

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

**18 March 2003
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By authority of the Victorian Government Printer

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Tuesday, 18 March 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.03 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Public liability: ministerial agreement

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Finance. I refer to the ministerial meeting on public liability insurance in November 2002 which agreed to implement the key recommendations of the Ipp report and which Pricewaterhousecoopers estimated could reduce public liability premiums by 13.5 per cent and reduce the number of small claims by 80 per cent. When will the government introduce the necessary legislation?

Mr LENDERS (Minister for Finance) — I thank the Leader of the Opposition for his question on what is a very critical and important issue. As the Leader of the Opposition will be aware, a series of what are called the Coonan meetings on insurance have been conducted over a period of time. I think there were four meetings last year and a fifth meeting that I did not attend because we were in caretaker mode at that time.

At the meeting before that Justice David Ipp addressed the assembled ministers responsible for insurance on his recommendation regarding reforms to the law of negligence. It was a very interesting meeting, and I am sure Mr Davis would have enjoyed it. Certainly all the ministers present did because Justice David Ipp is one of those very gifted speakers or teachers who go through an unbelievably complex and technical area and bring it to life by using examples. As a former law student it reminded me of my tort law classes — he was very good.

More to the point: where does it take the government in dealing with it? Justice Ipp was very ambitious, because he was talking of a uniform piece of legislation that all eight state and territory jurisdictions would adopt. But even he would be the first to concede that given that we all come from very different statutory bases and that, surprisingly, we all have differences in common law in our jurisdictions, to move down to model legislation like that in the Companies Code is not necessarily achievable, certainly not in the short term.

The approach the ministers adopted was to go through the recommendations of the Ipp committee one by one and see where we could reach agreement. The other jurisdictions came to some sense of agreement in some

of the areas at the last ministerial council meeting, and all ministers will complete that Ipp review at the meeting to be held in Perth on 4 April.

I will certainly take a Victorian government position to the meeting. Mr Davis can be assured that most of the significant recommendations of Justice Ipp have already been adopted in Victoria through the Wrongs and Other Amendments Acts (Public Liability Insurance Reform) Act passed by this Parliament last year, which dealt with a lot of the key areas of insurance.

A lot of the areas that were dealt with, as Mr Davis would understand, were the areas outside the common law covered by the Transport Accident Commission, where we already have a lot of this law regulated in Victoria. We dealt with the issue of thresholds, of compulsory third-party insurance and legal thresholds, adopting the Queensland model of legislation that the Attorney-General introduced into the last Parliament, and he will be reintroducing it in this Parliament. We also dealt with some of the enormous cultural issues of insurance, like protecting volunteers and good Samaritans. It was an extraordinarily complex piece of legislation, which a number of other states have looked at and viewed as good legislation.

Where we stand now is that the Victorian government will deal with the remaining areas of the Ipp report in response to the ministerial council meeting in April. We already have comprehensive legislation in place. It has been a very good process in that there has been an enormous amount of cooperation between jurisdictions, the commonwealth and the states. Unlike other ministerial councils that I have been involved in that are particularly partisan and are often not all that productive, the ministerial council on insurance has been an exception. It is a tribute to all the jurisdictions which come from very different starting positions and are working towards a collective outcome. It is a good process, and I will certainly report to the house after the meeting of 4 April.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — On a point of clarification, the inference made by the minister in his response is that most of the gains which could be achieved from the Ipp report and its recommendations have been achieved by actions already taken by the government. Is it the case that the minister denies that there could be a reduction of as many as 80 per cent of small claims and a reduction in premiums of 13.5 per cent?

Mr LENDERS (Minister for Finance) — Mr Davis talks about particular rates, and I will be very interested to talk to him about that. Insurers are a very interesting group of people in that each time you meet with them or different companies they tell you about the different magical formulas that will fix our insurance problems in Victoria. Certainly the issue of the discount rate, which was one we and the insurance industry said was critical to us, was addressed in the legislation last year — in fact it was addressed in Victoria probably far more harshly than even Justice David Ipp recommended. I shall refer to some of the other issues regarding compulsory third-party insurance.

A lot of examples used are for New South Wales, which has introduced some fairly draconian pieces of legislation because it had a huge problem. New South Wales was a scourge that was contaminating the rest of the country. Claim numbers were higher, and the legal system was not dealing with it very well. We are looking at all these areas and we will bring in a Victorian approach that deals in a sensitive way with the Victorian situation and ensures that it is as uniform as possible.

Computershare: global operations centre

Hon. J. G. HILTON (Western Port) — I refer my question to the Minister for Information and Communication Technology. Last week the minister and the Premier announced over 1200 new jobs through the establishment of Computershare’s global operations centre in Melbourne. Will the minister advise the house of the benefits of the Computershare announcement to Victoria and the Victorian information and communications technology industry and how it has been received in the Victorian community?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question; I know he has an interest in this area. The Computershare announcement has been received enthusiastically by everybody except the Leader of the Opposition, who described the announcement as smoke and mirrors. I do not know whether he was being deliberately obtuse or whether he just does not understand the significance of 1270 new jobs for Victoria. In case he did not hear that: it is 1270 new jobs for Victoria.

What I do know is that he resorted to the only thing he knows how to do. The only thing the Leader of the Opposition can do is talk Victoria down. He did this on the day when not only were most other Victorians enthusiastic about Computershare’s announcement but

also Victoria registered the nation’s lowest unemployment rate of 5.2 per cent.

Everyone else seems to understand that this is good news for Victoria. Today’s *Australian* newspaper describes the deal as a jobs bonanza. Why is this such a good announcement? Because it is the largest single investment ever secured by a Victorian government in terms of jobs numbers. It is the single biggest IT jobs win for Australia. Computershare will become the only international IT company that has its global headquarters in Australia.

Computershare started as a Melbourne-based company, a small business which has grown to a global company that is a world leader in its field. It has offices in nine countries and over 5000 employees and it services more than 7500 customers globally. When it decided to consolidate its global operations strong arguments were put to it to establish that global centre in North America or in Europe or on the subcontinent where there are existing information and communications technology global centres with global reputations. But the case was made, and made well, that you can successfully operate a global IT company from Melbourne, and Computershare has decided to do that.

Computershare’s success demonstrates that a Victorian company can grow to become a recognised world leader. Victorian IT companies should be particularly pleased with this announcement because having Computershare’s global centre in Melbourne will establish Victoria as a recognised global location and open opportunities for the local industry. It will provide a jobs boost for our IT professionals. It is also a recognition of the high skill level of our IT professionals and graduates. As Computershare highlighted, one of the key reasons for deciding to locate in Melbourne is the skill sets Victorians have to offer.

It is disappointing that the opposition leader does not understand how great these benefits are to Victoria, but we do and Victorians do. We will continue to provide jobs for Victorians.

Public sector: superannuation

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Finance. In the six months to the end of December 2002 general government unfunded superannuation liabilities blew out by \$400 million to almost \$14 billion. Given the continued fall in investment returns, what action has the minister taken to mitigate the risk of a further blow-out in unfunded superannuation liabilities?

Mr LENDERS (Minister for Finance) — I thank Mr Rich-Phillips for his question. I am somewhat intrigued by his question and the absolutely short-term view of superannuation and equity markets he has. I would have thought he would have taken a page out of the book of the Honourable Roger Hallam, the former finance minister in the Kennett government, of which Mr Rich-Phillips was, sadly, never a member although certainly a fan.

The issue of equities and how they affect the superannuation portfolio has been on the public record since the Bracks government brought in its absolute transparency in government policy, under which we report on the state of the state's finances every three months. In fact on 15 January the *Australian Financial Review* bureau chief chided the Bracks government for being too transparent with its financial reporting.

As Mr Rich-Phillips would be aware, this government tightened up and made even more precise the actions commenced by the Honourable Roger Hallam by bringing in a regime under which our unfunded superannuation liability will be extinguished by 1 July 2035. Mr Rich-Phillips laughs; Mr David Davis laughs — perhaps he should understand finances a bit before he purports to speak on hospitals.

When you bring in a retirement income system, as the Hawke and Keating governments did during the 1980s, to the credit of the Western World, and deal with long-term retirement benefits and you want to have people in accumulation funds starting to invest their returns — or in the case of the remaining defined benefit funds when you are trying to calculate benefits — you need to have a long-term view. The state of Victoria has for some years now made an assumption that returns on superannuation funds are at about 7 per cent per annum. When you have equity markets going down as they have across the Western World for some time, obviously you will not meet those targets for one or two years, but similarly, in the years when your superannuation equity returns are in excess of 7 per cent, as they were for most of the 1980s and the 1990s, of course you reap benefits and put that money in in advance.

I would welcome Mr Rich-Phillips giving the matter the same attention when the funds are returning more than 7 per cent as he does when they are earning less than 7 per cent. I am sure he will not be giving the government credit when that happens. My main point in response to his question, which is a serious one about whether governments should be concerned about what happens to equity funds, is that of course governments

should be concerned. How governments should respond is a critical matter.

This government has a long-term plan, which it adopted from the previous government and made tighter, to extinguish by 2035 the unfunded liabilities from the defined benefits schemes, which were closed to the public in 1992. As we report every three months on how the equity funds are travelling, there will be some months where they are up; some months where they are down. Overwhelmingly this government sticks to its economic credentials, which are to have a AAA credit rating, which has been affirmed by both agencies, and a budget surplus of over \$100 million signed off by the Auditor-General, and through that to have the confidence of the Victorian community that we are delivering.

This government is getting on with the job of government; it is getting on with the job for both the short term and the long term. We went to the people last November and they said to us: 'Yes, you are listening and acting. Get on with the job; get on with the work'. We are doing that. We are managing the state's finances well, and I look forward to further questions from Mr Rich-Phillips on this issue, because I welcome them.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I have a supplementary question for the Minister for Finance. I note the minister's comments about the long-term plan for the superannuation funds which was put in place by the former minister, the Honourable Roger Hallam, and I welcome that. We are well aware of the plan to extinguish the long-term liabilities in those funds. However, the issue is the short-term returns. Yes, equity markets fluctuate; we know that. But the reality is that for the last 12 months equity markets have been in decline, and over the course of the last six months more than \$400 million has been wiped off the value of equities held in those funds, with the result that unfunded liabilities have increased by \$400 million.

Given the magnitude of the long-term decline, why has the minister not exercised his power under the Government Superannuation Act to give policy direction to the board to arrest that decline?

Mr LENDERS (Minister for Finance) — I do not think Mr Rich-Phillips listens very well. After November his leader said that the parliamentary Liberal Party needed to go out and listen, and I suggest

Mr Rich-Phillips should heed his leader and go out and listen.

The Victorian government has entrusted to the Victorian Funds Management Corporation (VFMC) an overall supervisory role in how these issues are dealt with. Incidentally, the Victorian funds are travelling much better than the benchmarks across Australia. Hundreds of millions of dollars are invested in superannuation, and the VFMC is doing pretty well in gaining returns that are better than the benchmarks.

To go to the fundamental economic irresponsibility of Mr Rich-Phillips and presumably his Liberal Party colleagues, if they are saying that the Victorian government should abandon the long-term bipartisan strategy in dealing with funds management and people's retirement on the whim of the member for Eumemmerring because he thinks he can have a better return than the rest of the Western World, then no wonder his party is in such trouble.

Seniors Festival

Hon. KAYE DARVENIZA (Melbourne West) — I direct my question to the Minister for Aged Care. Victoria's 2003 Seniors Festival celebrating the contribution of Victoria's older citizens to our communities is now under way. Will the minister advise the house of the actions taken as part of the government's continued commitment to the Seniors Festival, and will the minister also outline his five top events for the 2003 Seniors Festival?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the opposition for knowing how important it is for me to be asked about the top five aspects of my portfolio, something I was champing at the bit to be asked in the last sitting week. Unfortunately that question did not come my way. I thank the honourable member for asking me about this matter.

We are three-eighths through one of the most exciting weeks in the Victorian calendar. In fact, we are so enthusiastic about Victorian seniors week that we have added one day to it. It runs over eight days from 16 to 23 March, and we are three-eighths of the way through. It is a fantastic festival right across the state with hundreds of activities that are jammed — —

Hon. Andrea Coote — Name them!

Mr GAVIN JENNINGS — I thank the honourable member for her contribution. Those fantastic events are in a booklet containing a program of events which has been available to all members of the Victorian

community through Information Victoria and has been circulated through Coles supermarkets. In fact Coles supermarkets cannot deal with the demand that has been generated by this fantastic program. It is part of a cooperative arrangement between the Victorian government, local government, private enterprise and community organisations across the state. It is the most successful festival of its kind throughout the calendar year.

Now I refer to the top five events. I predicted this question, so I can indicate the top five. Yesterday I launched the Seniors Film Festival at the Australian Centre for the Moving Image, a fantastic program of films that are showing all this week — films for grownups. I was happy to see that I had seen most of them, which reassured me about my level of maturity. I wholeheartedly recommend the program to the older members of the Victorian community.

There is a fantastic play at the Playhouse on the topical question of community involvement and support for the people of East Timor. It is on all this week: *Mavis Goes to Timor*. I had the great privilege of hearing the Governor of Victoria referring to this play at a significant event last week at Government House where we announced the Victorian senior citizen of the year. The Governor, John Landy, said it was a great play. I support him and recommend to older members of the community that they get out there and have a look at it.

There was a fantastic discussion at the Melbourne Town Hall last night.

Hon. Andrea Coote — Where were you?

Mr GAVIN JENNINGS — I was absent, for which I apologise.

Hon. Andrea Coote — I was there.

Mr GAVIN JENNINGS — I am glad the honourable member made it to one of the events; that is fantastic.

Older members of the community had an opportunity to discuss issues of perception, their ongoing concerns and major issues they want to deal with in their lives. It was broadcast on 774. That is not to deny the significant contribution of 3AW as a sponsor of the program, but it is a measure of the partnership that we are engaging in across the system.

There was a fantastic multicultural variety concert. Thousands of older Victorians lined up along Collins Street, up the hill, to get into this event. I was there for

the whole event. It was fantastic, and it was great to see older members of the community out there.

The fifth would be of interest for a former older member of this chamber. I would encourage the Honourable Geoff Craige, a former member for Central Highlands who was enthusiastic about trout fishing, to get up to Noojee this week to the Alpine Trout Farm. All this week seniors card holders should get up there, get a meal and have a great time for \$16.

Gas: Bairnsdale supply

Hon. P. R. HALL (Gippsland) — My question without notice is directed to the Minister for Energy Industries. I simply ask the minister: when is Bairnsdale getting reticulated natural gas?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. The question of the reticulation of natural gas to various parts of Victoria is being addressed by this government. It was never addressed by the Kennett government, but this government has allocated \$70 million in order to send reticulated gas to a whole range of places around Victoria. We have not made any announcement as to exactly which places will be getting natural gas and in which order, but we have allocated this amount of money, which is in stark contrast to what we were left with by the previous government. Following the privatisation of the former Gas and Fuel Corporation we were left with a situation where nobody was prepared to send natural gas out into regional Victoria.

The honourable member who asked the question was one of those members in this place when that occurred, and he said nothing. He was not interested in Bairnsdale at that time. He did not care about the people of Victoria when the Gas and Fuel Corporation was sold off, with no allowance being made anywhere for regional Victoria to get access to natural gas, especially in areas where a commercial decision to deliver natural gas would never be made.

What we had under the Kennett government was simply the sale of our gas assets. Having sold them off, no attention was given at all to the security of supply or to the question of protecting consumers, because pricing never came into consideration. And there was no attention at all given to how it was ever going to be the case that regional Victoria was going to get natural gas anywhere where it was non-commercial.

In contrast to what happened under the Kennett government, what this government has done is allocate

\$70 million for natural gas extensions to regional Victoria. We are putting in place a process in order for that to occur. We are absolutely determined to make sure that in negotiating those extensions into regional Victoria that we only pay for that part of those extensions which is in fact non-commercial. We are not going to go off and subsidise private companies to put in place natural gas which would in fact be commercial.

Part of what is involved here is very careful analysis of the situation in each circumstance. Complex negotiation is taking place to ensure that the taxpayers of Victoria get the best value for money for the \$70 million that has been allocated through the budget so that we can send it to as many places in regional Victoria as we possibly can. The only way to do that is to go out and look at each individual case, do the financial analysis of each particular case, examine whether the case is commercially viable, and bring into account other questions — very important questions — about emerging competitiveness in the gas industry, in the supply of gas, in order to see whether that will impact on the commerciality of some of these places into the future, and factor that in in making real decisions to the benefit of people in regional Victoria. The previous government did nothing to help regional Victorians get gas; this government is going to deliver to the people of regional Victoria.

Supplementary question

Hon. P. R. HALL (Gippsland) — The Gunna Government has spoken again — ‘We’re gunna do this, and we’re gunna do that’ — but it gives us no details whatsoever. When are we going to get the fast rail trains into country Victoria? When are we going to have rail standardisation? When are we going to get natural gas reticulation? We have heard 4 minutes of the typical hollow rhetoric that we are getting used to from this government. I asked a specific question on the time frame of a \$70 million policy commitment to extend natural gas in country Victoria. If the minister cannot say when Bairnsdale is going to get it, then I ask him when is Creswick going to get it — because that was promised — and when is Nathalia going to get it? When is Leongatha going to get it? Perhaps he would do me the courtesy of giving me an answer to my question: again, when is Bairnsdale going to get natural gas?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The hypocrisy is unbelievable. How can you get up and ask these questions when you did absolutely nothing — in fact, you were the people who took action to make sure that regional Victoria did not

get natural gas? We are going to deliver it, and I can tell you one thing — —

Hon. Bill Forwood — When? When?

Hon. T. C. THEOPHANOUS — You can be a parrot if you like, but let me tell you something: regional Victoria will get natural gas a lot sooner than if you were in government, because the time frame for you was never. Our time frame is that we will deliver it as soon as we are able to do the analysis to make sure that we are doing it the best possible way.

Bassgas project: benefits

Mr SCHEFFER (Monash) — I refer my question to the Minister for Energy Industries. Given the importance to the economic development of the state of maintaining a secure, long-term supply of gas, will the minister advise the house of progress on the Bassgas development?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question because this, of course, follows on from the question that I just answered. It follows on for this reason: the fact is — and I reiterate — that the previous government privatised the gas industry but made absolutely no attempt to secure a competitive, low-cost, long-term supply of gas for this state.

I am pleased to update the house on recent progress in the Bassgas project, because it will take raw gas from the Yolla field in Bass Strait, transport it by pipeline to a gas plant near Lang Lang in South Gippsland, and, as a result of this, will significantly increase Victoria's available gas reserves.

As is often the case with this type of project, issues relating to easements over land arise, and they did in this particular instance as well. I am pleased to say that the negotiations between Origin Energy, land-holders and the Victorian Farmers Federation have been concluded, and represent a win-win for these stakeholders and for the Victorian economy. I want to congratulate the Victorian Farmers Federation, Origin Energy and my department for encouraging this very constructive outcome. I am particularly pleased that in late February the three groups reported that they had been able to reach agreement on all outstanding matters.

I want to make the following points about this project. This project will deliver 250 jobs during the construction phase for the people of Victoria, and it will deliver 30 ongoing jobs when the project is completed. More importantly, it will add to the security of supply

of gas in this state by increasing our available gas by 1600 billion cubic feet of gas — and bringing that on stream — which is roughly the equivalent of seven years of Victoria's gas consumption. So it will add to our gas reserves. As importantly, it will also add to competitive pressure in order to keep prices down for gas in this state by introducing alternative forms of supply.

It will mean that we will not be left in the situation which we were left in by the previous government, where the breakdown of one plant — the Longford plant — resulted in no gas for this state for a period of about three weeks. That was the legacy we had from the previous Kennett government. I indicate to the house that the failure of the previous government to address the need for a diverse supply of gas was one of the compounding factors which led to what happened with the Longford disaster and the inability of this state to provide gas.

The Bracks government is encouraging the development of gas. This new gas supply will add to those resources. It will add to competitiveness. It is good for consumers and, unlike the previous government, the difference is that this government is actually making it happen.

Shop trading hours: Easter Sunday

Hon. B. N. ATKINSON (Koonung) — I address my question to the Minister for Small Business. Will the minister advise the house of the enforcement process used by or proposed to be used by the government in the enforcement of restrictions on retail trading hours on designated public holidays?

Hon. M. R. THOMSON (Minister for Small Business) — We already have a number of closed days for shops under the current shop trading legislation that was put in place by the previous Kennett government. Those days are Christmas Day, Good Friday and, of course, the morning of Anzac Day. People will be aware of those days.

What we are doing with our legislation is adding to the number of days that the shops will be closed by adding Easter Sunday — something that has been welcomed by the very small businesses in the retail sector, the mum and dad businesses that have no choice other than to open when their major competitors are open; those mums and dads desperately want more time with their families, more opportunities to spend time with friends and an opportunity to share at least part of what are the school holidays with young children. They welcome

the arrangements that we will be putting in place for Easter Sunday.

In relation to how those matters are adhered to, the same methods that are used currently and were put in place by the previous government are the methods that will be used for Easter Sunday.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I ask the Minister for Small Business, taking into account her answer, whether she will advise the house the basis on which she can justify diverting valuable police time and resources on Easter Sunday from road safety and community safety to potentially prosecuting retailers illegally selling a hammer or a can of sardines?

Hon. M. R. THOMSON (Minister for Small Business) — We are anticipating the legislation in relation to this, but I will say this: if people have a look at the exemptions list that applies for Easter Sunday, Christmas Day and Good Friday, they will find that in fact small hardware stores will be allowed to open. They are exempt. They will be able to sell a hammer or a screw. Small retail hardware stores will be able to be open for business but only if they choose to be because their major competitors will be closed.

Hon. B. N. Atkinson — On a point of order, President, the question was specifically about the use of police to enforce the legislation in regard to illegal trading. I wonder why the minister is not really addressing that, and I ask you to ask her to address that issue.

The PRESIDENT — Order! The minister has answered the question. There is no point of order. She is entitled to answer in the manner she wishes to. Under the standing orders the minister has completed her answer. She has answered the question.

Hon. Bill Forwood — She did not answer it.

The PRESIDENT — Order! It may not be in the form that Mr Atkinson wants, but the minister has completed her answer. There is no point of order.

Consumer affairs: credit cards

Ms HADDEN (Ballarat) — I refer my question to the Minister for Consumer Affairs. Will the minister inform the house of the approach the Bracks government is taking regarding a range of issues facing credit card users?

Mr LENDERS (Minister for Consumer Affairs) — I thank Ms Hadden for her question and her ongoing interest in consumer affairs, both before and since she was elected to this place.

There is continuing concern over the level of credit card debt and what measures are required to keep this in check. As members will know, the latest Reserve Bank figures from December last year show that Australians owe the best part of \$23 billion on their credit cards. In fact Consumer Affairs Victoria has estimated that Victorians owe approximately \$6 billion on their credit cards for the same period — that is on credit cards, not on other loans.

To better protect Victorian consumers it is important that we as a government play a major role in the formation of credit policy. Victoria took the initiative of hosting a two-day conference last week called ‘Credit, debt and the consumer’. The conference, which was attended by around 180 delegates, was designed to provide a forum for consumer advocates, financial counsellors and credit providers to debate the issue, share information and debate a range of major issues in consumer credit. Among the issues that were explored were credit card usage, easy credit, e-credit and such matters as licensing and broking. The conference also provided an opportunity for all major stakeholder communities to articulate their concerns and for regulators, including Consumer Affairs Victoria, to brief stakeholders on projects and future plans.

The conference was a major initiative that was welcomed by consumer groups and industry alike. It also acknowledged both the significance of credit for consumers and a range of issues which can affect them such as the change introduced by the Reserve Bank which allows merchants to levy a surcharge. The conference was timed to coincide with National Consumer Day, which I hope Mr Philip Davis would know was 15 March and which represented Consumers Affairs Victoria’s contribution to the celebration of that day.

This is particularly important. The whole concept of getting stakeholders together to share and discuss the common issue — one that both the state jurisdiction and the commonwealth together share responsibility for — is part of the style of leadership of the Bracks government, which is to get out there, to listen and then to get on with the job and to act. I am quite pleased to report on this initiative to Ms Hadden and other members of the Council who are interested in this issue because there is a lot to be done; we have done a lot and we are continuing down that path.

Warrnambool: Crown land transfer

Hon. J. A. VOGELS (Western) — I address my question to the Minister for Local Government. Last week the government demanded that the federal government should transfer land at Point Nepean without cost to the state government. Will the minister now adopt this policy to all land transferred from state government to local government? It did sound like a good idea, maybe it should do the same.

Ms BROAD (Minister for Local Government) — The first part of the question clearly relates to the responsibilities of my colleague in the other place the Minister for Planning. In relation to the second part of the question, as the Minister for Local Government I am very pleased to be in a position to be able to work with local government on a whole range of issues surrounding both local government-owned land and state government-owned land as well as private land in the interests of development right across the state and to facilitate the very important role that local government performs as a facilitator of development in municipalities across the state.

As to the approach which is taken in any one of those negotiations in the case where it does involve state land, that is a matter for a case-by-case judgment. It has been so and will continue to be in the future in the interests of good financial management.

Supplementary question

Hon. J. A. VOGELS (Western) — I have a supplementary question. I would like to point out to the minister that at the present time the state government is doing a deal to try to sell to Warrnambool City Council land in Warrnambool which it owns jointly with Vicroads. The council has been told that it has to be a commercial decision because, as the minister probably said, the state government requires the money. It is probably a very similar issue to that involving the federal government, so it seems to me that the government has a bit of hypocrisy here.

The PRESIDENT — Order! That is a statement rather than a question.

Hon. B. N. Atkinson — The question is: isn't that right?

The PRESIDENT — Order! Without assistance from Mr Atkinson!

Hon. J. A. VOGELS — I was asking the minister whether she would intervene in the Warrnambool City Council deal as local government trying to buy the land

off the state government. Will she give them the land or will she not?

The PRESIDENT — Order! I am not sure whether the minister heard the question. I think Mr Vogels wanted to ask whether she would intervene in the sale of the land between Vicroads and — —

Hon. J. A. VOGELS — Intervene and give it to them.

Ms BROAD (Minister for Local Government) — If that is seriously a question, whether as Minister for Local Government I will intervene to require Vicroads to give away land, then I find it quite extraordinary that the opposition is advocating this approach to management of state assets and economic management in this state. As an honourable member said earlier in this question time, it is no wonder that the people opposite are in opposition if this is the approach they are advocating for responsible financial management. It is just extraordinary.

As I have already indicated, as a minister in the Bracks government I shall continue to play my part in ensuring a responsible approach to economic management and the management of the state's assets.

Housing: government initiatives

Mr VINEY (Chelsea) — Will the Minister for Housing inform the house how the Bracks government's social housing program contributes not only to social outcomes but also to economic outcomes for Victoria?

Ms BROAD (Minister for Local Government) — I thank the member for his question and his interest in Victoria's system of public and community housing. The Bracks government is proud to have achieved as much as it has in its first term of government in the area of social housing, and I am very much looking forward to delivering the government's commitments, as indicated during the state election, in its second term of government.

As well as delivering the required social outcomes for all Victorians, the government believes public and community housing has an additional role in the economic life of our state. The Office of Housing, dealing with social and community housing, is the largest developer and manager of residential properties in this state. The government has increased investment, committing some \$590 million over three budgets to the acquisition and construction of new housing stock and \$477 million over three budgets to upgrade and

redevelop existing housing stock — in other words, more than \$1 billion.

The effect of this investment and employment creation on Victorian industry cannot be overstated. As an example, the redevelopment of the Raglan-Ingles estate in Port Melbourne will result in the creation of at least 200 jobs, directly and indirectly, as I have previously indicated to the house.

That is one project of many that are proceeding right across the state, and the benefits are not only in construction. In the Latrobe Valley the Bracks government's new \$8.2 million maintenance call centre will create 65 full-time and part-time jobs while delivering a better service to tenants, as well as the 24 full-time positions which will be created during the construction and fit-out of the Moe centre.

Across the housing portfolio the Bracks government is making things happen by creating jobs and investment. Tenants have an opportunity to partake of these economic benefits as well. The neighbourhood renewal program has meant that so far 560 community jobs program positions have been created out of upgrades to Office of Housing properties. Local employment and training providers are providing direct support to get people, often the tenants of the estates themselves, back into the jobs market.

The Bracks government is also doing something about responsible asset management. When you are talking about almost \$9 billion in state government assets, responsible asset management is required. Like any responsible economic manager the government has targeted \$70 million in 2002–03 alone to upgrade ageing inner city high-rise estates, meaning additional security and a 10-year asset management plan. We will not allow billions of dollars of strategic government assets to rot — as the previous government did, spending only a miserable \$7 million over seven years on these assets.

Aside from the social impact of that, what kind of responsible economic management of Victoria's assets did the previous government think that really was? The Bracks government, in contrast, will continue to act to make sure that its social housing program delivers economic benefits to the state as well as social benefits to housing tenants.

The PRESIDENT — Order! Before I call the next honourable member I advise the house — a couple of honourable members have jumped the gun — that any honourable member who wishes to remove his jacket may do so.

MEMBERS STATEMENTS

Chinese Community Social Service Centre

Hon. R. DALLA-RIVA (East Yarra) — I rise to acknowledge the work of the Chinese Community Social Service Centre, which is based in Box Hill. I would like to acknowledge that over the past 10 years, growing from modest beginnings, it has become a significant provider to the Chinese-Australian community within Melbourne. In particular I place on record my appreciation of its current president, Mr Fred Chuah, JP.

Mr Chuah has been a driver of that community centre, and it is important to recognise the contribution he has made to the quality of social welfare not only for the aged, the frail and the disabled but for all within the Chinese-Australian community. It is the largest non-profit welfare service provider for the Chinese-Australian community in the state of Victoria. I am pleased to say that they will soon be establishing the first Chinese-specific nursing home in the state of Victoria. It is important to recognise the Chinese Community Social Services Centre and in particular the work of its president, Mr Fred Chuah.

Crocaroos

Ms ROMANES (Melbourne) — A team of young cricketers has been formed from across the City of Yarra to play a game of cricket to draw attention to the plight of East Timorese asylum seekers and to promote the establishment of a special visa category to allow them to remain in Australia, the country of their birth and their adopted home country.

The team is built around East Timorese players, many from Richmond. The match is to take place today, 18 March. The cricket match follows and builds on positive meetings in Canberra on 13 February when the minister for immigration received delegations from five Victorian mayors and from a number of Victoria's largest welfare agencies.

The team, to be known as the Crocaroos, travelled to Canberra by a bus provided by the City of Yarra. That was yesterday, and on the way the City of Wodonga hosted a short, 10-overs match against the travelling team.

The Canberra match of 10 overs is being played this afternoon at an oval on the Senate side of Parliament House. The opposing team in Canberra is being sought amongst federal parliamentarians across all parties because there is, as we know, support for the East

Timorese asylum seekers from all political persuasions. I wish the Crocaroos well on the cricket field and in their campaign to achieve permanent residence in the land of their birth.

Cr Bill Hunter

Hon. W. A. LOVELL (North Eastern) — I am pleased to have this opportunity to congratulate Cr Bill Hunter who recently retired from the City of Greater Shepparton council after almost 27 years in local government.

First elected to the City of Shepparton council in 1976, Bill served continuous terms as a member of council until November 1994 when the council was ceased by local government restructure. Bill was re-elected to the City of Greater Shepparton council in March 1997 following the return of elected councillors, and he has served continuously on that council since that time. Bill has a proud history of service to the Shepparton community over the past 27 years having served five terms as mayor of the City of Shepparton from 1981 to 1988.

A modest man, Bill would never tell you of his achievements, but many of the facilities that we enjoy in the City of Greater Shepparton can be attributed to his vision and energy. Bill is a much-loved and respected leader in the Shepparton community, and I wish Bill and Dorothy a long and very happy retirement.

Iraq: conflict

Hon. J. G. HILTON (Western Port) — Two weeks ago a large number of secondary students came to the steps of Parliament to voice their opposition to the war on Iraq. They were told by some people that they should have stayed at school. I do not think so. Young people are frequently criticised for being apathetic. The truth is very different. Young people can be passionate about issues which they believe affect them. The environment is an obvious example, and the war is another.

At the peace rally in Mornington, one of the speakers was a year 9 student who spoke with great commitment as she detailed the total waste of resources on armaments, resources that could be better used in developing public hospitals and schools. Instead of being criticised for inappropriate behaviour, our young people should be commended and praised for their interest in political issues and their desire to have their voice heard.

Templestowe Village Festival

Hon. BILL FORWOOD (Templestowe) — With my colleague Nick Kotsiras, the member for Bulleen in another place, I had great pleasure on Sunday in attending the Templestowe Village Festival. The festival is organised by the Templestowe Village festival committee, headed by Gus Morello and Lula Black.

It started some 10 years ago when the Templestowe Village was clearly at a critical time in its development. There was a real prospect that that village, as some had done throughout metropolitan Melbourne, would decline and decay. But a lot of work has been done by the festival committee to revitalise that particular shopping centre. It got great support in the early days from the City of Doncaster and Templestowe and latterly from Manningham City Council.

On Sunday there was a full program of events. Many thousands of people participated in the events in the Templestowe Village. The road was blocked off. The scouts and the Templestowe Rotary club were there in force. It was, of course, a beautiful day for a community to get together and celebrate both its diversity and unity. It was, as I said, a real community event. We were also able at the time to congratulate many members of the Manningham City Council, including the past mayor, Geoff Gough, who had been returned the previous day in the elections. Real congratulations need to go to the Templestowe Village festival committee.

Bushfires: Creswick response

Ms HADDEN (Ballarat) — I wish to pay tribute to the firefighters and the people of Creswick in the Hepburn shire for their efforts in fighting the recent Victorian bushfires in the north-east and Gippsland. Woollen blankets from the Creswick woollen mill helped save the lives of 12 firefighters at Cobungra in the north-east. Six blankets from three fire trucks were used to cover brigade members as fire engulfed the area for over half an hour.

The Creswick woollen mill is one of the largest employers in the Hepburn shire. It has made woollen fabric for more than 50 years and is the last coloured woollen spinning mill of its type in Australia.

Also the Creswick Primary School parents club, led by Mrs Wendy Ohlsen, is collecting second-hand children's toys from Creswick and district families in order to donate them to the children of families affected by the recent bushfires. Congratulations to the people of

Creswick for their contributions during the recent Victorian bushfire crisis.

Rail: Chiltern accident

Hon. W. R. BAXTER (North Eastern) — I draw the chamber's attention to the rail accident which occurred in Chiltern on Sunday afternoon. It could have been a very serious accident indeed. A derailed goods train on the standard gauge line strew rubbish, material and freight across the broad gauge passenger line as a passenger train was approaching from Wodonga. Fortunately the injuries to the 45 passengers were very minor.

The point I want to make today, though, is that unless the government gets on with its promise to standardise the broad gauge lines in Victoria we are going to have more of this occurring. We are putting life and limb at risk by the standard gauge line running up to Wodonga not being maintained as well as it would be if the second line was going through its scheduled and promised standardisation.

It is high time the government made progress on doing this so that it can standardise the line from Benalla to Oaklands Junction and then have it go on to Wodonga so that we have two state-of-the-art standard gauge lines from north-eastern Victoria through to Melbourne. If the current situation continues to prevail we will see more rail accidents, and it is likely that the next one will result in loss of life.

Bill Comerford

Mrs CARBINES (Geelong) — As a member for Geelong Province I am honoured to publicly recognise during the Seniors Festival a wonderful member of my community, Mr Bill Comerford. Bill works tirelessly for many community organisations locally in the Borough of Queenscliffe and across the Geelong region, including the Queenscliff Sports Club, the Queenscliff football and netball clubs, the Point Lonsdale Surf Life Saving Club, the Borough of Queenscliffe community development committee and the Queenscliff Seafood Festival committee.

On top of these demanding yet voluntary roles to which Bill freely gives his time and effort, he also helps to organise important local community events every year, such as Australia Day, Senior Citizens Week and the Volunteers Annual Celebration Night in the Borough of Queenscliffe.

Furthermore, over the past two years I have been impressed by Bill's commitment to secure the best possible facilities for the Queenscliff Sports Club, its

members and the wider community. Through Bill's efforts the club is now trialling an innovative accommodation project for sports clubs at the Monahan Centre in Queenscliff. Bill negotiated this outcome with all stakeholders and then along with his wife, Peg, renovated ageing bunk beds to furnish the centre. On top of that, he cooks breakfast for people staying at the club.

Bill is a highly respected and much loved member of our community. He seeks no personal reward and is motivated only by what he can give for the benefit of others. Bill Comerford is truly an inspirational role model to all members of our community, and I thank him for all that he does for us.

Local government: elections

Hon. B. N. ATKINSON (Koonung) — I want to comment briefly on local government elections and a concern I have that I hope the minister might take up in the context of a candidate nominating for more than one city. On a number of occasions over quite some decades we have seen councillors nominate in two different municipalities. It certainly happened in the City of Berwick and the Shire of Pakenham at one stage that I am familiar with, and another one more recently in another rural area.

At the elections concluded last Saturday a candidate nominated for both the City of Maroondah and the City of Knox. I do not think it was in the interests of the ratepayers of either municipality that someone should have aspired to stand for both seats. It is no reflection on the particular candidate, because he happens to be a candidate I admire and whom I think would do a very good job. In fact, he was elected to the Maroondah council and will do a good job. His name is now Cr Joe Cossari, as he is an elected member of the City of Maroondah. As I said, he will do a very good job in that municipality, as he was a former mayor of that municipality.

However, I think the Minister for Local Government ought to address the anomaly in the Local Government Act as it currently stands where someone can nominate for more than one seat. If the minister is looking at local government elections, on this occasion she might also look at the enormous number of dummy candidates who appeared in certain seats, because that is also not in the interests of local government.

Iraq: conflict

Mr SCHEFFER (Monash) — On Sunday I attended a candlelight vigil in the local park just a few

doors from my house. The some 40 or 50 people who were there were gathered to express their deep sorrow, fear and apprehension at the imminent conflict in Iraq. Neighbours had called the meeting on an almost impromptu basis. There were elderly people, children and animals — the people were having their dinner in the evening in the park.

I must say the mood of the meeting was sober and grave. There was a deep sense of sorrow amongst those present. I understand that similar actions have occurred across the country and across the world. I express my solidarity with those who have attended these vigils all over the globe. I share their sorrow and I share their fear, and I reject totally the folly of the federal government's action in committing this country to war.

Victorian Farmers Federation: conference

Hon. B. W. BISHOP (North Western) — I report to the house that today the National Party had a very strong contingent attend the opening of the Victorian Farmers Federation annual grains conference in Mildura which was opened by the Minister for Agriculture.

The conference was held in the Bendigo Bank centre, a fantastic facility that easily held the many conference delegates and many exhibitors who put on a great show for anyone who had the time to visit the exhibits. This year saw Ron Hards finish four and a half years leadership with the Victorian Farmers Federation grains council. Ron has given great service to Victorian grain growers. He has been a strong and passionate advocate for growers across a wide range of crucial issues and has also been a very strong performer on the national scene.

I also wish Ian Hastings well as he picks up the leadership baton. Given Ian's experience and capacity he will be a worthy replacement for Ron during what will be a crucial time for the grain industry.

Issues that will be discussed at the conference include the future structures of the Australian Wheat Board and of course the very topical issue of genetically modified products. One particular issue that will get a strong run today and tomorrow is the lack of government action in relation to the standardisation and upgrading of the Mildura rail line. I wish the conference all the best as it wrestles with the policy issues of the grain industry.

Cultural Diversity Week

Hon. KAYE DARVENIZA (Melbourne West) — Members would be aware that this week in Victoria we are celebrating Cultural Diversity Week along with, on

21 March, World Harmony Day, which is the United Nations International Day for the Elimination of Racial Discrimination. Therefore I would like to take this opportunity to congratulate a group of young refugee women from my electorate of Melbourne West and make the house aware of the contribution they have made to our community.

Under the guidance of a local artist Amanda Neville, the young women named Farful Mohammed, Rahwa Tesfu, Safa Ibrikim and Emma Lay devoted their summer to the creation of a bright and wonderful tile mosaic with the working title of 'Welcome to Maribyrnong'. The mosaic is located at the entrance to their home, which is at the new arrival flats for refugees in Maribyrnong. They used Australian icons as a means of looking forward to a life that awaits them here in Victoria.

Their artwork is not only appreciated by the residents of the flat but is also recognised and appreciated by the broader community in Maribyrnong. I congratulate these young women on the work they have done and on the contribution they have made to their community.

Barry Aitken

Hon. ANDREW BRIDESON (Waverley) — It is with sadness that I report the death of Barry Aitken, a former officer of this Parliament. Barry was born on 15 June 1956 and died at a very young age of 46 years on 29 December this year after a long illness. Barry was well known and cherished by the many members and staff of Parliament who worked with him over the years.

Barry was the executive officer of the Road Safety Committee from 1996 until 2001 when he went on extended sick leave. Prior to that, from March 1992 to 1996, Barry was the executive officer of the Public Bodies Review Committee. Those committees were then chaired by Robin Cooper and, I think, Bill Landeryou. I had the good fortune of working with Barry when I was a member of both the Public Bodies Review Committee and in more recent times when I was the chair of the Road Safety Committee.

I got to know Barry very well, but perhaps not as well as when I attended his funeral along with other officers of the Parliament, particularly the Clerk and the Deputy Clerk. We were treated to some good knowledge of Barry's warm and friendly family life. Barry was a thorough and diligent officer who had a sound knowledge of the parliamentary committee inquiry process. He also possessed the capacity to have

members question, consider and test propositions before they became recommendations.

As I said, Barry was respected by all who worked with him. He was involved in some major parliamentary inquiries including the corporatisation of the State Electricity Commission, the inquiry into the Metropolitan Fire Brigades Board, the Liquor Licensing Commission, Victoria's road worthiness system, rural and road safety infrastructure, and the effects of drugs other than alcohol.

Barry is survived by his wife, Jacqueline, and children, Sarah, 19, and Dean, 18. I extend my condolences to all in his family.

BUSINESS OF THE HOUSE

Program

Mr LENDERS (Minister for Finance) — I move:

That, pursuant to sessional order 16, the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 20 March 2003:

Public Holidays and Shop Trading Reform Acts (Amendment) Bill

Terrorism (Commonwealth Powers) Bill

Crimes (Property Damage and Computer Offences) Bill

I move this under sessional order 16, which was one of the sessional orders introduced when this house organised itself some weeks ago when it first met, and this is the first time that a government business program has been formally moved in this house.

We had a very excitable and full debate on the second day of Parliament. I would like today to speak on why it has been introduced and hopefully put in place some of the thoughts that we as a government have as to why this program is essential and why these three bills in particular are essential.

The most critical of them is obviously the Public Holidays and Shop Trading Reform Acts (Amendment) Bill because of its time sensitivity. Again I will not go over the debate we had on that special Tuesday in this house, but it concerns a broader issue of why we have the government business program. In the end it goes down to the fact that we as a government wish to stop the uncertainty of negotiating every bill, one by one, when there is a potential for people — whether it be political tactics or whatever other reason — to slow down the legislation, as I might say occurred when the

public holidays bill was attempted to be second read in this place. This is something we can do so that everybody in the house knows with a degree of certainty that legislation will be debated during this week by a certain time.

Pursuant to sessional order 23 members will be aware of what happens if by 4 o'clock on Thursday these three pieces of legislation have not passed all the stages — that is, that the minister at the table simply moves that the session be extended to 10.00 p.m. that day at which time there is a normal adjournment, and if the bill still has not been addressed by that stage then the house resumes at 9.30 on the Friday morning and proceeds to debate the legislation, with a lunchbreak, until 4.00 p.m. when the question is put on all the bills at whatever stages remain there.

The importance of outlining that is because understandably members opposite had concerns when the sessional orders were being introduced as to the potential for risk in this area, if the government business program was extreme, if it was overly packed or not managed properly, that there would be no scrutiny or debate of legislation. In a house of review — or in any house of Parliament for that matter — that would be an issue of concern, so we propose a government business program that will enable these three bills to be addressed. We should be able to get through all three pieces of the legislation without any problem, but I hope we are also able this week to get through the other two that are on the notice paper — 3 and 4, the Legal Practice (Validations) Bill and the Crimes (Property Damage and Computer Offences) Bill. However, it is essential that the three we put on the government business program be addressed during this week. It is as a sign of good faith that we have not put all five on because, firstly, all are not as urgent; and secondly, it shows the opposition parties which have asked why do we have a program that we can get more legislation through than we need, and that is a good sign. So we hope to be proven wrong in this matter.

As a general rule the program allows the house to have certainty. Without wishing to anticipate debate, if hypothetically the Constitution (Parliamentary Reform) Bill were through the Assembly this week then I would flag that next week we would devote an entire week to that piece of legislation. It adds certainty to people in their planning, it adds certainty to the public that it has a greater idea of what is being debated, and it adds certainty to the parliamentary process. It does not in any way diminish the fairness or the review capacity of this house. In fact it enhances it, because it sets absolutely clearly at the start of the week what is of critical

importance to the government and it also creates what my colleague the Minister for Aged Care describes as the 'gentle guillotine' — which seem a contradiction in terms. It says that rather than a government forcing legislation at a given time there are two triggers in this place, that it alerts the house that there is an extra Thursday night and there is an extra Friday, so at each stage of the process of government legislation going through there is a notice period saying the time is diminishing, and a final vote will happen.

Of course at all times it is in the hands of the house itself to shorten the period. From my reading of the chamber I would imagine the public holidays bill would attract a fair debate and I would imagine the other two pieces of legislation would attract less debate, so there is nothing in this that precludes the house rising earlier than that period of time, but it is certainly a mechanism that if the legislation is not through by 4.00 p.m. on Thursday, the debate can extend to Thursday night and to Friday and that at 4.00 p.m. Friday all questions are put, and we have certainty that the house has dealt with the issues. I commend the motion to the house.

Hon. PHILIP DAVIS (Gippsland) — My remarks will be brief. Firstly, I do not believe the government has made its case in introducing a government business program to this chamber for the first time. I will not recite the entire debate that was had on sessional orders; it is a matter of public record and members on both sides know what the arguments are. But I must be consistent in expressing the opposition's view that this proposition to introduce a government business program will add nothing to the legislative protocols in this chamber. It has already been demonstrated that prescriptive rules create and have created difficulties for the government, that rather than facilitating the progress of legislation the transactions of dealing with government business have been frustrated as a result of the government's own application of a rigorous procedure.

There is no evidence of this opposition's or previous oppositions' desires to substantially frustrate the government's legislative program over time. I remind members that in the last Parliament of 306 bills considered by this chamber 7 were defeated. The rest were dealt with in accordance with the views of the government on the various amendments that were put and rejected or accepted or otherwise dealt with. I believe to introduce this government business program is a misuse of the government's control of the house by its numbers. It is certainly unnecessary and there is no historic evidence in 146 years that such a procedure is in fact required.

I conclude by saying that if it is the case that the Leader of the Government regards the most critical piece of legislation in this chamber as the bill dealing with public holidays and shop trading reform then I am surprised. I would have thought that the matter of most concern to Victorians is the Terrorism (Commonwealth Powers) Bill. It surprises me that the Leader of the Government should conclude that he would rather deal with public holidays than anything else. All it does is reflect the misallocated priorities of the government.

Motion agreed to.

CHILDREN'S COURT OF VICTORIA

Annual report

Hon. J. M. MADDEN (Minister for Sport and Recreation) presented, by command of the Governor, report for 2001–02.

Laid on table.

PREMIER'S DRUG PREVENTION COUNCIL

Annual report

Mr LENDERS (Minister for Finance) — By leave, I move:

That there be laid before this house a copy of the report of the Premier's Drug Prevention Council for 2001–02.

Motion agreed to.

Laid on table.

PAPERS

Laid on table by Clerk:

Agricultural Industry Development Act 1990 — Victorian Strawberry Industry Development Order 2002.

Auditor-General — Report on managing risk across the public sector, March 2003.

Border Groundwaters Agreement Review Committee — Report, 2001–02.

Budget Sector — Mid-year Financial Report, 2002–03, incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2002.

Falls Creek Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Interpretation of Legislation Act 1984 — Notice pursuant to 32(3)(a)(i) in relation to Statutory Rule No. 10/2003 (eight papers).

Lake Mountain Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Melbourne 2006 Commonwealth Games Pty Ltd — Report, 2001–02.

Mt Baw Baw Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Mt Buller Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Mt Hotham Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

Mt Stirling Alpine Resort Management Board — Minister for Environment's report of failure to submit the report for the period 1 November 2001 to 31 October 2002 to him within the prescribed period.

National Parks Act 1975 — Minister's notice of 20 February 2003 of consent to petroleum exploration within the Lower Glenelg National Park under Petroleum Exploration Permit Number 151.

Optometrists Registration Board — Minister for Health's report of receipt of the 2001–02 report.

Parliamentary Committees Act 1968 — Whole of Government response to recommendations in Drugs and Crime Prevention Committee's inquiry into the Inhalation of Volatile Substances.

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

Campaspe Planning Scheme — Amendment C14 (Part 1).

Delatite Planning Scheme — Amendment C16.

Hobsons Bay Planning Scheme — Amendment C30.

Knox Planning Scheme — Amendment C16.

Maribymong Planning Scheme — Amendment C36.

Stonnington Planning Scheme — Amendment C34.

Wyndham Planning Scheme — Amendment C40.

Rural Finance Act 1988 — Treasurer's directive of 27 February 2003 to Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament —

Fisheries Act 1995 — No. 22.

Water Industry Act 1994 — No. 21.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 22.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 21.

Victims of Crime Assistance Tribunal — Report, 2001–02.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Agriculture Legislation (Amendments and Repeals) Act 2002 — Remaining provisions (except sections 6(2)(a), (b) and (c), 9, 11, 12(4), 14(b) and 26) — 20 March 2003 (*Gazette No. G11, 13 March 2003*).

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Section 11 — 15 March 2003 (*Gazette No. G11, 13 March 2003*).

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 27 February; motion of Mr SOMYUREK (Eumemmerring) for adoption of address-in-reply.

The PRESIDENT — Order! I remind honourable members that the next speaker is making her inaugural speech.

Hon. C. D. HIRSH (Silvan) — I would like to start by remarking, 'As I was saying before I was so rudely interrupted some 10 years ago.'

I would like to acknowledge the traditional owners of the land on which we stand today, the Kulin nation, and pay my respects to their elders.

President, on behalf of the constituents of Silvan Province, I congratulate you on your election to the high office of President of the Legislative Council. Your achievement has great historical significance. I also congratulate Ms Glenyys Romanes on her election as Deputy President. What a major achievement it is that this chamber has selected two women to lead it over the next four years. I am pleased that you have also abandoned the funny and outdated uniforms of the last century. You are already proving it is possible to maintain the dignity of this place without pretentiousness.

It is wonderful to see so many women elected to this 55th Parliament — 34 in the Labor Party, 11 here and 23 in the other place. There are far more women here than in the 50th and 51st parliaments, in which I served in the Legislative Assembly. The balance of women to

men brings this Parliament into a far closer balance with that of the general community and should assist greatly with proper representation. It is impossible to represent the community unless those representatives truly represent them and unless there are people from different genders, different age groups, different backgrounds and different geographic locations. The enormous increase in the number of women makes for a much better Parliament.

I also congratulate my colleagues Mr John Lenders, on his election as Leader of the Government, and Mr Gavin Jennings, on his re-election as deputy leader. It is very pleasing to be a part of this Bracks government which has attained the first-ever majority for the Australian Labor Party in the Legislative Council in 150 years — other than the so-called glitch we had in 1985 for two weeks, which some members might recall.

I want to acknowledge the other member for Silvan Province, the Honourable Andrew Olexander and the previous member, Wendy Smith. I am aware that all members, no matter what their political persuasion, do their best to represent the constituency which elects them.

There are a number of people I want to thank very sincerely because it is important for me. I thank the people of Silvan Province who made a massive decision to vote for the Bracks government and hence for me. I am not saying that my election was all my own work because it clearly was not; it was the work of Steve Bracks and his government that elected a group of us to the outer east.

I thank the candidates, three of them now members in the other place, who stood for the Labor Party in the four lower house electorates of Silvan Province. I refer to Dympna Beard in Kilsyth, who a little like myself was not expecting to be elected. She will be a fantastic and really good member. Peter Lockwood in Bayswater, a former Knox councillor, will be another great representative, and James Merlino, a former Yarra Ranges councillor, will be a great representative in Monbulk. I also mention the Labor candidate for Warrandyte, Jarrod Panther, who stood at the last minute as a 20-year-old for the first time with very little preparation. He worked extremely hard and did a fantastic job. He achieved quite a big swing in his first election campaign and I have a feeling this campaign might be followed by others in years to come. I have a feeling he is not a once-only candidate and that he will be standing again fairly soon. I suggest that all members look out for him.

My thanks also go to a number of friends whose support over the years has been extremely important to me in my political life. Without it I do not think I would be here. I thank Don Barker, my campaign manager during a couple of elections. People might know that I have stood for a few elections here and there, but I have to suggest not as many as the former federal member, David McKenzie, who I think is still ahead of me. Don and his wife, Helen, have provided me with unstinting support and encouragement over the last decade.

I want to acknowledge my friend Lindy Dorton who has been absolutely steadfast during good times and bad, and there were plenty of the latter over the last few years. I remember once we were doing something and I said to Lindy, 'The votes are slipping away'. I became extremely depressed but it turned out this was not so and it was merely my own high anxiety.

The votes did not slip away, and Lindy was wonderful. I would not have been here without Lindy's support over the past decade — I would not have made it; I would not have lasted the distance.

I also want to mention Anne Eckstein, the honourable member for Ferntree Gully in the other place. She has been a friend of mine for many years and is another person who won in the outer east. She was another candidate in the area who helped bring a record Bracks majority to the outer east.

Acknowledgment and thanks are also due to the vital role played by Labor Party members throughout the Silvan Province in the last election and in the many previous elections when the Labor Party was unsuccessful. Some of them became quite discouraged over the years. Their ongoing dedication and hard work contributed in a major way to the victories of the Labor Party in the outer east.

The electorate of Silvan Province is one of the most beautiful areas of Victoria, given that it comprises large areas of the Dandenong Ranges and the Yarra Valley. It is an extremely diverse area. It has an industrial and manufacturing base in Bayswater and some manufacturing in Kilsyth. It has flower, vegetable and fruit growing in some of the rural areas and a great berry industry. Vegetables, flowers and particularly berries are an important part of the industry base of the province.

Tourism is a massive industry throughout the Dandenong Ranges and the Yarra Valley. It will probably be an ongoing major tourist precinct. There is also tourism in the important rural area around Warrandyte, which is part of the green wedge, and I

believe it should remain a rural area. That will be an issue for local government in the future. I will certainly be supporting a continuing green wedge. We need oxygen, and we need to retain our rural near-city areas.

We are well served in Silvan Province with education facilities. We have a number of campuses of Swinburne University and its accompanying TAFE college. I remind the house that part of Swinburne TAFE used to be the Outer East College of TAFE, which a number of local citizens started in 1984 with Bob Appleby as its inaugural chair. He did a great job, as did the rest of the council members, including Ms Carol Roche, to keep that college as a community-oriented college for many years. It is now part of Swinburne University and provides a credible and good education for everyone.

We are also fairly well served with transport in parts of the province. We have two railway lines running through Silvan. Compared to the electorates further south in which I stood for election in the past, the transport in Silvan Province is pretty good. The Lilydale and Belgrave lines run through the electorate and provide a transport base for many residents in the province. The Frankston–Mitcham freeway will improve both north-south and east-west traffic flow. It will be great, and I will be very pleased when it gets going and is finished. I am also pleased that there will be a tunnel under the most environmentally sensitive areas so that the environment will not be touched — it will not be destroyed by the freeway. Given that most residents in Silvan Province are car drivers, the freeway will be of enormous benefit.

Most residents in Silvan Province are also home owners. The province has a very low proportion of people in the rental market. It is a higher-than-average income area, with the majority of people involved in technology, management and commerce.

As far as health is concerned, the province is served by the two major hospitals in the Eastern Health Care Network, Maroondah Hospital and the Angliss Hospital, both of which are undergoing major upgrades at the moment. They will continue to serve the people of the outer east very well. They are both excellent hospitals, and I would recommend anyone to attend one of them if they need to. Certainly their accommodation is still strained, but they are employing many more nurses, and waiting times for elective surgery and in the emergency departments are decreasing. The need to bypass people to other hospitals has dropped dramatically, with the Maroondah Hospital having only one bypass in the last month.

Following the recent election I found myself representing the people of Silvan Province in this very illustrious and beautiful chamber, this upper house of the Victorian Parliament. I find it very different from my previous experience in what I could colloquially term 'the people's house' — the Legislative Assembly — in the 50th and 51st parliaments between 1985 and 1992. This is most illustrious, with its cherubs, velvet and gold. It is a very beautiful place.

Ms Hadden interjected.

Hon. C. D. HIRSH — As Ms Hadden comments, there is no airconditioning.

Before I go on to talk about the history of the early years of the Legislative Council, I need to thank another person: my campaign director, Malcolm Farnsworth, who teaches at Mandeville Hall. Malcolm's political knowledge and expertise and his wisdom in all matters political are fantastic.

He teaches politics, and his students always do extremely well. I do not suppose I can advertise his web page — it is very good.

When I was reading the history of the early years of the Legislative Council, in an excellent book written by Ray Wright, I noticed that a Francis Murphy was elected to represent the electorate of Murray. I looked carefully at this name, Francis Murphy, because I was a Murphy. But he was not a member of my family, because neither my father, Peter Murphy, nor my mother, Dorothy, could even vote for representatives in this chamber when I was a child. That is so extraordinary — that the privilege and limits to democracy continued, and have continued, for so long.

I am just going to speak briefly about this, but I am one of the Murphys of Piangil — and I am very proud to be one of the Murphys of Piangil and to be in this place. My great-grandfather Michael Murphy came to Australia from Mallow in County Cork in 1840. He was from a landless, poor, Irish family. And my great-grandmother Catherine Toland arrived on one of the so-called orphan ships, the *Lady Kennaway*, on 13 December 1848. She was with other young Irish women from the workhouses, and when they arrived here they were called barefoot trollops and were treated extremely poorly by the society of the day. So you cannot see those people being part of this, then undemocratic, chamber.

The Murphys eventually got a bit of land, called Murphys Island, up in the Murray. In fact, at the moment it is a vineyard producing excellent wine, and I do not suppose I could table this bottle of excellent

Murphy's Block wine, made from grapes produced on Murphys Island on the Murray River?

The PRESIDENT — No, the honourable member cannot table that.

Hon. C. D. HIRSH — Oh well, worth trying! This wine was produced as a tribute to my late Uncle George, my father's youngest brother.

In concluding I want to thank and pay a major tribute to my family for being there and for their love and support: my daughters and sons-in-law, Teresa and Geoff and Belinda and Peter; my stepdaughter, Chrissie, and her children, Micah and Emma, who are battlers in the true sense of the word; my brother Alan and sister-in-law Lyn; and my two grandchildren, Jessica and Emily. And I have a third grandchild only three and a half weeks away who I am looking forward to with great excitement.

I also want to acknowledge my daughter Vicki, Jessica's mum, who died almost two years ago — actually it will be in a week from today. This tragedy — and I want to put this into *Hansard* in this first speech in this chamber — stopped our whole family in its tracks. It was the worst thing that had ever happened to our family, and a few unpleasant things had happened. For me, it has only been the support and care of my family that has enabled me to start to deal with the tragedy, to get my life back again and to keep going. And so my untold thanks go to my family.

I want to finish by changing the subject and briefly talking about constitutional reform. I am looking forward to being a part of this chamber during this historical period of final democratisation, when this chamber will finally remove the last of the privileges that prevent proper representation — that is, every member will need to face the people at every election, as is proper in a democratic society.

To conclude, it is an exciting time in this Parliament for me and an exciting time in this chamber for me, and I am very grateful and honoured to have the privilege to serve the people of Silvan for the next four years.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I am pleased to rise today to contribute to the address-in-reply debate. I note that today is an historic day for Australia. This morning at 10.30 a.m. the Prime Minister announced the commitment of Australian troops to serve in the Gulf in relation to the potential war against Iraq. I place on record my support for the Australian troops and the other international troops who will be serving in the Middle East in support of democracy.

I know a number of people who are over there now, including those serving with foreign defence forces. They should know they have the support of the Australian people irrespective of views on the issue of the war itself. I say at the outset I support the position the Australian government has taken; I know others do not support that position, but I hope every member of this chamber supports the Australian troops who will be serving in that theatre of war in the coming months.

The address-in-reply motion before the house, which was moved by my new colleague in Eumemmerring Province, Adem Somyurek — and I congratulate him on his election — has two parts. The first part calls for an expression of loyalty to the Sovereign. I am in full agreement with that aspect of the motion.

The second part of the motion is an expression of thanks to the Governor on the speech he delivered. While I am quite happy to express thanks to the Governor on the speech, it is the content of the speech that I have some concerns about. As honourable members would be aware, the speech delivered by the Governor on the opening of Parliament reflects the priorities of the government of the day. Indeed it is a speech wholly prepared by the government of the day and provided to the Governor for him to read at the opening of Parliament.

You would expect that in a speech prepared by a government for delivery at the opening of Parliament you would get a sense of what the government hoped to achieve for the state — a sense of where the government wanted to take the state, certainly over the four years of its term of government but more particularly in the longer term, where it wants to see the state of Victoria in 10, 20 or 50 years time.

The speech the Governor delivered in this place last month was notable through its lacking that. There is nothing in the speech the Governor delivered that tells us where the Bracks government wants this state to be in 10 or 20 years time. There is nothing there that indicates the vision the Premier and his cabinet have for this state. In fact the speech the Governor delivered is notable for its lack of vision and lack of direction for the state of Victoria.

The speech touches on a number of specific areas which I found slightly curious, given what was omitted and what was included. I would like to talk about the speech in the context of my electorate, Eumemmerring Province. I noted with interest that when the Governor delivered his speech he mentioned the government's commitment to the Scoresby freeway. What the speech did not mention is the government's commitment to the

Pakenham bypass. As honourable members would know, particularly those who served in the previous Parliament, the Pakenham bypass is a crucial issue for Eumemmerring Province and for the whole of Gippsland.

The fact that the government chose to mention Scoresby in the Governor's speech but did not mention the Pakenham bypass sends a very clear signal to the people of Gippsland and Eumemmerring Province. It indicates that the Pakenham bypass, a \$200 million project, is a lower priority for this government. Given that the government was reluctant to sign up for the Pakenham bypass in the first place, the fact that it failed to mention the Pakenham bypass at all in the Governor's speech outlining its program for the next four years is a worrying signal.

Honourable members have previously heard me speak about the need — —

Hon. Bill Forwood — On a point of order, Deputy President, I am reluctant to do this but it is a practice of the house that if no minister is available in the chamber the house automatically goes onto the adjournment. I hope that a member of the government who is a minister and who is meant to be in control of this house will very quickly come back into the chamber. Perhaps we could have an explanation later from the Leader of the Government as to why there was no minister present.

The DEPUTY PRESIDENT — Order!
Mr Rich-Phillips will continue.

Hon. G. K. RICH-PHILLIPS — I do not mind my colleague taking that point of order, because it is quite extraordinary to find the house in the condition it was in. Even when the Honourable Carolyn Hirsh was delivering her inaugural speech most members of the government were not in the chamber. Most of her backbench colleagues were not here. It comes as no surprise to find that after she finished even the ministers left the chamber — it is extraordinary that there is not a single minister here!

As I was saying, members of this chamber have heard me talk about the infrastructure needs of the City of Casey. That city, and now the Shire of Cardinia, are two of the fastest growing areas in the state. The City of Casey currently has that title, with between 40 and 80 families a week moving into the city, and the growth through the belt to the Shire of Cardinia will soon approach that level.

It has been quite remarkable over the three years that I have been a member of this place and have represented

those areas to see the rate at which the Shire of Cardinia has grown. In 1999 it was largely rural, and over the past three years we have seen extraordinary growth through that area. Back in the mid to late 1990s the City of Casey was at the front of growth in urban development, and we are seeing that move out through the Shire of Cardinia, which is now experiencing many of the issues and problems the City of Casey started to experience in the late 1990s and still continues to experience.

Those areas are very fortunate to have the municipal officers in place to assist in developing and managing that growth, and in particular to have the two chief executive officers, Mike Tyler at the Casey City Council and Don Welsh at the Cardinia Shire Council. However, having good municipal officers does not absolve the government from providing the necessary infrastructure for those areas. I am disappointed that the Governor's speech makes no reference to providing infrastructure in the fastest growing corridor in the state of Victoria. Time and time again I have raised, and my former colleague the Honourable Neil Lucas raised — and I hope Mr Somyurek will raise — issues relating to those areas and to the infrastructure needed for the management of those areas, yet when the opportunity arose for the government to outline its priorities for the next four years unfortunately those areas were neglected.

The Pakenham bypass is just one example of the matters I have raised here, but more easily satisfied issues such as the provision of public transport, particularly bus services, need to be addressed. The provision of schools needs to be addressed. One of the issues I am currently dealing with in my electorate is the government's proposed sale of the Timbarra secondary college site.

The Timbarra estate in Narre Warren is growing rapidly. It is in the fastest growing area of the state and has a lot of very young children, children who are soon to be in their early teens, yet the government is planning to sell — it has gone beyond the stage of considering it, as it has requested the rezoning of the site — the Timbarra Secondary College site. It is clear that within a couple of years there will be a very definite need for a secondary school there. It is simple issues like that which the government needs to address but which it has failed to address and through the Governor's speech has given no indication that it is even aware of the need to address.

Another example is the need for the City of Casey to have a State Emergency Service (SES) unit. I have previously raised that issue in Parliament. It is a simple

matter for the government to deliver, yet we see no indication of any willingness by the government to do that or even any acknowledgment by the government that an issue exists there. I am disappointed, in reading the speech, to see that this seems to be the case across the state.

The government has chosen in the Governor's speech a few individual matters that are obviously going to be its priorities, yet in doing that it has neglected to mention a whole raft of issues across the state which require action and has indicated to the people of Victoria that those other issues clearly have a lower priority.

I now turn my attention to the issues of my portfolio responsibilities which are the Commonwealth Games and sport and recreation.

We have reached the situation where we are now four years into a seven-year project. The Commonwealth Games were awarded to the state of Victoria in April 1999 and the government is required to deliver them in March 2006. Four years into that project we are in a position where the government is unable to say even what the scope of those games is going to be. Back in January we had the budget forecast, being somewhere between \$300 million and \$1 billion. We have now been told, as at last week, that the state is going to pay \$700 million for the Commonwealth Games towards a project which is going to cost \$1.1 billion. We are yet to know where the other \$400 million is to come from. The government says from sponsorship, ticket sales and support from the federal government. So the challenge is there for the government to find that \$400 million.

To date, to the best of my knowledge, there is no major sponsor signed for the Commonwealth Games and I suggest that \$400 million from those sources is a very big ask. The people of Victoria need to know what will happen if the government does not achieve its sponsorship target which is a very real prospect. I hope that is not the case. I place on the record now that the Commonwealth Games is a project that has bipartisan support and I look forward to its successful delivery. However, that has to be financially responsible and it is my role to hold the government to account on that, so while the opposition is definitely supportive of the project it needs to be delivered appropriately.

Given that I have only 3½ minutes before I am gagged, I would like to place on the record a tribute to some of the former members of this Parliament with whom I have had the privilege to serve in the 54th Parliament. In particular I mention my former lower house colleague, the Honourable Robert Maclellan. Rob Maclellan had a remarkable career in this Parliament,

spanning the premierships of the Honourable Sir Henry Bolte through to the Honourable Steve Bracks. During that period he held leadership roles in the Liberal Party, being deputy leader, as well as numerous ministerial appointments. I have to say that Rob Maclellan was one of the most unique members to have served in this Parliament and his ability to get things done in an unusual way was quite remarkable. If time allowed I could talk for an extensive period of the encounters I had with Rob Maclellan and it was always a learning experience.

In this chamber I would like to acknowledge my former colleague the Honourable Neil Lucas. Neil provided service to the greater Berwick community for well over 30 years, most recently as a member of Parliament. He was very successful in that and the community is a great beneficiary of the work that Neil has done. I am pleased to place on the record that on Saturday Neil was elected as a councillor for the City of Casey, representing Edrington ward, with a very solid level of support which indicates how highly the community regards him.

Roger Hallam, a former member for Western Province and a former Minister for Finance during the 53rd Parliament, was a great friend and mentor to me. I learnt a great deal from him and was always impressed by his dedication to his role as a member for Western Province and also to the role he played through the Public Accounts and Estimates Committee, on which I served with him.

Cameron Boardman, a former member for Chelsea Province, as honourable members will know, is a good mate of mine, which is a very rare thing in this place. More importantly, I place on the record my acknowledgement for the great work he did as a member for Chelsea Province, but also as chairman of the Drugs and Crime Prevention Committee. I know that his colleagues on that committee, from both sides, as well as the broader industry — I use that term advisedly — surrounding that committee, had great respect for Cameron's work.

The final member of Parliament whom I would like to acknowledge is one whose anthem 'Ding dong, the wicked witch is dead' I now understand. This member has been elected to another place. I congratulate the Honourable Ken Smith on his election as the member for Bass. I know that all honourable members, and the clerks, because I am sure they are of a similar view, will miss the significant contributions that the Honourable Ken Smith used to make in this place, and we wish him well in his new career in the Legislative Assembly.

Hon. H. E. BUCKINGHAM (Koonung) — I acknowledge the traditional owners of the land on which we stand, the Kulin nation, and pay respects to their elders. As the body without the spirit is dead, so faith without deeds is dead as it says in the Bible, chapter 2 of James. It is customary in these speeches to express one's appreciation of a number of people. I would like to acknowledge and thank those whose lives have led to my political involvement.

President, I begin by offering you my congratulations on your election as the first female President of the Victorian Legislative Council. I know you will maintain the traditions of fairness and impartiality. I would also like to congratulate the first female Speaker of the Legislative Assembly, Judy Maddigan, and the Deputy President of this house, Glenyys Romanes — a truly remarkable trifecta.

History offers you, President, and the 55th Parliament, a special niche. You will preside over and I will be part of the reforming of this house. Reform is long overdue and will make this house more democratic, more representative and, more importantly, accountable to the electors of Victoria, as all honourable members will face election every four years. I am honoured to be part of this historic event.

I congratulate all newly elected members of this house. I would also like to congratulate Tony Robinson, the member of the Legislative Assembly for Mitcham, on his well deserved re-election and Kirstie Marshall and Anne Eckstein on being newly elected as members for Forest Hill and Ferntree Gully respectively. It was a privilege to campaign with these members whose electorates form part of Koonung Province. In particular I acknowledge the generous support, sound advice and mentoring of Tony Robinson, both in this past campaign and a previous federal campaign.

I wish to acknowledge the speech of the Governor. It represents the views of the government, its policy agenda, and it establishes how Victoria will be governed for the life of this Parliament. This government has the greatest popular mandate of any in Victorian history. I look forward to being an active participant in the implementation of the government's policies.

I have been a member of the Australian Labor Party for 35 years. Ben Chifley said:

We have a great objective — the light on the hill — which we aim to reach for the betterment of mankind not only here but anywhere we may give a helping hand. If it were not for that, the Labor movement would not be worth fighting for.

The desire to serve the community is well embedded in my family. My father, Frank Wilkes, who is sitting behind me today, was elected to the Legislative Assembly at the age of 35 to represent the seat of Northcote in 1957, after the untimely death of the former Premier John Cain, Sr. I believe my father and I are the only father-daughter combination to serve in the Victorian Parliament and possibly — given the limitations of my research — the only example in Australia. My father served the electors of Northcote and this state as whip, deputy leader and Leader of the Opposition, then as a minister of local government, housing, water and resources, and tourism. Dad retired in 1988 after 31 years of service.

As my father was elected at a by-election, his then maiden, now inaugural, speech was in reply to a private members bill introduced by Buckley Machin, then an MLC for Melbourne West Province. The bill was adopted by the Liberal government in the lower house, something I believe would be a fairly rare occurrence — and I believe an only occurrence — hence my father's first speech was on the Clean Air Bill. The bill was designed to eliminate the increasing problem of atmospheric pollution caused by industry. Historic, innovative, benchmarking legislation for its time, it attempted to protect the environment long before it was deemed necessary or electorally attractive to do so.

My upbringing was one in which there was an unspoken belief that you put back into and contribute to the community in which you live, and that through your deeds and actions you aspire to Ben Chifley's 'light on the hill'.

I have many passions in my life. I am passionate about representative democracy. I am passionate about accountability and I am passionate about serving the voters of Koonung Province and Victoria in this 55th Parliament. I am enormously attracted by the concept of democratic power. There is so much evidence of the misuse of power by individuals, leaders, governments and countries that it may seem odd for me to state that it is a concept that I find very attractive: attractive because if that power is derived from a democratically elected mandate, there is a huge potential for the betterment of all. All governments have a responsibility to those they govern and we in this house have a huge responsibility as individuals and as parties not to abuse or misuse this trust and to collectively use our powers to make this state a fair and tolerant society for all.

I would like to take this opportunity to thank a previous member for Koonung Province, Mr Gerald Ashman,

for his conduct during the campaign and for his service both to his electorate and to this Parliament. I look forward to sharing Koonung Province over the next four years with the Honourable Bruce Atkinson.

I am married to Ian and I have two children of whom I am very proud. I have an arts degree majoring in history and philosophy, a teaching diploma and postgraduate qualifications in careers. I commenced my professional life as a history-politics teacher and moved into careers counselling 12 years ago.

I am also a committed feminist, and by that I mean I am committed to achieving a level playing field in life, in the workplace, in management, on boards and in all levels of government for women. That is why I am particularly proud to be one of the historic 40-per-cent-strong female participation of this government, with 34 female members of caucus, 23 in the Legislative Assembly and 11 in this house.

Women in the work force continue to be undervalued. Equal pay has still not been achieved as women still on average earn 67 per cent of male earnings, or less than \$271 per week. In industries dominated by women the gap is as wide as 54 per cent and women earn less across every single occupational group. Child care accessibility and affordability for working mothers remain a problem. There are no women High Court judges and only four women Federal Court judges. Seventy per cent of all carers are women, their roles unrecognised and undervalued. Australia is one of only two countries in the Organisation for Economic Cooperation and Development not to have national paid maternity leave. Women have many achievements to be proud of. There is still, however, much to be done, not just to eliminate glass ceilings but at a more basic level to ensure equal access to opportunity, working conditions and fair wages.

We live in troubled times internationally and there are many inequities that still must be addressed. The Bracks government has done much to address some of these inequities. Only last week the Australian Bureau of Statistics figures showed that Victoria has the lowest unemployment rate in Australia. Apprenticeships and traineeships exceed 100 000 a year. The public education system is being reinvigorated with 3000 more teachers and class sizes are now falling and retention rates rising. We have restored common law rights for seriously injured workers and we have enacted the Racial and Religious Tolerance Act. In the life of this Parliament the government will continue to deliver quality services, grow the whole of Victoria and address issues of inequality. I am honoured to be part of this process.

For the past 12 years I have worked as a careers counsellor in the private education sector. Through professional networking with both the private and government sectors and universities I am very conscious of the uneven accessibility that some face when they require careers advice. All students deserve and indeed must have access to careers advice that is timely, unprejudiced, well sourced and given by professionally trained careers advisers. The school you go to, the suburb you live in or budgetary considerations should not decide your right to careers advice or the standard of that advice.

Because of the nature of subject choices and tertiary prerequisites students are required to make potentially life-altering decisions in their final years of secondary school. All students should have access to the highest quality advice as they complete their education. I salute the efforts and work of all my former colleagues in both the government and private sectors who devote their professional lives to this most important of jobs, guiding young people with their career choices.

I first commenced my service to the community on the board of Box Hill Hospital in 1992, where I was to develop a continuing interest in the health system, its funding and administration. I hope to continue that interest in this Parliament.

In my capacity as a careers councillor I have served on committees in the higher education sector, the most interesting being the Animal Ethics Committee of the Department of Physiology at Monash University. Here I developed an ongoing respect for both the ethics of the scientists and the cutting edge research they undertake, research that has already given us the in-vitro fertilisation program but in the future may find cures or better management for illnesses such as high blood pressure and diabetes, to name but a few. We are extremely fortunate in this country to have world-class scientists who undertake this most important of research.

Like my father, who was an elected councillor in the City of Northcote for 27 years whilst concurrently a member of Parliament, I have also been a councillor in local government. I was elected in 1997 and served the residents of Riversdale ward in the City of Whitehorse, where I had the honour of being mayor in 1998. I was re-elected in 2000 and resigned recently.

My decision to stand for local government was based on my commitment to and passion for good representative democracy. As I have already stated, I most sincerely believe you should put back into and contribute to the community you live in. Apathy and

disengagement, or benefiting from the involvement and hard work of others without contributing myself, is anathema to me.

I understand that not everyone is interested in political participation, but local involvement can and does take many forms, and as a councillor I have been exposed to many forms of this involvement. People serve on kindergarten and school committees, they do voluntary work, like delivering Meals on Wheels or driving the elderly in the community to medical appointments, they participate in service clubs that bring enormous benefits to our community, and they are involved in church, environmental and sporting groups. This involvement is pivotal to the functionality of the community.

Australians have often been reticent to exhibit their patriotism. I am extremely proud to be an Australian. On one level this pride comes from my history training and my understanding of the Australian character and of the sacrifices that have been made by many for this country. At a much more local level, nearer to my heart, my pride comes from the many individuals and organisations I have met through local government. It is through their participation that their local communities work and this state is a better place in which to live. I thank and salute them.

In Australia it is not unusual for members of Parliament at both state and federal levels to have served as local councillors. I do not see anything wrong with this, and in fact in my case it has been a motivating force. Of the 88 members of the Legislative Assembly combined with the 44 members of the Legislative Council, 33 have backgrounds in local government, which equates to around 20 per cent of the current elected state parliamentarians. Twenty four of these come from the ALP, 5 are from the Liberal Party, 3 are from the National Party, and one is an Independent. Eight current Victorian members of the House of Representatives and three current Victorian senators have also been involved in local government. I am proud to continue that tradition.

Local government has earned a reputation of being the area of government nearest the people. I am pleased to report that there is a high level of satisfaction amongst residents in their respective municipalities, as reported recently in survey figures released by the Department of Infrastructure. There is a perception that local participation and consultation is being encouraged and is happening, and that service delivery and facilities and capital works are being maintained. Whilst I am pleased with this perception, I am aware that important issues are facing local government.

The greatest medium-to-long-term challenge to face the local government sector in Victoria is financial sustainability. Within the current Australian structures of government, local government is subject to a range of structural and policy impediments that threaten longer term viability.

The largest problem facing local government is an overall lack of funds with which to simultaneously fund services and to provide for the necessary renewal of assets. Financial data shows that the issue of cost shifting in the responsibility for and the funding of major specific programs, while a significant issue, is secondary to this problem.

The Municipal Association of Victoria has documented cost shifting of at least \$40 million per annum — in 2001–02 — in the recurrent funding of three major specific-purpose funding programs affecting Victorian councils — namely, health and community care services, libraries and maternal and child health services. Up to an additional \$20 million of cost shifting has probably occurred in a range of other specific programs covering local government functions.

A cumulative gap of approximately \$3.1 billion over seven years between expenses and councils' core revenue streams is indicated, which is equivalent to a real average annual increase in rates of about 24 per cent. This finding aligns with the recent report of the Victorian Auditor-General, who estimated a deficiency of between \$1.4 billion and \$2.75 billion in council spending on the renewal and maintenance just of local roads over the past five years. The Auditor-General commented on the compounding future asset renewal costs that councils were facing and confirmed that in general rate revenues were not being set at a level that would enable assets to be renewed when needed.

Over the past 12 months there has been unprecedented dialogue between the state government and local government on specific programs where cost shifting is a concern. This has been constructive and mutually beneficial, resulting in positive steps from both levels of government in addressing these issues. This has been particularly beneficial in the program areas of Home and Community Care and maternal and child health services. However, local government has an underlying concern over longer term financial sustainability. The viability of the sector depends on addressing this broader question.

The Bracks government has committed to the formal recognition of local government in the Victorian constitution. In the first term of the Bracks government, constraints such as compulsory competitive tendering

and rate capping were removed. In this term we will provide libraries with extra resources for books, align election cycles, and boost funding to home and community care. The Local Government (Update) Bill will be reintroduced in the spring sitting, ensuring we have the best legislation possible to give effect to our commitments to deliver outcomes for local communities.

As a student of history I found it interesting to note that I now represent part of the electorate of the first female member of the Victorian Parliament, Ivy Weber, who was elected to represent the Legislative Assembly seat of Nunawading in 1937. Mrs Weber did not represent a party; she was an Independent, so it was a remarkable achievement to be elected as a woman without party support.

Ivy stood on a platform visionary for its time. She advocated free education from kindergarten to university, systematic national health and insurance schemes, and slum abolition. She was active in many women's organisations, including the League of Women Electors. If people would like to go across the road to Joint Services, at 157 Spring Street, they will see a most handsome portrait of her in the window, a painting that I believe used to hang somewhere in this house. Ivy belonged to the Temperance Council, the Australian Movement Against Socialism and the National Fitness Council — so, needless to say, there are some things I do not share in common with Mrs Weber!

My life has taught me the need to balance idealism and reality. I am and hope to remain politically and personally idealistic. Although I adopted unquestionably my family's political beliefs at an early age, as I have grown older and gained an education and life experience I have embraced those beliefs wholeheartedly, by choice and conviction.

I believe in social justice and equity, in justice and fairness, and in giving a voice to those under-represented by the political process — and it is because of those beliefs that I aspired to be elected to this house.

I wish to thank many people for their generous and unconditional support, in particular my family, who supported me through a federal and a state election campaign within 12 months of each other. I would not recommend that. I would also like to pay tribute to the party I have belonged to for 35 years, the Australian Labor Party, and thank the administrative and campaign team at head office as well as all local branch members who worked for our historic victory. I also thank the

voters of Koonung Province and pledge that I will be an active and approachable local member. I will always endeavour to act on their concerns and issues.

I am cognisant of the issues that constituents bring to me — issues about roads, traffic congestion, lack of public transport and the need to protect the environment, while balancing the need for future development.

I hope I can be a voice for my electorate on these and other important issues that affect Koonung Province.

I would like to thank my father for all his support and words of wisdom. I quite happily inherit his love of public service and politics. I would like to thank and acknowledge my mother who died three years ago, who by her deeds taught me about selflessness. My mother was an extremely kind and generous person. She was also an extremely strong and determined woman who suffered ill health for the greater part of her life. She always retained a positive outlook, and I would like to think that my sister and I share some of my mother's strength and determination. I would like to thank my sister Susan for her invaluable and ongoing support and her work in two campaigns.

I thank my children, Lisa and Nicholas, for their encouragement and their constant critiquing and questioning. Sometimes explaining your beliefs and views to your children is harder than explaining them to your electorate! I am proud to have brought up children who question and challenge me. My special thankyou is reserved for my husband, Ian, who has actively made it possible for me to live my dream of serving the community, first on a hospital board when our children were still young, then in local government and now in Parliament. He is my sounding board and adviser, and I thank him.

Lastly, I would like to acknowledge all my female friends, both old and new — friends who are here today, friends from my professional life as a teacher and careers counsellor, friends from council, friends from the party and from Emily's List — strong, principled women, opinionated, supportive and caring, women who have encouraged and supported me; I have shared their friendship and families, their ideas and their passions. They have enriched my life and taught me about mutual respect and tolerance. They have made an immeasurable difference to my life. They have taught me to believe in myself and my principles and to have the courage to defend those principles and take chances. They have taught me that not only is it good to be challenged and critiqued but it can actually be

enjoyable. My female friends have been and will continue to be a blessing in my life.

I am above all else an educator. Life is a journey of learning. I look forward to the next part of that journey. The Greeks created democracy, so having started with a biblical quote that encapsulates my political beliefs I would like to finish with a quote from Plato, a quote that will give you an insight into my passion for involvement in the political process because of its accountability and enormous potential to change things for the better:

The punishment which the wise suffer, who refuse to take part in the government, is to live under the government of worse men.

Hon. BILL FORWOOD (Templestowe) — It is a pleasure to rise to speak on the motion for the address-in-reply. Like my colleague Gordon Rich-Phillips I also wish to express my loyalty to her most Gracious Sovereign the Queen. Many members in this place know that I am an avowed republican and look forward to the day when Australia is a republic, but given that currently we operate under a constitutional monarchy it would be inappropriate if I was not to express my loyalty to Her Majesty the Queen.

Let me also at the outset of my brief contribution today place on record my appreciation for the outstanding work done by the Governor of this state, John Landy. He did, of course, become Governor under somewhat difficult circumstances, but he has proved to be without doubt an outstanding Governor. He is an asset to Victoria, and the work that he and his wife, Lynne, do on behalf of all Victorians should also be acknowledged at this time.

I have previously congratulated you, President Gould, on becoming the first female President of the upper house. I look forward to working with you. I also congratulate my friend Glenyys Romanes on becoming the Deputy President. It is a change to have two women in such august positions, but I know you both bring commitment, energy and ability, and I look forward to working with you both in the years ahead.

At the end of the last session I was in a different capacity and had, by the gracious leave of the then Leader of the Government, the opportunity to farewell many members of this particular house in the last Parliament who chose not to continue for one reason or the other. We had a relatively long debate, and they all then got up and said their farewells which I thought was nice because many people serve in this place for many years but do not get the opportunity to end their career

in any sort of structured way, and there were people — Roger Hallam, Mark Birrell, John Ross, and I will not mention them all — who had something to say as they left. I appreciated the gracious leave granted by the Leader of the Government at that time, now the President, for us to be able to do that.

However, since that time there has been an election which has returned the government, and let me at the outset congratulate the ministers on their portfolios, particularly my friend Theo Theophanous who is back on the front bench after an absence of 10 years. I look forward in my capacity as shadow Minister for Energy Industries to engaging him. If I have enough time before it runs out in 11 minutes and 40 seconds, we will get on to some of the issues that he and I might discuss.

I wish to say two things at the moment. The first is that the government won well and it now has a responsibility. That responsibility was articulated very well by David White when he was the Leader of the Opposition in 1992. He said then that the opposition would hold the new ministers to account to govern for all Victorians, and I repeat on behalf of my colleagues here that we will be doing exactly the same thing. I will get to that in a moment.

The second thing I want to say is that I have been greatly impressed by the inaugural contributions that have been made by members across the house since the process started. I know we have not heard them all and I am looking forward to the remaining ones to come, but all have brought to this chamber a commitment and an understanding and an empathy. We have different political views — I know that — but there is no-one I know who has served in this place for any length of time at all who did not endeavour to make a contribution to the betterment of society. As I came in this morning I was doorstopped by people from Channel 10 who said, 'Aren't you all just a bunch of cushion warmers?', and I said to them that every person I have known in my time in this Parliament has done their best to contribute. I do not care what their political views are — —

Hon. T. C. Theophanous — I bet they don't run it!

Hon. BILL FORWOOD — Of course they won't, but I stand by that comment, that the people who come in here have a commitment to their community and to the state, and I do not mind which side of the house they come from or whether they belong to a third party, all of them do their best. I know that, and the quality of the first speeches that have been given in this place has been extraordinary.

But I want to say farewell to seven members I did not get the opportunity to farewell at the end of the last session.

Gerald Ashman, who was mentioned by Mr Gordon Rich-Phillips, served this Parliament for 14 years, first as a member for Boronia Province and then as a member for Koonung Province. He was also chairman of a joint parliamentary committee and served as the Liberal Party's nominee on the Vichealth board for many years. Vichealth is one of those organisations that has tripartisan support in this Parliament. It was established with tripartisan support, and that support continues.

Cameron Boardman, a member for Chelsea Province, was also mentioned. Ian Cover is a good friend of mine, a Coodabeen Champion who is back on the radio. He was shadow minister for sport, youth and recreation in the last Parliament. As I said, he is a close friend of mine and a person I will greatly miss.

Peter Katsambanis and I shared a number of interests, not least, of course, having a go at the Labor Party, but including the Collingwood Football Club, which is a passion of his — I was disappointed with the result the other night. It was sad to see Neil Lucas go in extraordinary circumstances. He started off running for Eumemmerring Province and ended up standing for a lower house seat because of a change of circumstances. He has now ended up as a councillor. Wendy Smith unfortunately also lost her seat. I will miss Wendy. I am fortunate to some degree because Wendy's electorate officer has now come to assist me, and I am grateful for that.

I finally mention Carlo Furletti, who was my deputy when I was leader. Many people do not know that Carlo and I were friends before either of us came into Parliament. We also belonged to the same Liberal Party branch, and it is pretty rare in our party for two members from the same branch to be preselected to this Parliament and for us to be elected to represent the same province, Templestowe — and as an aside, I am enjoying working with Lidia Argondizzo, who beat Carlo. We have run into each other on a number of occasions around the electorate, and I am sure we will continue to work well in the interests of the people we represent. As I said, Carlo and I were friends before we came into Parliament and we served together as members for Templestowe Province. I became the Leader of the Opposition and Carlo became my deputy. He is one of my very close friends, and I am very sad at his loss and I wish him and all of the other former members well with their future careers.

Mr Smith interjected.

Hon. BILL FORWOOD — I spoke about her last time. In the limited time available to me I make a number of points. I was pleased, despite the spin Mr Theophanous tried to put on it, that at least the Leader of the Government had the courtesy to extend the rights of members of this chamber to speak for a quarter of an hour on the address-in-reply. It was nonsense to come in here with a proposal that some members would get 5 minutes to speak on this important motion, and I thank the government for at least seeing reason on that account.

However, I do say that it is disappointing that members in this place will be limited in what they can say. I note that I am now down to 5 minutes and 36 seconds, and I do not feel that I have even started. I make the point again that in my more than 10 years in this chamber — Mr Baxter has been here a lot longer than I have — this place got its business done without the need for a gag, a guillotine or a government business program. I am happy to go along with a democratic change at any time, but I do not think this is democratic. I guess we will discuss that further.

As I mentioned previously, I have responsibilities for energy services and Workcover. I say at the outset that these are two crucial areas for the future of Victoria, and they are ones where the opposition will not only be looking to hold the government to account for what it does or does not do but wishes to work proactively in the best interests of Victoria. At the end of the day I say that all of us here care about where Victoria goes and what happens to the state, and we want to work together. My view in government was that we did not have a monopoly on good ideas — they come from everyone, from the community and from other political parties. What we ought to be doing as a Parliament is grabbing the ideas, the energy and the enthusiasm and working as best we can in the interests of Victoria.

I say to my friend Mr Theophanous that I will work closely to advance the cause of Victoria, particularly in relation to the energy industries, but also as I said to hold him to account, chew him up and catch him out, but at the end of the day I know that he and I have a similar view — that Victoria will be better if we have a solid energy system that provides secure supply at a reasonable price. I know that he and I will work closely towards that.

I put on the record my thanks to James MacKenzie, the chairman of the Victorian Workcover Authority and the Transport Accident Commission. I have known James for quite some time, and he has gone out of his way to

ensure that, as the shadow minister responsible for Workcover and the TAC, I am properly briefed on those matters. I look forward to working with him and the people associated with those organisations on those important issues.

I say at the outset that my views on workers compensation are well known and have been put many times in this chamber. The less accidents we have in the workplace, the better off we all are. We need a system that ensures that premiums are not onerous to the extent that business leaves this state, but we need a system of benefits to injured workers, and I am happy to work with the government on implementing the best systems that ensure injured workers are properly compensated.

In the 2 minutes left to me I want to say that this government — and this comes out in the Governor's speech — is pretty strong on spin and rhetoric but is not too good on delivering. This is the issue, and is why we will be holding the government to account. I do not have time to go into the detail of the Austin hospital project, which the Auditor-General reported as running very late and \$100 million over budget. I do not have time in this contribution to go into Central City Studios and what is happening there. It is another of these shonky Labor deals that tend to come up from time to time. I do not want to or have time to go into the issue of the extension of the Eastern Freeway, which travels through the electorate I have the honour to represent and which, of course, has been deferred and delayed and is now being wrapped up into something else so that the government will have some justification for the over \$100 million blow-out and the two-year delay on the project.

The government is good at spin and can bring in its star candidates or members of Parliament to put a gloss on things, but members of the government will be judged by the people of Victoria on their capacity to deliver. At question time we heard the Minister for Finance ducking the issues, and we heard the Minister for Energy Industries — what an appalling effort that was. I am looking forward to engaging the minister, but he will have to do better than that. I am afraid that my time is running out and the 15 minutes allotted to me to speak on the address-in-reply is now gone. I am sure the minister will not move for an extension of time, so with those brief words I commend the motion to the house.

Hon. J. H. EREN (Geelong) — I take the opportunity to congratulate you, President, on your new position and to congratulate the new members of this 55th Parliament. I can barely believe that I am here. When I first entered this chamber my initial thought

was of its incredible beauty, but, of course, this place during the last 152 years has been also incredibly important. Before us in this place have gone Sir Redmond Barry, James Harrison and Sir Robert Menzies, John Pascoe Faulkner, Sir Frank Bearepaire and Peter Lalor. All of these people have contributed enormously to Victorian and Australian life, and much of that contribution has been made here.

And to think that in a small way all of us in this chamber form a part of the continuing legacy of this place is an almost unspeakable privilege and a serious responsibility.

On 18 May 1915 the Honourable W. S. Manifold, a member for Western Province, said in this place:

We could not but feel that in the wonderful landing effected by our men, on the Gallipoli Peninsula, the Australian troops had been given a position of honour. Where the British troops landed, at the point of the peninsula, they had the enemy in their face and the sea behind them. The Australian troops, however, had been landed at a spot overshadowed by cliffs in possession of the enemy, and they had, with wonderful bravery, managed to scale those cliffs, drive the enemy away from them, and force their way inland over rugged country affording excellent cover for snipers. The Australian troops had to advance with the enemy on both sides as well as in front, and we could hardly imagine a more dangerous position than they were called upon to occupy. It was infinitely more dangerous than the position of the British troops on the western point of the peninsula. The action of the Australian troops had been simply magnificent and they undoubtedly well deserved the praise of the whole world.

As best I can ascertain, on 25 April 1915 my grandfather, Hamdi Isteni, was fighting in a battalion commanded by Mustafa Kemal, later to become Kemal Ataturk, the father of modern Turkey. Mustafa Kemal's troops were engaged in fighting against the northern line of Australian troops that day. Some historians say that in these battles on that day the entire outcome of the Gallipoli campaign was determined. The objective of these Australian troops was to take a hill called Chunuk Bair, and in defending this hill Mustafa Kemal uttered his famous command:

I do not order you to attack; I order you to die. In the time which passes until we die other troops and commanders can take our places.

It is quite possible that my grandfather received this order; that he heard these words pass Kemal's lips. Ultimately, Gallipoli defined many things, and these words helped to define a man who became one of the great statesmen of the 20th century. The Gallipoli conflict and the courage the Anzacs demonstrated there has become the definition of the Australian tradition.

This is the most important moment in Australian legend, and as Les Carlyon said in his recent work on Gallipoli:

Gallipoli has become Australia's Homeric tale.

But for me, it is the fact that my grandfather started that day, 25 April 1915, on the heights of Gallipoli looking down on the beach rather than in the ship of the Royal Navy looking in toward the beach, which now defines who I am — for I am a Turkish-born Australian.

When Australians look to the better angels of their nature, when Australia is at her best, being a Turkish Australian is fantastic. In most ways being a Turkish Australian is like being any other Australian: my kids go to local schools, North Geelong Secondary College and Bell Park North Primary School; we go camping every Easter; my children participate in a range of sports, including soccer, little athletics, netball, football and surfing; they love watching *The Simpsons* and can soak up MTV, Nike and other American culture with the best of them.

Like all of us, I was horrified at what happened to my fellow Australians in Bali. My wife, Geraldine, and I were within two blocks of the Victorian police headquarters on 27 March 1986 when the Russell Street bombing occurred, and although it was not on the same scale as the nightmare in Bali that experience greatly affected us, and I can only imagine how Bali has affected those people who experienced it. Terrorism has no particular faith, race or colour; nor do the people who become victims of it.

And like all Australians, my hopes, concerns and prayers are with all the Australian servicemen and women overseas no matter what the conflict and no matter where it is.

But in other ways being a Turkish Australian is different to being an Australian of Anglo-Celtic descent. Christmas is a great time for our family: we love the Christmas lights in our street, and we love the ceremony of Christmas. But the end of Ramadan is also a very important day for us. It is when the members of all Muslim communities host large feasts and celebrations to mark the end of the fast. They open their houses and catch up with friends. Like many Australians I am not very religious, but I do know the stories of the Koran and I was married by a Muslim cleric.

Although my children love to go to grandma's for a roast dinner they also look forward to baba Anne's kofte and baklava. They know that grandma goes to church and dede goes to the mosque, and although we

were sad on the Monday after Uruguay denied Australia the chance to play in the World Cup we were also excited when Turkey made the semifinal of the World Cup. I like to think of these special things that make us feel good rather than the differences which make us feel bad.

In many ways being a Turkish Australian in 2003 should be the embodiment of modern Australia. The waves of immigration after the Second World War of peoples from all over Europe, including Turkey, and later from Asia have been the most important social phenomenon in Australia's history since 1788. We are the product of that. We form part of the great multicultural society, which at its best is a model for the world. We contribute to the diversity of Australia, which we like to think is enjoyed and celebrated by all Australians of all origins. Yet these special feelings do not characterise how we feel now. At her worst Australia exposes a dark underbelly of racism. Since *Tampa* some people engaged in public life have appealed to the darker angels of our nature in the hope this will bring them political rewards. With the current events in the Middle East, all Muslim Australians are starting to feel targeted by this streak of racism, and I fear that Australian society is indulging it in ways that it should not.

On 5 February a letter entitled 'Aussie Muslims must live by our rules' appeared in the *Geelong Advertiser*. It said in part:

Muslims coming to Australia should change their lifestyle to suit us, integrate and assimilate. Why should we change our ways, culture and religion to suit them?

I have had a gutful of Muslims demanding they have things their way and if we don't look out, Australia will soon be controlled by Muslims laying down the law, like they do in the United Kingdom.

It does not surprise me that there are people who think this way, but it shocked me that the *Geelong Advertiser* printed this letter. These words are intended to inspire hatred on the basis of race and culture. As such they are unlawful, and, arguably, it was unlawful to print them. That voices such as this one are encouraged by those in power and given a platform by those who control our media makes no contribution to the tolerant society which, at times, we can be. Rather, it takes us to that dark place of racism, which as a country we all too often inhabit.

So if I use the privilege of being in this place for one thing, it will be as a voice for my community, and in defending my community against racism and hatred I hope I will also make a contribution to returning

Victoria and Australia to the position of enlightenment which I believe we once enjoyed.

On 29 June 1982 the Honourable David Henshaw, a predecessor of mine as a member for Geelong Province, is reported as saying in this place:

Geelong is inhabited by a fine race of people and it is a fine location in which to live.

...

Geelong has an established manufacturing sector and a skilled labour force. It has an availability of resources. It has access to port and transport facilities, and it is a good location in which the work force can live.

In the same year that David Henshaw made those comments I went to Geelong on a camping holiday. Like many people with a similar story, it was a holiday that was to change my life, for on this trip I met a beautiful young Geelong woman named Geraldine Brown who ultimately became my wife. It began a long association with Geelong, every minute of which Geraldine and I have simply adored.

Geelong has had a varied history. At its outset it was vying with Melbourne for the right to be this state's capital city, and many in Geelong still feel cheated by a doctored map which incorrectly placed Melbourne closer to the goldfields of Ballarat and thereby secured funds from London to develop its port ahead of Geelong. I would agree that it is probably time Geelong got over it and moved on.

Later Geelong was a country town, albeit one that was the centre of wool exports to England, and later still, with the advent of Ford and Shell, Geelong became an industrial city, which it in part remains today. Once again Geelong is searching for a new identity. In a globalised Australia embracing new economies Geelong is starting to wonder where it fits in.

In the last decade we have come a long way in Geelong. The Geelong waterfront, particularly on Australia Day, is now the best part of the greater Port Phillip Bay. The road, now completed, has made the world of difference to Geelong's connection with Melbourne. Deakin University thrives, and the football club has recovered to be in a very solid position.

But still there are some big holes in Geelong's net. Even though the road has been upgraded, compared with the infrastructure links of Newcastle and Wollongong with Sydney, Geelong's infrastructure links with Melbourne remain poor. Geelong lacks a proper conference facility, which denies it many opportunities to bring revenue into the town. Our internal public transport system is a major problem.

Then there is Avalon. Anyone who went to see the airshow recently would realise the enormous potential of this facility. I believe those in the private sector have developed a vision for what this place could be and its importance to Geelong. But all levels of government are yet to fully appreciate that vision and get behind it. Geelong simply needs this development.

We need to make people from outside Geelong, from Melbourne and beyond, more aware of what Geelong and its environs offer. Geelong is the gateway to Victoria's premier tourist attractions: the Great Ocean Road and the Twelve Apostles. Yet many do not seem to appreciate what this traffic flow can mean for our future. We are at the centre of a burgeoning wine region. Located in my province is arguably the surfing capital of the world: Torquay — the home of Rip Curl, Quicksilver and Bells Beach.

Geelong is quickly becoming Australia's best kept secret. While this implies much that is good, rather than being a secret it would be far better for us to be in the limelight.

Most of all, people in Geelong need to feel more confident and secure. There has been a vast improvement in this over the last few years, but pride in Geelong must continue to grow, for there is a big difference between feeling defensive about our town's past and feeling confident about our town's future. For my part I am not confident of Geelong's fantastic future: I am certain of it.

On 27 March 1991 the Honourable David White, a member for Dootta Galla Province and the Minister for Manufacturing and Industry Development, is reported as saying in this place:

The government looks forward to assisting the CSIRO and the large-scale component manufacturers in the automotive industry in maximising the use of the proposed —

automotive research and development —

centre and ensuring that as a result of the establishment of the centre it will reinforce Victoria's pre-eminence as the centre of the vehicle manufacturing industry in this country.

David White said that during my last year of working on the tyre assembly and axle lines which formed part of the production line of the Ford Motor Company at its plant in Broadmeadows. My job was as an assembler. Prior to entering political life I was a production worker. I am proud to have been a production worker, and I recall feeling this pride at the time. I very much felt that I was making a contribution with my hands to a vital part of the Victorian economy. It is a view that I maintain today, for manufacturing is at the heart of the

Victorian economy and indeed Victoria is the heart of the nation's manufacturing. I strongly believe it is the role of the Victorian government to continue its work in making Victoria a fertile place in which to undertake manufacturing and to invest in manufacturing.

At Ford I also sought to make a contribution with my voice, and so I became the Vehicle Builders Union delegate for the tyre assembly and the axle lines. I was responsible for about 100 workers. Unions have played a critical part in the development of this state and this country. Underpinning the egalitarian Australian spirit which was first evident for the world to see among the Anzacs as they camped at the foot of the pyramids and which characterised the Anzacs at Gallipoli was a just distribution of the country's economic wealth.

For most of the 20th century Australia has had the smallest gap between rich and poor of any country in the Organisation for Economic Cooperation and Development. That fact may well be regarded as the Australian trade union movement's greatest achievement. It is no coincidence that as trade unions face difficult times in this country now, the gap between rich and poor grows faster in Australia than in any other country in the OECD. This phenomenon strikes at the heart of what it is to be Australian, for egalitarianism and even mateship are ultimately reliant on wage justice. It is only through the work of trade unions that wage justice retains a chance in this country.

Victoria is the centre of the Australian industrial movement. The Australian Council of Trade Unions has been based here since its inception in 1927. Melbourne is the home of many national offices of unions, including both my old union, the Vehicle Builders Union, and Australia's oldest union, the Australian Workers Union. Victoria is also the centre of Australia's industrial history. The 8-hour day was first achieved in the world not more than a mile from here in the construction of the old quadrangle building at the University of Melbourne in 1856. So it is important for me to place on record that I am a friend of both Victorian manufacturing and Victorian unions, and when either looks to this place for a friend they should always know that they have me.

On 19 November 1997 the Honourable Caroline Hogg, a former member for Melbourne North Province, is reported as saying in this place:

I believe some of the stigma that attaches to mental illness is gradually disappearing — but it has not completely disappeared. The television campaigns that are run by the commonwealth government, perhaps in conjunction with state governments, to eliminate the stigma that attaches to

mental illnesses are to be valued. It is important that we talk about issues to do with mental illness. Anything that raises people's consciousness of and seeks to normalise at least some of the factors associated with what can be troubling and frightening conditions is to be supported.

Earlier in the year of Caroline Hogg's comments I experienced the consequences and the pain of mental illness and depression when my sister-in-law committed suicide. It is impossible to properly understand the suffering associated with such an event unless you have experienced it. Family, friends and children are left to cope with the death of a loved one, but they are also left with so many questions about suicide that can never be answered. It is a particularly acute pain which may dull over time but which really never goes away.

One in five Australians will suffer from mental illness in their lives. Most will never seek any treatment for it. There is a stigma which attaches to mental illness which simply does not exist with physical illness, and yet it is one of the most common forms of illness in our society today. The acceptance of mental illness, of having it, of its treatment, and the acceptance by others of those who suffer from it, remains one of our largest public health issues today.

If there is ever any doubting the serious effects of this issue one need only look at the figures on youth suicide. Twenty-two per cent of youth deaths are now through suicide. It is the second biggest cause of death in our community for people between the ages of 15 and 24. This is a disease which is quite literally killing our youth.

As a father of three teenage boys, these are statistics which I find horrifying. In years past issues like drugs, car accidents and alcohol kept parents awake at night with anxiety about their children. To that list must now be added suicide. It is now unlikely that my children will grow up without one of them knowing of a peer who suicides. That knowledge, and that pain, they will carry with them for the rest of their lives.

Professionals in this area must continue to strive to find answers; they must continue to strive to solve this problem. But as members of our community, the responsibility falls upon us to provide these people with all the support and resources they need so that this problem can be beaten. When our time in this place is over, it will be us who have to answer this question: what did I do to stop young people from taking their own lives? On this issue I intend to make a difference.

This brings me to 18 March 2003, where I now stand in this place telling you something of who I am and of

those passions which have driven me along the path that has brought me here. This journey has not been a lonely one; I am only a small part of the achievement that is my being here today. It is as much the achievement of others, many of whom are here today.

On 2 December 1972 at 11.27 p.m., on the night of that famous victory, the great Gough Whitlam said:

All I want to say at this stage is that it is clear that the majority given by New South Wales, Victoria and Tasmania is so substantial that the government will have a very good mandate to carry out all its policies. These are the policies which we have put in the last Parliament, and throughout the campaign we did not divert from them, we were not distracted from them, and we are very much reassured by the response the public gave to our program ... We are, of course, very much aware of the responsibility with which the people have now entrusted us.

Those same sentiments were echoed almost 30 years later to the day, when Steve Bracks claimed victory on 30 November 2002. That night the Premier said:

I am humbled by this overwhelming majority that we have in the house of Parliament here in Victoria. It is an historic win, it's an important win, it's one which we will take with great pride forward — it's one which we won't abuse, we will make sure we govern for every street, every suburb, every town, for every country area of Victoria.

These two victory speeches will long be inscribed in the political history books. I thank Steve Bracks and all the ministers and members of the 54th Parliament for their hard work, which has now made me a part of this historic 55th Parliament. And, of course, I thank the voters of Geelong Province for giving me that opportunity.

I would not be here but for the hard work, support and love of many people who are special to me. I would like to mention a number of parliamentary colleagues from Geelong who have given me steadfast support: Elaine Carbines, my colleague as member for Geelong Province; Lisa Neville, the member for Bellarine; and Michael Crutchfield, the member for South Barwon in the other place.

There are others in Geelong whom I wish to acknowledge, in particular, Richard Marles for his unending support, encouragement and friendship. There are not enough words in the world that can express my thanks to him — and also David Saunderson, Alex Di Natale, Kathleen McLean, Cameron Granger, Roger Lowry and Lou Brazier, who have been working with me for many years now in the hope that they would get the chance to witness this day: always know that this is as much your triumph as my own.

Thank you to the many Labor members and friends who have supported me, and I would like to mention Bill Shorten, Andrew Landeryou, Stephen Conroy, Kelvin Thomson, Hakki Suleyman, Fatih Yargi, Sucettin Unal and all of the leaders of the Turkish community. There are many people in this Parliament who would not be here but for the tireless and remarkable efforts of David Feeney. I am one person who will never forget David's contribution.

Of course I would like to thank my mum, Muyesser, and dad, Ali — had it not been for them I would not be standing here. I would also like to thank my mother-in-law, Allison Brown, and father-in-law, Gerald Brown, and all of the Eren and Brown families. My children deserve my unending thanks. My boys, Kadir, Ekrem, Enes and Adem, along with my daughter, Sumeyra, have had to endure a father who at times has been far more preoccupied than he would have liked on things which have not been nearly as dear to him and not nearly as fun as they are. I will never be able to properly express my thanks for your being in my life.

And finally to my wife, Geraldine. She is my world. I would not be here without her. There have been many bad times that I would not have survived without her. There is so much work that would not have been done without her, and there would not have been enough courage to do this without her. Geraldine, thank you.

In this place I am a representative of many groups and many people. I am a representative of my community, the Turkish community — in some ways beyond the boundaries of Victoria. We are, of course, all representatives of the Victorian people. I am a representative of those who live in Geelong.

But among all the groups I represent it is my family and friends who will always be in the forefront of my mind. You are the ones who care most about what I do here. It is your hopes and love that I feel with me when I stand here. And in all that I do I want you to know that it is my only wish to make you proud here.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to comment in reply to Governor Landy's speech delivered to this Parliament on 25 February at the opening of the 55th Parliament of Victoria. I would also like to take the opportunity in doing so to thank and congratulate Governor Landy, ably assisted I might add by his wife, Lynne, for the tireless work he does for the people of Victoria. Both do an outstanding job. I know their visits to my electorate, and I am sure to other parts of Victoria, are most welcomed by the people, who like to see the Governor and his wife come

to their particular part of this lovely state. I thank the Governor for the tireless work that he and his wife perform for the people of Victoria.

This 55th Parliament comes about because of the general election held on 30 November last. The election resulted in a very clear win for the Australian Labor Party, with the magnitude of that win meaning that Labor now has been returned with a much increased majority in the Legislative Assembly and an absolute majority in the Legislative Council. I, for one, congratulate the government on its win. Clearly the people of Victoria have indicated they prefer to have a Labor government in place, and that is the position we end up with today. I congratulate the government on that. I also say it is up to the government to ensure it uses the power given to it very wisely. Now a great deal of responsibility has been put on the shoulders of all members of the government.

I also congratulate the new members on their election and their initial contributions in this chamber. I have sat here and listened to the inaugural speeches of every new member of the chamber, as is my practice to try to do, and I congratulate each of them on the quality and the distinctive style with which each has made their contributions to the address-in-reply debate. Having listened to them I am reminded that people come from a variety of different experiences with a variety of different passions. I am sure each new member has the potential to make a significant contribution to debate in this chamber during the period they have been elected for.

My advice to new members is to make the most of this opportunity and to regard, recognise and acknowledge that this is a rare opportunity. Not many Victorians get to stand where you and I stand today in this place and contribute to debate in this chamber. Over the almost 150 years this chamber has been in existence there have not been that many representatives elected here.

My advice also is to respect the institution. You and I might have ideas about how the Legislative Council works, and we may think it should change in some way or other, but let us sit back and think for a while that this system of Parliament we have here has evolved over that 150 years. Yes, no doubt there will be changes in the future, but we still need to respect the institution and the way it has operated over that period. We should not come into the place and abuse, which is probably the right word to use, the reputation and traditions that have been built up over a long time.

The words used by new members and the not-so-new members in this debate are true. We all have something

to contribute, but we need to do it in a responsible and often bipartisan way if we are to make a change and a difference. We have all been elected by the people of Victoria, and we all need to work together to improve this place and uphold the responsibilities that have been bestowed upon us. The new members of this place have made an outstanding contribution. They have the potential to go on to be excellent representatives for their areas and contributors to debate in this place.

I also want to thank the people of Gippsland Province for their vote of confidence in returning me as their member for Gippsland Province. It was a fairly harrowing election for some members other than those who belong to the Labor Party. A few of us went through a traumatic time, but I was pleased to be returned with an increased majority. I regard that vote of confidence bestowed on me by the people of Gippsland Province as both a privilege and an honour. I commit for the third time — my third election — to upholding the responsibilities I have as their representative to the best of my ability.

After an election win the government will always be the first to claim that because of its win and particularly because of the magnitude of its win it has a mandate to implement its election policies. Equally I claim that my re-election in Gippsland Province gives me a mandate. It gives me a mandate to pursue the policies, the directions and the changes that I and my colleagues in the National Party have advocated for some period of time. To be re-elected as a member of the National Party reflects the fact that the people believe the work we are doing is good, and through that election result they have given a vote of confidence to the National Party. I have a mandate to continue my strong advocacy in the directions I outlined both immediately prior to the election and in the years before the election and to continue to serve the people of Gippsland Province.

The election result of 30 November last was a meritorious outcome for the National Party as well as the government, which was treated well. Every time we go to an election the commentators are quick to wipe out the National Party, thinking, 'This is do or die for the National Party', but we are still here, and we are still strong and an official party in the Victorian Parliament.

The National Party stood tall in the election against a huge tide of support for the Labor Party. We were the only party to take a seat from Labor, that being the seat of Benalla. The National Party had some very positive swings to it in seats like Gippsland South, Lowan, Morwell and Gippsland Province. My new colleague and my deputy, the Honourable Damian Drum, had a

magnificent win in the north-west of the state, succeeding the Honourable Ron Best in that seat. I particularly congratulate Damian on his win after a hard-fought election. I think he will be an outstanding member both for the National Party team and as a contributor in this chamber.

Members in the upper house, as has been acknowledged by some of the members who have contributed to this debate, rely to a large extent on their team-mates running for the lower house seats. I am no exception to that. Part of the reason I am back here today is the outstanding performances of some National Party candidates for lower house seats encompassed in the upper house electorate that I represent.

I refer to people like my parliamentary leader in the other place, the honourable member for Gippsland South, Peter Ryan, who had an outstanding result in that he was returned with an increased vote. Darren Chester was an outstanding candidate in Gippsland East; he performed extremely well. Ian Needham was an excellent candidate in the seat of Narracan, where traditionally the National Party has not had a big impact; but Ian did exceptionally well there. Jenny Hammett ran for the seat of Morwell and came within perhaps 400 votes of winning the seat. She did not get down to the final two, but the way preferences were flowing to a particular candidate, had she had another 400 primary votes she would have been catapulted through the other candidates, and maybe she could have pinched that seat for the National Party. The seat of Morwell is interesting in that the majority of the Labor Party there has been halved to 4.9 per cent. We may talk about the swing of the tide to the Labor Party at the election overall — yes, that is true — but there were some outstanding exceptions to that rule, one being Morwell. And part of the reason for that was the outstanding work done by the National Party candidate, Jenny Hammett.

To all my colleagues on both sides of this chamber, I wish them well for the four-year term that we now appear to be facing, and I thank all my National Party colleagues who helped me get where I am, and I particularly thank the people of Gippsland Province for returning me as their member once again.

That having been said I turn to some of the matters referred to by the Governor in his address to Parliament. I will look at three particular aspects of his speech. I wish to talk a little about bushfires. The Governor mentioned those, and in his speech he gave recognition to the volunteers for their assistance in fighting bushfires. I want to talk a little about upper house reform, and I also want to go to the issue of

water, if I have time. Each of those three items was commented on by the Governor in his address.

First of all, bushfires. I think it is amazing that there has been little opportunity for the Parliament to discuss the matter of bushfires. I think the public would be quite appalled to learn of the fact that we spend hours in here talking about trivial matters like sessional orders, for example, but the issue of bushfires has warranted at this stage only 1 hour of debate in this chamber. Yet bushfires are what have impacted most severely on the people of Victoria, very evidently in the last 12 months, if not longer. As the Honourable Andrew Brideson said, the subject was raised by the opposition and has only been raised by members of both the National Party and the opposition. In any opportunity we have had we have brought that subject up, but the government has not done so to this point of time.

I can say to honourable members that during January, February and now March, the overwhelmingly dominating issue that has come through my electorate office, and the work that I have had to perform during these last three months, is all fire related. That has been almost the only subject of major concern. I say to members of the government, too, that it is not just members representing country electorates who should be concerned about bushfires. It should be a matter of national importance and a matter acknowledged and recognised by people who live in the city as well. You have only to look at what happened in Canberra where people who live in the capital city of this country lost something like 400 houses — and we had bushfires close to Melbourne. If you can imagine that on some of those days bushfires were spotting 5 to 10 kilometres ahead of the fire front, then it is not inconceivable that a fire in the Dandenong Ranges, for example, could wipe out all of Melbourne if the wind was in the right direction. People, wherever they live in this state, should be concerned about bushfires. That is why I am extremely disappointed that we have had so little opportunity to date to debate the issue in this Parliament.

It is difficult for most of us to comprehend the real impact that these fires have on the people's health and wellbeing. You really have to go and talk to the people, to visit them, to know them, to understand what the impact is. We could say here today that these bushfires have burnt over a million hectares and have destroyed 41 houses, or we have lost thousands of head of stock or thousands of kilometres of fencing, but that is purely statistical. Statistics are just that; they are numbers. They give you no reflection of the impact of those things on the lives of the people they directly affect. Perhaps that is one of the reasons why members of the

government do not give this issue real regard. I encourage members of the government to go out there and visit those people, to talk to them and understand them.

I thought that what I needed to do today, rather than to talk about statistics, is to give you a few case studies, examples of people in my electorate and of how the bushfires have actually impacted upon them.

Hon. M. R. Thomson — I have been there.

Hon. P. R. HALL — I absolutely welcome that. I welcome the minister to go out and stand in the burnt paddocks and amongst those forests and sit at the kitchen table with those people. Don't just make a rush shadow Cabinet visit to the area or something, or have them come to the local hall and talk to you. Get your boots and hands dirty. Go out and talk to them. That is most important.

Hon. M. R. Thomson — I spent two days there. From Corryong to Mount Beauty. I am happy to go to East Gippsland.

Hon. P. R. HALL — Good. We will welcome the minister any time, because not many of her colleagues have been down there, I can tell her.

The first thing I want to talk about is the waiting. This was a catastrophic event that did not just happen in a matter of hours. It happened in a matter of weeks and months, and people do not understand that. One of my visits, shortly after the fires — indeed, while they were still burning — was to the Omeo area. When I got to Ensay I stopped in at the place belonging to Evan and Dot Newcomen. While I was there their brother Barry also called in. These are people I have known for a good 12 to 14 years. They are good people who are always very positive despite the fact that Ensay in the Tambo Valley has experienced drought, ovine Johnes disease, and then we had the flood down the Tambo Valley. They have done it as hard as anyone in Victoria but they have always kept a positive face.

At that stage these people had been waiting six weeks for the fires to hit them. They knew they were coming, but it was just a matter of time, and their life was put on hold for that period of six weeks. How would you be — put yourself in their shoes — if you were at home knowing that a fire was coming along to potentially destroy your house, but you did not know when it was going to come? These poor people could not sleep at night. They were lucky to get 3 or 4 hours sleep at night because they knew the fire was up on the ridges and the wind, with the right directional change, would bring it down into their property and they would be out there

fighting it. I have never seen Evan, Barry and Dot Newcomen look so tired in my whole life. They are good, hardworking people whose health has really been affected by this fire. Thankfully the fire did not reach the Newcomen's property, but it came very close to the back of it.

It was the same with another of my constituents, Robert Belcher. They were performing back-burning on his property on the day I visited him up at Bonang. He said he had never been so bugged in all of his life — those were the words he used. It has really knocked the hell out of him, just the waiting and the anxiety about the impending disaster that could hit his property at any time.

I want to talk about some of my other constituents who had losses resulting from the fire. Peter and Christine Faithful, for example, who operate a farm between Omeo and Anglers Rest, north of Omeo. They had losses of 300 cattle stock and numerous sheep as well. They lost a lot of fencing, outbuildings, all of their fodder, both standing and stored, and were left with about 500 cattle to graze. Some of those were in the high country. Lo and behold! A week or so ago, the government invited them to bring the cattle back in case the grazing in the high country impacted on the environmental recovery up on the Bogong High Plains. The fire had not even got to that particular spot in their run. They were certainly incensed that the government was suggesting that they should bring their stock back early from their high country grazing licensed area to a barren farm where there was no feed for those cattle. It just showed how insensitive the government was with respect to those people.

Christine Faithfull, for example, contacted me again just this week — as I said, inquiries from the fire are continual. She had insurance coverage for \$120 000 on their stock, but because they have only lost 300 out of 800 the payout on the insurance claim is going to be in proportion to those stock losses, which they find extremely hard because their 300 head of cattle were alone worth \$120 000. They, like many other people, are going to suffer severe financial losses. Their main property, as they explained to me at the time — and I caught them on the roadside when their heads were hung low, just a day or two after the fire — they did not care so much about their house; they thought their stock was more important, their stock was the most valuable property they owned. Yet they got no assistance to help fight a fire to protect their stock.

Clive Richardson is another of my constituents. He lives at Seldom Seen, which is about 45 kilometres north of Gelantipy — you are looking at about an hour

and a quarter to an hour and a half north of Buchan. Not many people get up to Seldom Seen, but Clive Richardson ran an export nursery business from Seldom Seen, one of the first people in Australia to grow pistachio nuts, and he was way up there in the high country. He had an orchard of somewhere around 60 to 100 acres; I am not exactly sure of the size. The fire went right through that orchard. Cultures of trees and fruits that he had imported and held in quarantine and finally got to such a stage that he could plant them out, all gone in the fire. All his plastic piping used for watering his orchards was also completely destroyed in the fire. Again he is probably one of those who have not got adequate insurance coverage to cover that loss. His life has been devastated because of that fire.

Sally and Gordon Moon are also from up at Wulgulmerang. They saved their house only because they had back-burnt in the previous October around their house. That was the only reason they were able to save their house. During the course of the fire they had to go with their son and daughter and 15 of the dogs from their sheep and cattle property to hide under the house for an hour. The electricity went out, of course, and they were hiding under there in the dark. If you have seen any of the photos of what it was like when the fire went through, you will know it is absolutely pitch black. They spend an horrific hour and a quarter caught under their house while the fire went over them. The post-traumatic shock of some of those events is the thing you can see in the faces of the people when you talk to them, and you can hear it in their voices.

Bluey Minchen is another guy up at Wulgulmerang. People are very resilient in the country, and Bluey is typical of them. He lost his house. The house was gone, but he came back two days later with a smile on his face to say that he still had his chooks! Somehow the chook shed was saved from the fire. He said, 'But they have gone off the lay a bit. I got 12 eggs the first day, but they are down to 6, now so it does knock them around a bit!'

The thing Bluey was most pleased about — even though he cared greatly about the house he had lost — was that his most valued possession was saved: his horse Mustard. Mustard was in the corralling yards near the chook shed and was saved. He said when he came back to the house, because he had had to leave it when it was burning down, there was Mustard looking over the corral fence as if to say, 'Where have you been?', in Bluey's words. He had to borrow a saddle because he had lost the saddle, but the day I saw him there he was mounted on Mustard checking the stock and sorting out those that had been burnt. The government does not understand that, but stock whose hooves had been burnt

would have to go to the abattoirs within the next week or two before infection set in. He was sorting out which stock had to go and which would survive the trauma of that fire.

For people like Alan and Lorraine Brown up at Dellicknora their situation is quite unique. Alan and Lorraine own a 2000-acre property up there running sheep and cattle. The fire did not hit their property, but the department came in one Saturday and said it was bulldozing a track through their property in an hour's time and then back-burning through the heart of their property as well for fire mitigation work. They border the Snowy River National Park. They had 1000 acres of their 2000-acre property back-burnt — that is, destroyed by a deliberate burn. That burn took all of their standing fodder and 8 kilometres of dog-proof fencing at a replacement cost of \$8800 per kilometre. This is a fire the department started for back-burning. Now they are left with the dilemma of not getting any assistance to replace that dog-proof fencing.

They might gain some, but they have not had any yet. At best it appears they will only get half of the material costs of the fence repaid to them, yet they allowed the department to come in and back-burn their property for the good of the people of Victoria, and in doing so had 8 kilometres of their best fencing destroyed and all their standing fodder. Now they are left with a bill that is going to amount to probably \$50 000 or \$60 000. They will not get a wool cheque this year because they have had to take stock off their property where there is no feed for them. I spoke to Lorraine Brown yesterday to ask if there was any progress, and she said there was none.

Even today in my electorate office there were two inquiries from people in the Tambo Valley region. Brian Keating from up in Swifts Creek is very cross about the Tambo River still being polluted given that it is a town water supply. He has been to the Environment Protection Authority and to the East Gippsland Water Catchment Management Authority without success. He says the river is still full of dead stock carcasses.

There are people like Sue Bragg from Benambra. Sue rang up my office today to advise that the shire has run out of money and can no longer pay for water to be carted into their area. These people do not have any water. Their dams have dried up, some because of firefighting and others because of the drought; their tanks got polluted with the sediment from the fires; and their rivers and streams are polluted, and they can not use that bad water for drinking or for stock. One of Sue's friends has just paid \$180 to get some water delivered by a private truck to their property.

I raised this matter with government representatives and with the shire some time ago. East Gippsland shire was given \$10 000 from the Gippsland emergency relief fund — not from the government — to pay for some water to be carted to areas that were out of water. The shire got another \$10 000 from the same fund a little later on. It appears it has now run out of money again.

Here are people who have been affected by the fires and who are without water to even drink and bathe in, yet one of the people, at a time when they could least manage it, is having to fork \$180 out of their own pocket to replenish the water supply. If the government is going to respond and help the people who are in desperate need, then it needs to address these sorts of issues, and that is why I raise this today.

What has the government done? First of all I say the government's response to the fire situation was very tardy. People were left wondering whether the government even remembered that they lived in these parts of the north-east or Gippsland which were affected by fire. The government set up a ministerial task force and produced an interim report, which came down the Friday after Parliament last sat, just a week or two ago.

I was very critical that no government ministers visited Gippsland for ages and ages. If you want proof of this, turn to the government's own report where it talks about visits by government ministerial task force members to both the north-east and Gippsland areas where the fires were. I looked at the schedule with a bit of interest and thought, 'No, I can't remember them being up in Gippsland; when did they actually come?'

I looked at the report and saw that it says on 13 January the Minister for Environment, Minister for Water and Minister for Victorian Communities visited Bendoc and Orbost and then on 14 January he visited Marlo. That sounds fine, but if you know the geography of that area you will say, 'What in hell did it have to do with bushfires at that particular point of time?'. The fires started on 8 and 9 January way over in the north-east. They did not get to Omeo until 26 January and they did not get to the top of the Buchan Valley until 30 January. They did not get to Orbost or Bendoc, and they certainly did not get down to Marlo. Yet the government claims in the report that one of the ministerial visits was by the Minister for Environment, Minister for Water and Minister for Victorian Communities to Bendoc, Orbost and Marlo on 13 and 14 January when the fires were not within cooe of those areas. I just wonder whether he enjoyed his surfing; I am sure he did down at Marlo during the visit

on 14 January, because it had nothing to do with the bushfires.

Hon. R. G. Mitchell — They were told that is where the fires were going, that they were heading that way.

Hon. P. R. HALL — He must have had amazing foresight to predict, three weeks away, where those fires might have ended up. I would like to see his itinerary and who he spoke to on those days.

If you look at the rest of the list you will see that the next visit to Gippsland was not until 12 February — so there was a month's gap from 13 and 14 January — by the Minister for Tourism and the Minister for Transport. They visited Hotham — if you can call that Gippsland. Then the Minister for Police and Emergency Services got to Omeo on 12 February.

So there you are: for the first month of those fires we were absolutely deserted — and I can tell you that access was possible. The minister has claimed publicly that they could not access them; well I was able to access them, Peter Ryan was able to access them, Peter McGauran was able to access them, and some Liberal Party members I know were able to access those fire areas. So why in the hell could the government not get up there? One does not know.

That was the first point I wanted to make about the interim thing. That having been said, this report is notorious for the lack of detail it provides. It is window-dressing stuff right throughout its extent. I say that because there is no detail. Since the publication of the report I have spoken to my constituents and asked them, for example, 'Do you know about assistance with fencing? Have you tried it? Have you been able to get through?'. The answer has been a resounding no.

Hon. R. G. Mitchell — Have they tried?

Hon. P. R. HALL — Absolutely, Robert.

Hon. R. G. Mitchell — It is there.

Hon. P. R. HALL — Well, it is absolutely not. Not one penny of fencing assistance, for example, has flowed out of the \$5.6 million, or whatever, that is promised in the report, not one bit.

I will talk about Alan and Lorraine Brown, about whom I spoke before. I rang them just yesterday to see whether they had been able to make any contact at all and what the position was. Yes, they had made contact, and yes, they had registered that the government had come and burnt their fences. So I asked whether the

government would come back and rebuild their fences, and they said, 'No, the government had not even been up to assess their loss yet'. That is despite their registering it at the earliest possible time they could. The only contact they have had is from people from Rotary, one of the service clubs, who said, 'We understand you have lost fences in the fire. We would be happy to come up and do some work for you. We can even offer you some metal star pickets or droppers for the fences, if you like'. But they cannot accept that sort of offer from Rotary when they do not even know what assistance they will get from the government in terms of a grant for that product.

I even got hold of and had a look through the documentation that was supplied to land-holders about the different fencing that is available. Once again there was not one mention of the grant money for replacement fencing that will be available to people.

This, however, we do know, and this is contained in this report: the only assistance that will be provided will be for boundary fencing that adjoins Crown land, particularly national parks. The only grants that will be available will be for dog-proof fencing, costing at least \$8500 per kilometre. I have been told by people, not by any written information but by word of mouth, that the maximum grant they will get from the government is half the material cost, which is about \$5000 and a bit of that \$8500, and that they will have to pay the total labour cost themselves.

For people like Alan and Lorraine Brown, who have had their property burnt by the government for the betterment of the people of Victoria in trying to extinguish this fire, I reckon that is a bit rough. At the very least the government should be in there making full restitution for the property damage it has undertaken on that property.

You can look through this interim report and see that it talks about supporting farmers. It mentions the fencing and the fact that the government is contributing \$3.75 million for dog-proof fencing joining Crown land on grounds of public safety and animal welfare. Terrific, but not one dollar of that money has been spent and has got out there; yet the fires went through many of these places in mid to late January, and then in early February the last of those areas were hit by fire.

The report also talks about supporting farmers. I refer to page 18, which says:

... if there is public land that is suitable —

that is, suitable for grazing —

it may be made available where stock containment and in situ provision of emergency fodder is not appropriate.

We in the National Party have been raising this issue for some weeks now. There are plenty of areas of public land suitable for the temporary relocation of stock. We have referred particularly to areas like hunting game reserves in the state; areas in Gippsland like McLeods Morass, the Sale Common and Jack Smith Lake near Woodside. All these areas at the moment have prolific grass growth and stock could easily be moved there.

I have had constituents ring up and say, 'My cousin was over at Yarram last week and went past Jack Smith Lake over at Woodside. It could take a thousand head of cattle for a month or two'. That is exactly what these people need, yet the government has refused to open up any of those lands.

I invite members who have not had a good look at the report to think about it and read it as if you were among the people affected by the fire and were trying to gain some information about the assistance measures that might be available to you. I can tell you there has been an absolute dearth of information.

I want to say one last thing about the report. There is one glaring omission. You can sometimes read reports and miss the things that are not in there. The glaring omission is this: help and assistance for the timber industry. There is no mention whatsoever, except for a paragraph or two about salvage harvesting. There is not one other mention of the timber industry.

For businesses and industries that have been affected by the fire — tourism, small business, et cetera — yes, the government acknowledged that and said, 'This is what we will do to help them', but it does not say one thing about the timber industry. Yet in the timber industry are the people who put all their resources into helping the government fight the fires. Let us remember that this fire is the responsibility of the government because it started on public land. Therefore — —

Hon. R. G. Mitchell interjected.

Hon. P. R. HALL — Mr Mitchell throws his head back a bit when he sees that I am making a point here. That is what the parliamentary act says. Perhaps he will get to read it one day. It says that it is the responsibility of the department to contain fires that have started on public land.

Hon. M. R. Thomson interjected.

Hon. P. R. HALL — They did not start on private land; these started on public land, and therefore it is a government responsibility to contain the fires.

These are fires that have spread from public land to private land, therefore the government has a responsibility to provide that assistance to those people who have been affected. Perhaps if the many previous governments had managed their public land better, the fires would not have spread to the extent they did, and that raises a whole new issue in itself.

Hon. R. G. Mitchell interjected.

Hon. P. R. HALL — If Mr Mitchell wants to debate, perhaps we will bring on a debate on bushfires. I would love to have this debate with a few members of the government, but I say to them: first make sure that you go out, look, and talk to these people and understand what the issues are.

The Bracks government has now said it will have an inquiry. That was announced last Friday. Finally, after we had the debate in this chamber and the government said, 'No, no, no', it was opposed to any form of inquiry, the Premier announced on 14 March we will have an inquiry. In his press release the Premier states:

This inquiry will cover the response to the recent bushfires, future bushfire management strategies, and bushfire preparedness.

He also said:

Members of the community will be invited to make formal written submissions to the inquiry and the commissioner will have the ability to consult further with those who have made submissions.

So I ask how this inquiry is going to be conducted. The press release contains no information on what the terms of reference for the inquiry are. We do not know whether the people conducting the inquiry will travel to meet with the people affected by fires. We are not sure whether they will hold any public meetings to discuss the issue.

Mr Viney interjected.

Hon. P. R. HALL — Why don't you say that in your press release?

The ACTING PRESIDENT (Ms Hadden) — Order! Through the Chair, please!

Hon. P. R. HALL — All it says in here is that it will receive formal submissions in writing. If you tell me that the Premier is not right, it is his tardiness once again that those details have not been listed in the press

release. If I were the Premier the first thing I would have done would be to show a preparedness to go out and meet and talk to people, to hold public meetings.

Hon. M. R. Thomson interjected.

Hon. P. R. HALL — All you have said in there is that you are going to invite formal public written submissions.

Mr Viney interjected.

Hon. P. R. HALL — Where are the terms of reference, Mr Viney? Why didn't you publish the terms of reference?

Mr Viney interjected.

Hon. P. R. HALL — No, I do not want any political event. I want some real help for the people who have been affected, because so far the record of your government in reaching out and helping those people is absolutely abysmal. These people I represent, people in the north-east, are angry. They are irate that this government has not gotten off its backside and given them any tangible assistance. The response to date has been absolutely pathetic. These people are angry, they deserve to be heard. This inquiry that has been proposed —

An honourable member interjected.

Hon. P. R. HALL — Yes, I hope you do go out and talk to those people, I hope you do hold those public meetings. We wanted a commitment for this, and I say that what you have responded to so far is inadequate. We want more details, we want the terms of reference published, otherwise the people who have been affected by these fires will not be heard or seen or have their situation acted upon to prevent things in the future.

Last week I went to a conference in Melbourne — no members of the government were there — Bushfire prevention: are we doing enough? The resounding answer to that question — are we doing enough to prevent bushfires? — was a resounding 'No!', and that was from scientists and from people who have been affected by the fires themselves. They spoke about a whole range of issues and said that we are not doing enough to prepare ourselves in Victoria. I hope the government inquiry looks at the submissions made by some of these scientists who spoke at that particular forum, because they spoke a lot of commonsense. It would have been nice, Mr Viney, if one member of the government had the interest to come along to it. Mr Stoney was there, and Mr Davis was there.

Mrs Carbines interjected.

Hon. P. R. HALL — Were you? Terrific! I say all this in response to the Governor's address. Let me say that I have taken this time because I have had no other opportunity to talk about bushfires in this chamber apart from an all too brief 15 minutes during a debate brought upon by the opposition in the first week of sitting. This is a major issue. It deserves the time, attention and consideration of this chamber. We should be talking more about these issues, and I have chosen today to get that message across. I think the Governor, being the good man that he is, will understand the points I have made in this debate. I speak out of real concern for the people that I represent.

In the time I have remaining I want to talk very briefly about reform of the upper house, and then about water if I have time to touch upon it. The Governor claims in his speech that reform of the upper house will make it fairer, more accountable and more representative of the views of Victorians. He said it will have the highest possible level of country representation. We will have a big debate about this next week in the chamber.

I just want to say at this time that I found the language in that speech was interesting. The words used were in government-speak: the proposed model of eight regions would have five members in each region, not five members representing each region. I claim it is impossible to be representative of the proposed large areas that the government is trying to impose upon the people of Victoria. Each region will have 11 lower house seats. We know from the bill that in the area I live, for example — part of eastern Victoria — I will have East Gippsland, South Gippsland, Morwell, Narracan, Bass, Frankston, Gembrook, Hastings, Monbulk, Mornington and Nepean. They will all be part of the large province in the area that I live. So the towns that will be covered will include Portsea, all the Mornington Peninsula, Frankston, Pakenham, Berwick — —

Mr Viney interjected.

Hon. P. R. HALL — I look forward to your coming with me every time I go up to Cann River or Bruthen or Wulgulmerang or Seldom Seen — all of those places, because that is what you are going to have to do, Mr Viney.

Mr Viney interjected.

Hon. P. R. HALL — Terrific. Each week when we start down there at Portsea on the end of — —

Mr Viney interjected.

Hon. P. R. HALL — There are many, absolutely many. I milk them by hand, too! I am telling you that you will not have the time to cover anywhere near the electorate that has been proposed for you. You will not be representative of that area.

Mr Viney interjected.

Hon. P. R. HALL — From Portsea to Mallacoota, Frankston, Cranbourne, Berwick, Pakenham. The demographic centre of that electorate is going to be in the Cranbourne–Pakenham area. The people in East Gippsland will be absolutely forgotten, particularly by any Labor representatives in that area. How the claim can ever be made that this model will provide the highest possible level of country representation simply astounds me. There is no credibility in that arrangement because country people are going to be done in the eye with these sorts of changes. Fairer? No. More accountable? No. Mr Viney and I can absolutely hide in that area. People will not know where we are. People will have no understanding of where we are in such a big electorate. How can it be proposed to be more accountable and more representative? No way. 'More representative' means you will only get the major league parties representing that area, and it is an absolute furphy to suggest that this system will allow minor parties to get representatives in the Legislative Council. They simply will not. We will debate that more in the chamber next week.

The last thing I want to talk about is water. Water has been the most frequently raised issue in my electorate office over the 14 years that I have been a member of Parliament. Whether it has been through lack of water or too much water in times of flood, ground water issues, waste water issues, irrigation, domestic water, water quality or marine water, the issue of water is forever coming up in my electorate office and over the years it has certainly been the most popular.

At this time, having experienced this drought, the realities are hitting home that water is the most precious commodity, and the management of that resource needs to be planned better in the future. We can either look at the demand management of water or we can look at the amount of the water that we harvest. I say there has to be a combination of those. We can bring about real economic, environmental and health benefits by combining both the way that we use water and how we harvest and release it for environmental, irrigation and domestic purposes. The use of water resources into the future will occupy the 55th Parliament to a large degree.

There are many aspects of water we could talk about, but once again that will be an important topic, and time does not give me the opportunity to canvass it the way I would like to during this contribution. So I finish at that point by reiterating to the Governor my gratitude for his address in opening this Parliament, by once again congratulating members of the Labor Party on their win in the election of 30 November, but I say to them: there are plenty of challenges for them ahead, and we as an opposition intend to fulfil our responsibilities as members of the opposition and members of the National Party to ensure that this government lives up to its promise and governs for all of Victoria, not just its power base.

Debate adjourned on motion of Ms HADDEN (Ballarat).

Debate adjourned until next day.

PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 4 March; motion of Hon. M. R. THOMSON (Minister for Small Business).

Mr VINEY (Chelsea) — I start by thanking the house for giving me the call in the debate a fortnight ago to enable the government to adjourn the debate. As I said at that time, the government adjourned the debate for three reasons: firstly, to give the community an opportunity for input into the legislation and to allow in the normal process for the legislation to lay over for a couple of weeks; secondly, to ensure that the house continue with the usual practice of bills laying over for two weeks unless otherwise agreed; and thirdly, to stand up to what I said at the time was an abuse of the process of the house by the opposition in attempting to bring on the debate immediately.

Having said that, I have indicated to Mr Atkinson that I propose to speak only briefly on this bill in order to allow him to put forward the opposition's view on the legislation. I will take up only a couple of minutes of the house's time to put my views on the legislation.

As has been noted in the second-reading speech, the bill is about ensuring there is a fairer approach, consistent with national standards in relation to public holidays and shop trading hours over the Easter period. Apart from three and a half days of the year all shops in Victoria can choose to open whenever they wish. It is important that the context of the legislation is understood in that sense because it has a very limited restriction in terms of shop trading. In particular, the

bill makes Easter Saturday a public holiday and generally requires shops to close on Easter Sunday, with a couple of important exceptions. As I mentioned at the beginning on my address the changes bring Victoria's arrangements over Easter more closely into line with those in other states. Victorians can now enjoy the same arrangements in terms of public holidays and the number of public holidays as are enjoyed by other Australians.

It is also worth noting that the legislation was put to the people of Victoria as an election commitment by the Labor Party and it was done to ensure that in Victoria we continue to have and promote a balanced relationship between work commitments and family life. It will also ensure some fairness in competition and in providing a fair operating environment for small business.

I mentioned a couple of exceptions with the legislation. The first important exception is that businesses employing fewer than 20 employees are exempt from the general requirement to close. This means that small businesses can continue to trade in the same manner they have in the past. It includes services such as milk bars, local stores, liquor outlets, restaurants and petrol stations.

The government acknowledges in the legislation and has made provision for the accommodation of a number of special events that occur during the Easter period and are traditionally held then. It ensures local councils are able to submit an application for an exemption for the general requirement for shops to close when such an event is being held.

With those few comments I close my contribution, as agreed with Mr Atkinson, to provide the opposition with the appropriate opportunity to put on the record its views on the legislation. I commend the bill to the house.

Hon. B. N. ATKINSON (Koonung) — Today I will not express pleasure in commenting on the legislation because that got me into a lot of trouble last time when I was sat down on my bottom before I ventured any further. I inform the house that the opposition will not support the bill and will vote against it. The opposition believes this legislation is largely nonsensical and illogical in many respects. It has not had the test of a fair public consultation.

The legislation is designed to appoint Easter Saturday as a public holiday and to require shops generally to close on Easter Sunday with the exception of some shops that have less than 20 employees, and we will

discuss that in some detail later. There is provision in the legislation for the minister to make exemptions to allow a certain class of shops or shops in a specified area to trade on Easter Sunday notwithstanding the thrust of the legislation. It introduces a penalty of \$10 000 equating to 100 penalty units for illegal trading by retailers on Easter Sunday.

The opposition acknowledges that the legislation implements Labor election policy but this policy was introduced as part of its industrial relations policy rather than as small business policy where the legislation is being sponsored. It was announced only in the last gasp of the election campaign so it was not something that was understood generally by the community at the time it was put to the people of Victoria.

It is interesting to note that the government in writing to a number of stakeholders subsequently, particularly during February, and I have a copy of a letter sent out to some stakeholders, indicates it was a key election promise. I dare say that the warning in that is to read the fine print on every document issued by the government because, as I said, this was not a matter that was given broad and effective promotion as part of the Labor Party's election campaign. Indeed, that is not just my opinion, but the opinion of the Australian Retailers Association, the Property Council of Australia, the Victorian Employers Chamber of Commerce and Industry and a range of other organisations that I have consulted in the process of reviewing the opposition's position on this bill.

Each of those organisations has expressed considerable dismay at the lack of consultation by the government. I must say many of them were quite surprised that this legislation came forward without the benefit of discussion with those organisations in stark contrast to the extensive consultation that the Minister for Small Business undertook on the Retail Leases Bill and the Small Business Commissioner Bill. The organisations appreciated the thorough consultation process undertaken with those bills, and the opposition will be hard pressed to argue against the minister's actions in terms of those pieces of legislation and the way they were subject to extensive discussions with industry groups and well known to the community generally. This legislation stands in stark contrast to that.

I put to the government, not as an antagonistic point but in a spirit of warning, that some of those organisations when discussing this bill — minor though it is in the scheme of things, particularly when compared to a bill such as the Retail Leases Bill — have wondered whether or not the lack of consultation represents the changed position of the Labor government now that it

holds a significant majority in both houses. In other words, now that this government is able to push through the legislation program it wants, will it be as willing to continue the consultation processes that were a feature of the first Bracks government? That is certainly a concern that has been raised with me by a number of representative groups.

We as an opposition are most concerned about the lack of process and the lack of consultation that was effected with this bill. We are also concerned about the lack of notification at various points and the important time line issues associated with this bill. As I have indicated, the legislation provides that people — particularly the municipal councils, which are expected to be the applicants in most cases — may apply for an exemption to the Easter Sunday trading position that will be established by this bill: that is, most shops will have to close on that day. The circumstances in which they would be able to make that application would include a local event of some significance that, it is presumed, would attract many tourists and visitors to the area so that it would be important for the town to showcase its retailers and provide retail goods and services. Such events include the Stawell Gift, the Bells Beach Easter surf classic and a longstanding festival conducted in Bendigo. In those circumstances councils have the opportunity to apply for exemptions.

One of the problems with the process adopted by this legislation is that the date for lodgment of applications for exemptions is 28 February. The only way you could find that out was to go to the web site and use the dial-up number to ask specifically what date exemptions had to be lodged by. On the first occasion I did that the person who answered the call was not sure about the date and said they would have to go away to find out because they had not had a briefing on it. I said I believed it was 28 February because a retailer had gone through this process and had alerted me to it. The person came back to me and said, 'Oh yes, it is Friday, 28 February'. I made that call earlier in that week. What irritated me about that deadline was the fact that it occurred before the bill had even come before the Parliament — in other words the government was pre-empting this Parliament. The government was anticipating that it would be able to use its numbers, come what may, and did not care what anyone else — the retail industry organisations or the opposition — thought about this bill. It was prepared to run roughshod over the Parliament and proceed with it.

That deadline still stands. It has not moved as I understand it — certainly that was the information given to me at a briefing by the department last week. Notwithstanding that, I believe the minister has given

an undertaking that she is prepared to continue to receive and consider applications that come in after that deadline. I suggest that would happen without any real statutory process being involved and simply at the whim of the minister.

We have this ridiculous situation where one area that will be severely affected by this bill is the City of Melbourne, and Lord Mayor John So sought to have the government consider whether the City of Melbourne, or at least parts of it, is an area that should be exempt from this ban on Easter Sunday trading. Cr So and the Melbourne City Council strongly believe the tourism opportunities for the City of Melbourne are very important in the context of this bill and that it would be a shame if the many people who will come to Melbourne as holiday-makers and visitors at Easter time were to find that the shops were closed on both Good Friday and Easter Sunday — and this year if they stayed in Melbourne for an entire week they would also find that the shops would be closed for half of Anzac Day.

Cr So on behalf of the City of Melbourne requested that the government look at the exemption. I am not sure whether he put in a formal application, because when he raised the issue the Minister for Small Business said, 'I would be pleased to talk to Cr So about this. I would be pleased to have a look at the case for an exemption for the City of Melbourne'. That is fair enough, and I must say that in raising this matter in the debate I am quoting newspaper reports rather than giving first-hand evidence. If those newspaper reports are correct, I congratulate the minister on being prepared to sit down and talk to the lord mayor about the needs of the City of Melbourne. However, as I say — —

An honourable member interjected.

Hon. B. N. ATKINSON — Yes, it would have represented consultation on this bill. However, it concerns me that the minister was then gazumped by the Premier, who said, 'They can come in and talk if they like, but we are not going to change anything. The City of Melbourne under no circumstances will receive an exemption'. That is why I am not sure whether the council bothered to then proceed to a formal application. The Premier said, 'The City of Melbourne does not really count'. Melbourne's importance as a tourist destination and as a Mecca at Easter when many people from country Victoria have a number of days off work and come to Melbourne to participate in a range of activities — one of which is very popular: that is, shopping — were prevented from doing so because the government would not even listen to the case the City of Melbourne wanted to make.

This lack of consultation is very much a sticking point for the opposition. It is one of the reasons I recommended we oppose the bill and why my colleagues agreed.

Had the government gone through a proper consultation process, our view on it might well have been different, notwithstanding that we would prefer — as a matter of course — to maintain the existing status of Easter Sunday as a general trading day for those retailers who wish to trade. But the lack of consultation certainly swayed our position.

I heard the Minister for Small Business say that this is not a step back, it is not the thin end of the wedge, and I can only take her assurance on that, but I just hope that is also the view of her colleagues, particularly the Premier, who has already gazumped her on this with the City of Melbourne, especially given, again, that this is a concession to the Shop, Distributive and Allied Employees Association, which made no bones about the fact that it had sought Easter Sunday as a public holiday. Indeed, it also went on to seek Boxing Day as a similar public holiday, and on that occasion the government said no, it was not prepared to go with that. The union is on record as having pressed for this, and that is fine — I certainly accept its right to move for this opportunity — but unfortunately I think the government has erred in deferring to the union's position on this issue.

I know the minister's position is that the bill is just talking about a single day, because she has put that position to this Parliament on a number of occasions in answer to questions. She said the only days when shops are required to shut are Christmas Day, Good Friday and half of Anzac Day and the proposal is simply to add one more day, Easter Sunday. I accept that that is a valid point to make, and that we are not therefore talking about the Bank of England. We are actually only talking about a fairly modest change to the legislation that is in place at this time. But there is no doubt that this legislation takes us back to all the confusion and anomalies we have had in the past with the extended trading hours debate.

I think there are, particularly in terms of this legislation, some very good reasons why Easter ought to be treated differently from the other times of the year. Certainly the retailers have made out a case for that, and I would hope that the minister has heard that case, as they have discussed it with her at various times. If this legislation is passed by this house today we will have a situation where the status of markets, for instance, is totally undetermined by the legislation. They do not feature in the schedule that is available to the Parliament or is

published on the web site by the government, and as I understand it the minister's office is currently examining whether markets ought or ought not be included. I was given an indication yesterday that if they were pretty much independent traders trading within a venue that would probably be all right, but that is not a particularly good assurance if a policeman comes along and says, 'Excuse me, we think you are liable for a \$10 000 fine because we do not think you should be trading'. No matter how much the retailer protested the reply would be, 'Well, let's go off to a magistrate and let him decide'.

In the absence of this definite position on markets, for instance, we really do have the confusion we suffered so long ago. I also wonder if we are going back to the days when there are going to be some absolute ripper sales on Easter Sunday for such products as books. We all remember the old days when you had people selling books and giving away a billiard table free with every book you bought. There was a particular retailer in Dandenong who sold a remarkable number of books, because his way of getting around the legislation that prevented him from opening on a Sunday was to sell books — which were perfectly legal to sell on Sunday — and who could stop a man from giving a gift to somebody? I might add, they were extraordinarily expensive books, but I guess if you added up the value package with the billiard table that you got for nix it was not such a bad deal, and certainly he was a very successful retailer at the time.

I wonder about the anomaly of newsagents that are able to trade on Easter Sunday under this proposed legislation and under the exemption categories that have been provided by the minister. The Honourable Wendy Lovell will be pleased to hear this — her family is not going to get Easter Sunday off, as the minister claims so many small business people wish to, to sleep in — —

Hon. M. R. Thomson — They can choose to close.

Hon. B. N. ATKINSON — Indeed, Minister, she could choose to close, and that is one of the fundamental points of this legislation, which begs the question of why we need it. Because one of the crucial points is that any of the small businesses who you have suggested in the public debate on this legislation wanted this legislation so they could have a day off on Easter Sunday is entitled, now, to take Easter Sunday off. There is absolutely no compulsion for them to miss a sleep-in on Easter Sunday or indeed any other day of the week that they wish.

Hon. M. R. Thomson — Except their competition!

Hon. B. N. ATKINSON — Except their competition. Well, they make decisions on that, and are we to then protect them from competition on other days? That is a very dangerous precedent that I take up on the interjection of the minister, because — —

Hon. M. R. Thomson — One day of the year!

Hon. B. N. ATKINSON — If we take the premise that these people want protection from their competition on this 'one day of the year', as the minister extols to me at this point, then why will they not come back and say 'Excuse me, but that was pretty good. We had a really good sleep-in on Easter Sunday, and we don't like competition on all the other Sundays either'.

The minister needs to look at this very carefully, because this legislation is totally unnecessary to achieve what she wanted to achieve. Can I go back to the newsagents? The newsagents are allowed to trade on that day. They are allowed to sell lotto tickets on that day. But a Tattslotto kiosk — —

Hon. M. R. Thomson — It's your exemption list!

Hon. B. N. ATKINSON — I will take up that in a moment too, Minister — thank you for helping me with my speech.

A freestanding Tattslotto kiosk is not allowed to open. I have a shopping centre in my electorate, the shopping centre of Forest Hill Chase, where there are two such retailers. The newsagent in that shopping centre would be able to open on Easter Sunday and sell Tattslotto tickets, but the Tattslotto shop will not be able to sell Tattslotto tickets on that day, despite the fact that he has a far more modest and narrow business in terms of his permitted uses.

The minister tells me this is because it is on a list that we developed. I make the point — and I really want to ram this point home strongly to all the minister's colleagues — the government is a second-term government. It has had a famous victory. It has been elected with a thumping majority in two houses of Parliament. There are no excuses anymore. That means the minister cannot simply pass it off by way of interjection, by way of fluffing questions and handballing questions, through remarks she may make in public that, 'It is somebody else's fault; it is the fault of the Kennett government' or of some government long past.

Hon. W. R. Baxter — The buck stops here.

Hon. B. N. ATKINSON — The fact is that the minister is in her second term and she has the throttle. She has the opportunity to do whatever she wishes in terms of fixing these anomalies. The buck stops here, as the Honourable Bill Baxter says. There are no excuses. To suggest that the government has simply adopted an exemption list because we had it is the most preposterous position to put to this house today as part of this debate.

I agree with the minister. The list is ridiculous and defies logic. I know the minister's office is struggling with the exemption list and recognises that there will be a need to revisit and review it. The government is trying to rush this legislation through. If we had to have the legislation, why was it necessary to have it this year? Why could we not have looked at it for next year? What was the great hurry? Was it just the loss of one Easter Sunday further?

Mr Smith — We knocked it off last time.

Hon. B. N. ATKINSON — You really are a dill; you are one of the greatest dills in this place.

Mr Smith — We had a long-term standing commitment.

Hon. B. N. ATKINSON — You took it to the last election. This is the first occasion it has come to this Parliament. Mr Smith shows he is a very illogical man in this debate. This is the first time it has come to this house and I do not care what longstanding commitments Labor has. The government has not brought them here for the assessment of the house on any previous occasion. This is the first time it has come here. I suggest that rather than the government's rushing it through for this year the government may well have been better to engage in the consultation process and bring it in next year, therefore allowing a lot of retailers, landlords and indeed holiday-makers to start making plans so they could address this issue.

That may not matter to Mr Smith, and it probably does not affect me much as a consumer, but it certainly affects many other people who go out into regional towns to spend their holidays at Easter. Easter is a strong holiday period; in fact, Easter is a stronger holiday period for much of that regional visitation than any other time of the year including Christmas holidays. It is a period when many shops in many regional centres will be forced to close. If Mr Smith wants to continue with interjections he should do so because they have been extremely helpful to me so far; I really appreciate them.

As to the exemption list that the minister raised and which I was discussing earlier, there was no reason to have this particular exemption list. The minister could well have reviewed it. In fact, had the minister consulted with the retailers association it may well have been able to provide advice on what was an appropriate exemption list for today. It may well have been able to work with her and say, 'Okay, we don't like this legislation' — and believe me, they do not like the legislation — 'but we can live with it, Minister, if you provide exemptions to these sorts of shops because our experience of consumer need is that these are the shops that ought to be open on Easter Sunday'.

The minister did not consult. Therefore we are left with an exemption list that is archaic and from a long time past. The minister suggests it is our exemption list. The minister is wrong because we abolished the exemption list. We brought in deregulated trading which obviated the need for an exemption list. It was long gone. It was off the statute book. In fact this exemption list is nobody else's but the government's. As I said before, there are no excuses on that.

Another key anomaly concerns a community that is significantly disadvantaged as part of the process — the Jewish community whose members live particularly in the Elsternwick and Caulfield area. This community will face a potential situation where the shops in that area run by Jewish proprietors could well be closed for four days straight because the Jewish Passover falls on 17 April, as the minister is aware; Good Friday is on 18 April — another non-trading day. Easter Saturday is 19 April — the Jewish Sabbath; and Easter Sunday, 20 April, would be another non-trading day. That means two of those days are taken up because of the religious conviction of people in that community. The other two days are denied them by government legislation. Potentially in those areas particularly covered by the City of Glen Eira there are many consumers who could be significantly disadvantaged because a large proportion of shops would be closed at that particular time.

Indeed, Frank Penhalluriack, who is well known to us all and who runs Penhalluriack's building supplies, is prepared to battle the minister if she tries to enforce a \$10 000 fine on him. He certainly says his doors will be open on Easter Sunday. He has expressed considerable concern about this not just from the point of view of the needs of the community in an area that has a high proportion of people from the Jewish community.

I take up the example of Frank Penhalluriack's business category — that is, hardware. Easter is the most important do-it-yourself period on the calendar every

year. That is the holiday break when many consumers take the time to paint their houses or carry out home improvement projects. Therefore hardware stores being open is extremely important for people at this particular holiday break. Again, two of those days of the holiday break are to be regulated by the government and are unavailable for them to retail.

Notwithstanding that the minister sees that this is a reasonable time frame for retailers to gear up and plan for, many retailers, particularly food retailers including supermarkets, indicate it will throw out their inventory management systems quite dramatically and will add costs to their businesses in terms of inventory management and staffing. Given the lack of consultation elsewhere, this legislation was announced entirely by the minister's press release which talked about harmonisation, which was a lovely spin on it. I heard wonderful music and *Sound of Music* stuff in the word 'harmonisation'. It did not seem to fit, but it was a lovely bit of packaging by the spin doctors of the Bracks government.

The government never once said that the Shop, Distributive and Allied Employees Association, known as SDA, had sought this concession, yet the SDA admitted it. It came out and said, 'Yes, we asked for it', but the government did not dare say, 'It is a concession to them'. Instead the government said two things. It said, 'Small businesses right around the country have been asking us to close on Easter Sunday. They want a rest'. As the minister said earlier, 'They feel obliged to open because their competition is open on Easter Sunday. They do not want to have that obligation and they want to close'.

That is the position that was put publicly in a press release and has been put in this house. The only problem is that the Australian Retailers Association cannot find any of these small business people who think that way. The Australian Retailers Association has sought among its membership people who believe Easter Sunday is a day on which shops ought to close, and it has been unable to find any. The Victorian Employers Chamber of Commerce and Industry has been unable to find them; the Property Council of Australia has been unable to find them; and I have been unable to find them. Despite the fact that I have had some sort of press coverage, and particularly radio coverage, right throughout Victoria on this issue, nobody from those areas has rung up to suggest that the minister's position is correct. Nobody has rung up to contradict the position I have put in those news reports.

The Australian Retailers Association, and it put it succinctly in one of its releases, does not believe there

are retailers who were demanding this change. Who are they? How many are there? Why have we done this? Ah, it was a concession to the Shop, Distributive and Allied Employees Association, which was a pretty good supporter in the last election campaign, and before, and has a couple of members in the ranks of government now. It was a concession to the union, and I dare say there were barely a few if any retailers who seriously proposed that this legislation ought to come before Parliament.

Harmonisation; this was to bring us into line with all the other states. I accept the point that perhaps adding Easter Saturday as a public holiday gives us the same number of holidays as other states, and if that is what the harmonisation argument is all about then I suppose notwithstanding the difficulty I have with that word as a bit of sugar coating, maybe I accept that position. Okay, we have brought ourselves into line with other states. But if we are talking about harmonisation in terms of the shop trading hours, then that is an absolute nonsense, because the states have very varied trading hours at this stage — all the way from total deregulation down in poor old Tasmania, introduced last December in a state that depends very much on tourism and recognises the importance of having tourists in its cities, unlike the Victorian government, apparently, which has denied the City of Melbourne the opportunity to open on Easter Sunday —

Hon. B. W. Bishop interjected.

Hon. B. N. ATKINSON — He's bringing home the Bacon!

South Australia and Western Australia have quite restrictive trading. Even the South Australian government is a little more contemporary in terms of Easter Sunday trading, I suggest. There is no doubt that the declaration of Easter Saturday as a public holiday will also add costs to other businesses outside the retail sector, particularly businesses where employees are not covered by current federal awards or an enterprise bargaining agreement (EBA) that nominate Easter Saturday as a public holiday. That adds extra cost to business, and certainly some of those businesses have expressed concern to me about that. I am not sure that that is as significant as the Easter Sunday costs and the inconvenience and confusion to retailers and consumers, because most businesses would in fact be covered by federal awards or EBAs at this point, and the retailers have recently brought down a new award as well.

Small business can already close, as I suggested earlier in the debate, so really the whole notion of having this

legislation is ridiculous, and we ought not to be pursuing it at this time.

I and many of my colleagues are most concerned about its impact on regional areas, with the inadequate advice of the change to those areas and the uncertainty that it is therefore creating for a range of events.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Hon. B. N. ATKINSON — I have forgotten what I said before tea, so I had better start again! I will move on to one of the other points that concerns us about this legislation, and that is the use of the police to enforce these trading laws. I can accept that this is the trading position on those days that shop trading is not currently allowed, those being, as I mentioned earlier in this debate, Christmas Day, half of Anzac Day, and Good Friday. But nonetheless, to reintroduce this restriction on Easter Sunday trading just exacerbates a problem and particularly, as I said, in the context of the illogical position of this legislation on Easter Sunday, it involves the police in prosecuting matters which by any measure are fairly trifling.

At Easter in particular, police are dedicated to road safety. It is a particularly difficult time on the roads. A lot of people travel at Easter and it is a time when road toll blitzes have traditionally been mounted by the government because the accident record then is not a happy one. Therefore many police are dedicated to the road blitzes and to the prevention of accidents at that time of the year, and there are also issues in terms of crime occurring over the Easter holidays. People leave their homes unattended and quite a range of property crimes occur at this time of the year, sadly, as they do at any time of the year. Under this provision of the legislation we have a situation where the police might well be called to begin an 'investigation' and to commence proceedings that lead to the prosecution of a retailer whose only crime is to sell a hamper or a can of sardines on Easter Sunday.

To me that is diverting the resources of the police that would be much better applied to road safety initiatives and indeed to crime. This legislation would invariably divert them in some of their duties if it were to be taken to the nth degree. It is quite possible, of course, that they will not be involved because it is quite possible that there might not be any objections, that in fact consumers will welcome the fact that some retailers might well be prepared to defy this law. I might tell you that retailers and industry associations have indicated to me that they might well be prepared to see a defiance of this law when it comes into place because they see it as illogical.

Nonetheless it is an unfortunate outcome of this legislation especially in the context that I discussed before the dinner break of some retail shops not being properly classified under the legislation — in other words, the question of those markets, the question of retailers that might be mixed-use retailers who have part of their business involved in the sale of goods that are not supposed to be sold on an Easter Sunday and part of their goods that are allowed to be sold on an Easter Sunday. These were some of the very anomalies that led to the reform of shop trading by the former Kennett government.

There is one other thing that I ought to bring to this debate. It is by good fortune that my contribution extended over the dinner break because I had the opportunity to attend a function of the Australian Hotels Association (AHA), which was fairly enlightening because it was mentioned at that function that the hoteliers had been very concerned about the impact of this legislation on their businesses. There was some uncertainty as to whether or not the legislation applied to them and the indication given in the discussion tonight was that the minister said, 'Oh well, you guys will have to decide yourselves whether or not you are going to open'. I hope the minister gives some explanation in the third-reading stage as to what the circumstances are that have led to whatever direction has been given to the Australian Hotels Association and that there are assurances of some certainty in the position that is available to those hotels.

I would not want to see a nod-and-a-wink sort of arrangement with the hoteliers association about some sort of discrepancy in this legislation or in the jurisdiction of the legislation on those hotels. Frankly I would not have expected that this legislation would have applied to hotels; but it appears now in terms of the discussions it has held with the minister that it has established that there is a possibility that the legislation applies to its industry. Certainly that ought to be clarified to this house on this occasion.

I had canvassed the Australian Hotels Association when looking at this bill to find out its views. The area on which I had particularly sought its advice was whether or not any of its members would be affected by the declaration of Easter Saturday as a public holiday. As it turns out most of them would be covered by federal awards and therefore unlikely to face additional costs for opening their premises on Easter Saturday; but certainly that case needed to be established.

Moving towards the conclusion of this contribution to the debate, I would mention again that we are only talking about one day. I accept that has been a

proposition that has been put by the minister to this house. But retailers have put to me in the consultation I have had that this is a significant day in the context of the existing days during the holiday break. In other words, for Christmas Day it is fine, that is one day and retailers are able to plan around that one-day closure because they know they can come back on Boxing Day. Indeed, consumers can rely on that as well in terms of buying the merchandise they wish to buy.

In the case of Anzac Day it is a half-day holiday to ensure that we appropriately commemorate the loss of life and the supreme sacrifice that many Australians have made in the theatres of war; so it is appropriate that we show that mark of respect by closing shops for half a day on Anzac Day. But in terms of the disruption of retail businesses and the opportunity of retailers to serve their customers and customers to access those shops, not a problem.

In terms of the Good Friday holiday, which is already provided for in legislation, to have one day out is not such an issue; but when you are looking at a situation where Good Friday is out, Easter Saturday is a public holiday under this proposed legislation, then Easter Sunday is closed again, you have a situation where retailers are finding it very difficult to roster staff, organise their businesses, organise their inventory and in fact even deal with the costs and confusion of advising their customers. Then Monday is also a holiday. Even being able to communicate with their customers what the hours of operation of their businesses are over that period and the services that they will provide to the customers over that period will become a major problem.

What I am suggesting to the house is not my personal view necessarily but the view that has been put to me by retailers. I am sure retailers have endeavoured to put this view to the minister on a number of occasions in their representations on this issue.

In a year like this the problem for them is exacerbated further by the fact that Good Friday is a closed day, under this legislation Easter Sunday is a closed day and in the following week Anzac Day is a half-day closed day — so you have two and a half of those three and a half days provided for throughout the whole year occurring in the same week.

I conclude the debate by reading into *Hansard* some comments that have been made in the monthly newsletter of the Australian Retailers Association — Victoria. It said it has conducted a survey of members to find out what they thought about this particular proposal by the government of making Easter Sunday a

day in which shops should be closed. The results of the survey by the ARAV showed that a clear majority of its members were opposed to such a move.

In fact, if the proposed changes were to be implemented by the government — that is, if the government passes this legislation in this house tonight and it succeeds in the Legislative Assembly — three-quarters of the respondents to the Australian Retailers Association survey indicated that they would be forced to work the additional hours themselves. In other words, these retailers who the minister says wanted a break, wanted a holiday, wanted a sleep-in, are saying to the Australian Retailers Association, their representative body, ‘Well, that is not the case. We, as retailers, recognise that we have to serve our customers. We, as retailers, realise that at this particular time of the year over this holiday break, because of the number of holiday-makers who are about and because of the importance of the do-it-yourself home improvement market at this time of the year, we need to be open to serve our customers, because that is why we are in business. If that is the case, because of the additional costs associated with this proposal by the government and the difficulties that are there, in terms of pegging staff ratios, we, as owners of that business, far from getting a sleep-in on Easter Sunday, far from taking the day off, will now actually have to work longer hours at Easter’.

That is not Bruce Atkinson talking, the small business spokesperson from the Liberal Party; that is the Australian Retailers Association, and it is speaking on the authority of a survey of its members, which I think is something the government ought to have taken into account with this legislation. Indeed, most retailers — more than 85 per cent of the respondents to this survey — also said that having Easter Sunday as a non-trading day would have a negative impact on their business. So more than 85 per cent of retailers in the Australian Retailers Association survey are saying, ‘Hey, if this proceeds it is going to have a negative impact on our business’.

They are fairly damning figures, and they are things the government ought to have taken into account. The Property Council of Australia, the Victorian Employers Chamber of Commerce and Industry, indeed all of the retail associations I have talked to, like the Furnishing Industry Association of Australia, the Retail Confectionery and Mixed Business Association, the Hardware Association of Victoria and so forth, are all of one accord: they do not want this legislation to pass; they do not believe this legislation is necessary; and they recognise that for those businesses that do not want to open on Easter Sunday the provision already

exists in current statute for them to close as they wish on Easter Sunday, without any problems or penalties, or changes to their position as retailers. But most retailers recognise that this is an important trading period and they wish to participate in Easter trading. They do not want to be told by the government that they will be forced to close on Easter Sunday; they do not particularly want to close on Easter Sunday if they will carry additional costs on Easter Saturday and will therefore have less opportunity to make up the additional wages and rostering costs of that Easter Saturday for both staff who are employed and staff who are not employed on that day but who have the holiday entitlement calculated into their wages. These retailers are saying, 'No, this legislation is not satisfactory'.

Indeed, the industry associations who represent them are saying, 'We are surprised that this government has not bothered to listen to us or to consult us adequately on this legislation, which has a negative impact on our members and on consumers in Victoria'.

Hon. W. R. BAXTER (North Eastern) — The Honourable Bruce Atkinson was quite correct in his earlier remarks that we have seen the last of consultation by this government. We are now seeing a government dancing to the tune of the unions.

Here we are with the first legislation that this house is going to deal with, and it has been brought to the chamber at the behest of the Shop, Distributive and Allied Employees Association. That is obvious, because the second-reading speech is contradictory. The minister does not know what is in the bill, the guidelines for exemptions are yet to be produced, and the closing date to apply for an exemption was before the legislation had even been presented to the house.

This is clearly not legislation being brought in in a proper fashion by this government; it is the government being ordered by its union controllers to present this legislation as a matter of urgency so it takes place Easter this year, 2003, instead of there being a proper process for 2004, which would have enabled some adequate consultation to occur and some consideration to be given to its impact on small business and individual retailers.

Does anyone want to go back to the confusion that we had prior to 1996? No, I certainly do not. Does anyone want to see the spectacle of traders going to jail again? No, I certainly do not. But we have a bill before the house which is clearly causing confusion.

Like Mr Atkinson, I attended the function across the road with the Australian Hotels Association. I had not

considered for one moment until then that this legislation would impact at all on my hoteliers. Yet clearly I was mistaken, because the hoteliers have realised that it probably does. They have been along to the minister, and it is proper that they should do so and I give them full marks for being alert and getting on with it, and the minister is apparently going to give them some sort of exemption, as she should. But this is just one indication of how ill thought out this legislation is, when it is not even clear to members of the Parliament or the community who is roped in by this and who is not.

The other point I would like to make early in my contribution is to again indicate the propensity of this government to rewrite history. It constantly propagandised with all sorts of statements as if they were fact, when in fact they are not. I will draw attention to one here. The second-reading speech, when talking about the 1996 legislation, says:

There was —

very little consultation —

with small businesses or affected employees —

well that is not as I recall it; there was heaps of consultation, but that is not the piece that concerns me most —

and scant opportunity for the Parliament to debate the matter.

There we have it; in the minister's second-reading speech she alleges that the Parliament had little opportunity to debate the matter and that this house somehow or other rubber-stamped the legislation in a few minutes. I went back to the record and had a look at how much time we spent debating the legislation. I found that the Shop Trading Reform Bill was debated on 29 and 30 October 1996, and that the house spent a total time of 11 hours and 17 minutes debating the legislation.

An Honourable Member — How long was that?

Hon. W. R. BAXTER — Eleven hours and 17 minutes. That could scarcely be considered scant. But the point I really want to make is that this government, this open and accountable government, with the sessional orders it has now introduced on legislation, will allow, if the total time is taken up, debate in this house on this bill for 9 hours. So how can it be so hypocritical and claim that 11 hours and 17 minutes was scant and insufficient, and yet by its own hand put restrictions on this house so that it can debate the legislation for only 9 hours? Talk about being hypocritical; talk about saying one thing and

doing the opposite. And this is not the first example that we have seen of this government being prepared to go out into the community and spin yarns. I am really disappointed that we have got to a situation where a government, which went to the election on a promise of openness and accountability, is prepared to do the direct opposite.

What does this legislation do? It gives us another public holiday. Have we heard any justification for that? Pretty scant. We have heard the minister say, 'Oh, it brings us into line with the rest of the nation'. If that is the basis for how we do everything, I wonder why we have a separate state. If we want to be the same as the rest of the nation, let us get rid of the states and have just one government.

If there is to be no difference between us, if we are all to be the same, there does not seem to be any point in maintaining the paraphernalia of separate states. So I simply reject the notion that we are making this a public holiday just to bring us into line with the next state. We are making it a public holiday because the union demanded it, because it will give some people penalty rates, notwithstanding it will put quite a few others out of work — they will be without a job — and it will send some businesses to the wall, which will of course put even more people out of work. This downward spiral gets going when you make decisions like introducing extra public holidays just because some other states have public holidays on this day.

I do not see any justification for going to another public holiday. It will only put more pressure on small business and it will cost jobs — there is no doubt about that whatsoever. It will cost jobs in country Victoria because it happens to be in country Victoria that a greater percentage of employees are on schedule 1A pay than in the city. That will bring them under the same conditions that would apply under a federal award. Country businesses will be put under more pressure and country people will lose their jobs. That is the effect of creating another public holiday on Easter Saturday, to say nothing of the fact that again another lengthy holiday period will be brought back into this state.

I now want to allude to some of the contradictions in the minister's second-reading speech in which she describes how it will help families, how businesses will not need to open because their competitors will be shut and therefore they can sleep in on Sunday and this will be great for family life. That is one of her arguments in the second-reading speech, but it is absolutely contradicted by her own words several paragraphs down where she states that those same small businesses

will have a competitive edge and advantage on that day because their big competitors will be shut, they can open, and they will not have to put up with the competition from the big guys down the street.

She cannot have it both ways. She cannot say at one page of the second-reading speech that this is family friendly and will enable people to have the day off, then several paragraphs on laud it as a great advantage for small operators because they can open without having the competition from the big guys — again, an absolute contradiction and again further evidence that this is simply being done at the behest of the unions. Someone has cobbled together a second-reading speech, and they have not been able to see contradictions that were in a speech written for the minister! The minister, who does not appear to be in the chamber at this time, does not seem to cotton on to the contradictions in her own introductory speech to the bill.

I will now deal with one of the matters Mr Atkinson alluded to — the costs that will be imposed upon some of our retailers around Victoria. I refer for example to florists. I have a florist in my electorate, and I am sure his colleagues in other towns also found themselves in the same predicament that he now finds himself. He has quoted to do the flowers for weddings on Easter Saturday. In this case he quoted on two weddings. The labour cost to have two of his staff in would have been \$252. Under these new arrangements his labour cost will be \$630, a difference of \$378. He can hardly go back to the brides and say, 'Look, I am sorry about this but I am going to jack the price up from what I quoted you before'. He has to wear it himself.

Mr Smith — I bet he doesn't!

Hon. W. R. BAXTER — I will tell you what he will do, Mr Smith. He will do exactly what Mr Atkinson said would be the circumstance. He and his wife will get up at 3.00 a.m. and do the work themselves so they do not have to pay these penalty rates. Not only do they not get the family-friendly hours the minister says is the purpose of the bill, but two people who would otherwise have had a job on Saturday have now not got a job on a Saturday, so they miss out as well. This shows the craziness and the unfairness of this particular piece of legislation. It has been rushed into this place in time for this Easter when people have already made financial decisions and arrangements which will impact very seriously on them. As this florist says, he does not like what the government wants to do, but if it wants to do it, it is up to the government. He says it should have been done from 2004 so that he had due warning and lead time. He could then have quoted for weddings in 2004 at this

very inflated price which he will now have to quote in order to account for these additional labour costs.

I know some people on the Labor benches often hear it, but they seem to think that people in business are doing it easy, making plenty of money and think that an extra \$378 wage cost is not going to affect them too much at all. I ask them to get out in the real world. I have small business people in many of my towns who will find an impost of \$378 on Easter Saturday difficult. This is just one example, and there are dozens more. Presumably if he were doing four weddings instead of two it would be an even greater cost.

I simply say it is an impost that should not be imposed on these businesses on this occasion. Is it fair? Is it fair that in future years people will have to pay a lot more for these events than they would have to otherwise? There is no equity in this and no-one is winning out of this. The employer is not winning, the employee is not winning, and the customer and the consumer are certainly not winning. The only people who seem to be getting satisfaction out of all this are union leaders who can claim that yet again they have put business under pressure. That is what they do. They go around and claim to their members that they have put business under pressure. That is all it will be.

Hon. H. E. Buckingham — Their pay is what it is all about!

Hon. W. R. BAXTER — There is absolutely nothing in it for anyone except the union leadership, which can go around and claim some misguided credit. I say that this legislation ought to be opposed for that reason alone. It is putting businesses under pressure this time around, and because of the lack of notice it is impacting unfairly in 2003. Would I support it for 2004? No, but at least I would feel less angry and less annoyed about it because due notice would have been given to businesses and to consumers that the prices are going to rise. But no, we are not being given that opportunity at all.

I will now say something about exemptions, and I referred to them a little earlier in relation to the hotel industry. Surely the house is entitled to some information from the minister as to what sorts of things she is going to take into account in granting exemptions. Surely we are entitled to some indication as to how extensive those exemptions are going to be. A reading of the bill restricts it in my view to the area of functions. The minister's second-reading speech states that the exemption will be granted when you have some sort of activity going in your area that would be adversely affected if the shops were closed on Sunday,

and it refers to festivals and the like. Yes, there are some towns that run festivals over Easter. Presumably they will get exemptions. We do not know, but we are presuming that from the second-reading speech.

I have towns in my electorate where tourism is a big issue, but they do not especially have a festival during the Easter period. Will they be exempt? Echuca, for example, is a tourist town with hundreds of people there over Easter, but perhaps no specific organised festival because it has just had its jazz and wine weekend. Will it be exempted? The people will be gone. Beechworth has its golden horseshoe festival on, and presumably it will get an exemption if it is held at Easter. What about Yackandandah, Corryong, Cobram and Yarrowonga? A reading of the second-reading speech would appear to indicate that those towns will struggle to get exemptions.

The minister owes a duty to the house to explain on what grounds she will grant the exemptions. It is distressing and disappointing that the minister is not even in the chamber for this debate, because this is going to impact very severely indeed on quite a few small businesses, yet the minister does not deign to come in and listen to the debate. I call on the minister before the third-reading motion is put to tell the house what guidelines she is proposing for the granting of exemptions.

I also would like the minister to give an undertaking that applications that are made in the next few days will be taken into consideration, notwithstanding the fact that the closing date is 28 February. It is an absolute insult that the closing date is before the bill came to this house. The government owes it to the people to at least have a closing date some time after the house has turned its mind to the legislation. I gather that in terms of the hotel industry the minister may well have indicated that she will accept late applications. I ask her to make that universal.

I finally want to say that we spend a lot of time in this house talking about small business. Small business must get very disgruntled, because while we spend a lot of time talking about how important small business is and how it might be assisted and in establishing all sorts of programs, publicity and so on, but we also spend a fair bit of time putting impediments in the way of small business. It is either Workcover premiums, occupational health and safety or the uniform systems bill, which will impact very severely on many small businesses in country Victoria. We talk about the sorts of things that were in the Fair Employment Bill that was defeated in the last Parliament, the quaintly called information services officers, which now find their way

into the uniform systems bill, which is before another place, in the form of enforcement and compliance officers.

These are the impacts and imposts that the government and the Parliament continue to hit small business with. It is little wonder there is a great deal of cynicism and frustration in the small business community about the bona fides of this government when it talks about helping them. We have a more topical and specific example before us in the bushfire recovery. Yes, there have been a lot of high-sounding commitments made by the Premier and other ministers as to what they will do to help small business through the bushfires, but thus far precious little has actually been delivered; precious little has got on the ground, and the cynicism in north-eastern Victoria about the bushfire relief is startling to comprehend. People simply have not seen the rhetoric being matched at all by any action on the ground.

Parliament ought to oppose the legislation. At best it is premature. I think it is undesirable, but it certainly should not be enforced in 2003, because it will impact so severely on so many people who are already struggling financially, and the bottom line is that it will cost jobs.

Mr SMITH (Chelsea) — I am not surprised, and I do not believe anyone on this side of the house is surprised, that the conservatives opposite are opposed to the bill. It stands for what we stand for — fairness in the workplace. That is what this is about, something which they do not understand and which they have consistently opposed simply because their supporter base — employers — does not like it.

The legislation delivers longstanding commitments from the Labor Party to working people in the state, including many small business proprietors, that they would have a fair system to work within — a competitive system that will bring balance to the workplace for both workers and small businesses in particular.

It also delivers Easter Saturday as a public holiday and brings the total number of public holidays in Victoria to 11, back from 10. I note Mr Baxter said that there was no good reason for this, that the world as we know it will collapse and that rural areas will collapse if we go to — shock, horror! — an extra public holiday. I wonder what happened in Victoria and to small businesses prior to Mr Kennett's taking away of that holiday some time back. I wonder how they survived. I have no doubt that the re-establishment of that public holiday, in line with the rest of the country, will do

nothing to impact detrimentally on small businesses in the state. In fact, it will deliver exactly what a lot of people in the labour movement and in particular unions, such as the Shop, Distributive and Allied Employees Association — known as the SDA — want, an extra public holiday for working families. It means they will have extra time off and be able to enjoy Easter in the same way as the vast majority of ordinary working people in the state. That is the agenda, Mr Baxter, nothing else. It has nothing to do with penalty rates. They already get penalty rates. Very few workers in this state employed in small business are members of the SDA. It is not part of an agenda of the SDA, which already has penalty rates for its members in the larger companies. It is all about more family time.

I do not know what members of the opposition have against working families in this state, but I wish they would get over it. We are trying to deliver a fair and equitable system, which is what the bill does in our view, and we think time will prove we are right.

I say the bill is all about getting the balance right. For the last few years, since 1992, when the previous Kennett government was elected, the balance has swung entirely in favour of employers. We know industrial relations tends to ebb and flow depending on which government is in power, and now the balance is swinging back in favour of the worker. Personally, I would prefer us to have a more consistent system that allowed continuity and maintained stability and so on. I think that would be in the interests of both parties — employers and employees.

Hon. D. Koch — Why change?

Mr SMITH — I will respond to that interjection. As I have said before, perhaps not loudly enough — perhaps your ears are painted on — at the moment it is unfair. Workers in this state are not getting a fair go. Something like a third of the work force in small business in this state is not getting a fair go in the workplace. They are being deprived of a proper rate of pay on that Saturday in comparison with like workers in the rest of the country. Explain to me if you can why a worker in a business of like style in Queensland or Western Australia can earn more than a worker can in Victoria. What is fair about that? I do not know. What I can say is that those workers and their families pay the same price for their petrol and their bread, and they pay the same taxes et cetera, so we should not treat Victorian workers any differently or in a less fair manner.

It seems to me that whenever these sorts of bills come before the house — and we will see it again with the

fair employment bill — we see the bloody-mindedness of the opposition in opposing anything that seems to be detrimental to its constituent base. Members of the opposition see business as their constituent base. It makes you wonder when you look at what happened at the last few elections. The support we are getting from business indicates that maybe the opposition has lost the plot and is not listening to what is going on out there.

An honourable member interjected.

Mr SMITH — I note with interest Mr Baxter telling us to get into the real world. I have to say — no, I will not say it!

We talked about how this bill creates penalties for those traders who may want to break the law. The penalties include a \$10 000 fine. Some traders have already said they will open their shops and the law be damned. I heard by way of interjection a conservative opposite saying he would buy something from a proprietor to assist him to do that. He would condone a small business breaking the law! That is an interesting point! However, I suggest the particular individual who wants to advance his business through self-promotion should read the bill, because it clearly states that small businesses with 20 or less full-time employees are exempt. I am not absolutely sure but I assume that individual does not employ more than that number of workers, so he would automatically be exempt. The other exemptions include petrol stations, pharmacies — —

An honourable member interjected.

Mr SMITH — Municipalities can apply for exemptions to trading on those occasions deemed to be appropriate. In some circumstances they will be able to make strong cases for exemptions. Of course, the minister will listen and if it is justified she will grant an exemption. We are trying to get a balance into this system.

The bill is about providing more family time. I know people who own or work in small businesses. A very good friend of mine has run milk bars, sandwich bars et cetera. Most milk bars are open 12 to 14 hours a day, 7 days a week. They are very hard work. My friend and his wife have a young family and would kill for a day off — a day off to them would be manna from heaven. In terms of time, many small businesses are very hard work. There is a significant benefit for a lot of people in this bill. I also make the point that trading on Easter Saturday is optional. Traders are not compelled to open their shops; they have a choice.

Hon. W. R. Baxter interjected.

Mr SMITH — Mr Baxter interjects that that is already the case. The difference, of course, is with the penalty rate that would apply in some cases. Mr Baxter referred to schedule 1A. Schedule 1A workers do not currently have those entitlements, because they are not covered by federal awards. Their employers are not members of the relevant associations so as to make them respondent to those awards. However, in a few weeks time they will be entitled to those conditions, and those penalty rates will apply. Employers will then have a choice about whether or not to open; it is entirely up to them.

I refute the argument that it will be Armageddon for small business and that many small businesses will not support it. We believe they will. This is in stark contrast to 1996 when the Kennett government dictated the changes and brought about the most 'liberal' trading hours in Australia with no consultation. He just came in here and said, 'Let it be written. Let it be done'. We have gone out and consulted with all the key players.

This is not complex legislation; it is simple and straightforward. It has been subjected to the appropriate amount of consultation, and we are comfortable with it. Mr Atkinson suggested in his contribution that this bill was more to do with the industrial relations policy of the government. It is a bit about industrial relations and a bit about small business. That is the genesis of the bill. So what? It does not matter where it has come from. It is about delivering fairness to working people so they get a fair day's pay for a fair day's work. Of course, some businesses will be squealing, because they will have to reduce their profit margins. They will have to give a little bit back to their work forces. Some of them will hate it, but that is what the Labor Party is unashamedly about. The Labor Party is about fairness and equity in the workplace. We say a little bit more cream on this side spreads a long way, and the economy benefits. That is something anathema to the conservatives opposite. Their constituent base does not like it. That is the benefit of being in government. We can deliver what we think is appropriate, fair and reasonable.

We went to the Victorian public at the last election and the one before that making it clear that this is what we wanted to do. The public agreed, and it is part of our agenda.

This bill covers only those people who are not currently covered by federal awards or Australian workplace agreements. AWAs are not on our agenda: we do not support them or agree with them. However, they are

there and we are working with them, but we do not think they deliver.

Hon. A. P. Olexander interjected.

Mr SMITH — The opposition interjects that they are about freedom of choice. I ask anyone in this house to produce one AWA in this country that is better than an enterprise bargaining agreement or a federal award. If you could, Mr Abbott would be showing it far and wide as a clear example of the benefits. There has not been one. The opposition has had a few years to do it, but it has not been able to produce one yet.

A third of the work force in these sorts of industries is not covered. We argue that only a minority of businesses will be affected. We do not believe it will impact on their interstate nature or their competitiveness with their interstate counterparts. We believe it will make them fairer for the benefit of the workers in particular.

I have been waiting for some time to get this particular issue out on the table as well, because I have often thought about the reason the conservatives years ago under former Premier Kennett and former Minister for Industry and Employment, Phil Gude, wanted to go down the road of dismantling the industrial relations system and exposing the work force in some cases to the brutality of the open market — dare I say it, the capitalist system. The reality is if it is done in that manner then it will definitely deliver more to those who support them rather than working people. It allows them to have a much stronger hand in the workplace, similar to those states in the United States of America that we refer to as right-to-work states.

Right-to-work states in the USA were designed specifically by and were supported by the Republicans — that is, the conservatives — to give a significant advantage to the employer. What was the end result? States such as Illinois, New England and other heavily industrialised or manufacturing states saw a mass exodus of industry out of their states into other states such as Tennessee and the duelling banjos, North Carolina and South Carolina, et cetera, where it was extremely difficult for unions to get a foothold or actively represent workers. They were, as a result of legislation, kept out or at bay.

Some people say that is a good thing, but I ask: what was the benefit to the working man or woman in those states? None. There was no improvement in wages and conditions; quite the contrary. Significant numbers of working men and women in the traditional industrialised states losing those —

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

Hon. J. A. VOGELS (Western) — I wish to say a few words on this Public Holidays and Shop Trading Reform Acts (Amendment) Bill. The purpose of the bill is obviously to make Easter Saturday a public holiday and require shops to close on Easter Sunday. I have no doubt that these changes in a nutshell are payback time for Joe de Bruyn and the support of his union for the Labor government. Mr Smith has just outlined that very well. He said a few times that he is not really interested in what small business think; it is what the unions want. He reiterated that about four or five times, so we know where he is coming from.

Mr Baxter touched on my next point. The deadline for applications for an exemption to be lodged with municipal councils to permit retailers to open in areas with sports events and festivals was 28 February. Here we are three weeks later and we are only just debating the bill.

Like many honourable members I attended the Australian Hotels Association drinks and cocktails across the road at the Windsor, and I was surprised to find that the hotels association only learnt in the last couple of days that it could apply for an exemption. They probably did not realise they were affected, like many other people who will not realise they are affected until Easter Sunday comes along. It demonstrates the arrogance and the rubber-stamp mentality of this Labor government already.

In her second-reading speech the minister said:

... the Kennett government introduced legislation in 1996 that deregulated shop trading hours overnight. There was no consultation with small businesses or affected employers and —

this is what the minister said in the second-reading speech; wait for it —

scant opportunity for the Parliament to debate the matter.

There is a bell ringing here somewhere which sounds a bit like hypocrisy. Even when our lead speaker, Mr Atkinson, got up to speak after the second reading of the bill, he was sat down by the President and the Labor Party closed the debate. The minister acknowledges in her second-reading speech that consumers enjoy flexible shopping hours and that community attitudes and trends have led us to more liberalised shopping hours, yet the minister in typical Labor Party fashion commands increased regulation and control over small business through this bill.

Tourism is probably one of the biggest industries in Victoria and it depends on flexible shop trading hours. The Great Ocean Road runs through the Western Province which I represent, along with the Honourable David Koch. It is probably one of the biggest tourism areas in Victoria. You can go down the Great Ocean Road starting at Torquay, through Lorne, Apollo Bay, Port Campbell, Warrnambool, Port Fairy, all the way to Portland, and small businesses basically rely on tourism, especially over the Easter holiday period. It is actually four or five days and it is still a nice time of the year. The weather is still warm and people make the trek. A lot of these shops will find it difficult to open.

The Stawell Gift is held over Easter and it is one of their biggest trading weekends. Not long ago I was speaking about the bill to a restaurant owner in Port Campbell and she said that she will not open on Easter Sunday because with the new penalty rates, because it is a public holiday and with Saturday also being a public holiday, it will not be worth opening.

As I said before, part 2 of the bill amends the Public Holidays Act 1993 to appoint Easter Saturday as a public holiday, while part 3 amends the Shop Trading Reform Act 1996 to generally require that shops close on Easter Sunday. Easter Sunday will be a public holiday which effectively means double time, plus time and a half for the people who work.

I think it has been said before that the owners of small businesses will be getting out of bed and doing the work themselves, which will be detrimental to a lot of young people who come home over Easter. They are at university in Melbourne and a lot come back to their rural areas and earn a few extra dollars over that Easter holiday period to help pay for books or whatever they need when they return to the city. One of the things you find in holiday areas, especially along the coastal region, is that there is work for young people in that holiday period so that they can make nice money which helps them through the next couple of months when they go back to school or university. A lot of small businesses will just not open. That is sad because it is a missed opportunity for these people.

This Labor government, like all former Labor governments, has failed to grasp the concept that business needs to be profitable in order to remain open, which in turn snowballs to increased employment opportunities and greater economic benefits for our state. This bill will effectively stagnate employment and the economic growth of our state. It is probably just the thin end of the wedge and we will find more of these things coming through. Also, if the minister really believes what she said — that this legislation is urgent

because it will reduce enormous strains on family life over Easter — she would not have exempted every small business that applies, and I think there are 31 businesses on the list. I cannot think of many that are not on it.

Basically it is all about pay and getting hidden penalty rates. I believe this legislation is a kick in the guts for small businesses and clearly demonstrates a total lack of respect for their viability. On behalf of small business throughout Victoria I say to this Bracks government: let small business get on with what it is good at — that is, creating jobs, providing goods and services for consumers, while at the same time boosting the state's economy for the benefit of all Victorians.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to speak on the Public Holidays and Shop Trading Reform Acts (Amendment) Bill. The bill is very important for small business in Victoria. The Labor government recognises the importance of people who work for small business and also the importance of people who run businesses with less than 20 employees still being able to run their businesses and serve the community on the Easter days.

We recognise how important it is, when you see people still shopping on Easter Saturday and Easter Sunday. We are not trying to close down every business. The opposition tried to mislead the public by saying that the Labor Party tried to close down business on Easter Sunday, which is not true. We want businesses open to serve tourists and people who want to shop on the two Easter days. But at the same time, we recognise the employees who wish to spend more time with their children and families after the long working days throughout the year. It is about time that they, like employees of many other sectors in Victoria, are allowed to take the holidays off.

We care about small business, like any business. We want to see, if everyone wants to open their business on these days, that they can still afford to open their business. Some small retailers who want to close business on these Easter days cannot afford it, because big business are open the same day. If they close for business, they cannot compete with the big business so they cannot take Easter days off. Bigger businesses have more money and resources to open on these days, and small businesses who want to have a break on these days cannot afford it. They have to keep going because they try to compete with bigger businesses.

The bill is about helping small businesses. We know they are struggling and some of them want to have a rest with their families. We tell the community that this

Easter a lot of shops will still be opening. Tourist businesses and other things — events and public festivals — are still available on these days.

We have consulted with the community not only before the bill but for many years. The people have raised their concerns with our government for the last three years we have governed Victoria. So we have had lots of time to consult the community. I am sure the Minister for Small Business has been working with and has been contacted by small businesses in Victoria and they have raised their concerns. That is what we have the bill here for.

We are not trying to rush through the bill before Easter. It is not like that. We have been consulting and working throughout the years. And we had a policy document called *A Better Workplace — Labor's Plan for Fairness and Safety at Work* as part of the Labor platform before the last election. It was launched in November last year — I am sure many honourable members will be aware of that. Before the election we launched the policy and we were very straight with the public about what we were going to do when we were elected. We are here to present legislation to improve on the existing bill. We invited the public to write submissions to us, and the closing date was 28 February this year — that is, last month. Members of the community or any business concerned about this could write to us and raise questions.

We have consulted with the municipal councils and the shires, and we have exempted many specific shops, like bread shops; chemist shops; eating houses and restaurants; fish and oyster shops; flower shops; retail plant nurseries; fruit and vegetable shops; hairdressers; hardware shops; paint shops; petrol stations; pet shops; shoe repair shops — you name it — motor car spare parts and accessories shops; shops that sell old goods, including furniture; shops that sell records and cassettes; shops that sell swimming pool equipment and supplies; and so on. People who want to go to restaurants on these days also can, if they want to fix their houses over Easter, go to shops to buy paint or to hardware shops to get things for their houses. If someone is sick they can go to a chemist shop. They can go shopping like normal days to bread shops, fruit and vegetable shops, milk bars and small, municipal markets. These are still able to open on those days.

I am sure the government has looked at many issues in the communities, and of course we have consulted with many people in the community.

This has nothing to do with, 'You tried to look out for the unions', as members on the other side have said.

What we are doing is looking after the interests of the community, especially in the small business sector, because they are working very hard throughout the year, and they should be able to spend time with their families. I am sure the Easter holidays are important for those with young families. They should spend time with their families, to take them out and enjoy themselves. Small businesses can afford to close their doors without worrying about competition from the bigger businesses.

As the legislation states, we will have public holidays and non-shop trading days. Good Friday is a public holiday. From now on Easter Saturday will be a public holiday. Easter Sunday will be the non-trading day, with Easter Monday being a normal day. The government will provide information to all businesses. It runs a web site to explain to people what hours they can open; the government also operates the Victorian Business Line. If the workers or employers are concerned about wages, they can contact the wages line. People can ask questions.

This position is not applicable only in Victoria, because other states have the same situation. The bill is to match the other states on Easter holidays.

There are many festivals around Victoria at Easter, but the bill will not detract from them. It is clear that people will have a choice about doing their business. Opposition members were concerned about the lord mayor, Cr John So. I am sure the minister will contact Cr So and work out what is in the best interests of the Melbourne City Council. We would like to ensure that tourists are welcome to Melbourne during Easter. They will have many things to do then, when Melbourne will be full of visitors. Activities will not be interrupted, and the visitors will enjoy their time in Melbourne.

I urge all honourable members to support the bill before the house, because it will give these employees more time to spend with their children and enable them to have a rest, like many other employees are able to during the Easter holidays. I commend the bill to the house.

Hon. B. W. BISHOP (North Western) — The best way I can address the nonsense in this Public Holidays and Shop Trading Reform Acts (Amendment) Bill is to make my contribution by utilising some notes given to me by the Mildura Rural City Council. While doing that I make the point that this could apply to any city or town in the electorate of North Western Province that I share with the Honourable Damian Drum. But for the sake of the exercise and to use some of the information

that I can draw out of the letter for the debate I will use Mildura as an example.

The Mildura Rural City Council wrote to the Minister for Small Business on this issue in desperation to ensure that the tourist industry in its area would have a fair go at attracting the visitors in the area — I am talking in this case of Easter Sunday. It wished to gain an exemption for the whole of the area around Mildura as well as the smaller satellite towns of Irymple, Red Cliffs and Merbein.

The council made the point that:

... the tourism industry is one of the major industries supporting Mildura's economy. The Easter period is the busiest on Mildura's tourist and events calendar, experiencing in the order of 15 000 visitors and tourists in the district over the Easter break. This influx of visitors exceeds those during the Christmas-New Year period.

That is how important Easter Sunday is for the tourism industry in that area of Mildura. Another reason was:

These visitations extend over an average length of stay of four nights. Based on the Tourism Victoria benchmark of \$84/person/day spend, the visitations equate to an estimated economic benefit to Mildura of \$5 million.

That is a lot of money, which the bill is putting at risk.

The Mildura council goes on to note that five major events were programmed for the Easter period. The events were the Mildura speedway, the Sunraysia drag racing, the Mildura 100 ski race, the stadium cross motorcycle competition, and the Doms Show and Shine. The council calls them major events. In addition to those major events, a large number of other events occur over the Easter period.

It is a matter of judgment of whether those attractions or events can draw an exemption. The tourism industry is facing enormous stress as it struggles to address the uncertainty about whether it can utilise the skills it has built up over a long time in servicing the tourists who come through those towns.

Again I make the point that whilst I use Mildura as an example, it is no different to any other town in my electorate, be it big or small, that is geared towards satisfying the tourist industry, which is a lucrative industry for those towns.

The next thing I want to do is discuss the process of how the Mildura Rural City Council was made aware of this issue. In the briefing note it sent to me it points out that on 11 February 2003 the minister advised by media release that Easter Saturday would be declared a public holiday — I will return to that later — and that

Easter Sunday trading would be prohibited for certain classes of business effective this year.

As the Honourable Bill Baxter said, there was no transition period. It was sudden-death stuff; it would be introduced this year, no doubt due to other forces such as the union movement putting pressure on the government of the day.

That turned up on 11 February. The minister's reasoning in that media release was that the change to trading hours during Easter was because in the past Victoria had been the only state to allow Easter Sunday trading and there was a clear need for greater uniformity with other states.

If that is the case, let me take the house to another tourist issue. If we are talking about uniformity between the states, I will refer to Robinvale Golf Club, just on the border of Victoria. I ask the house to note the huge effect of non-uniformity between New South Wales and Victoria — that is, the banning of smoking in gaming areas. None of us will argue that the health issue of smoking is not paramount, but this issue is not about health and smoking, it is about a border anomaly of non-uniformity which the minister quotes as an example to rush this legislation through, to in fact put our tourist industry at an absolute disadvantage. The Robinvale Golf Club, a truly community club that has spent \$1 million in building new clubrooms and facilities — and they are first class — has now found itself, with the border anomaly and non-uniformity between Victoria and New South Wales, in a situation where its viability is at risk.

It is a good community club. People belong to it and pay their membership fees; they come and eat in the dining room.

But what do they do then? They drive over the river, just a couple of kilometres, and they gamble at Euston, which is the main thrust of the gambling dollar in that area, so we are exporting our dollars over the river. It is not an issue for this bill, but if the minister wants uniformity, let the government put its money where its mouth is and do the same for the Robinvale Golf Club and other clubs along the river that also rely on the tourist trade. Let us have a bit of uniformity, if that is what the minister wants. I suspect that will not come out of this particular issue.

I looked at the other parts of the briefing that was supplied to me by the Mildura Rural City Council. It said the minister indicated that in special cases, where there is a special event or festival, the government would consider an application from a municipal council

to exempt a specified shop or class of shops in a certain area from closing on Easter Sunday. What a mess! Is there one shop, or is there a class of shops, that is open, or that is shut? Where do we address the uncertainty of these people who have invested a huge amount of their dollars in their business to service what I am discussing tonight predominantly — the tourist trade? Where do they get their certainty from with a statement like that when you talk about exemption? Exemptions are no good at all. The only way we can solve that problem is to oppose this bill in relation to that.

The council then called for submissions. It did not have enough information out of the media release, which I am advised is all it received, to make a decent submission or advise the businesses in its area what to do. Given that fact the council asked for more information, a fair enough thing to do. Wait for it! On 25 February 2003 — remember the media release was on 11 February — from the Department of Innovation, Regional Industry and Development came a fax that gave council that bit more information: it wanted the submission on 28 February, three days later. It gave the council no opportunity to do any justice whatsoever to the consultative process with its community. There was no time for public consulting. The department really put the pressure on the Mildura Rural City Council, but the council did a great job. It got a number of submissions in from business people around the area. As honourable members will understand, they did not have a lot of time to do it.

There is really telling information — for example, the management of the Mildura Plaza has stated that average customer flow for Sundays over a 12-month period is 6500 persons; Sundays through the Christmas trading period averaged 8361 persons; and Easter Sunday 2002 had 8771 persons, the best day it had had over the whole time. This telling evidence in good submissions very quickly put together was brought to the notice of the council.

In another one there is a bit more statistical information. As I said before, I am only talking about Mildura and using that as an example, but it could certainly flow over any of the towns in the electorate of the Honourable Damian Drum and me, or in fact any town across Victoria, particularly those that service the tourist trade. This other comment states that the estimated visitations to events over Easter is 15 000 persons with an average length of stay of at least four nights, based on the tourist benchmark of \$84 per person per day spent. Again the figure of \$5 million for Mildura pops up. The submission finishes by stating that from the submissions received it is clear that the Easter trading period is of significance not only to the

traders involved but as a means of enjoyment and convenience for the many visitors and tourists to this district.

They are quite telling and powerful submissions. I could go on and on, but due to the sessional orders that were rammed through this place last week we now have limited time. We have 15 minutes for my contribution to be able to represent the places in my electorate in relation to this ridiculous bill we are discussing tonight.

This bill will seriously disadvantage my electorate and I am sure it will seriously disadvantage many other places in the state. I know many places in Victoria where people have worked very hard to build up a strong tourist trade and area and I think businesses should have the choice. If they want to stay open, that is fine, let them stay open. If they want to shut, they should be able to shut, and that is okay. It is up to them which way they do it.

This bill will simply impose huge on-costs on our businesses that open on a Saturday, of course, because it will be a different world. Some of those businesses will have to open on Saturday, not only because of the revenue they will wish to get through the doors but also because of the responsibility they have to the public and the reputation they have built up over many years of servicing the people who come to those areas for enjoyment during that tourist period and the strength and pleasure those businesses get out of operating in that tourist market.

So we will find that on that Saturday, as Mr Baxter put very well, a business would incur huge extra costs on the day and probably put people out of work, and certainly not employ many other people in relation to those issues. The banning of trading on Easter Sunday will heavily reduce the opportunities for Victorian businesses, particularly in tourist areas, to realise on the opportunities they have built up over many years; and certainly the declaration of Easter Saturday as a public holiday will increase the costs on those businesses, tourist trade or not, and that will certainly make it much more difficult for them to survive and gain that lucrative tourist dollar which is available provided they can run their businesses viably, efficiently and economically.

I conclude, Deputy President, by saying that this bill is a nonsense. It will be to the detriment of, in particular, country Victoria, as those businesses strive to get that particular tourist dollar into their coffers. I can assure you that the National Party strongly opposes this bill as it will be very detrimental to the country areas it represents.

Mrs CARBINES (Geelong) — As a member for Geelong Province I am pleased to contribute to debate tonight on the Public Holidays and Shop Trading Reform Acts (Amendment) Bill, which seeks to bring Victoria into line with other states in relation to public holidays and trading arrangements over Easter. In doing so the Bracks government is fulfilling an election commitment which it took to the Victorian people at the 2002 election to build fairer, balanced and positive workplaces.

Specifically, this bill upon its passage will declare Easter Saturday a public holiday and Easter Sunday a non-trading day for shops. Therefore retailers will be able to trade in our state 24 hours a day, 7 days a week, except on Good Friday, Christmas Day, Easter Sunday — once this bill passes — and on the morning of Anzac Day. In fact we have the most liberal trading arrangements in the whole country. You only have to travel interstate to realise that.

By declaring Easter Saturday a public holiday Victoria will now have 11 public holidays, bringing us into line with New South Wales, South Australia and Queensland.

As a working parent myself I fully understand how hard it is to balance working and family life. It is no easy task for anyone. The Bracks government is committed to implementing policies which are socially progressive and attempt to alleviate some of the tension workers have in trying to juggle demands of working and the very heavy demands family life place upon individuals.

I congratulate the Minister for Small Business on this socially progressive policy as demonstrated by the bill which is being debated in the house tonight. I am disappointed that the opposition parties are vehemently opposed to it because it seeks to inject some sense into working lives for people who work in the retail sector.

Just last week most Victorians enjoyed a long weekend to celebrate Labour Day with a public holiday on the Monday. However, for workers in the retail industry it was business as usual: no long weekend for them, as even though Labour Day is a public holiday it is a trading day for retailers.

This bill is all about providing a balance for workers in the retail industry with the declaration of Easter Sunday as a non-trading day. The Liberal and National parties seem to have a problem with workers having some balance in their lives, and I am disappointed to hear some of the debate that has been contributed tonight by opposition members.

The bill will give small retailers a choice on Easter Sunday. Those with 20 employees or less will be able to choose whether they open on Easter Sunday or not, and so in this way the bill gives small businesses trading options. It will be up to small businesses whether they open or not on Easter Sunday.

I am particularly pleased that the Minister for Small Business has listened to the concerns expressed by some regional Victorian communities in relation to this bill. They rely very heavily on Easter trading as an economic driver for their region. Not only has the minister listened to those concerns, she has acted upon them and ensured that the bill provides for an exemption process upon advice received from the relevant municipality. I think that is very much a commonsense step by the minister, and I thank her for that.

As a member for Geelong Province I received during January some correspondence from the Surf Coast Shire Council and Geelong Otway Tourism in relation to the proposed bill expressing concern about the proposal to declare Easter Sunday a non-trading day. Honourable members will have heard me say in this house many times that tourism plays a major role in my electorate and that at Easter especially our regional focus turns to the coast and to the Bells Beach surfing classic, which attracts thousands of visitors to the Surf Coast Shire and especially to Torquay and Jan Juc.

Both Geelong Otway Tourism and the Surf Coast Shire Council consider Easter to be their busiest trading time of the year. They estimate that tourism accounts for 51 per cent of all the jobs in the shire, and Geelong Otway Tourism estimates that each year tourism alone contributes \$418 million to the local economy.

At the time Geelong Otway Tourism and the Surf Coast Shire Council wrote to me in January there were not only plans for the surfing classic at Bell's Beach but also plans for the Offshore Music Festival at Torquay, which in the past has attracted over 200 000 young people to Torquay. It is very sad that the organisers of that festival have decided not to take up their option and organise it for this year. Having spent most of my adult life working with young people, I know how important the Offshore Music Festival was to young people not only in my region but also across the state and interstate. I am very sorry to see the demise of that Offshore Music Festival.

Acting on the concerns raised with me by Geelong Otway Tourism and the Surf Coast Shire Council, in January I wrote to the Minister for Small Business to highlight their concerns to her and to seek her advice. I

am therefore very pleased that the minister has been responsive to the concerns expressed, not only by me but by other honourable members for Geelong Province. I know the Honourable John Eren has expressed concerns, as has the new member for South Barwon in the other place, Michael Crutchfield. The minister has responded to these concerns by presenting this bill, which provides for an exemption process, and I thank her for that.

Importantly, the exemption process centres around a municipality requesting an exemption where it may be in the interests of its local communities for shops to remain open because of a festival or a prescribed community event. As an honourable member for Geelong Province I know that the news of this exemption process has been very warmly received in my electorate by traders, tourism operators, the Surf Coast Shire Council and Geelong Otway Tourism.

At page 3 the *Geelong Advertiser* of Wednesday, 12 February, reports Geelong Otway Tourism executive director Roger Grant as saying he:

... agreed that the exemption would be most beneficial for the Surf Coast.

'It is pretty much what we asked for, consideration particularly of Torquay and the festivals ...

Surf Coast shire mayor Beth Davidson said the shire would apply for an exemption in Torquay and look at what impact the new trading arrangements may have in other Surf Coast towns.

It later reports the mayor as saying:

It is a win, win, in that it provides that work-life balance for the small traders and appears to be providing an opportunity for communities like ours, that rely heavily on that trade, to be exempt.

So there have been very powerful and positive endorsements from stakeholders and leaders in my community.

I understand the Surf Coast shire has duly sought an exemption from the declaration of Easter Sunday as a non-trading day, and I call on the minister, in light of the importance of tourism to the Surf Coast Shire Council, to grant the exemption the Surf Coast shire has sought.

This would be a very positive and commonsense response to issues which were raised by me as a local member and which I duly took on to the minister. While I have concentrated on concerns raised with me in my electorate of Geelong Province, any Victorian municipality may seek such an exemption for a specified area, and that is a very sensible response.

The bill is all about providing and building fairer, more balanced and more positive workplaces. It will provide for a public holiday on Easter Saturday and a non-trading day on Easter Sunday. In this way it will ease the burden to a small degree on workers in the retail sector who are trying to juggle work and family life. It provides for a sensible exemption process that will respond to local issues identified by municipalities. I congratulate the minister on this progressive commitment to Victorian workers in the retail sector and their families. I commend the bill to the house.

Hon. D. McL. DAVIS (East Yarra) — I only want to make a short contribution on the Public Holidays and Shop Trading Reform Acts (Amendment) Bill. I want to place on record my concerns about this bill. In particular I think it is a retrograde bill which is backward looking and which demonstrates that the government has not understood what has occurred in modern Australia and modern Victoria. It is a bill that is driven by an old-fashioned, almost Luddite view of the world, a view of the world that is like something out of the 1950s.

Over the last period we have seen the progressive liberalisation of shop trading hours. I want to place on record unequivocally the opposition's view that shop trading hours are a very important part of the economy and that shops ought to be open. I want to place on record my personal view that shop trading hours are about economic liberty, the choice of traders, and the choice of individuals to open their retail premises at a time of their choosing for their own purposes and for the purposes of serving their customers.

It is a simple matter. One can try to make this a complex matter, but at the end of the day it is actually a simple matter. The fact is that Victorians overwhelmingly believe people ought to be able to undertake economic exchanges at a time of their choosing, at a time of their convenience — at a time of their choice.

Hon. T. C. Theophanous — Does that include Christmas Day?

Hon. D. McL. DAVIS — I think there are a few specific exceptions, Mr Theophanous; I think Christmas Day is one of those, and I think there are one or two others. I think they are sufficiently significant in the scheme of things that most Victorians — not every Victorian, I would concede, but most Victorians — believe those times are sufficiently important for there to be some specific exemption. But the concept — —

Hon. T. C. Theophanous — What about Anzac Day?

Hon. D. McL. DAVIS — Yes, the first half of Anzac Day. But the concept that we ought to re-regulate trading hours, that we ought to reverse the changes of the last 15 or 20 years, that we ought to progressively roll back our trading times, that we ought to progressively restrict the economic freedom of Victorians, that we ought to progressively and unfairly fetter and stop Victorians — —

Hon. T. C. Theophanous interjected.

Hon. D. McL. DAVIS — Mr Theophanous, this is the start of it. Your government has rolled over at a very early point to union influence. The Shop, Distributive and Allied Employees Association has got control of you, and you know what is going on. The fact is that the SDA and other unions now have control of your government. You have had to make the political pay-off, and there will be other pay-offs of this kind, where the government will need to roll over.

I want to quote from part of an earlier debate in this chamber in 1996. In doing so I want to place on record my strong view that the changes that were made in 1996, in particular, were very significant for Victoria. In that period the Honourable Mark Birrell, then a fellow member for East Yarra Province, came to the party room to seek approval for sweeping and landmark changes in shop trading hours. As he did that it was very clear to many of us that this was a seminal moment in Victoria's history.

Victoria had suffered tremendously under the Cain and Kirner governments, and part of fixing that problem was opening up the Victorian economy. The Victorian economy grew massively under the Kennett government, and grew massively in part under the trading hours changes. Retail sales in Victoria grew massively. They generated jobs, they generated opportunities, and they generated tourism, and I do not want to underestimate the importance of that tourism. I want to quote from the debate in 1996.

Phil Gude, acting for Minister Birrell, argued that the relaxation of restrictions on shop trading hours gave Victorians greater freedom. In introducing the bill into the lower house he said:

This bill is essentially about freedom: it is about the freedom to trade; it is about the freedom to shop; it is about the freedom to work; and it is about the freedom of local communities to determine their own retail environment.

That is a quote from the Legislative Assembly in 1996, and I think that is as pertinent today as it was then.

This bill ought properly to be condemned. It aims to restrict the choices of traders and to introduce, as the Honourable Bruce Atkinson pointed out in question time today, a restrictive and harsh system of penalties, a restrictive and harsh system of enforcement, a restrictive and harsh system to control the choices and freedoms of Victoria. One great axiom of retailing is that the customer is always right. What we know about Victorian customers is that they have voted with their feet. They have voted to shop on Saturdays, they have voted to shop on Sundays in the country, in the city and right across the state, and they have done that unequivocally.

The Minister for Energy Industries said to me in early discussion that he introduced a 10-day shopping period in the early 1990s, and that is correct. I applaud those steps in the early 1990s. They did not go far enough and it had to wait until 1996 when we swept away the accretions and restrictions and silly regulations that surrounded the shop trading hours that had grown up from the 1920s, 1930s and 1940s and restricted the choices of Victorians.

Hon. T. C. Theophanous — All the time you were in power.

Hon. D. McL. DAVIS — I am not defending any Liberal or National Party government or any Labor government in the early period of this century. What I am referring to is a principle, a principle that says Victorians ought to be able to choose to undertake economic exchanges in shops at hours that are suitable to them and the traders and that those choices ought not be unreasonably restricted by legislative requirements and restrictions that aim to reduce the choices of Victorians.

Hon. T. C. Theophanous — But you acknowledge we started the deregulation.

Hon. D. McL. DAVIS — No, I think it started well before — it actually started in the 1970s and the early 1980s. The minister did take one step, and I congratulate him on that, but it was only one step. The sweeping and significant step was in 1996 when the Honourable Mark Birrell as the relevant minister introduced a set of reforms that I have already talked about that swept away the accretions and restrictions of 50 or 60 years of regulation and allowed the Victorian economy to expand in a way that it had not done for many years and created jobs and tourism opportunities in both the country and the city.

What we will see in country Victoria in key tourist zones is a restriction of opportunities, a restriction of

the choices of traders and a restriction of the choice of tourists to undertake the sorts of exchanges that ought properly be allowed. In the city we will see tourism also restricted, and we note that the large stores in inner city Melbourne, which are very important to Melbourne's tourist industry, will be restricted. We know that the large stores in the suburbs will also be restricted. We know that many suburban shopping centres will have their choices cut. While there are certain exemptions under the act — we heard discussions today about hardware stores and so forth — whatever the specific exemptions from the act there are many stores that will not be able to open and they will restrict the trade through suburban and strip shopping centres, they will restrict the choices of other shopping centre proprietors and other traders to open their centres. The truth is that centres cannot function unless there is a full operation of the centre, or a near-full operation, and the truth is that unless those centres are able to function openly and fairly it is not going to work.

So I want to place on record my strong personal opposition to this bill, my belief that it will reduce the opportunities for Victorian traders and shoppers, that it is fundamentally an anti-modern move, a move that is grounded in the 1950s — it is sort of looking back to the days of the white picket fence when Victorians believed you could control the economy in some way. We have got rid of many of the ridiculous — —

Hon. T. C. Theophanous interjected.

Hon. D. McL. DAVIS — No, this is just the start of it, Minister. This will not stop. The government has been captured as a party by that particular trade union and it has begun to extract the first dividend, the first bounty from its political and financial support of the Labor Party in this period and before, and it will continue to do so. I do not have any doubt that we will see a period where shop trading hours and the choices of tourism operators, the choices of traders, the choices of consumers are progressively restricted. I believe that is false, I believe it is wrong, I believe it is a restriction of liberty and I certainly oppose it very strongly.

Hon. D. K. DRUM (North Western) — My problem with this bill is that the government has not consulted with the small businesses it claims to have consulted with. The people who make up my constituency have been very vocal in getting me to represent them on this issue. The whole city of Bendigo is up in arms over this legislation. People have made abundantly clear to the council and the council has made abundantly clear to me that nearly the whole city is going to have to try to get an exemption from this particular bill.

As the house would know, the Easter fair in Bendigo is the busiest time in the calendar year. Easter Sunday is Bendigo's biggest day. To simply try and close up the shops on that particular day is one of the most unbelievable things you could possibly do to the city of Bendigo and to any city of that proportion. The chamber of commerce has been equally as loud as the council. Its members have vowed to make sure that come Easter Sunday they will be voting on this legislation with their doors open.

The problem is that they are put in a very difficult situation. They cannot afford to open and pay the penalty rates, and they cannot afford to close and miss out on the extra trade. We are expecting anywhere from 20 000 to 30 000 extra people to visit Bendigo on these two days, specifically Easter Sunday. If you have a small business your margins are often reduced to the very fine level that you need to cut them in order to run a business. Although some members on the other side of the house would have us believe there is an awful amount of fat and it is about time we shared some of the profits with the workers, I suggest that if you run a business you understand that is simply not the case. These people have their margins cut to a level where they can only just continue to be in business.

All this legislation will mean is that the same shops will stay open; the whole region of Bendigo will simply open as it has always done on a Sunday. The only difference will be the additional penalty rates, and these penalty rates have not been factored into the margins and the pricing structure that the retailers have to put out because they have not been given enough warning.

If the government knew when it went to the polls on 30 November that it was going to bring in this legislation for this Easter, I fail to understand why it could not let people know what it was doing. Why did it have to wait so late in order to let everybody know that it was going to introduce this legislation at the death? The government simply has not allowed enough time to bring it in.

I would like to say that if Bendigo is given an exemption, which is expected to happen, what would happen to the Mount Alexander shire, with nearby towns such as Castlemaine and Maldon, which do not have an Easter fair but have equally strong tourism claims on the Easter weekend? They will not get an exemption simply because they do not have a Chinese dragon parading through their main street, but they will miss out on the dollars or they will be forced to open if they have a small business and pay the penalty rates.

The biggest issue is that these people were not asked what they wanted. If they were asked they would have told the government, 'For goodness sake, don't tamper with this'. It has obviously been done to appease the workers and that is a fair debate that you could have all day, but it is not how the bill is sold to the community and to us. It is sold as though the government is trying to do the right thing for families and put some balance into family life. People in small businesses tell you that it will not make one skerrick of difference to family life and they will simply go about their lives as they normally do and pay the extra rates.

In modern working conditions and employee arrangements most people understand that every now and again, once a month, you may have to work on a Saturday or Sunday. If you do that once a month you will recoup days off in kind midweek. We understand that is one of the terms required to get a job these days and that is what is accepted. All of a sudden the government is now saying it is not the case anymore and if people happen to work this particular Saturday or Sunday they will get more time off on a Monday, Tuesday or Wednesday to make up for the same amount of time in kind. It is rushed legislation and it has created awful confusion in Bendigo. People do not know where they stand with this bill. It is fast approaching and we wish the warning had been given to the cities in my province three or four weeks ago, even if they were informal, prior to Parliament starting as to what the government was about to inflict this coming Easter. I do not know whether that was possible, but we are bearing the brunt of not having it done now.

I have been given no choice but to stand here and voice the disapproval of my area, my particular patch. If there is talk of consultation or glowing praise from mayors or councils, come to Bendigo and you will get the alternative view.

The PRESIDENT — Order! Do other opposition members wish to speak on the bill? According to my list Mr Olexander, Mr Forwood or Ms Coote wish to speak on the bill. Perhaps those members can have their time allocated to them when the bill is next before the house.

Hon. P. R. HALL (Gippsland) — I would like to make a brief contribution to the Public Holidays and Shop Trading Reform Acts (Amendment) Bill. I particularly want to do that because I noted that Mrs Carbines advocated an exemption to be given to the Surf Coast Shire in her electorate. I too wish to go in to bat for one of my municipalities, the East

Gippsland shire, which has also made an application for a shire-wide exemption to this particular legislation.

I make a couple of comments. Firstly, there has been no call for this legislation in my electorate. No-one has been out there advocating strongly that the legislation is necessary and much needed. It came really as quite a surprise. Secondly, over a period of time since we have had seven-days-a-week trading, communities have developed their own shopping patterns and while they vary from municipality to municipality, there is a constancy in those shopping patterns. If I walk down the street of Traralgon on a Sunday I know which shops regularly open and which do not. If one of the regular openers is suddenly closed it is an inconvenience to me and others who rely on the shop being open.

We should recall and bear in mind just because we have seven days a week trading it does not mean that all retailers exercise that option to open on Sunday — many do not, whether in country Victoria or in the metropolitan area. Some communities rely greatly on Sunday trading, particularly those, as has been mentioned, in tourist areas where they rely on the business generated on a Sunday to help them out.

When I said I am standing here as an advocate for the East Gippsland shire's application for exemption I do so on two grounds. Firstly, because Easter is a vital trading period for the whole of the East Gippsland shire. It has many areas that rely greatly on tourism, particularly on weekends. I refer to those areas along the coast such as Bairnsdale, Paynesville, Metung, Lakes Entrance, Marlo and Mallacoota.

I also refer to inland areas such as Buchan and the bushfire areas such as Omeo where Easter will provide an opportunity for people to come up and look at the impact the bushfires have had on those areas. If these small businesses do not have the option to open on Easter Sunday they will be significantly disadvantaged. So for both tourism reasons and because many of these areas are still feeling the impact of bushfires I advocate strongly that the minister grant those exemptions for the East Gippsland shire to allow it to advocate for Sunday trading.

In speaking against the bill, I say that it is unnecessary legislation. I do not think it has been called for and it disrupts those shopping patterns that have now been established in all our communities. It is unnecessary and unfair that this is being imposed on our communities in such a rushed way. With those few words I join with my colleagues Bill Baxter, Barry Bishop and Damian Drum in opposing the legislation.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! Pursuant to sessional order 10 the question is that the house do now adjourn.

Maroondah Hospital: parking

Hon. A. P. OLEXANDER (Silvan) — Thank you, President. I certainly look forward to making my contribution on the public holidays bill tomorrow!

I seek the assistance of the Minister for Health in the other place. Back on 4 June last year I asked the previous Minister for Health to urgently address the chronic parking problems that affect the surrounds of the Maroondah Hospital in my electorate of Silvan Province. This problem poses a huge dilemma to those trying to deliver patients and sick people to the hospital and to those seeking to visit sick relatives and friends. It goes without saying that the illegal parking that results in the precincts of the hospital and in the residential areas surrounding it is a cause of frustration to local residents.

While I understand the current redevelopment program causes disruption to normal parking arrangements, it seems that the staff are being considered at all times when parking is an issue, but the public who may be visiting the hospital or conducting other business are not being considered. This is causing significant problems for those utilising the service and for local residents alike.

Therefore, I call on the new Minister for Health to address the parking problem at Maroondah Hospital and to give particular attention to the needs of patients, the public and local residents in this review.

General practitioners: bulk-billing

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Health in another place concerning the crisis in bulk-billing rates. I am deeply concerned about the impact the bulk-billing crisis is having on the health of my constituents.

Following the introduction of Medicare by the Hawke Labor government in 1984 the rate of bulk-billing increased steadily until 1996. Strangely, Howard was elected in that year! Since 1996 bulk-billing rates have collapsed from 80 per cent down to 69.9 per cent. At the same time gap payments for visiting a non-bulk-billing doctor also increased significantly — —

Hon. Philip Davis — On a point of order, President, the matters the member is raising come under the jurisdiction of the commonwealth and do not impinge on state government administration. I ask you, President, to indicate to the member that he should bring his point back to state government administration.

Ms Broad — On the point of order, I think it is clear what impact the demise of bulk-billing is having on the state's health budget. These matters are entirely pertinent to matters of state administration, and it is entirely in order for the member to raise this matter for the Minister for Health in the other place.

Hon. Philip Davis — On the point of order, President, the member has been speaking for nearly 1 minute, but he has given no indication of the relationship between the issue he has raised and matters of state administration. I suggest that the member should focus his remarks on matters of state administration and the competence or otherwise of the government.

The PRESIDENT — Order! I remind honourable members that under the rules relating to speeches on the adjournment debate, a member speaking to a motion that the house do now adjourn at the conclusion of a sitting day may make a complaint, make a request or pose a query. The honourable member has started to develop an adjournment matter that falls within that category, and I ask him to continue in that manner and ensure that he either makes a complaint, makes a request or poses a query on a matter of state jurisdiction.

Mr SOMYUREK — In Holt and La Trobe, the two federal electorates that cover most of Eumemmerring Province, bulk-billing rates have reduced by 13.5 per cent and 12.3 per cent respectively since 2000. At the same time out-of-pocket costs have gone up by 10.2 per cent in Holt and an incredible — wait for it — 24.8 per cent in La Trobe.

Hon. G. K. Rich-Phillips interjected.

Mr SOMYUREK — Gordon, you have got no chance. The increase in out-of-pocket costs undermines the concept of universal health care, Gordon, which is the cornerstone of the Medicare system.

The PRESIDENT — Order! A member should address another member of the chamber using their correct title — either the Honourable Gordon Rich-Phillips or Mr Rich-Phillips.

Mr SOMYUREK — The bulk-billing crisis means that we are now at the stage where low-income families

cannot afford to see a GP should more than one person in a family be ill at any particular time. The decrease in bulk-billing has also impacted on the emergency departments in our public hospital system. As a direct result of the Howard government's policies there has been an overall 5.8 per cent increase in demand in the year to December last year.

Hon. Bill Forwood — On a point of order, President, you have been most indulgent in listening to the honourable member until now. Despite your ruling, he has made no effort at any stage to bring his point to an issue of state administration. He has continued his diatribe about an issue which is within the responsibility of another jurisdiction, and he has absolutely flouted your ruling that he bring his point to a matter of state administration. I ask you, President, to bring him back to order.

Ms Broad — On the point of order, President, in case the honourable member opposite was not listening, the member was developing his argument and specifically referred to the impact on hospitals — —

An honourable member interjected.

Ms Broad — Yes, he did. He specifically referred to the impact on hospitals as a result of his constituents being denied bulk-billing: because they cannot afford health care where bulk-billing is not available, they turn up in the state hospital emergency departments. That is a direct impact on state responsibilities, which he referred to, in case the honourable member was not listening.

Hon. A. P. Olexander — On the point of order, President, for a long time all members in this chamber have been aware of the rules governing the adjournment debate. Indeed, guidelines circulated to us all state categorically that all adjournment issues raised must be within the jurisdiction of the minister to whom they are addressed.

Unfortunately, Mr Somyurek has used more than two-thirds of his allocated time and has drawn absolutely no relationship between the matters he raises and the minister's responsibility. It is unfortunate that with only 43 seconds left he still has not done so. I also draw your attention, President, to the fact that the minister in responding to these points of order seems to be placing words into Mr Somyurek's mouth and leading him, which is entirely inappropriate in this context. I ask you, President, to call him to order.

The PRESIDENT — Order! With respect to the point of order, I ask the honourable member to ensure that in less than 43 seconds he poses a question for the

minister that is within the administration or competence of the Victorian government and that he does not debate the issue.

Mr SOMYUREK — I would like to add this, though: in Dandenong Hospital there has been a 9.1 per cent increase in demand on the emergency department.

Honourable members interjecting.

Mr SOMYUREK — They can laugh all they like. They can laugh at Victorians' health care. There was an increase of 9.1 per cent in demand in the Dandenong Hospital. Given that the federal Liberal government has an agenda of destroying Medicare and has the power to do so, what will the Victorian government do to ensure that Victorians continue to receive the appropriate level of health care?

Timbarra secondary college: site

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise a matter for the Minister for Education and Training in the other place. It relates to the Timbarra secondary school site in Narre Warren in my electorate. This is a site that was acquired by Mr Hayward, when he was the Minister for Education in 1996, to provide for the secondary education of children in the Timbarra estate, an estate which was developed by the Urban Land Corporation in the second half of the 1990s. It is now a fairly fully developed estate. The site purchased for the secondary school adjoins the site where the Timbarra Primary School is located, and a preschool is also co-located on that site. So the piece of land which has been set aside for the secondary college is quite strategic in terms of providing for the educational needs of children and young people in that area.

Recently the Department of Education and Training has applied to the City of Casey for that piece of land to be rezoned from public to residential use. It is quite clear that the department's intention is to sell off that site, which was purchased by the previous government for a secondary college, for residential development. Quite understandably, the residents in the area and the Timbarra Residents Association are quite disturbed at this proposed development by the government and are taking action to block the rezoning by the City of Casey. Growth in the area, particularly in the Timbarra area in the City of Casey, is occurring quite rapidly. The City of Casey is growing by in the order of 80 families a week, so there is a huge demand for educational facilities in the area. It is yet to be proven that there will not be a demand for a secondary college.

The government is in the unique position of holding this piece of land. There is no imperative on the government to sell it. It is a very fine piece of real estate and is appreciating monthly, so there is no risk of the government losing out by retaining the site.

What I seek from the minister is an undertaking that the government will not sell the site and will retain the site for the Timbarra secondary college until it can be sure that student numbers in the area will dictate that there is not a need for a secondary college. The site should not be sold prematurely; it should be reserved until growth in the area peaks and the department can be sure that it does not need to build a secondary college.

Rosebud rehabilitation unit: respite care

Hon. J. G. HILTON (Western Port) — I wish to raise a matter for the attention of the Minister for Health in another place. Multiple sclerosis (MS) is a most insidious disease, affecting both young and old people in our community. MS sufferers lose control of their physical mobility whilst retaining their mental acuity. Consequently they are forced to rely more and more on the support of their carers.

The specific issue I wish to raise is the provision of respite care for MS sufferers on the Mornington Peninsula. Presently specialised MS care is available only in Williamstown and Greensborough. Both centres are a considerable distance from the Mornington Peninsula. Multiple sclerosis itself is a disease which makes travelling great distances dangerous. Hence those affected by the disease and their carers can be reluctant to embark on such journeys. Local nursing homes on the Mornington Peninsula can provide an alternative to specialist MS respite care. However, a significant drawback to this solution is the fact that the permanent residents of such nursing homes tend to suffer from dementia or Alzheimer's. Consequently, these facilities cannot always provide an appropriate environment for MS patients, whose minds are still alive and acute.

During the 2002 state election campaign the Bracks government announced that it would build a \$20 million, 60-bed nursing home-hospital in Mornington. In addition, the Bracks Labor government also committed to allocating an extra 15 beds and a rehabilitation pool at the Rosebud rehabilitation unit. These services will provide great benefits to the electorate I serve.

I ask the minister to consider allocating two of the extra beds at the Rosebud rehabilitation unit as respite care for people with MS and other debilitating diseases. For

MS sufferers on the Mornington Peninsula and surrounding areas, this could create 104 respite weeks of care on an annual basis.

I believe such facilities would be of significant benefit to sufferers of multiple sclerosis and their carers. I request that the minister investigate the provision of respite care on the Mornington Peninsula, and specifically I request that the minister examine the possibility of utilising some of the proposed rehabilitation beds at Rosebud for this purpose.

Gas: Gippsland pipeline

Hon. P. R. HALL (Gippsland) — I wish to raise a matter for the Minister for Energy Industries. It concerns the construction of the eastern gas pipeline by Duke Energy, and in particular that section of the construction which went through the property of my constituent, Mr Ross Walker of Cann River. Mr Walker owns a long, narrow strip of property on which he runs a dairy farm. The length of the eastern gas pipeline going through his property was 2½ kilometres.

He was told that this work was going to take place in the summer, so as to minimise any disruption to his dairy farming operations, and he was also told it would take three weeks in total for the construction to take place. It took much longer — more like three or four months than three weeks — and it also took place in the autumn of 2000, causing a great disruption to his dairy farming operations. The weather was not conducive to the rehabilitation of the land after the construction. I have visited Mr Walker's property and he has personally shown me some of the detrimental environmental impacts this has had on his land. In particular there seemed to be an inadequate amount of topsoil replaced when the eastern gas pipeline was put there, and clay was showing through everywhere, which of course had an impact on pasture production.

So there are two issues of major concern: firstly, the rehabilitation of the land to its original condition, and secondly, the loss of production during the construction and since the pipeline has been in place because pastoral production has not been as great, therefore the milk yield has been lower because of the poor rehabilitation that has taken place.

Various experts have made significant assessments of the amounts of top soil required to rectify some of those problems. After two and a half years Duke Energy finally came to the mediation table in November last year to try to resolve this matter, but almost immediately it sought to adjourn the mediation claiming it needed to have some further assessments

undertaken. Now, some four months since mediation was adjourned, Duke Energy is still refusing to come to the table to negotiate on this matter.

My request to the Minister for Energy Industries is that this is an important project for Victoria and New South Wales. The environmental management plan was signed between the government and the company. I want some assistance from the minister to get Duke Energy back to the mediation table to try to assist my constituent, Mr Ross Walker, to gain fair compensation for production loss and to ensure that Duke Energy rehabilitates the land to the requirements set out in the environmental management plan.

Moonee Valley: North Melbourne site

Ms ROMANES (Melbourne) — I raise a matter for the attention of the Minister for Local Government and the Minister for Housing. The Moonee Valley City Council has exhibited a planning scheme amendment to revoke the Willow Ware Australia Pty Ltd factory site in Buncle Street, North Melbourne, to a residential zone. An independent panel has recently completed hearings into that proposed planning scheme amendment. At the same time the Moonee Valley council has been talking to the community about closing some of the community facilities on an adjacent council site on Melrose Street and shifting them to a nearby community centre in Buncle Street, and to conduct some improvements on the Buncle Street site. I understand there is an agreement by the Moonee Valley council to sell the council site to Willow Ware conditional on approval of the planning scheme amendment.

Various concerns have been expressed by community groups and residents, one being about the lack of consultation on the planning scheme proposals and the development plan for the Willow Ware site before the decision to exhibit a planning scheme amendment. That is contrary to state government guidelines relating to processes for exhibiting planning scheme amendments. There is also community concern about a lack of clarity about what community benefit would eventuate from a future sale of the Melrose Street facilities by the council and the relocation of those facilities. The development plan is right in the middle of a large public housing estate, with high-rise and medium-density public housing surrounding the Willow Ware site. It would appear critical that the Office of Housing should have had input into the development of the plans for the precinct. Has the Moonee Valley council consulted and involved the Office of Housing in the planning for this precinct? What are the Office of Housing's views on the proposals for the Willow Ware site?

Hospitals: waiting lists

Hon. D. McL. DAVIS (East Yarra) — My matter for the adjournment debate tonight is for the attention of the Minister for Health in the other place.

Ms Hadden interjected.

Hon. D. McL. DAVIS — She should have consulted the new Moonee Valley council, you are quite right.

Mrs Carbines — Who is 'she'?

Hon. D. McL. DAVIS — It concerns waiting lists and the unreliability of the minister's figures. In a recent period the Minister for Health released a set of health figures related to waiting lists and other hospital activities which were wholly unreliable. The minister has released figures — —

Honourable members interjecting.

Hon. D. McL. DAVIS — She admitted that, and I have the briefing note which shows that. The reality is that she has issued a press release which shows that the number of people the government is chasing off the waiting lists has grown significantly. It is now a matter for considerable dispute. The figures released about a week or so ago show that 12 083 people were forced off the waiting lists in the last period. The minister is now arguing that the figure she first released is wrong. Mr Somyurek is relying on her figures and knows that her figures are wrong, including public hospitals, the waiting lists — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Davis and Mr Somyurek! The house is too noisy and it is too hard for Hansard or me to hear. I ask the house to come to order and for Mr Davis to be not too provocative, but to continue.

Hon. D. McL. DAVIS — The minister has been caught out fudging and cooking the lists. The minister's figures cannot be relied upon anywhere in Victoria, and the minister has taken very foolish steps in terms of these waiting lists.

Mr Somyurek interjected.

Hon. D. McL. DAVIS — Mr Somyurek ought to be talking about the growth in private health insurance. What we have seen is a series of changes in hospital waiting lists that can only be called untruthful, a series of fudges on the hospital waiting lists. I believe the government is seriously chasing people off state

government hospital waiting lists, and it is doing so in areas like Southern Health, where we have had letters and a series of phone calls forcing sick people off waiting lists.

Hon. R. Dalla-Riva — A shame.

Hon. D. McL. DAVIS — Absolutely, it is a shame and a disgrace that people who are ill, weak and vulnerable are chased off waiting lists by the government. Will the minister launch a full and proper independent inquiry into her fudging of the waiting lists and the chasing of patients off waiting lists by the Victorian government?

Donwood Community Aged Care Services: minister's visit

Hon. C. D. HIRSH (Silvan) — I want to raise a matter for the Minister for Aged Care, and perhaps the Minister for Local Government could pass on my request to him. It concerns Donwood Community Aged Care Services in Mount Dandenong Road, Croydon. It is a fantastic not-for-profit organisation, an absolute model of an aged care facility which the federal government should look at and take note of. It is a wonderful organisation. It is a nursing home and hostel with 44 hostel beds, including a number of dementia-specific beds which are located so that the needs of the residents are catered for with a garden for them to walk in. It is an absolute model.

Hon. D. McL. Davis — What is the name of it?

Hon. C. D. HIRSH — Donwood Community Aged Care Services. The nursing home component has 30 beds and another 16 dementia-specific beds have been approved and are going to be built. The board would like to have the minister come and visit the facility, to have a look at the model that is provided by this organisation.

Glen Hubbard is the president and David Simmons is the vice-president. It has an absolutely brilliant director of nursing and manager, Lyn Hornsby, who is totally dedicated and runs the place magnificently. The community organisation has the support of residents, residents groups and service groups in Croydon and Ringwood. The auxiliary and local groups do a wonderful job. It is bright and fresh, with flowers everywhere. A number of residents have brought their pets with them. There are a number of residents' cats and some birds, and a couple have some fairly overweight dogs.

I am hoping the minister will come out and have a look at Donwood Community Aged Care Services. I know

the secretary, Marion Grybas, would also appreciate the minister's attendance.

Housing: Raglan-Ingles estate

Hon. ANDREA COOTE (Monash) — I was very interested to hear Ms Hirsh's discussion about Donwood. I will go out to Donwood, since the minister himself is not here. I will go out to meet them. I would very much like to do that.

My question is to the Minister for Housing. I have been interested to hear the minister bring up the issue of the Raglan-Ingles estate on a number of occasions. This development is not far from my electorate office, so I have a particular interest in it and in looking at the opportunities for the people who were moved out of this complex, and at what is going to happen to them in the future. It is very easy to talk about dollars and cents, costs and turning the sod yet again, but this is about people's lives, and it is important to understand what has happened to these people and when they can get back into the facility.

I would like to go back to what the minister said when she referred in February to turning the first sod. I remind the minister that the first sod was turned by the previous minister in November 2000 and then again in May 2001. The last time the present minister said she was turning the sod, she said the cost of the development was going to be \$16.6 million. There were going to be 64 new public housing units, yet when the former Minister for Housing, the Honourable Bronwyn Pike in the other house, spoke about it in November 2000 and again in May 2001, she said the cost was going to be \$13 million and there were going to be 130 new homes. Given these figures, the government is now \$3.6 million over budget before construction has even started. It is already two years behind schedule because construction was supposed to be completed in 2004, and there are now 10 per cent less units. I remind the minister that she said there were going to be 64 new public housing units and the previous minister said there were to be 130 new homes.

I ask the minister: what is the correct amount and what is the correct number of units? Is it going to be \$16.6 million now and 64 new public housing units or is it \$13 million and 130 new public homes? What are the right figures?

Whitehorse: land transfer

Hon. B. N. ATKINSON (Koonung) — I direct my question to the Minister for Local Government to take to the Premier in the other house. In normal

circumstances I might well have asked the Minister for Local Government who is at the table to actually answer this, but given that it seems to be government policy rather than simply a matter for local government I ask that the matter be brought to the attention of the Premier.

Last week I heard the announcement of the federal government on land at Point Nepean and the response of the Deputy Premier in the other house, who indicated that because the land was in public ownership it ought to all be transferred to the state government without any cost. In fact the federal government has provided some land without cost and is inviting the state government to purchase 90 hectares; otherwise the federal government would obviously have an opportunity to be involved in its final use. Certainly the federal government has given the state government first opportunity with that land.

The Deputy Premier, on the occasion of making the announcement last week, indicated as I have said that the federal government ought simply to pass that land to the state government and that there should not be any charge to the state government because it was already in public ownership. I was particularly interested in that because I understood it to represent a change in policy of this state government. To be fair to one you must be fair to the other, and if that is what is expected of the federal government then obviously it ought to be expected of the state government to also meet local government needs in respect of public land. Where there is land surplus to the state government's requirements the same sort of policy ought to apply.

In the City of Whitehorse there is land known as the Junction Road land, which is surplus to the Eastern Freeway reservation. There is another block of land in the vicinity of Yharran Dherrin Reserve, which is also surplus to needs for the freeway reservation land. Therefore in both instances the City of Whitehorse has been having discussions with the state government about the acquisition of that land. The council has been told by the honourable member for Mitcham in another place and given indications by the government generally that it could have access to that land but that it would need to pay for it. That was not Liberal Party policy at the last state election, but indeed that was the policy of the Labor Party at the election. It seems that the Labor Party has had a change of heart about how land in public ownership should be dealt with.

I seek the Premier's indication that the state government will be prepared to discuss with the City of Whitehorse the transfer of that land at no cost to the council.

Goulburn Valley Highway: duplication

Hon. W. R. BAXTER (North Eastern) — I direct my question to the Minister for Transport in another place. Last month, along with the minister and other honourable members, I attended the opening of the Murchison deviation of the Goulburn Valley Highway duplication. It is a very worthy \$90 million project to in effect bring Shepparton 4 kilometres closer to Melbourne. It will clearly save a lot of lives. Obviously there is an expectation and anticipation that further stages of the duplication will be undertaken, probably at Arcadia, which will be relatively simple, and at the Nagambie bypass, where there is still some planning work to be done. Eventually it will extend to the Shepparton bypass where the route has now been decided to be to the west.

The point I wish to raise with the minister tonight is the necessity of maintaining the Vicroads project office in Shepparton. There has been a suggestion that because the Murchison deviation has been completed and there is no money on the table right at this moment to proceed with the next section the office will close and the people of Shepparton will be serviced from a Vicroads project office that is being set up in Albury, New South Wales, for the Albury-Wodonga bypass project.

I think that would be totally unfair to the citizens of Shepparton, particularly those on the route of the Shepparton bypass, which is a very long stretch of the road and which will require a lot of properties to be acquired. There will be a number of hardship cases, there is no doubt about that, where people will be wanting to get out before the road is built and will be wanting Vicroads to acquire their property in advance. I do not think it is fair that they should have to work through an office in Albury, bearing in mind that it is a very stressful circumstance if your farm or your home is being acquired. Often you have lived in it for many years or it might be the dream home you built near the Goulburn River in recent years for your retirement. I think there is every reason for maintaining the project office in Shepparton, and I ask the minister to do so.

As well as that, if the project office does close in my view it sends a signal to Canberra that the state government is not interested in doing the next section of the Goulburn Valley Highway and that it is not a priority for this government. I do not think that is the circumstance with the government, I think it wants to continue, but there should be no indication given through the closing of the office that this government has other priorities.

I urge the minister to keep the project office open in Benalla Road and to continue to negotiate with his federal colleague for ongoing funding for the next section.

Public liability: angling clubs

Hon. J. A. VOGELS (Western) — I have an issue that I would like the Minister for Local Government to take up with the Minister for Finance. It deals with the inability of angling clubs to get public liability insurance.

A letter from the Cobden Angling Club states:

The problems associated with legal liability cover are being felt by many sporting organisations. It has probably had its greatest effect on angling clubs. Our club has sought cover with many brokers, all of them refusing to insure our organisation.

The area of concern on the policy we were endeavouring to secure states we are not covered — and I quote — ‘for personal injury to or damage to property of persons or organisations whilst they are participating in any sporting exercise or activity ... any other competitive team events ... activities under, on or in water.

Now that is normally where you go fishing — in water! They have got a bit of a problem there.

This restricts anglers to individual fishing activities and does not allow clubs to conduct organised fishing competitions, which are the core function of angling clubs. It also prevents us from conducting competitions and activities to promote junior angling, the focus of our club.

The letter goes on to say:

No-one would object to a reasonable cost with regard to legal liability insurance, but to receive a no is completely unacceptable.

I ask the minister to have a good look at this, because it seems to me that if all angling clubs in Victoria are in the same boat some action needs to be taken.

Responses

Ms BROAD (Minister for Local Government) — The Honourable Andrew Olexander raised a matter for the Minister for Health in relation to parking and Maroondah Hospital. I will refer that matter to the minister.

Mr Somyurek raised a matter for the Minister for Health concerning bulk-billing. I will refer that matter to the minister.

The Honourable Gordon Rich-Phillips raised for the attention of the Minister for Education and Training a site adjacent to Timbarra Primary School and requested the minister to ensure that that site is retained for

possible future use for a secondary college. I will refer that matter to the minister.

The Honourable Geoff Hilton suggested for the attention of the Minister for Health that she consider allocating beds at Rosebud for respite care for multiple sclerosis sufferers. I will refer that matter to the minister.

The Honourable Peter Hall requested the Minister for Energy Industries to assist in the mediation between Duke Energy and a constituent of his who is a dairy farmer. I will refer that request to the minister.

Ms Romanes requested me to investigate the matter of consultation by Moonee Valley council with the Office of Housing in relation to the site which is currently occupied by community facilities in Melrose Street adjacent to the Willow Ware site. I will respond to her on those matters.

The Honourable David Davis raised for the attention of the Minister for Health the matter of hospital waiting lists. I will refer that matter to the minister.

The Honourable Carolyn Hirsh raised for the attention of the Minister for Aged Care an invitation to the minister to visit the facility in her electorate known as Donwood Community Aged Care Services. She issued that invitation on behalf of the board, and I will pass that request to the minister.

The Honourable Andrea Coote directed my attention to the Raglan-Ingles estate and raised a number of matters about the redevelopment of that estate. I can indicate to her that completion of construction is expected around the middle of 2004, and that in addition to the 64 new public housing units up to 50 privately owned units are part of that planned redevelopment.

Following that the Honourable Bruce Atkinson raised for the attention of the Premier the matter of a cost to the City of Whitehorse and referred to Point Nepean. I will raise that matter for the attention of the Premier.

The Honourable Bill Baxter raised for the attention of the Minister for Transport the matter of the Shepparton bypass and retention of the Vicroads site office in Shepparton. I will refer that matter for the attention of the Minister for Transport.

The Honourable John Vogels raised for the Minister for Finance the matter of the Cobden Angling Club and public liability insurance. I will refer that matter to the Minister for Finance.

House adjourned 10.41 p.m.

