone — that is, the withdrawal of ministers from the adjournment debate. Is this the action of an open and accountable government?

Would any reasonable member of the public think the actions of ministers hiding back in their offices in Parliament House while members were on their feet wanting to ask them about certain matters, wanting to tell them about a difficult situation, was being open and accountable?

Is that being accountable to the people of Victoria? They are ministers of the Crown. It is far from being accountable. They are hiding. The action of the government to direct its ministers not to attend is shielding them from the appropriate accountability mechanisms to which they should be subject. Far from being open and accountable, this is purely a mechanism to deflect attention from, to use the words of the Leader of the Opposition, poor dud ministers.

I wish to also say something about the traditions of this house. A lot has already been said about that. It is fair to say in summary that the house operates on a fair degree of goodwill from both sides of this chamber, and from the three parties present in the chamber. The National Party has always cooperated with both the government and the opposition to ensure an appropriate legislative program is advanced and that the house gets through the business required of it. We have not been belligerent in our attitude by demanding that things not be done or should be done within appropriate times. We have always been willing to sit down, negotiate and accommodate the needs of each of the members of the three parties in this chamber. We remain willing to do so, but we predict that unless we have that goodwill the workings of this chamber will become increasingly difficult for all of us.

I turn to the last point I want to make in this debate, which is the question of why the government has directed that ministers should not attend adjournment

debates in this chamber. The reasons we have heard so far have no substance whatsoever. They are not the real reason. This government has an ulterior motive — that is, to discredit the workings of this chamber. We all know the government would dearly love to abolish the Legislative Council, but we also know it does not have the guts to do it. So it has done set up a constitutional commission to ensure that, by stealth, the operation of this chamber will become largely neutered. I am positive the government will never get its way because of the strong resistance of the Victorian public to some of those recommendations being mooted by the constitutional commission. The government — once again, by stealth — is trying to denigrate the role of this chamber by petulant actions like those we saw when the house last met a fortnight ago when it withdrew ministers from the adjournment debate.

The government's ulterior motive is that it would like to think this house will become uncooperative and unworkable. That is why it is doing this — it is trying to provoke the National Party and the Liberal opposition into being more belligerent, into standing up for our rights, into insisting that there be a degree of cooperation and, if there is not, into using our numbers to prevent an appropriate legislative program getting through.

I can tell you, Mr President, that from the National Party's point of view we will not be duped by the government. We will not stand here insisting on things and being totally uncooperative with everything the government wants to get done in this chamber. The Honourable Bill Forwood has said on behalf of the Liberal Party that the opposition parties do not intend to be totally uncooperative with this, but we are appealing to the government to show commonsense and to demonstrate the goodwill that has existed throughout the history of this place to ensure that it operates in the most effective way it possibly can.

As I have said, I am very disappointed that when Parliament last sat the government chose to take this course of action, which can only be described as a provocative, petty and petulant act. It is idiotic to think that, for example, the government is refusing to accept the offer made by the Honourable Bill Forwood — that is, that we could sit less often and be more productive in the time we do sit if ministers were prepared to make themselves available on a more frequent basis to debate issues that may take up the time of this house. It is absolutely petty of the government to refuse to do that, and that is why I think it has the ulterior motive of denigrating the good work we do in this Legislative Council.

As I said, National Party members will not be duped by the government. We will be here. We are proud of the work we do in representing our constituents. We have pride in this place as a house of legislature in the Victorian Parliament, and it will continue that way. It is very disappointing that members of the government do not have the same pride in this place as we do.

Hon. GAVIN JENNINGS (Melbourne) — I will start my contribution to this debate on an urgency motion moved by the Leader of the Opposition, Mr Forwood, by indicating that part of the motion I would personally support and believe the government would be supportive of — that is, paragraph (c), which moves that this house:

... reaffirms the fundamental principles of ministerial responsibility under the Westminster system of government ...

It is the other three paragraphs with which the government will argue. I will argue at some length that they do not constitute fundamental principles of ministerial responsibility. In fact, that is the issue that divides the government and opposition members in this debate. The government believes there is a range of ways in which its ministers have complied with their obligations of ministerial responsibility and will continue to do so to ensure that they are fully accountable to the Parliament and to the people of Victoria.

The fundamental difference between the government and opposition is our respective perceptions of the functions and operations of this chamber and the methods we apply to debate. Time and time again we see the pathetic attempts by members of the opposition to suggest that they are the defenders and upholders of the great parliamentary traditions of this Parliament, yet time and again they have been prepared to change the rules from one day to the next to be able to apply in an arbitrary fashion their numerical strength within the chamber. Because of that, the government has had the affront — according to the opposition — to stand up and exercise some control over the running of this chamber! In fact, in this exercise we have become the mouse that roared.

This chamber has not been prepared to accept that the government exercises some control over the program and the running of this chamber, and the reason that this action is such an affront to the opposition parties is that they operate within this place on the assumption that they have the right to operate as if they were born to rule. There have been any number of instances where they have exercised their desire to rule the functions

and operations of this chamber, and I will run through them.

After the last election when this government assumed office, what was the first act of the opposition? Even before we sat in this chamber the opposition insisted that it maintain its hold over the offices that had previously been ascribed to government ministers. There was a petty and long-lasting attachment to offices that had previously belonged to the Leader of the Government in this chamber and which now belong to the Leader of the Opposition. The Leader of the Opposition in his contribution referred to the people's charter of good government which forms the foundation of the understanding between the government and the Independents in the Legislative Assembly — that is, the very agreement that the previous government was unwilling to be a signatory to and the document that actually talks about open and accountable government and looks at important reforms of the Parliament, the administrative practices within the state and, in part, the reform of this chamber to make it consistent with the timetable of elections that take place in the other place, to provide for fixed terms of office and to provide an effective house of review based on proportional representation.

What did we find when the government tried to satisfy that undertaking, both to the Independents and, more importantly, to the people of Victoria? Those reforms of the Parliament were sent down by this chamber. This chamber was not prepared to engage in those issues which the government believes are an essential part of its mandate.

I would not encourage people in the Victorian community to read the *Hansard* reports of that debate, because it is a very sorry, self-serving and self-satisfied contribution by members of this chamber to legitimate issues of parliamentary reform. There was no attempt by any member of the opposition to countenance a method of proportional representation which is the very nature of the construction of the Senate, which, because of the way it is elected, provides the Australian Parliament with an effective house of review. That reform was totally rejected by every single member of the opposition who spoke in this chamber on the debate on parliamentary reform. Not one single member of the opposition who contributed to that debate was prepared to introduce an electoral model for this chamber that is consistent with the electoral model that applies in the Senate.

When the government took the subsequent action of introducing a constitutional commission and bent over backwards to create a bipartisan framework in which

the constitutional commission could evaluate the appropriate electoral model for and operations of this chamber, and appointed two former Liberal ministers and a retired Supreme Court judge to the commission, the opposition in this place condemned the activity of that commission. It ridiculed its membership and its methods of consultation with the Victorian community and even before one public hearing was undertaken, it committed to oppose its recommendations. So much for the legitimate calling of the opposition to say it is interested in real reform of this chamber.

On two separate occasions the opposition in this place has introduced a number of changes to sessional orders, which it hopes can be portrayed in the public domain as being its attempt to improve the transparency and operation of this chamber. What model has it, by and large, called upon to introduce those changes to sessional orders?

It is the model that operates within the Australian Senate on the basis of providing for supplementary questions, taking note of ministerial answers, and the opportunity to take note of reports. But all those things done by the opposition in the name of improving the transparency and accountability of this chamber fly in the face of the electoral model that applies in the Senate and more importantly in terms of the functioning of this chamber, the obligations of ministers to attend those various aspects of a sitting day.

In practice we have seen the combination of question time and the facility to take supplementary questions introduce a 9-minute window of opportunity for the opposition to question ministers at the beginning of each and every day. My understanding is that the cornerstone of ministerial responsibility is for ministers to come in here and be accountable at the beginning of each and every day for the administration of their departments and the statutes for which they are responsible. They are the custodians of the statute books that apply in this state — those statute books that sit on the table in the middle of this chamber. All ministers must be alive to their fundamental accountability — that is, to be responsible for the appropriate administration of those statutes.

The vexed question is that the adjournment debate in the Legislative Council in Victoria — a chamber of 44 members — can be on the basis of 3 minutes for every matter raised so that the debate can run to at least 1½ hours before ministers are required to respond, yet the Senate, which has 74 members, has only 40 minutes allowed for a similar adjournment debate. There is no requirement in the Senate for ministers to attend during the course of the adjournment debate.

That has been the first attempt by the opposition to call to attention in some shape or fashion the need for this chamber to reform itself in line with the Senate. But then it has the audacity to say, 'No, it is only our elements of the changes to the Senate procedures that we want to accept; we do not want to accept the changes to the electoral system to introduce proportional representation and have this chamber as a house of review; or the rule as to whether ministers are required to be in the chamber. We want to impose on the government everything except those elements'.

But when the government expresses a view about changes in support of the system the opposition says it does not accept the proposition that ministers want to comply with their obligations to bring the house into line with the Australian Senate or any other jurisdiction across the nation.

We have seen a complete double standard by the opposition in respect of its treatment of select committees. During the course of the Kennett administration there would seem to be, to the casual observer in the Victorian community, any number of reasons why a select committee may have been established by the Legislative Council during that time if it were applying appropriate scrutiny of the executive government. Where was the select committee to deal with KNF or the sacking of the Director of Public Prosecutions or the sacking of judges of the Equal Opportunity Commission?

Hon. K. M. Smith — Mr Acting President, I draw your attention to the state of the house.

Quorum formed.

Hon. GAVIN JENNINGS — Thank you for your assistance and for providing me with an audience, Mr Acting President. The point I was making was that during the period of the Kennett administration the need for a select committee for any of the issues that were burning concerns within the Victorian community was not addressed by the chamber in exercising scrutiny over the executive. Yet, with a sheer joy it relished this chamber has embarked on two fishing expeditions in relation to government administration. In fact, I contest that one select committee does not even relate to state government administration but rather local government administration. The long bow was drawn in having that select committee created in the first instance.

Hon. Bill Forwood — Which one?

Hon. GAVIN JENNINGS — Frankston was a long bow. Generally the way in which the select committee

was established by this place was a complete doubling of the standards. This place should take a long hard look at itself, to use the colloquial phrase, about hypocrisy and double standards in the creation of select committees.

The vehicle used today to get the urgency motion debated is an extremely unusual device. In the last 15 to 20 years it has been used on only 10 occasions and has been used on occasions of flood or drought crisis, and to address general matters of public administration. I am not at all surprised that this urgency motion again repeats the pattern of the self-serving interests of opposition members of the Legislative Council who believe they have the right to operate in a manner befitting a born-to-rule mentality; and to say, 'We will determine arbitrarily the way the chamber operates. We will try to bring the government to comply with the arbitrary changes and procedures we seek to impose on the government'. But they are procedures to which the opposition was not prepared to subject itself when it was in government.

This government has absolutely no question about the bona fides of the opposition in changing sessional orders, the imposition of select committees and the imposition of urgency motions — but so long as it is a standard it is prepared to apply to itself. I find the calling to traditional values or operations of the chamber extremely hollow words in their completely hypocritical application that this house has seen time and time again.

It is important for us remind ourselves that members of the Victorian community may not be aware of what happens during the adjournment debate. It is an opportunity at the end of each sitting day for each member to make a contribution of about 3 minutes about a matter of concern to themselves or their constituents. That opportunity has not been denied to them by the government's approach to ministers attending the adjournment debate. In reality about 80 per cent of questions asked during the last session of the day relate to ministerial responsibility in the Legislative Assembly, and those ministers are never in attendance in the chamber. The method adopted by the government last week was to take note of all matters raised by opposition members or any members of the house and to ensure that they are responded to in the way that they have always been responded to, in substance by reference to the appropriate minister, who will respond to the honourable member in writing once proper consideration of the issue has been undertaken.

That is the method with which the government is happy to comply, to remain accountable to members, to

Parliament and to the people to ensure that any issue that is raised on the adjournment is dealt with appropriately and responsibly by the minister concerned. There is no requirement in any jurisdiction in this nation that ministers attend for the adjournment debate, with the exception of this chamber, despite the fact that the opposition sought through a change in sessional orders to bring us in line with Senate practice. This is the blind spot in the opposition's consideration of what brings us into line with Senate practice.

The government has said, 'If you impose these changes upon us, and we are willing to comply with them in any number of ways to improve the accountability functions of the Parliament, then those changes as a whole will mean that there is no requirement for ministers to attend the sitting during the adjournment debate in this chamber'. The Leader of the Opposition made some play of his offer to operate on the basis of goodwill and cooperation in this chamber. For what it is worth, and if it is applied sensibly by the Leader of the Opposition, there would be no-one on the government benches more grateful than I for the steady, regular and reliable scheduling of the government's legislative program and the smooth operation of this chamber.

I find that offer totally out of kilter with the arbitrary way in which sessional orders were rammed down the throat of the government in the first sitting day of the spring sessional period of last year, when without notice the Leader of the Opposition moved changes to sessional orders and commenced a pattern where lack of notice has been more of a constant than the alternative way of consulting and arriving at a level of agreement prior to the passage of motions on parliamentary business.

It is an unfortunate circumstance that there has been a direct correlation between the reap-and-ye-shall-sow concept which has come back to bite the Leader of the Opposition in a way that he may not have originally predicted. He may not even find it desirable in the light of the government's response.

The government has demonstrated to the Victorian people that it remains committed to providing transparent, open and accountable government. It has provided for a restoration of the requirement of the Freedom of Information Act, and despite the heckles and abuse by the opposition in this place and in the public domain, twice the number of matters have progressed under the Freedom of Information Act under our administration as occurred during the last two years of the Kennett administration.

The government is prepared for this chamber to operate as an effective house of review. It reminds all members and the Victorian community that it believes an effective house of review is one that has been elected under a proportional model and that reflects an appropriate balance of the political affiliations and voting intentions of the Victorian people. The Victorian people would be amazed that a party such as the Australian Labor Party, which continues to attract 80 per cent of the vote in two-party preferred terms election after election, holds only 30 per cent of the seats in the chamber. The minor parties that attract consistently 7 to 10 per cent of the vote on a good day have no membership, and there is never the likelihood of membership, of this chamber. If we are to operate as an effective house of review we must realise there is significant disenfranchisement of the voting intentions of a whole range of Victorian voters.

The government continues to comply with answering thousands of questions on notice lodged by the opposition, and will continue to provide answers in the same way as answers have always been provided on substantive matters raised on the adjournment. It is the intention of the government to continue to answer those questions, whether four ministers attend the adjournment debate or not.

In conclusion, I remind the house of where I started: the government reaffirms the fundamental principles of ministerial responsibility under the Westminster system of government, but it rejects the other elements of this motion because they are not fundamental principles of ministerial responsibility; they are for the appropriate consideration of ministers from one day to the next about whether they will attend the adjournment debate. It is their responsibility to make a decision on whether they will attend. There is only a requirement for one minister to be in attendance to enable the house to convene, and that is the basis on which the government will proceed to deal with the adjournment debate in the foreseeable future.

Going to the heart of this matter is the fact that the opposition continues to believe it cannot operate in this chamber applying the born-to-rule mentality. The government is asserting its right to comply with ministerial responsibility to operate this chamber in an effective and efficient manner. On that basis I wholeheartedly oppose the motion.

Hon. C. A. FURLETTI (Templestowe) — Let me begin by saying that the Deputy Leader of the Government in this place has today given one of his less memorable speeches. He was not convincing in anything he said in refuting the motion. His prattling on

government policy about steps towards the abolition of the Legislative Council has been proven by the people of Victoria to be unsound.

He talks about reform but he forgets that the opposition has the numbers in this place. The opposition numbers in this place are the result of their being elected by the people of Victoria, and the government was not. When we talk of mandates perhaps we should remind the government that it has a mandate because of the Independents, who bought the government's dishonesty through the charter that was signed off by the Independents with the government. That is the mandate the government has to assume stewardship of the state of Victoria — hopefully for a very short period.

Let me indicate the way the Deputy Leader of the Government was seeking to justify the unjustifiable. The government cannot accept that the processes of this house have been followed. The government, as was pointed out succinctly by the Leader of the National Party and clearly by the Leader of the Opposition, has another agenda — and it is hidden, but it gradually becomes exposed. The reason for the government's recent conduct on 27 March has nothing to do with the conduct of the adjournment debate in this place or with the matters that were raised the night before the leader's abysmal conduct on 27 March. It has to do simply and solely with the government's inability to accept the fact that the people of Victoria gave the opposition the numbers in the upper house on a one vote, one value basis.

The Deputy Leader of the Government can sit there and talk about proportional representation as long as he likes, but until the people of Victoria change the current rules, the one vote, one value system will prevail. I note that the Deputy Leader of the Government has chosen to leave the chamber. He is returning!

The purpose of this place was, of course, appropriately indicated by the Honourable Bill Forwood in referring to functions of the Legislative Council. The four functions mentioned are worthy of repetition. They are: to monitor and scrutinise the legislation the government wishes to introduce; most significantly, to scrutinise the executive government; and to inform the Victorian community of functions and issues of importance. The last and most important of those functions is, of course, the representation of our constituents. It is very easy sometimes to forget the last of those functions I mentioned — that is, the representation of our constituents. I want to highlight that function because of all the functions of this place and all the functions of the Parliament what is most significant in terms of our constituents is the ability and the opportunity for every

member of Parliament to raise in this place on the adjournment debate matters of interest and issues relating to constituents and/or the constituency of every member of Parliament.

It was surprising to hear the Deputy Leader of the Government, in his contribution, saying that notwithstanding the recent decision by the government to not have four ministers in the chamber, the adjournment debate would proceed as it always has. That is obviously bunkum — fundamentally misleading and wrong. The advantage this house has above the Senate and above most other chambers of this nature in the Westminster system is the ability to obtain an almost instantaneous response to the issue, question or matter raised with the ministers in this place. That, at the end of the day, is really the core purpose or motive for the adjournment debate. That core purpose has, of course, just been dumped in no uncertain way by the government through its conduct on 27 March and through its restatement today of its intent to not have more ministers in the chamber during the adjournment debate.

It almost causes me to take a point of order against the leader in this place because she says, and I quote, 'We are an open and accountable government'. The point of order I have restrained myself from taking is that again the leader is misleading this chamber. If it were not so serious it would be treated as a joke because the reality is that this government has turned into one of the most secretive, underboard deal-making, grubby governments you will see.

So what we have been told about in recent days is that this chamber is no longer administered or run by the leader, the Deputy Leader and her ministerial and other parliamentary colleagues, but rather by the executive government.

What we have found out in the last few days is that the leadership in this place has been abrogated in favour of the executive government. Well might the Honourable Peter Hall ask why. As we know, and as has been alluded to by previous speakers, two very significant select committees established by this chamber have recently reported on their inquiries and investigations.

I hark back to when the Frankston council civic redevelopment inquiry was established, and the motion was debated about how the government then and since has branded it as a witch-hunt and abused the process of this house, so much so that again in that instance the government boycotted representations on the select committee — a decision it now regrets.

The outcome of that inquiry shows clearly that Labor apparatchiks and the honourable member for Frankston East in the other place, the former parliamentary secretary of the government, have been involved in grave breaches of the Local Government Act resulting in the resignation of that member from his role as parliamentary secretary.

I guess on reflection one would say that that was an effective and well-founded inquiry, the establishment of which, in hindsight, was warranted. It found inappropriate conduct by government members and led to the extension of the inquiry. Breaches of the Local Government Act by the government had been established, and the government appointed Queen's Counsel to assist in that inquiry. What does Mr Jennings say about that inquiry? He says it was a long bow. But with a very accurate arrow, Mr Jennings!

Then there is the Reeves inquiry, which is continuing. However it can be said from the interim report that evidence, which has been taken by the select committee, has raised serious issues of propriety and ministerial responsibility. Again, notwithstanding the efforts of the government and its representatives in the committee and in this place to derail and frustrate that inquiry, the inquiry is proceeding. That will come back to show that the role of the upper house in this bicameral Parliament is effective in scrutinising the executive government and making it responsible.

The Honourable Gavin Jennings also spoke of the number of issues that are raised for ministers in the other place. It is clear that that is the purpose of the adjournment debate. As I said before, members have the opportunity of raising issues with ministers in this place directly and obtaining immediate responses on a daily basis. With respect to issues which are the responsibility of ministers in the other place, this forum affords members the opportunity to pursue a response to those matters raised. So in an open and public manner the government is exposed and scrutinised and its ministers are held to account in the interests of the constituents we represent.

To in any way diminish, or indeed in this instance abolish, those rights and opportunities for each of us to seek the assistance of ministers in this place, notwithstanding that the majority of requests may be directed to the other place, is a very serious removal of the rights of our constituents.

Interestingly the Honourable Gavin Jennings sought to accept paragraph (c) of the motion of the Honourable Bill Forwood relating to the reaffirmation of the fundamental principles of ministerial responsibility

under the Westminster system. His understanding of what that involved was appalling and showed clearly his lack of depth and ignorance of what it contains. It goes well beyond the minister's responsibility to respond only to a statute for which the minister is responsible. It goes back to the responsibility of the minister to each and every Victorian we represent. I quote from *May*, which at page 63 says the following in respect of ministerial accountability to Parliament:

... both houses came to resolutions to the following effect —

and I will not quote the whole passage because it is lengthy —

That, in the opinion of this house, the following principles should govern the conduct of ministers of the Crown in relation to Parliament: ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and next steps agencies; it is of paramount importance that ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister; ministers should be as open as possible with Parliament —

a very noteworthy and appropriate reminder —

refusing to provide information only when disclosure would not be in the public interest ...

And on it goes. It is important to put that on record because no-one would deny what a significant and onerous obligation ministers have. For the ministers not to attend one of the most significant of the interactive parts of the parliamentary process in this house is an abrogation of their responsibility.

The leader and deputy leader of the government took the opportunity to raise the issue of the obstructionist nature of the house in terms of the numbers. It is important to put on the record, as has been put in the public arena, that notwithstanding what the government would have the people of Victoria believe this house is not obstructionist. As at February the upper house has passed 224 bills. Of those, it has amended 21, scrutinised at the committee stage 42, and defeated 5 bills.

Unfortunately, the Deputy Leader of the Government continues to regret the defeat of two of those bills related to the ultimate abolition of this place, with proposals to neuter the effectiveness of the upper house. This house defeated the Fair Employment Bill which, on the government's own reckoning, would have cost 900 jobs. The government's proposed home detention program, which would have placed community safety at risk, was defeated, and the heroin injecting rooms bill, which was ill-founded, was also defeated. They

were bills that members on this side of the house believe were defeated in the best interests of the Victorian community.

In conclusion, I stress that the reason the government is breaching a convention that has been ongoing for decades is simply and solely because it is cracking under the pressure of scrutiny and oversighting by members of the Legislative Council. It is seeking to be as obstructionist as it can be in cooperating and agreeing with the council. Until now the appropriate and systematic workings of the house have been done by agreement and with the cooperation of the three parties whose members make up the Legislative Council. One could be forgiven for suspecting that the government's break with convention — and in this case the provocative and unilateral breaking of a convention — is a brazen attempt to denigrate the institution and afford some much-needed assistance or boost to the Labor government's floundering constitution commission, but it would be cynical of me to suggest that.

By refusing to have all its ministers available during the adjournment debate, the government is putting up the barricades and is boycotting a crucial part of the parliamentary process. The Labor government was elected on a promise to be open, accountable and transparent. Its charter with the Independents mirrors a commitment to those attributes. This government has failed badly and its actions on 27 March, confirmed today, will do little to facilitate the functioning of the house in the best interests of all Victorians.

Hon. T. C. THEOPHANOUS (Jika Jika) — I rise to make some brief comments on the motion. Firstly, as my colleagues have already indicated, the government opposes the motion. In opposing it the government indicated to the house that this side has a proud record of supporting the Westminster system and the conventions associated with that system.

On this particular motion and debate, I find it unbelievable that the opposition, when in government, so abused the parliamentary processes that it was infamous for its abuse of parliamentary processes. On every occasion that it suited the then government it simply and wholeheartedly used its numbers to get its way.

I give some examples of that action. When, in relation to KNF Advertising, the then opposition quite rightly sought to take the then Premier, the Honourable Jeff Kennett, to the courts for an alleged breach of section 55 of the constitution so that he could be subject to scrutiny by the courts the then government, in total

disregard of the distinction between the executive and the courts and between the executive and the Parliament, moved a motion in the lower house effectively absolving the now former Premier from being scrutinised by the courts. The message was that it did not matter whether the member of a party breached the constitution — the only thing that mattered was whether that party had the numbers in the lower house!

Hon. W. R. Baxter — On a point of order, Mr Deputy President, I do not think it is appropriate for the member on his feet to allege that the former Premier breached the constitution, and I think he should withdraw.

Hon. T. C. THEOPHANOUS — On the point of order, Mr Deputy President, let me say that ample documentation is available — I am happy to make it available to the honourable member — concerning the debates that took place at the time that the former Premier breached the constitution. The particular breach that was the subject of the court proceedings was a breach, and I am just looking at one press release — —

The DEPUTY PRESIDENT — Order! On the point of order, Mr Theophanous.

Hon. T. C. THEOPHANOUS — In giving my defence to the point of order I have to be able to produce some evidence that in fact there were allegations about a breach of the constitution.

Hon. W. R. Baxter — That is different from what you said. You said, 'in breach of the constitution', so withdraw!

Hon. T. C. THEOPHANOUS — The breaching of the constitution was a matter for the courts ultimately to have decided, and my point was that the Premier did not allow the courts to make that final decision and to deal with him appropriately. He did not allow it.

Hon. W. R. Baxter — Further on the point of order — —

Hon. T. C. THEOPHANOUS — I have not finished yet! They did not allow it, so I am quite within my rights to state that in my view the Premier breached the constitution, and indeed it was proven because if he had not breached the constitution he would not have worried at that time.

Hon. C. A. Furletti — He is rambling all over the place!

Hon. T. C. THEOPHANOUS — It is not up to you, Mr Furletti; it is up to the Deputy President.

The DEPUTY PRESIDENT — Order!
Mr Theophanous, you will speak on the point of order.

Hon. T. C. THEOPHANOUS — On the point of order, Mr Deputy President, it is interesting that the opposition is so sensitive and so touchy about this particular issue. There is plenty of evidence around that at that time the former Premier breached the constitution.

Hon. W. R. Baxter — There is not!

Hon. T. C. THEOPHANOUS — I believe that to have been the case. I have a right under the standing orders as they exist at the moment to assert in this house that I believe it to be the case.

Hon. W. R. Baxter — Further on the point of order, Mr Deputy President, Mr Theophanous has verified the very point of order that I was making because he made a clear assertion and claim that the former Premier had breached the constitution. Upon my taking a point of order we now find that that is not the case at all; it is simply Mr Theophanous's opinion that the former Premier breached the constitution. In those circumstances my purposes have been served because Mr Theophanous has confessed to his misdoing.

The DEPUTY PRESIDENT — Order! I do not uphold the point of order, but the debate has been quite wide ranging and I ask Mr Theophanous to continue.

Hon. T. C. THEOPHANOUS — As I was saying, the opposition was quite prepared to use the Parliament so the former Premier could avoid the scrutiny of the courts. That is the extent to which opposition members hold the Parliament in contempt; they are prepared to use it on any occasion and at any time whenever it suits them.

On this occasion, what one would have to do to take a balanced view about what is taking place here today is to ask what was the previous government's record on accountability? What was its record on the things that mattered in relation to the operation of the house? I was here during the seven long years when the previous government was in power, and the contempt with which its members treated this house was absolutely unbelievable. They gave no quarter whatsoever to the then opposition. It was a struggle to debate anything in this house beyond the absolute minimum that one was allowed.

We had Mr Forwood, who was heading the Public Accounts and Estimates Committee at that time, prepared to be a part of the nobbling of the Auditor-General. He was prepared to take away from the Parliament the main way in which Parliament is informed about what the executive is doing. He was prepared to take away from Parliament its capacity to scrutinise the executive through the Auditor-General. That is the record of the opposition, and that is the record of Mr Forwood, who got up here before and in a pious way tried to claim the high moral ground in relation to accountability in this house.

Since it has been in opposition this time around the former government has established two select committees: the Frankston committee and the Reeves committee. Did opposition members consult anyone about establishing those committees? Did they attempt to have any level of balance whatsoever within those committees? When the government put to them that the committees should be structured on the basis of three members from the government and three members from the opposition, which is a fair and reasonable way for the committees to have been established — and even if the chairman had a casting vote, so be it — they were not even prepared to allow for that. They wanted to be absolutely certain that they were going to have the numbers on these committees so they insisted that the division had to be three opposition members to two government members.

Those committees are nothing more than a attempt to gain political ground, and they should be viewed in the context that when it was in government the now opposition was at no time prepared to entertain the idea of an upper house select committee to investigate KNF and all the mates deals done by the previous government in a whole range of areas. However, suddenly they are prepared to pursue the Frankston and Reeves matters.

Not only that, they want to talk about convention. How long has it been the convention in this place between governments and oppositions that the minimum requirement in establishing a committee is that the chairmanship of the committee goes to one side of the house and the deputy chairmanship of the committee goes to the other side of the house? That did not stop the Honourable Roger Hallam taking for his side both the chair and the deputy chair of the Reeves committee and having a three to two split. Where is the balance? Where is the accountability? Where is the convention? It is non-existent!

Looking at the operations of that committee, what have members of the opposition done? They have

subpoenaed people. The convention is not that committees subpoena witnesses; the convention is that a committee first writes to witnesses and requests their attendance. But forget that convention — throw it out the window; it doesn't matter! Even in the Australian Senate inquiry into the children overboard affair the ministerial advisers have not been subpoenaed; they have been requested to attend and they have refused. So that is another example of the abuse of process we have had.

Things have changed in the house; conventions have moved along. In fact, even the adjournment debate has changed significantly. For example, I cannot remember under any previous government the adjournment debate having a time limit associated with it. It did not; it was open-ended. Members had the right to speak for as long as they liked during the adjournment debate. I am not suggesting we should go back to that position by the way, but I am saying that, by agreement, a convention was changed and modified and new procedures were brought into place.

That is not the case with everything because the new sessional orders that are now in place were introduced without agreement and without the consultation with the government that should normally take place. They were simply brought in, crunched through for political purposes. That is the reason for it. It has nothing to do with support for the scrutiny of the executive or any such thing like it because the record of the opposition is non-existent in relation to that issue.

The most damning aspect of this is that the opposition simply refuses to consider changing the electorate system to allow for a broader representation from within the community in this house. Opposition members are happy to sit there and pretend that they represent somebody or other and collect their money for making their appearances. They are happy to have the numbers in what is essentially a gerrymandered system in this place and to continue with the myth that because they number 30 and we number only 14 that somehow proportionately represents the level of support they have out in the community. It does not represent that; it does not come close to representing the level of support they have.

While you have a house that so clearly and so obviously does not reflect support in numbers proportionately, that house will have no credibility, and members of the opposition will have no credibility when they talk about processes and conventions and how the executive has to be put under scrutiny until they are prepared to face up to the hard fact that this house does not proportionately represent the electors

out there. Until opposition members are prepared to face that fact and come to a reasonable position, they will have no credibility.

Let me conclude my remarks by saying that this is a very small action which the government has taken in protest. After all, only about 30 per cent of adjournment matters are questions for a minister in this place. All other Australian parliaments have seen fit not to make it a requirement for ministers to attend. The government is quite within its rights, given the behaviour of the opposition, to take the action that it has.

In conclusion, this government does not have any credibility whatsoever — —

Hon. K. M. Smith — You're dead right about that!

Hon. T. C. THEOPHANOUS — The opposition has no credibility whatsoever since it is an opposition that, when in office, went about sacking judges, sacking the Director of Public Prosecutions, nobbling the Auditor-General and refusing to allow the former Premier to go before a court and protecting him — all these things were done by the previous government, so the opposition cannot come in here and pretend that somehow it has some credibility when it clearly has not.

House divided on motion:

Ayes, 27

Ashman, Mr	Forwood, Mr
Atkinson, Mr	Furletti, Mr
Baxter, Mr	Hall, Mr
Best, Mr	Hallam, Mr
Birrell, Mr	Katsambanis, Mr
Bishop, Mr	Lucas, Mr
Boardman, Mr	Luckins, Ms
Bowden, Mr	Olexander, Mr
Brideson, Mr	Powell, Mrs
Coote, Mrs (<i>Teller</i>)	Rich-Phillips, Mr
Cover, Mr (<i>Teller</i>)	Smith, Mr K. M.
Craige, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	

Noes, 13

Broad, Ms	Mikakos, Ms (<i>Teller</i>)
Carbines, Mrs	Nguyen, Mr (<i>Teller</i>)
Gould, Ms	Romanes, Ms
Hadden, Ms	Smith, Mr R. F.
Jennings, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Madden, Mr	

Pair

Smith, Ms	Darveniza, Ms
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Motion agreed to.

QUESTIONS WITHOUT NOTICE

Liquor: licences

Hon. ANDREA COOTE (Monash) — If the government is unable to negotiate an agreement over early phasing out of the 8 per cent liquor licence cap, will the Minister for Small Business immediately introduce further legislation to maintain and strengthen the spirit and intent of the 8 per cent cap?

Hon. M. R. THOMSON (Minister for Small Business) — As I have said in this house, the government would like to ensure that it does all it can as a government to facilitate industry agreement. We believe that this is the only way to secure for small businesses in this industry an opportunity to survive in the future, to prepare themselves for the future in a way that makes them competitive, and that is what we are working towards.

Hon. ANDREA COOTE (Monash) — I have a supplementary question. I am absolutely fascinated by the minister's answer, especially the bit about helping small businesses to survive. I remind the minister that she is the Minister for Small Business and not large business. Both the Liquor Stores Association of Victoria and the Master Grocers Association of Victoria have asked the minister to introduce legislation to keep the 8 per cent liquor cap written into the agreement if the deal falls over. If the industry negotiations fail, how will the minister stop Woolworths from activating the Eudon scheme and pushing the liquor licensing cap to 10.5 per cent or much higher?

Hon. M. R. THOMSON (Minister for Small Business) — Here we go again with the hypocrisy of the opposition about the 8 per cent. We all know that prior to the last election the deal was done between the previous government and Woolworths and Coles Myer to do away with the 8 per cent if it won the election. It did not win the election. The government is concerned that there is a viable small business presence in the liquor industry, and everyone within the industry knows the 8 per cent is becoming a piece of legislation that over time will not assist small businesses. That is why we put a limit of 2003 with the commencement of a phase-out before then, because everyone in the industry agrees that the effectiveness of this legislation will waste — —

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

Victorian Institute of Teaching

Hon. R. F. SMITH (Chelsea) — The Minister for Education Services has previously advised the house that the Bracks government is turning Victoria around in the area of education. Will the minister advise how the Victorian Institute of Teaching is helping turn Victoria around in respect of the teaching profession?

Hon. M. M. GOULD (Minister for Education Services) — I thank the honourable member for his question. I am pleased to confirm that Victoria's education system is being turned around by the Bracks government. The establishment of the Victorian Institute of Teaching, or VIT, is a key initiative in this regard. The government is committed to forming a new partnership with the teaching profession after it was so brutally cut and devalued by the previous government.

The previous government closed schools and spent more than \$300 million sacking teachers from the education system. In contrast, VIT aims to improve the quality of teaching in all Victorian schools. It will be a representative professional body with a strong focus on professional standards, qualifications and professional development. The institute is a statutory authority and the independence of the board is enshrined in the legislation.

Despite the delay of the passage of the VIT legislation, which was caused by the opposition, the Bracks government has been working to progress the establishment of the institute. Firstly, all teachers have been advised about the VIT legislation and its effects on their profession. All teachers were alerted to the VIT bill and what the proposed legislation means for them. Specific newsletters have been distributed on the issue and an expensive consultation process has been put in place.

I know the opposition does not care about teachers. We know it does not care about their professional standing in the community and about their development. One of the things this government is committed to is the consultation process of informing all stakeholders, including teachers, about this process. We undertook that consultation at a cost of on average \$2.50 per teacher over a two-year period to ensure that they were relatively well informed. The department has also recently written to stakeholders asking them to nominate members for the interim council, and this process is now close to being finalised. By November the election will have taken place and all teachers will be required to be registered with the institute in 2003.

Unlike the previous government which gagged teachers, the Bracks government is proud to have lifted that gag and allowed teachers to participate in the education debate. We are committed to supporting and boosting the importance of the profession of teaching. The Bracks government is delivering in our schools and turning education around.

Liquor: licences

Hon. B. N. ATKINSON (Koonung) — I ask the Minister for Small Business what measures the government will take to protect small liquor retailers if industry agreement is not reached in phasing out early the 8 per cent liquor cap, and particularly whether the minister can advise the house whether or not she is prepared to include any penalties in the industry agreement drafted by her department?

Hon. M. R. THOMSON (Minister for Small Business) — I am hopeful that we might be successful in helping to facilitate industry agreement in relation to the 8 per cent. I am looking forward to those discussions continuing and I hope that we have a solution to the agreement in the near future.

Hon. B. N. ATKINSON (Koonung) — I have a supplementary question. I thank the minister for her answer, or non-answer. The minister seems to have had very little regard for small business in most of these negotiations, despite her protestations to this Parliament, and she has probably been persuaded by the pieces of silver available under the national competition policy. Will the minister advise whether penalties will apply in the industry agreement, not an agreement that has been brokered by the industry but in one that was prepared by her department, and what her fall-back position is if the industry agreement does not proceed?

Hon. M. R. THOMSON (Minister for Small Business) — It is hypocritical to say that the opposition cares for small business; it does not. It has had three spokespersons in two years and it had a secret deal with Woolworths and Coles Myer before the last election to do away with the 8 per cent. We are prepared to enter into discussions, we are prepared to be open and honest and to talk about what is in the best interests of the industry, and we are prepared for the industry to come to an agreement which secures small business into the future.

Mineral sands: government initiatives

Hon. T. C. THEOPHANOUS (Jika Jika) — Will the Minister for Energy and Resources advise the house

what action the Bracks government is taking to support further mineral sands exploration in Victoria?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for his question and for his interest in exploration initiatives which are of great benefit to Victoria in the mineral sands industry. I was very pleased last week to be able to address the Australian Mineral Sands Conference in Mildura, which was the second conference this year alone in Victoria. It is a demonstration of the faith in the Bracks government's support of the industry and it is a sign that the data acquisition and promotional work being conducted by the Geological Survey of Victoria has, indeed, hit the mark with key players in the industry. It also reflects the great interest right around the world in developments in this new mineral sands province in the Murray Basin.

Mineral sands mining, of course, means mining as well as processing, and that means regional jobs and regional investment for Victoria and export earnings for Australia. The Bracks government will continue to strongly support this emerging industry. Our policies aim to get the balance right in terms of the economic, environmental and social objectives that this industry can deliver, and the companies exploring Victoria's share of the Murray Basin are working within these guidelines to achieve the best possible outcomes for Victoria, and in particular for regional Victorians.

We are committed to pursuing other elements of the mineral sands industry, including the development of mineral separation plants, and to assist the industry in this respect the Bracks government has provided new geological data, improved access to industry exploration data, a specialist to assist and advise companies through approvals processes and a more certain regulatory and investment environment. We are also demonstrating a plan and a vision for the sector through other initiatives, which include committing funds for establishing the standard gauge rail link from Mildura to Portland, which happily brings together two of my portfolio responsibilities. The rapid development of the mineral sands industry in Victoria has set the state firmly on the world stage in terms of the potential which this industry has.

In terms of the Bracks government's commitment to sustainable development, mineral sands mining has an excellent reputation in rehabilitation and for working with the local communities in which they operate. We are already seeing this at the Wemen mine where agricultural land recently mined is already returning to the original cropping plan for that land, which is

impressive indeed, and we hope to see the same thing on a much larger scale in the province.

The Bracks government will continue to turn things around through its active support of industries like this one, which will assist in growing the whole state with very substantial benefits for regional Victoria. Regional Victoria was, of course, completely neglected under the previous Kennett government and we intend to ensure that our support is translated into a viable and sustainable industry for the future.

Greater Bendigo: electricity report

Hon. R. A. BEST (North Western) — I also direct my question without notice to the Minister for Energy and Resources. I am sure the minister is familiar with the findings of a report commissioned by the City of Greater Bendigo which graphically highlights the adverse electricity prices being paid in Bendigo, and I ask: why has the minister allowed Powercor to strike a tariff structure that so clearly discriminates against Bendigo businesses and domestic consumers?

Hon. C. C. BROAD (Minister for Energy and Resources) — The Bracks government is strongly committed — as I was saying in my remarks just a short while ago — to growing the whole state, and that includes regional Victoria, which includes Bendigo. I look forward to discussing very soon the content of the report commissioned by the Greater Bendigo City Council at a meeting which has been arranged by the honourable member for Bendigo East, Jacinta Allan, in the other place — a meeting, I might add, that was arranged well before it was called for in the press.

It is ironic to say the least that the honourable member has raised this issue, given that it is very clearly the case that at the time privatisation occurred in the electricity industry it was done in a way that ensured that into the future we would see higher network charges in country and regional Victoria. Indeed, it is the case that at the time in 1994 the National Party commissioned its own report which pointed out to the government of the day that there was a danger that higher network charges would be inflicted on country and regional Victorians in the future. It is the case that the predictions in that report commissioned by the National Party have come to pass following the flawed privatisation of the electricity industry by the previous government.

The Bracks government, through its special power payment, is taking action in the interests of country and regional Victorians and of small business and household consumers. I am very pleased that that special power payment is flowing through to Victorians

who are affected by the flawed privatisation of electricity put in place by the previous government.

I look forward to discussing the impact on large energy consumers at the meeting with the Greater Bendigo City Council and the honourable member for Bendigo East and to addressing those issues.

Hon. R. A. BEST (North Western) — I hope the minister sticks around for the 5 minutes I will have to take note of her answer, because I am quite prepared to put on the record the views she has expressed over the past two years and her attitude towards the requests I have made of her to intervene on behalf of consumers.

The report commissioned by the City of Greater Bendigo says that the figures from the Electricity Supply Association of Australia show that customers in the western distribution area are paying the highest domestic and the fourth-highest business prices for electricity. On behalf of the people who are disadvantaged by the minister's previous inaction over the past two years, I ask the minister as the person who approves the pricing structure for the supply and distribution of electricity what action will she now take to ensure fairer prices for the people of Bendigo and surrounds?

Hon. C. C. BROAD (Minister for Energy and Resources) — As I have already indicated, this government has acted to protect consumers. It has not been satisfied with the open-slat approach to pricing which it inherited from the previous government. It has acted to protect consumers by intervening. It may have escaped the honourable member's attention that network charges, which are the underlying reason for the differential between country and regional charges and metropolitan charges, are a direct result of the way in which the industry was privatised by the previous government. As a result of the higher energy charges being faced by larger consumers, this government has acted to facilitate new generation of electricity which will put downward pressure on electricity prices, and Victorians are already seeing the fruits of that action by this government in forward prices.

Netball: funding

Hon. G. D. ROMANES (Melbourne) — I direct my question to the Minister for Sport and Recreation. In light of the government's election commitment to boost funding for netball, a key area for female participation in grassroots sport, will the minister advise the house as to the success of this initiative?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for her

question. The Bracks government has committed over \$2.6 million in developing grassroots sports and facilities for respective sports and has contributed over \$1.9 million to the planning and development of netball facilities across Victoria.

The government has also contributed significant amounts in assisting netball development. A number of key facilities to which the government has contributed — I could list the whole range but I shall list only a few — include the Banyule Netball Stadium, \$500 000; the Stonnington Romanis recreation centre, \$250 000; and the Lake Boga netball changing rooms in the order of \$50 000. That is only a few; I could list at least another 10 where the government has contributed towards lighting or resurfacing of facilities.

As part of its election platform, since December 1999 the government has provided \$300 000 for netball development throughout the state, which has meant that it has been able to establish, in partnership with Netball Victoria, six regional zone academies, an after-school program at the state netball centre, a masters competition, and officials and umpires courses.

As well as that, the government has contributed to the promotion and development of elite and talented players to realise their full potential, which means that supported players will potentially represent Victoria or the National Netball League. Ultimately some have become members of the Australian netball team.

The Victorian Institute of Sport program is a tier 1 program and VIS, through government funding, has provided over \$200 000 in direct support. The program has provided an excellent foundation for players to develop their careers and many have represented Australia at 17 years, under 19, under 21 and senior level. At least 21 women have benefited from this program and gone on to represent Australia at higher levels.

The Premier opened the \$27 million State Hockey and Netball Centre on 16 March 2001, which shows that the government is continuing not only to support this state but to substantially work in growing the entire state.

Liquor: licences

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Small Business to section 26I(1) of the Liquor Control Reform Act which enables the Director of Liquor Licensing to extend by 90 days the period that Woolworths had for the divestiture of licences over 8 per cent. I refer the minister to the committee stage of the debate on the bill on 24 May 2001 when I asked her what the exceptional circumstances would be for the

implementation of that clause. In her response the minister indicated:

In areas where a commitment to divest of those licences has been shown ...

Does the minister believe Woolworths has made a commitment to divest itself of its licences?

Hon. M. R. THOMSON (Minister for Small Business) — The issue of the extension of 90 days on the divesting of licensees is the responsibility of the Director of Liquor Licensing. It is important that the director is convinced there has been an attempt to divest licences before giving that extension. If the director is convinced then I am sure that is what the director would do.

Hon. BILL FORWOOD (Templestowe) — Further in the adjournment debate on this issue on 24 May I asked the minister whether she thought the legislation would allow for the exceptional circumstances clause to be manipulated. Will she now agree that Woolworths has manipulated the clause?

Hon. M. R. THOMSON (Minister for Small Business) — The government committed to introduce legislation to close loopholes prior to the previous government losing the election. If the legislation is not being upheld by the majors then they have to conform to the legislation, and I stand by that.

Rural and regional Victoria: government assistance

Hon. D. G. HADDEN (Ballarat) — I direct my question to the Minister for Small Business. As I am well aware, rural towns in Victoria have recently been hit by another round of bank closures. This will place more pressure on rural towns and the small businesses which operate in them. Will the minister advise what she is doing in support of small business and towns in rural Victoria?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question. I reiterate that the Bracks government is committed to small country and rural towns in Victoria, especially in light of the latest slap in the face from the National Australia Bank with the announcement of new bank closures.

I am sure for those local communities it is a relief that they at least have the Bracks government in office to support them, as opposed to the previous government which was certainly on the move by closing down schools, hospitals, police stations, railways, and rural

government services and undertaking council amalgamations.

Is it any wonder that the private sector followed suit with the closure of banks, which saw hotels, football clubs and milk bars in many cases close because of such occurrences — and the rural communities paid the price?

I am pleased to say that under this government there is a different story to be told for Victorian towns. Less than a week after the National Australia Bank announcement I announced over \$500 000 in Streetlife funding which will provide grants for 34 projects aimed at encouraging enterprising initiatives to assist small business development and community growth. Half of the grants went to projects in regional Victoria, not to large rural centres but to smaller towns like Newstead, which I visited a fortnight ago.

Mr President, I refer to an article in the *Warrnambool Standard*, which you would be aware of, which reported:

\$20 000 boost for business — benefits flow to small towns.

The article highlighted that Koroit and Mortlake, two towns which the National Australia Bank announced it would be moving out from, would benefit from a Streetlife grant of \$20 000 which has been received by the Moyne Shire Council to assist it.

The shire director of business and tourism was quoted as saying:

... the funding was timely given the last blow to the towns.

I am sure that you, Mr President, would agree that the Streetlife program is of great interest to you. The following councils received grants: Hindmarsh Shire Council, \$10 000; West Wimmera Shire Council, \$10 000; Northern Grampians Shire Council, \$15 000; Hamilton Region 2000, \$15 000; Glenelg Shire Council, \$10 000, and Warrnambool City Council, \$20 000.

They have also been assisted in the western region by the e-gaps program. As an example, the Moyne Shire Council received \$20 000 for public access terminals in the towns of Hexham, Darlington, Wangoom and Kirkstall. Northern Grampians Shire Council received \$20 000 for public access terminals at Glenorchy and Marnoo. West Wimmera Shire received \$20 000 for public access terminals in Groke.

This is just further proof of how the Bracks government is turning things around in rural communities and how the previous government did nothing.

Liquor: licences

Hon. W. I. SMITH (Silvan) — I ask the Minister for Small Business if it is true that the Bracks government is phasing out the 8 per cent cap on liquor licences only because Woolworths has threatened to cease any future capital investment in Victoria unless the government agrees to the early phase-out.

Hon. M. R. THOMSON (Minister for Small Business) — When we brought legislation into the Parliament in relation to the 8 per cent we did so with a genuine commitment to ensure a viable small business community. At no stage in any way did we bring legislation in at the behest of anyone other than the people of Victoria. We were intent on closing the loopholes and are committed to doing that.

We are also, after the review, convinced that the 8 per cent is ineffective and becoming even more so. That is why we are encouraging industry agreements, because we actually believe it is in the best interests of small business to negotiate an industry outcome that can prepare the industry for the future and support small business in the process.

Hon. W. I. SMITH (Silvan) — As a supplementary question I ask the Minister for Small Business: is it not true that the secrecy about the way she has brokered the deal in the contract her department actually wrote, the lack of consultation with the whole industry but with only about two-fifths of the industry, the lack of commitment to actually introducing an 8 per cent cap if the deal falls over, the fact that the minister is actually brokering the deal personally and the fact that she will not introduce penalties if the deal falls over, are all because the government is being intimidated by Woolworths?

Hon. M. R. THOMSON (Minister for Small Business) — Let me again reiterate that the only way that we can secure an outcome other than what has already been legislated for is if there is industry agreement. The legislation that was put in place will remain in place unless there is industry agreement.

The government believes, however, that it is in the best interests of small businesses in the liquor industry to look to taking the opportunities they can to protect their future for the long term and to bring certainty into the industry so that they will be successful in the long run.

Consumer Utilities Advocacy Centre

Hon. JENNY MIKAKOS (Jika Jika) — Can the Minister for Energy and Resources inform the house of what action the government has taken to establish the

Consumer Utilities Advocacy Centre and how this will benefit Victorian energy consumers?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her question and wish to take this opportunity to welcome the announcement by my colleague the Minister for Consumer Affairs that the Bracks government is establishing the Consumer Utilities Advocacy Centre (CUAC). The centre will give Victorian electricity and gas consumers a stronger voice.

The Bracks government wants Victorian consumers, particularly vulnerable ones, to be informed and able to get the best possible arrangements from their utilities in this newly competitive environment. The centre complements the establishment of the Essential Services Commission by the Bracks government and the onset of full retail competition in the electricity market. The establishment of the CUAC delivers on the Bracks government's commitment to have more consumer input into regulatory processes for gas, electricity and water utilities. The centre will provide a platform for consumer representatives to exchange information and monitor utility issues at the grassroots level.

The board members will aim for excellence in consumer advocacy, research and information dissemination. The centre will also fund research into utility issues and incorporate a small secretariat. It will also develop official guidelines for research grants that will be publicised in the near future.

In addition, a reference group of consumer advocates representing the widest possible range of consumers will be established to assist the board with issues as they arise. This group will advise CUAC on its work program. Importantly, the centre will receive \$500 000 in annual funding from the Bracks government.

The Consumer Utilities Advocacy Centre will be operational within a matter of weeks. It will provide an independent and informed voice for Victorian utility consumers in line with the Bracks government's election commitment to promote more effective consumer input to regulatory processes for gas, electricity and water utilities.

In conclusion, the Bracks government is continuing to turn things around for Victorian electricity consumers — who got nothing from the former Kennett government except the flawed privatisation of their electricity system, as has been pointed out a number of times today.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Liquor: licences

Hon. W. I. SMITH (Silvan) — I move:

That the Council take note of the answers given by the Minister for Small Business to questions without notice asked by honourable members relating to the 8 per cent liquor licensing cap.

I notice that the minister has left the chamber again. I was going to point out to the minister that the reason the questions have been asked of her today is that the industry is deeply concerned about the deal she is brokering in secret with so few members of that industry. It is interesting that the minister did not answer any of the questions today. She was not prepared to say that what she is doing in the deal she is brokering is actually saying to the industries involved that she will not introduce penalties if the deal falls over and will not introduce legislation to close the loophole that Woolworths is using nor protect small businesses by introducing legislation to enhance the spirit of the 8 per cent liquor licensing cap.

It is not surprising that the minister could not answer questions nor that she has left the chamber. She is not consulting with small businesses or with the liquor groups and does not really understand what is happening out there.

Interestingly, here is the Bracks government, which has done 700 reviews since it has been in office for the last two and a half years — it has done reviews and consultations with people, looking at things like following and investigating the status of bowling in Boroondara, flowers in the departments, a barbecue for police who worked during the World Economic Forum protest, the appropriateness of a ban of an R-rated film such as *The Exorcist*, and I could go on and on — yet when it comes to an industry as serious as the liquor industry in Victoria the minister has not started a consultation process.

There is no review paper, no strategy, no sitting around with the industry as a whole and talking to it. Instead, her department has drawn up a contract with Coles Myer, Woolworths and two liquor associations. The minister has left out the Victorian wine industry, which is extremely concerned about the impact of the early phasing out of the 8 per cent liquor control cap. Its concern stems from the belief that Victoria has the most diverse wine industry of any state — there are 21 wine regions inside Victoria and some 2600 vineyards — but there is not one person representing them, not one

member of the Victorian wine industry talking to the minister.

There is no doubt that regardless of whether this deal falls over or goes ahead the early phasing out of the 8 per cent cap will see jobs lost in Victoria. It will see some small wineries close and some small independent liquor stores close as well. What is at risk in this state because the minister is not listening to the industry and will not protect its members is our vibrant, diverse and robust small business in the packaged liquor industry. It will be changed and reduced. Like New South Wales, where at the moment there is no liquor cap, 75 per cent of the liquor outlets are owned by Coles. Many of our small retailers in Victoria sell their wines to Sydney because the outlets are so reduced.

The Bracks government does not listen and it does not consult with small business. It is secretive; it does not want any scrutiny. It capitulates to the big end of town, and that is the only assumption that can be made out of this. It is no wonder the government does not have the confidence of Victorian small businesses.

It is time the minister did three things: introduce legislation immediately to close the loophole that Woolworths is using; cease the transfer of any liquor licences; and sit down with the wine industry as a whole — the retail liquor outlets and the small and large wineries — and decide what is the best course for this industry as a whole.

The minister is brokering this deal, but the two sticking points in it are the penalties clause and the ability for the minister to come back and introduce legislation. She has told the two liquor associations that she will not do that. They are considering pulling out of the deal as they are so concerned about it.

As the minister who represents small business she must sit down with the industry as a whole. She must consult. She must look at the impact of what will happen because of her inability to consult.

Hon. JENNY MIKAKOS (Jika Jika) — I rise to make a brief contribution to this debate and categorically reject the opposition's assertions regarding their unfounded accusations that we have not consulted the industry. As they know full well, we propose to consult with the liquor industry about the desired outcome to divest licences by those entities affected by the 8 per cent rule. This is in stark contrast to the previous government which, when issues did come up affecting small business, such as shop trading hours, referred those issues from the then small

business minister, Louise Asher, to the then industry minister, Mark Birrell.

Unlike the previous government, we are committed to working with small businesses to make sure that they continue to be a major source of employment in this state. The Honourable Wendy Smith referred in her contribution to the number of reviews that this government has undertaken.

Hon. W. I. Smith — Seven hundred!

Hon. JENNY MIKAKOS — I do not apologise. Unlike the previous government, we are committed to consulting with the community about a change for the better. A number of those reviews were actually set up by the previous government, so it is a bit rich for opposition members to pluck things out of the air when they know that a number of those reviews have already been completed, others are required by statutory regulations and a number of them were requested by the opposition. I do not accept the figure of 700; nevertheless, it is important that the government proceed with the consultation. I make no apology for the extent of that consultation and the number of reviews that have been established.

A number of parties in the liquor industry have participated in the review process. Even Peter Wilkinson, president of the Liquor Stores Association of Victoria, has been quoted as saying:

The agreement will give us an orderly phase-out period and the chance to prosper in the future.

It is clear that people in the liquor industry have been consulted. They understand the process undertaken to phase out licences. The government is continuing to take into consideration the concerns of small liquor licence-holders in this state.

It is clear that since the legislation was passed last year a number of industry licence-holders are continuing to abuse the 8 per cent rule and can no longer be relied upon to ensure the viability of small liquor stores in this industry. The government has already signalled that a phase-out will commence from the end of 2003 or earlier if there is industry agreement. The agenda should now move on to focusing on developing alternative approaches for the industry and the continuing role and participation by small liquor stores.

It is necessary that the government continue to have discussions with the peak associations in this industry to ensure that we end up with good public policy and strong participation by small liquor stores in the state.

Hon. ANDREA COOTE (Monash) — The Minister for Small Business is not present in the chamber, but why should we be surprised because this government does not want scrutiny during the adjournment debate or in question time. It is not surprising that the minister is not present in the chamber, and indeed she handed a set piece to the Honourable Jenny Mikakos to assist her to make the statement she has just made.

It is interesting to reflect on what the minister said when answering questions during question time, and I will run through a few of them. She spoke about facilitating small business and making a viable small business sector. She said the new licensing agreement was in the best interests of small business and would protect them in the long run. I remind the minister once again that she is the Minister for Small Business, not the Minister for Large Business. She is being carried away by her dealings with large business.

I want to speak about small businesses in my electorate. Honourable members who have visited my electorate will know that it has many small liquor stores that specialise in good products. One of those small business owners has told me that she does not feel included and does not believe the minister is concerned about small business. My constituent is concerned about transparency, openness and government accountability. She is particularly concerned about what the government's action will mean for holders of small liquor licences in my electorate. This person has told me that it is cheaper for her to buy products from Dan Murphy's than from the wholesaler. She does not believe she has been contacted or consulted in any way.

She has brought to my attention information that I will share with the house now, and that is the social implications of the legislation. She has pointed out to me that it does not take into consideration people with drinking problems such as under-age drinkers, who are checked for identity. She poses the question: who will check their identity? Indeed, in her store she says she has assisted three people to become involved with Alcoholics Anonymous to help them deal with their drinking problems. She says the industry groups are very concerned about the responsible selling of alcohol and that it is something they want to take forward. She stresses the issue: who will control these sorts of problems that the community has to face, because large stores will not be interested? They are interested only in the shareholders' money and not the social implications and problems arising from drug and alcohol abuse.

People in my electorate have suggested there should be community consultation to look at responsible selling

of alcohol, which is a legal drug, because it causes a lot of problems and should be monitored closely.

I note that the chairman of the Drugs and Crime Prevention Committee is present in the chamber; the committee has done excellent work in this area. The government is making a deal with large companies that do not care about small people. Smaller liquor stores are working with the local councils and communities, so they are responsible sellers and responsible members of the community.

I again remind the minister — I presume she will read *Hansard* — that she is responsible for small business and not just large business. She is full of rhetoric. We have heard her speak about this issue and about how she is all for small business and wants to protect its best interests. I do not believe and neither do the small liquor stores in my electorate believe that this is in the best interests of small business. The minister should have a good look at herself.

Hon. T. C. THEOPHANOUS (Jika Jika) — The government is tired of the attempt by the opposition to whip up an issue about the 8 per cent rule which does not exist. The government is sick and tired of the absolute hypocrisy of the opposition. I hesitate to once again remind honourable members that this issue raised its ugly head when the opposition was in government. I remember raising the issue on many occasions with the then minister.

Hon. B. C. Boardman — You are acknowledging something was wrong, so what are you doing about it?

Hon. T. C. THEOPHANOUS — The Labor opposition called for legislation so that the loopholes could be closed. The then government did not do anything and it was left for the Labor government to fix it.

What the opposition has forgotten is that the Labor government ordered a review in 2000. It identified the loopholes, and the government then introduced legislation. When in government the opposition failed to do anything. The government introduced legislation that prevented the major chains undermining the 8 per cent rule by obtaining a general licence for premises where the predominant activity is the sale of packaged liquor and simultaneously submitting a large batch of licence applications when their holdings were just below 8 per cent at the time of application. This government closed those loopholes to protect small businesses. In fact, the legislation that passed in May 2001 provided that a licensee who breaches the 8 per cent limit was required to comply with the cap within

12 months. If the licensee did not adjust its holdings within 12 months those licences above the 8 per cent limit would cease to operate.

These changes were brought in by the government to protect small business retailers of liquor. The previous government had the chance. It knew there were problems and that there were loopholes in the legislation. I was one of the members in this place, when in opposition, who kept raising the issue, but the then government did not act. Whether the opposition likes it or not, it is the case that the government has obligations emanating from competition policy that it has to meet. Those obligations include examining the 8 per cent rule.

I congratulate the minister because she has not rammed through the Labor government view of the world or the Australian Competition and Consumer Commission view of the world in relation to this issue. She has allowed the industry to negotiate a way through the transition period, because the 8 per cent rule is contrary to the principles of competition policy. So Victoria is simply meeting its obligations. We should never forget that for most of the time until now the government has attempted to protect small business by enforcing the 8 per cent rule, not only in practice but through legislation which was introduced into this house — which members of the opposition when in government did not have the guts to bring in!

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The theme running through the minister's answers in this and previous debates during the last 12 months has been hypocrisy. The minister states in this house on a weekly basis that the opposition is being hypocritical in raising this issue. The reality is that the minister has been hypocritical on this issue. For evidence of that you have only to look at the minister's record. Every couple of weeks the Minister for Small Business puts out a press release which invariably states that the minister has visited X country community where she has spoken to small businesses and listened to their concerns. Yet the situation in this house is that the minister is ignoring small business concerns about liquor licensing.

The other issue of hypocrisy that has been demonstrated time and again by this minister relates to her actions and reactions to the 8 per cent rule. We need to reflect on what the minister said in this house when she introduced the Liquor Control Reform (Amendment) Bill last year, because at that time the minister presumably had not been contacted by the major players in the liquor industry and they had not indicated to the minister their preferred outcome. At that time the minister was able to come into this house

and talk about the government's review of the 8 per cent rule.

On 19 January 2001 the government announced its response to the review. The first key element she listed was:

... retaining the 8 per cent rule until the end of 2003, after which a gradual phase-out will commence.

Hon. Bill Forwood interjected.

Hon. G. K. RICH-PHILLIPS — It is just a lie, Mr Forwood. The Minister for Small Business said that — in this house! The minister went on to elaborate on that point:

The advance notice of a gradual phasing-out of the 8 per cent rule is critical to a successful transition by small business to a changing environment.

'Critical' is the minister's word. She said:

It provides them with the necessary time to reconsider their business strategy and also enables the government to continue its work with the industry in developing innovative long-term strategies that build on the strengths of small liquor retailers. Consumers will also benefit from this approach as they will continue to be served by a truly competitive industry comprised of a diverse group of retailers that satisfy their particular needs.

So when the minister introduced her legislation last year she was saying it was critical that small businesses have until 2003 before the commencement of the wind-back of the 8 per cent rule — in the minister's words, absolutely critical. Yet now the minister, having been approached by the major operators in the liquor industry, no longer considers it critical that small businesses have until the middle of next year to implement strategies for the wind-back. One can see the transition in the minister's answers to questions in this house. She has gone from last year considering it critical to this year not considering it at all important.

Now the minister has no regard for the 8 per cent rule. She has received instructions or directions from the major players in the liquor industry and she has capitulated to the big players in that industry and now has no concern or regard for the small players! Last year she regarded it as being critical that they have until the middle of next year, but now she is no longer concerned.

The minister has come under pressure from the major players in the industry. These are the major players, I might add, who are already receiving the 8 per cent cap, already thumbing their noses at the government and at the minister. And what does the minister do? Does she bring them back into line? No! She allows the director

to extend their licence terms. She capitulates again. She capitulates on the 8 per cent rule as currently employed by the industry and she will allow that rule to be set aside for the benefit of the major players.

It is about time the minister started having regard to the small business constituents she represents. In the words of the local independent liquor stores, 'Where are you, minister, and why are you not consulting the small businesses you claim to represent?'.

Motion agreed to.

Greater Bendigo: electricity report

Hon. R. A. BEST (North Western) — I move:

That the Council take note of the answer given by the Minister for Energy and Resources to a question without notice asked by the Honourable R. A. Best relating to electricity tariffs in Bendigo and surrounding areas.

It is particularly disappointing that while it is noticeable that the Minister for Energy and Resources was here as the minister in charge while the previous issue was being handled, which was not in her portfolio area, she leaves the chamber as soon as an issue comes up in her portfolio area.

This issue is very important not only to Bendigonians but also to those other people within the Powercor district. It relates to the charges that are being applied for power. I want to take the minister back and remind her that I first raised this issue with her in November 2000 because I was approached by a major user of electricity in Bendigo who was concerned that Powercor would not be required to pass on the full reduction for network charges for that particular year.

I asked the minister a question on 28 November. The answer was unsatisfactory — in my opinion she dropped the ball. I then raised the issue on the adjournment debate that same evening. The crux of the question was whether the minister was prepared to insist that Powercor pass on to all its customers across its whole distribution area the reduction that was identified by the Office of the Regulator-General. The minister replied to me on that day. As reported on pages 1751 and 1752 of *Hansard* of 28 November, she said that I:

... sought assurances about the benefits of network pricing decisions made by the Regulator-General being passed through to country customers.

She went on to say:

The government has clearly stated that its expectation is that as an absolute minimum customers will be no worse off

under the new tariffs and that it has retained under legislation passed through Parliament the power to intervene if that does not prove to be the case.

...

Contestable customers have been contestable for some time and have already received substantial benefits through being able to operate in a competitive environment.

What has been illuminated in the report conducted by the City of Greater Bendigo is that many of those customers are not better off — in fact most are worse off. We have the highest electricity prices and charges for domestic customers and we have the fourth highest charges for industry.

The concern that I have — I do not want to play the blame game — is that the minister came in here and said it was a total fault of privatisation. I say it is a management issue because for the past two years the minister has had the opportunity to approve prices that have been set by the Regulator-General. Now this report comes up with a number of solutions for the government to consider. I urge the minister to look at pages 10 and 11 of the report where are identified some of the issues that could assist in leading to lower prices right across the power distribution area. And they are consistent with issues facing buyers in other traditional usage areas. One of the options relating to the network that the group lists as worthy of consideration is for:

An ability with notice, to exceed 'maximum demand' without incurring ongoing demand penalties and subsequently be charged only for consumption on that day.

Another option the group suggests is that the network:

Charge intensive energy users on a kVA basis rather than kWh which will benefit businesses that have/are investing in 'power factor' correction equipment. (Note: Vencorp, TXU and United Energy already charge on a kVA basis.)

That will assist many of the businesses. The report goes on to list a whole range of other options for the government to manage this issue.

Hon. T. C. Theophanous — But the problem was created by you!

Hon. R. A. BEST — Mr Theophanous, you have come in halfway through it again. You will not listen! I do not want to get into the blame game; it is no good the government blaming the former government for privatisation. This is a management issue. The minister has had the opportunity over the last two years to approve price reduction, but she has not done so. I urge her to take note of this report and the solutions it provides.

Motion agreed to.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Education Services) — I have answers to the following questions on notice: 2280, 2339, 2475, 2498, 2609, 2618–9, 2621, 2628, 2637, 2643–73, 2702, 2715.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I seek an explanation with respect to question 2213 on the notice paper of 19 September. I wrote to the minister on 30 November and raised it in the house on 4 December and again in March. Again, I am seeking an explanation.

The PRESIDENT — Order! Which minister?

Hon. G. K. RICH-PHILLIPS — Through the Leader of the Government to the Premier.

Hon. M. M. GOULD (Minister for Education Services) — I have taken this up and we are going through the system of endeavouring to get a response to that particular question. I am endeavouring to get the answer and as soon as it is available I will present it to the house.

PAPERS

Laid on table by Clerk:

Austin and Repatriation Medical Centre — Report, 2000-2001 (two papers).

Crown Land (Reserves) Act 1978 — Minister's Order of 18 March 2002 giving approval to granting of a lease at Cheltenham.

Lake Mountain Alpine Resort Management Board — Report, 2000-2001.

Mansfield District Hospital — Report, 2000–01.

Northern Victoria Fresh Tomato Industry Development Committee — Minister's report of 10 April 2002 of receipt of the 2000–01 report.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Alpine Planning Scheme — Amendment C5.

Bendigo — Greater Bendigo Planning Scheme — Amendment C25.

Brimbank Planning Scheme — Amendments C34 and C39.

Cardinia Planning Scheme — Amendment C13 Part 1.

Gannawarra Planning Scheme — Amendment C3.

Kingston Planning Scheme — Amendments C21 and C24.

Mildura Planning Scheme — Amendment C6.

Mitchell Planning Scheme — Amendment C9.

Manningham Planning Scheme — Amendment C12.

Melbourne Planning Scheme — Amendment C18.

Monash Planning Scheme — Amendment C14.

Moonee Valley Planning Scheme — Amendments C25 and C32.

Moreland Planning Scheme — Amendment C17.

Shepparton — Greater Shepparton Planning Scheme — Amendment C22.

Towong Planning Scheme — Amendment C3 Part 1.

Wyndham Planning Scheme — Amendment C32.

Yarra Planning Scheme — Amendment C36.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 — No. 19/2002.

Occupational Health and Safety Act 1985 — Dangerous Goods Act 1985 — No. 20/2002.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 19/2002.

Proclamation of the Governor in Council fixing an operative date in respect of the following act was laid upon the table by the Clerk pursuant to an order of the Council on 4 November 1999:

Second-Hand Dealers and Pawnbrokers (Amendment) Act 2001 — Remaining provisions (except sections 30(3), 31, 36, 37 and 38) — 26 March 2002 (*Gazette No. G13, 28 March 2002*).

CONSTITUTION (GOVERNOR'S SALARY) BILL

Second reading

Hon. M. M. GOULD (Minister for Education Services) — I move:

That this bill be now read a second time.

The purpose of this bill is to ensure that the net salary of the Governor of Victoria is not affected by recent changes to commonwealth tax laws.

Until 2001, vice-regal officers were exempt from commonwealth income tax, which was in line with the practice of the Queen of England. In 1993, the Queen

offered to pay tax on her remuneration and assets, and in 2001, the commonwealth similarly repealed the exemption from income tax for her vice-regal officers.

This amendment does not affect sitting governors, but applies to future governors. Following the end of the term of Governor Landy, the Governor's salary will be subject to income tax. This will substantially decrease the Governor's net salary. This bill proposes a simple amendment to remove this disadvantage.

At present, the Victorian Governor receives the same as the net salary of a judge of the Supreme Court of Victoria. By changing this arrangement so future governors receive a salary equal to the gross amount of a Supreme Court judge, the situation will remain the same. This is simply achieved by removing the relevant part of section 7 of the constitution, as is proposed in this bill. This will also only apply to future governors.

I commend this bill to the house.

Debate adjourned for Hon. N. B. LUCAS (Eumemmerring) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Hon. A. P. OLEXANDER (Silvan) presented *Alert Digest No. 3 of 2002*, together with appendices.

Laid on table.

Ordered to be printed.

STATUTE LAW (FURTHER REVISION) BILL

Second reading

Hon. M. M. GOULD (Minister for Education Services) — I move:

That this bill be now read a second time.

The bill before the house, the Statute Law (Further Revision) Bill 2002, is essentially a housekeeping measure. While apparently mundane, such bills are vital to orderly management of the state and of the statute book.

The bill performs three important tasks. It repeals redundant acts. Members will note that the bill repeals

over 70 acts. Those acts have been identified by Chief Parliamentary Counsel as being redundant. The vast majority of those acts are amending acts which, having performed their amending task, are spent and serve no further purpose. Consequently, they simply take up space in the statute book.

It corrects a number of ambiguities, minor omissions and typographical errors found in acts to ensure that the meaning is clear and reflects the intention of the parliament.

Finally the bill codifies administrative arrangement orders. As members will be aware, orders are made under the Administrative Arrangements Act 1983 to construe references to departments, ministers and officers to mean other departments, ministers and officers. As those orders do not amend the acts concerned, over time numbers of acts contain references which have become outdated and which cause considerable confusion when provisions are being interpreted.

Under the Public Sector Reform (Miscellaneous Amendments) Act 1998 and the Statute Law Revision Act 2000 that confusion was remedied by codifying more than 250 of the orders made since 1983 and 1998 respectively. The bill before the house continues that approach by codifying the orders made since 2000.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. C. A. Furletti.

Debate adjourned until next day.

Sitting suspended 6.18 p.m. until 8.02 p.m.

HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL

Adoption of report

Debate resumed from 6 December 2001; motion of Hon. M. M. GOULD (then Minister for Industrial Relations).

Hon. M. M. GOULD (Minister for Education Services) — I move:

That the report be now adopted.

Hon. C. A. FURLETTI (Templestowe) — I move, as an amendment:

That the words 'now adopted' be omitted with the view of inserting in place thereof 'taken into consideration in 14 days'.

I move that amendment because this is a bill of some significance. The bill has come before the house on two other occasions and has some very significant and important ramifications in terms of its retrospectivity. As I mentioned in the debate on the bill, the Liberal Party has concerns about the retrospective nature in terms of not only the rights, but the legal proceedings which are on foot and which this bill will affect seriously to the extent that the proceedings will need to be withdrawn.

I am aware that this amendment was intended to correct some of the government's errors in its original amendment. I refer to the *Hansard* report of debate on this bill in the other place on 19 March, when the honourable member for Melton, Don Nardella, said that if the office of the Minister for Finance, the Honourable John Lenders, was contacted by the developers affected by the bill:

... I am more than certain that he would listen to them and try to work through some of the issues ...

The opposition in this instance is seeking to work through the issues and to find a resolution to the impasse. I am aware that at least one of the developers affected by the operation of this bill wrote to the Minister for Finance a couple of weeks ago and is awaiting a reply, so it is in the interests of those who are most affected by this legislation that the matter be deferred.

Amendment agreed to.

Amended motion agreed to.

ADJOURNMENT

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That the house do now adjourn.

Princes Freeway: barriers

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise with the Minister for Energy and Resources for the attention of the Minister for Transport in the other place a matter relating to the Princes Freeway, in particular the section that runs from Berwick through to Beaconsfield. Specifically, the matter I raise for the minister's attention is the lack of sound and visual barriers on that freeway around houses on Soldiers Road and Brookvale Close.

The residents of these areas bought their properties on the understanding that sound and visual barriers would be installed. The topography of the area is such that the freeway is above the level of the surrounding houses, so people in vehicles travelling on the freeway in that area are able to look down into the backyards of people living along Soldiers Road and Brookvale Close. As a consequence, the residents have no privacy. They also have significant issues with noise from the vehicles on the freeway. The existing fencing on the freeway has been cut, resulting in pedestrians crossing the freeway in the vicinity of Brookvale Close, so there is a related issue of pedestrian safety as well as the issue of visual and sound attenuation for surrounding houses.

I seek the minister's assistance in getting Vicroads to install sound attenuation walls along the freeway. The current arrangements are inadequate, given the topography of the area, and clearly walls need to be installed to provide privacy for the people living in the area, to address the noise issue and to reduce the incidence of people using the freeway as a pedestrian crossing. That is clearly a very dangerous practice. It is only a matter of time before an accident involving a pedestrian occurs on the freeway. I seek the assistance of the Minister for Transport in getting Vicroads to act on those issues.

Clyde Road, Berwick: traffic control

Hon. N. B. LUCAS (Eumemmerring) — I raise with the Minister for Energy and Resources for the Minister for Transport in the other place the matter of the Berwick railway underpass, which does not yet exist. I am hoping that through my raising this matter the government may give some consideration to the problems at the crossing point at Clyde Road. The growth of Berwick to the south of the railway line and the Berwick bypass road has been extraordinary in the past few years, and that growth has resulted in an extremely large increase in the number of cars using the crossing to which I refer.

Not only have the numbers of cars and other vehicles using Clyde Road in Berwick increased dramatically but it is also expected that the number of trains using the railway line will increase if the government's fast train to Traralgon ever eventuates and if the number of trains to Pakenham under the Met service ever increases — although I wonder whether anything will ever happen with this government! We still do not have the Berwick hospital; we still do not have any works on the Scoresby freeway; we still do not have any works on the Pakenham bypass; we still do not have any works on the Endeavour Hills police station; and we still do not have any works on the Narre Warren rail

crossing — all of which have been promised by this government, but nothing has happened. This is a do-nothing government that does not actually do a lot in my electorate!

Just south of the intersection of Clyde Road and the railway line is Enterprise Avenue. It is very important in addressing this issue that not only the rail crossing but also ingress to and egress from Enterprise Avenue be taken into account. The government really needs to look at a footprint for these works, to do some design and to start planning for the future in order that the necessary funds can be put into works in the near future. I hope those works will be undertaken in the near future, because this crossing really needs an upgrade.

I ask the Minister for Transport to immediately initiate action in conjunction with the local Casey City Council to plan and commence construction of the Berwick railway underpass and the adjacent Enterprise Avenue intersection.

Western Highway: upgrade

Hon. R. M. HALLAM (Western) — I raise with the Minister for Energy and Resources in her role as representing the Minister for Transport in another place an issue that has to do with the current condition of the Western Highway, or more particularly, Vicroads corridor strategy which is subtitled ‘Deer Park to the South Australian border’.

As you well know, Mr President, the Western Highway is a major road transport link between Melbourne and Adelaide and carries substantial and growing traffic volumes. Based on those volumes and the concerning accident rates that apply to two particular sections of that highway, there has been a great deal of interest in the priority given to the upgrading of this vital transport link — so much so that the councils along the highway have formed an action group called the Western Highway Action Committee to campaign for a better deal. Those councils have been joined in this important initiative by Vicroads and a number of safety groups.

It is acknowledged — and I do so to the minister tonight — that this is a national highway and therefore all works are funded primarily by the federal government. There is certainly no argument with the Vicroads assessment, which names the Deer Park bypass and the Anthonys Cutting deviation as the top priorities. Indeed, I personally endorse — as I suspect you would, Mr President — the call for those particular projects to urgently proceed.

Notwithstanding that the highway falls within the commonwealth’s primary responsibility, members of the action committee believe that the Victorian Minister for Transport has a role to play, and would like him to put his shoulder to the wheel. The committee does not accept the time line suggested for these much-needed improvement works, and asks that the Minister for Transport familiarise himself with the submission it makes and use every opportunity to promote both the funding priority afforded to the Western Highway in general and the Deer Park bypass and the Anthonys Cutting deviation in particular. The committee believes the case it makes stands on its own merits. I ask the Minister for Transport to seek a briefing on the matter and respond to the committee through the Northern Grampians Shire Council.

Electricity: Basslink

Hon. PHILIP DAVIS (Gippsland) — It had been my intention to raise a matter for the Minister for Sport and Recreation, but as that minister has shown his contempt of this house and is not present for the adjournment debate, I will raise a matter with the only minister who is present in the house at this time — the Minister for Energy and Resources.

The issue I raise with the minister is the government’s handling of the Basslink issue. The minister will be well aware that this issue is causing great consternation to citizens in Gippsland. Indeed, while it is clear that this is an important project for the national electricity market, and I acknowledge the benefits arising from it, the reality is that there will be local impacts.

Those local impacts in Gippsland arise as a result of the proposal to put an above-the-ground transmission line on 45-metre pylons, which will traverse the coastal plain in the area of McGaurans Beach at Giffard to Merrimans Creek Valley, which is one of the most picturesque valleys in Victoria. The impact on local residents will be significant not just with regard to the visual amenity but also on the value of their properties.

I am advised by my constituents that the minister has not given any response to their requests for a comment from her. I know many people who have made written submissions to the minister to have the submissions referred directly to another minister. My point is that this is the minister responsible for advising the government on this issue. So far she has not interested herself at all in the details of the impact of the project on Gippsland citizens.

I put it to the house that it is about time the minister informed herself of the impacts by coming to Gippsland

and inspecting the route from Loy Yang to McGaurans Beach. I would be pleased to organise and host such a visit at any time that the minister makes herself available. I formally invite her to do that. When will the minister come to inspect the route of Basslink?

Tobacco: under-age sales

Hon. S. M. NGUYEN (Melbourne West) — The matter I raise is directed to the attention of the Minister for Health in the other place. A recent investigation by Hobsons Bay Council found that 35 per cent of retailers were selling tobacco products to minors compared to an average of 15 per cent in all other councils. In light of that, will the minister advise of the sale of tobacco to minors in the City of Hobsons Bay and the government's funding to curb the activity? Will the minister also advise about the process for prosecution by the Department of Human Services of the retailers selling tobacco to minors?

Women: homelessness

Hon. ANDREA COOTE (Monash) — The matter I raise will have to be directed to the only minister in the house — that is, to the Minister for Energy and Resources — for the attention of the Minister for Housing in another place.

I refer to an article by Alison Dean in the *Emerald Hill Times* of 27 March last, under the heading 'The Invisible Women'. The article states, in part:

They may not sleep on the streets or appear in the statistics, but single, homeless women are a vulnerable and growing group.

In the article she refers to a study commissioned by the Catholic Commission for Justice, Development and Peace which:

... describes single women as the 'hidden homeless'.

The article also refers to the work done by Melbourne University's Sue Casey, the author of *Single Women and Homelessness*, who says:

... a chronic shortage of affordable housing has forced many ... women into a cycle of homelessness.

That is totally unacceptable.

Statewide Women's Community Housing Service Ltd reports a big increase in the turn-away rates, with up to 50 women per week applying for emergency accommodation.

I ask the minister how many of the 72 new constructions in the southern metropolitan region built

between October 1999 and March 2001 were specifically designated for women?

Libraries: mobile Italian collection

Hon. E. J. POWELL (North Eastern) — I direct a matter to the Minister for Sport and Recreation for the attention of the Minister for Local Government in the other place. I have received a letter from Mrs Elaine Richmond, the chief executive officer of the High Country Library Corporation, seeking my assistance to gain funding for a roving Italian language collection. In October 2001 a submission was made to the Minister for Local Government on behalf of the Murray Link Libraries, which comprises three regional libraries — namely, the High Country Library Corporation, the Goulburn Valley Regional Library Corporation and the Mildura Rural City Council Library. The grant sought was for \$40 000 and was designed to purchase a selection of books, audio tapes or talking books, and videos in the Italian language.

Northern Victoria has an established Italian community of about 6500. They are mainly elderly and have limited English language literacy. There are also a number of primary and secondary school students who are learning the Italian language.

I met with the library corporation and the Italian community and sent a letter of support for their submission. They inform me the book stocks are old and limited in choice and that the libraries were unable to meet demand due to budget constraints. If the libraries get the grant they be able to stock a mobile library to service isolated areas. Many of the Italian people live on farms or outside the regional areas. The libraries need to be able to change their stock regularly and have a better choice of stock — popular fiction, magazines, children's books and so on.

The library corporation has inquired of the Department of Infrastructure about the status of the grant, and it was advised verbally by the department that the submission was not successful. It still has not received written confirmation even though it has been six months since the submission was lodged.

I ask the minister to investigate the issue and the status of the application. We are talking about \$40 000 to a community that really needs it. A \$40 000 grant would enable the libraries to provide a roving Italian language collection for the benefit of the large Italian community in the area.

Blind Creek, Knox: pollution

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Environment and Conservation in the other place through her representative in this place, the sole minister here — that is, the Minister for Energy and Resources. Monthly testing by Waterwatch, a free education program run by Melbourne Water, has indicated that Blind Creek in my electorate of Silvan Province is one of the most degraded waterways monitored by the program anywhere in Victoria. Rubbish and pollutants dumped into the creek through storm drains have damaged the waterway to the extent that it could take several years to recover the site to normal.

Some unusual items recovered from the site include hub caps, skateboards, scissors and a huge number of cigarette butts. Waterwatch testers have found little evidence of life forms such as crustaceans, yabbies or fish. The only living creatures, such as mosquito larvae, to survive in Blind Creek are tolerant to pollutants.

The creek runs through the Dandenong Ranges National Park, past Knox City and Tower Point shopping centres, and then joins the Dandenong Creek and Patterson River before spilling into Port Phillip Bay. It is difficult to confirm whether the creek's close proximity to the shopping complexes has heightened the polluted condition of the creek as a large drain also empties into it. The pollutants could obviously come from a large number of sources.

I ask the Minister for Environment and Conservation what she will do to assist in the rehabilitation of Blind Creek and what she will do to develop preventive measures for the future maintenance of Blind Creek.

Goulburn Valley Water: Wallan East easement

Hon. G. R. CRAIGE (Central Highlands) — I direct a matter to the attention of the Minister for Environment and Conservation in the other house. It deals with Adelaide Conurso who owns a property on Wallan–Wandong Road, Wallan East. She and her deceased husband purchased the land 25 years ago and have spent many years nurturing the land, planting trees, implementing weed management and installing drainage works. They received a grant dedicated to their land in October 1998, which was described as a land protection incentive scheme grant. That grant was for \$1150 for the planting of trees and the management of weeds and drainage. One could say those people have been genuine environmentalists. They had a love and a passion for their land.

In 1997 they found an area of unallocated Crown land at the rear of their property. They commenced negotiations with the Department of Natural Resources and Environment on the purchase of the land. DNRE confirmed the sale with a section 69 agreement to protect the natural vegetation. Mrs Conurso was happy to sign on the basis that it had been established and cared for by Mrs Conurso. On 5 March 2001 an acceptance of offer to purchase was sent to Mrs Conurso, and she signed. The purchase price of the land was \$6900 for lot 82E, with no easement except for a section 69 agreement. In July 2001 Goulburn Valley Water compulsorily created an easement on the property of Mrs Conurso who was in the final process of purchasing the land, and a deposit had been paid.

At the end of July Mrs Conurso was advised that the condition of sale had been changed, there was no section 69 agreement and a water supply easement had been created for Goulburn Valley Water. Then in came the environmental vandals, Goulburn Valley Water, which acted like a thief in the night. It entered the property without permission and bulldozed every single tree that would have been protected under the section 69 agreement. Not only that, an 8-metre easement was put at the back of the property and a pipeline has been laid 1.5 metres outside the existing easement.

Mrs Conurso deserves to be treated a lot better than this because she is a wonderful warm person and a great community contributor who is dedicated to her rural property. I call on the minister to instigate an urgent inquiry into the environmental mismanagement by Goulburn Valley Water.

Rail: Mildura–Portland line

Hon. B. W. BISHOP (North Western) — My adjournment issue tonight for the attention of the Minister for Energy and Resources springs from the highly successful Australian Mineral Sands Conference or expo, which was attended by delegates from around Australia, overseas and by the minister. As the house is well aware, this industry is crucial to the wellbeing of Victoria as there are now clearly 100 million tonnes of mineral sands available in the Murray-Darling Basin with an estimated value of some \$20 billion and a life expectancy of at least 30 years. It will provide a huge injection of employment opportunity for rural areas.

The mineral sands industry will also provide plenty of work for our transport industry, both rail and road, and also for our ports. The success of mineral sands products being sent by rail to our ports depends on the Mildura–Portland rail line being upgraded and

standardised, firstly, to give access to Portland, which has standard gauge entry, and secondly, to allow higher axle loading and higher speeds to ensure that we in Victoria win the business from our strong competitors in other states.

The Victorian government has trumpeted a number of times its move to complete the upgrading and standardisation of the Mildura rail line by 2002. However, I was dismayed to hear the minister say in her address at the conference that the project will now not be completed until 2003. The mineral sands industry was dismayed by this revelation which, if correct, will seriously affect our chances of gaining this business and will seriously damage many industry participants who have already geared up believing the 2002 published deadline is correct. Will the minister confirm that the commitment published by the government of a 2002 deadline is true and correct, or is this just another example of government promises not being delivered on time?

Kew Residential Services

Hon. D. McL. DAVIS (East Yarra) — I direct a matter to the attention of the Premier. I note the Minister for Education Services is not present to receive questions on behalf of the Premier, but my matter relates to Kew Residential Services. I refer to a press release from the Premier of 4 May 2001. It is important to realise that Kew Residential Services is a longstanding facility that provides important services for disabled people and people who need special care.

The redevelopment of Kew Residential Services was supported by the previous government, and there is every reason to believe a better outcome for the residents can be found. This needs to be done in a sensitive way that takes into account the needs of the residents, their families and the community both in and around Kew and equally importantly in the areas into which the residents will be moved.

The Liberal Party strongly supports the policy of ensuring areas of access to the community by people who were previously at Kew Residential Services. However, there is also a group that needs to remain on the site, and the Liberal Party recognises that also. As the local member of Parliament I raise with the Premier the redevelopment of Kew Residential Services. I note also the statements made in the last couple of weeks in the local newspaper and by the former Minister for Community Services, Christine Campbell, both at an earlier point and more recently. I seek from the Premier and the Minister for Community Services a commitment that the government will provide in the

redevelopment site of Kew Residential Services public open space. This is an important issue for our community in Kew and in the City of Boroondara. This is the largest site for redevelopment in the City of Boroondara. I believe a city like Boroondara, indeed most cities close to Melbourne that are to be redeveloped, must have a proper policy that ensures there is sufficient public open space.

I want to ensure — I am far from reassured from what I have heard from ministers of the Bracks government in the past — that sufficient public open space will be provided. The Premier's last press release on this matter made no mention of public open space. Will the Premier turn his mind to this and ensure that the Minister for Community Services turns her mind to this matter as well and that as the redevelopment proceeds there will be sufficient community processes to ensure public open space is an important and significant issue in that process?

Schools: airconditioning

Hon. BILL FORWOOD (Templestowe) — I would have raised this issue with the Minister for Education Services if she was here, but I ask the Minister for Energy and Resources to pass it on to her for response.

Hon. D. G. Hadden interjected.

Hon. BILL FORWOOD — What have you been on tonight? You have had a happy time tonight!

The last time the house met I raised with the minister the issue of her approving funding for airconditioning at Wando Vale Primary School after the government had already closed the school. Now that she has had some time to settle in as the Minister for Education Services the issue I am keen to explore with her is whether she could advise if the funds that were to be made available for Wando Vale Primary School will now be made available to other schools in the Western District group.

I am not keen to mention particular schools that would like to have the funds because I am sure the minister can do that herself — or local members may be able to help. However, I am keen for the minister to encourage the Minister for Education Services to tell us where the funds will go and which schools will be the beneficiaries now that Wando Vale Primary School cannot receive the funds because it has closed.

Hazardous waste: Pakenham

Hon. K. M. SMITH (South Eastern) — I raise with the Minister for Energy and Resources for the Minister

for Planning in the other place an issue that is of great concern to me, which I have recently found out about from an organisation known as WRATH — that is, Wellington Residents Against Toxic Hazards.

I am concerned about a proposal put forward by Gippsland Water to take toxic soil from Melbourne and dump it at Dutson Downs. Of particular concern is the proposal to offload this soil at Pakenham. The soil will be sorted out there, contained, and held for some time before it is ready for movement by train to Dutson Downs.

There has been absolutely no consultation about this issue. I understand one of the local members and an Independent in the other place, the honourable member for Gippsland West, Susan Davies, has known about this for some time and has not done anything about it, which shows that she just complies with what this Labor government wants to do.

Up to 250 000 tonnes of the most toxic soil from Melbourne and Victoria will be dumped in Pakenham. As we all know, Pakenham is a rapidly growing area with a lot of new homes.

The land that will be set aside for the transfer station will need to be somewhere near a railway line; however we do not know where that will be. Also, we do not know how it will be looked after, what sorts of buffers are going to be put around it and whether it will be covered. Is it going to be looked after properly? What about the amount of dust that will blow into that area?

I have grave concerns about this. Some quarter of a billion tonnes of toxic soil will be dumped on the doorsteps of my constituents, and I do not agree with that.

It is going to be important that the minister get across to the Minister for Planning that we want to have some sort of proper public process and advise the people in the Pakenham area what is going on. We want that consultation to be in the way of formal meetings. We want the Minister for Planning to ensure that the proponents of this have an environment effects statement. We understand that there is a Ramsar area around there that must be protected. It has been put upstream, if I can put it that way, from one of your proposed marine — —

The PRESIDENT — Order! The time has expired.

Hon. K. M. SMITH — Minister, what are you going to do about it?

The PRESIDENT — Order! When I announce that the time has expired Mr Smith should keep quiet!

Hon. K. M. SMITH — I must apologise. I did not hear you, Mr President. I had to yell so much because of those loudmouths on the other side.

Public transport: ticket fine

Hon. ANDREW BRIDESON (Waverley) — I raise an issue with the Minister for Energy and Resources to pass on to the Minister for Transport in the other place. It concerns a constituent of mine who is a disabled pensioner and is trying to bring up a couple of teenage girls. She has received an enforcement order from the PERIN court for failing to produce a valid ticket on a tram journey.

My constituent was apprehended at about 7.15 a.m. on 28 November last outside Flinders Street station without having a tram ticket. She was on her way to the Met shop in Flinders Street to purchase a ticket. I think she has been treated unfairly in this regard, as she was on her way to the Victorian Eye and Ear Hospital because she had a serious eye disorder and was unable to use the ticket machine on the tram. I believe she has a valid excuse for not being able to purchase a ticket on the tram.

She provided evidence by way of a statement from her medical practitioner from the hospital that she would have been unable to use the ticket machine. She did purchase a ticket, of which I have a photocopy, and it shows that the ticket was purchased at 7.23 a.m. on 28 November. She actually paid for the fare after she had been apprehended. She was on her way to purchase this ticket when she was apprehended.

My constituent is a regular user of public transport and tells me that she spends about \$1100 per annum on tickets. She produced to me a swag of tickets, all filed in chronological order, just to show that she is a regular purchaser of tickets.

My constituent has received a notice of enforcement order requiring her to pay a fine of \$175, which is due on 3 May. Because she is a disabled pensioner she does not have the means to pay her fine. I do not believe that this lady also should spend two days in jail because she cannot pay the fine.

I will provide the name and address of my constituent to the minister — obviously my constituent does not want her name mentioned in the Parliament — and I ask the Minister for Transport to treat this case with urgency and also with leniency.

Eastern Freeway: extension

Hon. G. B. ASHMAN (Koonung) — I direct a matter to the Minister for Energy and Resources for referral to the Minister for Transport in the other place. It relates to the Eastern Freeway extension, which is currently under way.

The bridges over Park Road and Deep Creek Road have both recently been opened, and that is welcomed, but I note that they have been opened prior to completion of construction. We are now advised that the community consultative committee has been disbanded. This was the committee that — —

Hon. D. G. Hadden — Who set it up?

Hon. G. B. ASHMAN — We did, and you have abandoned it! There was community involvement in this project — —

Honourable members interjecting.

The PRESIDENT — Order! We have only got a couple to go. I suggest the house settle down and allow the member to be heard — because I certainly cannot hear him — and then we can all get out of this place.

Hon. G. B. ASHMAN — With the disbanding of the community consultative committee we are hearing rumours that the commitment that was given by the government to the long tunnel option on this extension is now being abandoned. Indeed, the government is suggesting it will be abandoning the short tunnel option and will use the cut-and-fill construction option for the extension, which will devastate the Mullum Mullum Creek Valley. The local residents will be most angry at this prospect.

The outcome of the Mitcham election was a direct result of the government's support for the long tunnel. My colleague and I in Koonung Province are seeking an assurance from the minister that the previous commitment to the long tunnel will be honoured.

Port of Melbourne: residential development

Hon. P. A. KATSAMBANIS (Monash) — I raise an issue for the Minister for Ports. Last week the minister released a report entitled 'Whole of port environmental management plan' relating to the future operation of the port of Melbourne. In launching the report the minister said that it was a blueprint for guiding the future environmental management and sustainable development of the port. I believe most Victorians will acknowledge that is a good thing and would support it.

The key issues covered in the plan are things such as water and air quality, noise and vibration, land management, exotic marine organisms, heritage and archaeology. The residents, constituents of my province, and I believe a glaring omission is the interaction between the port and proposed residential developments right on the port boundary, specifically in relation to the proposed development of Princes Pier, which is currently under planning consideration. It was noted in this place and in other forums that the port of Melbourne has questioned how it can operate if the development on Princes Pier goes ahead. The management of the port of Melbourne has put it firmly and strongly, that should the development take place it is likely to curtail port activity.

In launching the plan the minister said the port of Melbourne contributed \$6 billion a year to the Victorian economy. I would have thought critical to the future environmental management and sustainable development of the port would be the assessment of how residential development should take place in and around the port, especially those areas immediately abutting the port. I trust this is an oversight.

I ask the minister to report to the house and the people in my electorate what specific action she has taken to assess the impact on the port of Melbourne of proposed residential developments and specifically to consider those issues being addressed as part of the plan.

Electricity: Stonehaven station

Hon. I. J. COVER (Geelong) — I raise with the Minister for Energy and Resources — —

Hon. D. G. Hadden interjected.

Hon. I. J. COVER — I do not need the help of the Honourable Dianne Hadden, who is obviously getting excited about the next letter she is going to write to cabinet! I have no doubt she is working on her letter now.

I refer to the minister the proposed Stonehaven power plant, of which the minister and members of the house are aware, and the recent announcement that AES Transpower is not going ahead with the proposal.

No doubt the minister and other members of the government gave a huge sigh of relief given that they were not sure how to handle the issue as they had not proposed an environment effects statement for the project despite the Premier having said that any proposal for a new power generation plant would require an EES to be prepared and despite a petition having been tabled in the other place bearing

5000 signatures that was signed by the Honourable Elaine Carbines and the honourable member for Geelong in the other place.

There were fears in the Geelong community, as was illustrated by the people who picketed the site and were visited by the shadow minister for energy and resources, the Honourable Carlo Furletti. I am not sure that the minister ever took the time to visit the picket line. Perhaps in response the minister may enlighten the house whether she visited the picketers. I remind honourable members that they took the time and made the effort to see the government, and I wonder whether the minister visited the picketers at the Stonehaven site as the shadow minister did earlier this year.

Despite the fact that AES said it was not going ahead with the plant there are still fears in the Geelong community about what may happen in the future. The community is concerned about whether AES will on-sell the capacity for the power station to be built. If that were to happen, would the government insist on the new owners of the business preparing an EES, since it missed out the first time? There are concerns about the capacity of the station being on-sold. I ask the minister to give an undertaking to the Geelong community that such a sale will not occur.

Eastern Freeway: extension

Hon. B. N. ATKINSON (Koonung) — I raise a matter with the Minister for Energy and Resources in her capacity as the representative of the Minister for Transport in another place. I appreciate that I have the appropriate minister here in the chamber tonight.

I go to the matter raised by my colleague the Honourable Gerald Ashman regarding the tunnel for the Eastern Freeway. As he mentioned tonight, there is concern in the local area that the government may abandon the Eastern Freeway tunnel. I do not believe the government will abandon the tunnel because clearly that would be political suicide. Nonetheless, there is considerable community concern about the matter. I understand some people resigned from the Labor Party over this issue and the impact that any change in the tunnel decision would have.

The matter I bring to the attention of the Minister for Transport is the timetable for the contract for the tunnel. I understand the government's figures now suggest there is something like an additional \$100 million in the cost of the tunnel. There is considerable community concern about the increased cost. I want to know from the minister what the position is about the cost of the tunnel, when the contract will be let and what

information the government has about costings of the tunnel at this stage.

Gas: SEA Gas pipeline

Hon. C. A. FURLETTI (Templestowe) — I refer my matter to the Minister for Energy and Resources. On 26 March I raised the matter of the SEA Gas pipeline. I refer the minister to the permit she issued on 20 March to SEA Gas relating to the authorised route and the permit to own and operate a pipeline. Given that on 2 April at the Heywood forum on the pipeline route the minister's representatives indicated that although 7 of the 620 landowners had granted easements to SEA Gas, that subsequently the departmental representative advised that the number who had not signed was 95 — an increase on the earlier indication of 88 — and that last week after the issue had been aired in Western District media the department advised that 80 per cent of landowners had signed off on agreements, which means that 20 per cent or 124 landowners had not signed easement agreements, will the minister inform the house whether a criterion of appropriate land acquisition and easement procurement along the pipeline route was a condition precedent to the grant of the permit, and will the minister advise the house of the number of landowners on the pipeline route who are yet to reach agreement with SEA Gas?

Responses

Honourable members interjecting.

The PRESIDENT — Order! A whole series of matters have been put to the minister, and I suggest that honourable members give the minister a chance to respond seriatim.

Hon. C. C. BROAD (Minister for Energy and Resources) — I can assure the house that I am not going to shout, so you had better listen up.

The Honourable Gordon Rich-Phillips requested the Minister for Transport to seek the assistance of Vicroads to install sound and privacy barriers on the Monash Freeway. I will refer that matter to the minister.

The Honourable Neil Lucas requested the Minister for Transport to take action to construct the Berwick railway underpass, and I will refer that matter to the minister.

The Honourable Roger Hallam requested the Minister for Transport to consider a submission regarding funding works for the Western Highway and to respond

to the Northern Grampians Shire Council on that matter, and I will refer that request to the minister.

The Honourable Philip Davis again raised for my consideration the matter of Basslink, and I note the honourable member's invitation, which I have also received in writing. I can assure the honourable member that I do indeed take a keen interest in this matter, and I can assure his constituents of that also. I respond in the way I have previously — that this matter is currently subject to planning processes and when those are concluded I will take the appropriate actions in relation to my particular responsibilities.

The Honourable Sang Nguyen raised a matter for the Minister for Health regarding the sale of tobacco to minors, and I will refer that matter to the Minister for Health.

The Honourable Andrea Coote requested information from the Minister for Housing on how many new constructions are designated for women seeking access to housing, and I will refer that request to the minister.

The Honourable Jeanette Powell requested the Minister for Sport and Recreation to investigate a grant application for \$40 000 for the benefit of the Italian community, and I will refer that request to the minister.

The Honourable Andrew Olexander requested the Minister for Environment and Conservation to indicate what actions will be taken in relation to the rehabilitation of Blind Creek, and I will refer that question to the minister.

The Honourable Geoff Craige requested the Minister for Environment and Conservation to investigate a certain matter regarding Goulburn Valley Water, and I will refer that request to the minister.

The Honourable Barry Bishop requested that I indicate for his information the timing of rail standardisation in connection with the mineral sands development. Can I indicate that I was not aware that he was present at the conference when I spoke last Thursday in Mildura. Had I been aware I certainly would have acknowledged him. I can inform him that the work on standardisation is scheduled to commence in the third quarter of this year and is due to be completed in the second quarter of 2003.

The Honourable David Davis requested the Premier to ensure that sufficient public open space is provided as part of the redevelopment of Kew Residential Services, and I will refer that request to the Premier.

The Honourable Bill Forwood requested the Minister for Education Services to advise him about the allocation of certain funding of school facilities, and I will refer that request to the minister.

The Honourable Ken Smith requested the Minister for Planning to advise Pakenham residents in relation to matters that he raised, and I will refer that request to the minister.

The Honourable Andrew Brideson has furnished me with information for forwarding to the Minister for Transport regarding a certain case involving tram tickets, and I will refer that request for investigation to the Minister for Transport.

The Honourable Gerald Ashman requested the Minister for Transport to assure him that a commitment to the Eastern Freeway long tunnel will be honoured, and I will refer that request to the minister.

In response to the request from the Honourable Peter Katsambanis, I can assure him that I take a keen interest in the impact of adjacent residential development on the future of the port of Melbourne, whether it is in relation to the whole-of-port environmental management plan or in relation to developments which come up on a continuing basis. I certainly intend to be very vigilant about this matter — as are the Port of Melbourne Corporation and the board — into the future.

In responding to the Honourable Ian Cover's request I point out that my understanding is that the decision by AES Transpower related very much to its particular commercial circumstances. It has reserved its right, and it does have the right, to proceed at some point in the future provided that the planning approvals and permits are still current, and that is a matter for the company.

The Honourable Bruce Atkinson requested information on the timing and costing of contracts for the Eastern Freeway long tunnel. I will refer that request to the minister.

In relation to the detailed information sought by the Honourable Carlo Furletti about SEA Gas matters, I note that the honourable member has still not furnished me with any information about the matters he has raised in this place. I will take that request on notice.

Motion agreed to.

House adjourned 9.01 p.m.

