

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**25 March 2003
(extract from Book 4)**

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By authority of the Victorian Government Printer

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Tuesday, 25 March 2003

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

SMALL BUSINESS COMMISSIONER BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of **Hon. M. R. THOMSON (Minister for Small Business)**.

TERRORISM (COMMUNITY PROTECTION) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of **Hon. J. M. MADDEN (Minister for Sport and Recreation)**.

RETAIL LEASES BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of **Hon. M. R. THOMSON (Minister for Small Business)**.

PARLIAMENTARY COMMITTEES AND PARLIAMENTARY SALARIES AND SUPERANNUATION ACTS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of **Mr LENDERS (Minister for Finance)**.

QUESTIONS WITHOUT NOTICE

Public sector: financial losses

Hon. C. A. STRONG (Higinbotham) — I direct my question to the Minister for Finance. I refer to the mid-year financial report released on 17 March and to the disclosure that Victoria's public financial corporations incurred losses totalling \$537 million in the six months to 31 December last year and now have

negative net assets of \$214 million. Apart from the Victorian Workcover Authority, which public corporations have incurred losses over that period?

Mr LENDERS (Minister for Finance) — I welcome the inaugural question from Mr Strong as the shadow spokesperson for finance. I am pleased that Mr Strong has read the report. I guess the issue he is alluding to is twofold: financial management and public bodies that may have incurred losses during the time reported on.

As Mr Strong alluded to, the Victorian Workcover Authority has incurred some losses, not in its operational areas but in its investment areas. All major government bodies have a trading operation that the government is absolutely vigilant about — it expects a good return from them, whatever part of government they are in — and then there is the investment facility of those bodies.

As the house would be aware, a number of the bodies, whether they be the various insurance agents of the government or the statutory corporations such as the Transport Accident Commission or Workcover, have a responsibility to invest assets. Obviously the state sets what it thinks should be the long-term return on those assets and the Auditor-General will, through his reports, measure the actual return against the government's expectation.

I suspect it is no surprise to Mr Strong or to this house, given the performance of equity markets across the planet over the last period, that some of those bodies have not had the returns — generally in the order of 7 per cent per annum — we anticipated either in our budgetary processes for the state itself or for some of the agencies outside the inner government area. That would account overwhelmingly for the figure Mr Strong referred to.

The second issue is the government's expectation of sound financial management, which the Bracks Labor government prides itself on. As the house would certainly be aware, this government's economic management credentials are based upon a AAA credit rating, which, on a number of occasions, has been verified by both Moody's and Standard and Poor's, and upon consistently keeping a minimum \$100 million surplus in the accounts. That is why this government has put in place the strict financial reporting requirements that are now in operation in the state of Victoria, in considerable contrast to what occurred with the previous government, which tried to muzzle the Auditor-General.

As I reported to this house, on 15 January the *Australian Financial Review* accused this government of being too transparent. I guess that is something no other government has ever been accused of as a result of putting forward that sort of information.

We will continue to present to this house and to the Victorian public accounts showing how we are performing in a particular area. The particular performance being reported shows that there is a shortfall in some areas, which as I explained to the house is because of the performance of equities.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — It is interesting that I asked the minister to name corporations other than the Victorian Workcover Authority but he failed to do so. He mentioned others in generic terms, and I wonder how well briefed he is on this issue, given that he was not able to name them. He also spoke about the generic failure of the equity markets and blamed everything on that. We all know that is the truth, but we also know that dealers in the equity market have strategies in place to try to improve the situation. I ask: what steps has the government taken in response to these losses?

Mr LENDERS (Minister for Finance) — Mr Strong asked me to name the bodies, and certainly the Victorian Workcover Authority has published its report. I can tell him that the Victorian Managed Insurance Authority, which reports to me, has operated on a surplus. The other bodies will report in due course, and as they do so the government will be open and transparent in reporting to the Parliament under the legislation, as it is required to do.

In generic terms, Mr Strong asked what strategies we have to manage the exposure to equities, of which there are billions out there in the marketplace. My response last week to the man who would like to be the spokesperson on finance, Mr Rich-Phillips, was that we have the Victorian Managed Funds Corporation, which is a professional body that has been set up by the government to advise all the instrumentalities and agencies with exposure in investments on the best way to do it, the advantages of group buying and to give other professional advice, so the government has taken the responsibility in this. I suggest that doing it under the VMFC is the answer.

The PRESIDENT — Order! That is the answer.

Electricity: network tariff rebate

Hon. J. G. HILTON (Western Port) — I refer my question to the Minister for Energy Industries. Would the minister explain to the Legislative Council why the Bracks government has decided to introduce the network tariff rebate for rural, regional and outer suburban electricity consumers?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question and for his keen interest in this area. I can tell the honourable member that his electorate will certainly benefit from the decision of the government. This government is committed to ensuring a secure, reliable and affordable supply of electricity to Victoria and will do so in an as environmentally sensitive a way as possible.

I am pleased to be able to inform the house that I will be announcing today the details of the network tariff rebate (NTR), which is part of the government's initiatives to ensure that regional Victorians and those in outer metropolitan Melbourne and rural Victoria pay no more for their electricity than comparable consumers in metropolitan Melbourne.

We have been able to ensure that the average electricity bill throughout Victoria will not rise by more than 3.1 per cent — that is, it will not rise beyond the consumer price index for the whole of Victoria. That has been made possible, firstly, by the use of the powers we have available to us in relation to pricing, and secondly, by the use of the government's network tariff rebate scheme.

The network tariff rebate scheme this year will be for 12 months, and it will amount to \$57 million, which will be made available for regional Victoria. As members already know, this has become necessary because of the underlying costs associated with the previous government's flawed privatisation program, which resulted in differential network costs in Victoria.

The average increase in electricity prices for some tariff categories would have been as high as 16 per cent had we not taken the two actions I have referred to. Non-metropolitan consumers can look forward to the NTR being applied directly to their electricity bills from 1 April. The NTR will be applied to non-metropolitan consumers who use less than 160 megawatts of electricity per year. It will be applied across the board, which means it will apply to both domestic consumers and the majority of small businesses, including many farms.

To give people an indication of it, in the Powercor network area in western Victoria the average rebate will be in the order of \$66.54, and it can be as high as \$121.25. In the TXU area the average rebate is \$32.34, and in some tariff categories the average can be as high as \$263.57.

The NTR scheme is another way in which the Bracks government is working to deliver a better deal on energy costs for all Victorians.

Supplementary question

Hon. J. G. HILTON (Western Port) — Is the minister aware of any alternative policies?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am glad the honourable member asked me this question, because I have in fact looked to see whether there are any other alternative policies.

I am happy to report that I came across two alternative policies. One was from the National Party, which had undertaken before the election to spend \$450 million by a disgraceful kind of cave-in to try to make up for its guilt in having let down regional Victoria in the past. Then I found the Liberal Party policy. I looked and looked and found nothing in its policy on protecting consumers or keeping electricity at affordable prices. The best I could find was a statement that the Liberals in government would take a managed step back from the electricity market — a managed step back, away from protecting the consumer. This must be a Liberal Party policy: take a managed step back to Robert Doyle, a managed step back to — —

The PRESIDENT — Order! Thank you, Minister.

Hon. T. C. THEOPHANOUS — Philip Davis, and a managed step back to — —

The PRESIDENT — Order! Thank you, Minister!

Alcoa: Portland smelter

Hon. BILL FORWOOD (Templestowe) — My question is also to the Minister for Energy Industries. Alcoa recently announced it was intending to add a third potline to its Portland smelter, a billion dollar investment which will create an extra 1700 jobs in regional Victoria. It advised at the time that an additional 330 megawatts of power would be required to run the facility. What role will the state government play in ensuring that power is available in time to enable this project to proceed?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question; I know that he is interested in energy issues.

As I said in answer to a previous question, I reiterate that I think it was a managed step back that the honourable member lost his position as leader on the other side.

Hon. Bill Forwood — Thank you for that.

Hon. T. C. THEOPHANOUS — I might add that it was not a very well managed step back; it was not very well managed at all!

This is an important issue. I can indicate to the honourable member that I have had discussions directly with Alcoa. We keep in touch with it about its intentions in the future. As the house might be aware, Alcoa was also involved in negotiations with some key players in the electricity industry about being able to secure base load power for potential future expansions in its operations directly.

There are a large number of issues as well as a significant subsidy from the state which applies to current power that is delivered to Alcoa. So there are significant issues which would have to be worked through. I do not believe there has been any announcement by Alcoa to actually go ahead with the third potline. I am aware that it is considering the issue and that were it to proceed there would be a requirement to have additional power come on stream.

I think there are a range of options for the delivery of that additional power. One of two ways, at least in the short term, would be to have on stream some additional capacity for peaking power, which would, in effect, allow us to free up a greater amount of the base load, if you like, that might be needed for Alcoa. But I think this will be the subject of significant discussion between the government — by myself, as part of the government, and also by my colleague the Treasurer — and, of course, Alcoa with the various players in the field. It is complicated because of the current subsidised structure that Alcoa operates to, which is a significant impost on the electricity system as a whole at the moment. Obviously we would be very keen to see an expansion in its operation. That is partly because it would allow for an increase in export revenue for Australia and for this state, and that is a very good thing, and it would create a significant number of jobs in construction and also in the ongoing operation of that business.

What I can say is that I believe Victoria will be able to meet the demands. We do have a problem in the sense

that having a privatised system means that we rely on market mechanisms in order to get investment in base load power. It is unfortunately something on which we do not have the same advantage as, for example, our New South Wales counterparts, who can make decisions on the basis of a publicly owned business. But we are actively involved in this issue, and we will continue to be so.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. It is an important project and one which we, of course, also fully support. In his answer the minister mentioned that the government is currently providing subsidised electricity — as he and I know — through to the years 2014 and 2016. I take it that as part of these negotiations the minister will be looking to provide some sort of electricity price subsidy for the new facility?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am not prepared to discuss the nature of the discussions that we are having with Alcoa about that matter. Those discussions are obviously between a commercial enterprise and the government. But I can say this, to try to help the honourable member: obviously Alcoa, if it were to make a decision to install a third potline, would make that on a commercial basis in the sense that its supply of electricity for that potline would have to be commercial enough so that it was able to produce aluminium at a world-competitive price.

Commonwealth Games: athletes village

Hon. S. M. NGUYEN (Melbourne West) — I refer my question to the Minister for Commonwealth Games. Will the minister advise the house of what steps he has taken to ensure that Victorians have input into the design of the 2006 Commonwealth Games village at Parkville?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the honourable member's question and thank him for his genuine interest in ensuring that Victorians have input into the design of the 2006 Commonwealth Games village at Parkville.

To keep members up to date as to what is happening with the village, under the Commonwealth Games legislation there is a requirement to establish advisory committees, and the government has established one of those for the Commonwealth Games village at Parkville — that is, the Commonwealth Games Planning Advisory Committee. It was established on

19 February 2003 to conduct a comprehensive program of community consultation on the village development over the next few months.

I want to reinforce the community consultation element, because I know members on the opposition benches in this house have indicated on a number of occasions that they do not believe there is enough community consultation. It shows that they fail to understand the legislation introduced and what is part of that legislation, which is to ensure that the community is consulted throughout any of these Commonwealth Games projects to make sure that they have input into the way in which the projects are planned, staged and developed.

On 17 March the planning advisory committee for the games village called for written submissions from the community and from stakeholders. The closing date for the submissions is 16 April, with public hearings to be held from mid until late May. The planning advisory committee will consider a number of issues, including the environment, planning, traffic and transport, and the contribution required for the community in relation to heritage buildings and what form and shape the use of those heritage buildings may take during and after the games.

The submission made by the developer to the planning advisory committee on its proposal will cover a number of issues. The government approved of its initial submission last October, and it has endorsed that and will not move away from that at this stage. But one of the refinements that it will put to the advisory panel, I understand, involves a redesign of some of the apartment buildings to allow for better access to open space and lower height buildings around the heritage precinct, with a consequential increase in height of the apartment buildings on the west end of the site.

The planning and advisory committee will advise me on whether these refinements should or should not be accepted. However, the government's position of having a height limit of six levels has not changed, and I reinforce that fact. I also understand the proponents — the developers — have recommended and will recommend to the advisory panel a change to the distribution of the public and social housing on the site.

I make it very clear in relation to this that there are two matters which should be highlighted: first, the government's position on public housing being fully integrated has not changed; and second, I await the advice from the advisory committee as to what it believes will be the best option. I have asked the

committee to provide advice on these matters, and I expect that to be delivered to me by 20 June.

This shows that we as a government are listening, we are acting and we are getting on with the job. And that reinforces the fact that the parties on the other side of the house are still divided, they still stand for nothing and they still do not care.

Electricity: wind farms

Hon. P. R. HALL (Gippsland) — My question without notice is directed to the Minister for Energy Industries. Last week in response to a question from the Honourable John Eren the minister spoke glowingly about his government's support for the wind energy industry. I now invite the minister to demonstrate that support by advising the house of any direct financial assistance his government has provided to a wind farm project in this state.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — It is an interesting thing when you have the opposition coming in here during — —

Hon. Bill Forwood — They are the third party.

Hon. T. C. THEOPHANOUS — I do not want to insult the opposition, so perhaps I should say it is interesting to see the National Party, having for so long in the past been part of a government which did absolutely nothing to progress wind power in this state or to achieve any wind power generation, coming in here and asking a question like this.

I am sure the honourable member knows that the central question facing wind power in this state is not whether it is going to get government subsidies; that is not the central question at all. The central question is whether the mandatory renewable energy target (MRET) is going to stay. That is the central question, because MRET is the national scheme whereby mandatory renewable energy targets are set and renewable energy certificates are provided to people who want to establish wind farms or generate wind energy in this state. Those renewable energy certificates mean those people can sell power out of the wind farms for roughly double what is available as a general rule on the market, and they are subsidised in order to do that.

This is a national program which has facilitated the development of wind energy in this state. It is a program which has been supported by Victoria and which continues to be supported by Victoria. The problem we now face is that there has been a review, which I am sure the honourable member is aware of — the Parer review — arising out of the Council of

Australian Governments, which has recommended the abolition of MRET.

We are at a crossroads for a whole industry in this state, and that industry is not going to survive as a result of any government handout for the construction of wind-power generators in this state; it will survive only if MRET survives. That is the bottom line of what is happening in wind power in this state. If there are no renewable energy certificates handed out, those installations will not be able to sell their power into the grid, because in trying to sell it into the grid they would be facing the problem that the cost would be about double, so we would immediately lose an industry.

Let me give Mr Hall a bit of advice. If he wants a bit of advice, what I suggest he does is get on the phone to his federal counterparts straightaway after question time. Get onto Ian Macfarlane or Dr David Kemp or whoever it is he might know federally, or get onto the federal National Party leader, and say to them that unless they fix up MRET and allow MRET to continue, Victoria and regional Victoria in particular will be deprived of a very important industry — and the people opposite will be the ones to blame for it!

The PRESIDENT — Order! I remind honourable members that when referring to members of this place or any other Parliament they are to use the correct titles.

Supplementary question

Hon. P. R. HALL (Gippsland) — It would be nice if we could get an answer to a question in this place one day. Once again I did not get a direct answer to my question.

Let me say this before asking my supplementary question, President. The government continues to brag about its facilitation of energy projects in this state when it knows jolly well that it does not put a cent into any of these projects. Another example was when, in answer to a question asked by John Scheffer last week about the Bassgas project, the Minister for Energy Industries once again bragged about his government's commitment to facilitate that project.

Perhaps the minister will give us the courtesy of answering this question: what direct financial assistance did the government provide for the development of the Bassgas project?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Honourable members opposite should probably go and read the sessional orders and learn about what is an appropriate supplementary question and what is not an appropriate supplementary question.

Hon. B. W. Bishop interjected.

Hon. T. C. THEOPHANOUS — Mr Bishop needs a few lessons too, believe me, following his recent attempt.

Bassgas is an important project. I have already told the house about the initiatives of this government in supporting Bassgas, and I am not going to go into them now. As far as wind power is concerned, I reiterate what I said: the honourable member should get in touch with his federal colleagues and give this government a hand to help support wind energy in this state.

Public liability: government action

Ms ARGONDIZZO (Templestowe) — My question is to the Minister for Finance. What action has the Bracks government taken to assist community groups and businesses that have been affected by the ongoing insurance crisis?

Mr LENDERS (Minister for Finance) — I thank Ms Argondizzo for her question and for her continuing interest in the plight of small businesses and community groups in the current insurance environment.

The Bracks government has taken a number of steps, as I have reported to this house previously, to assist businesses affected by the current problems in the insurance market.

Hon. D. McL. Davis — Belatedly!

Mr LENDERS — In October 2002 this house passed the Wrongs and Other Acts (Public Liability Insurance Reform) Act, and some of the reforms in that bill included the provision of waivers; a cap on loss of weekly earnings of three times average weekly earnings; a cap on non-economic losses of \$371 000 indexed to the consumer price index; setting the discount rate at 5 per cent; protecting volunteers and good Samaritans; and allowing people to say sorry.

In addition the Bracks government has worked with affected groups to assist them in finding insurance. The role of the Department of Treasury and Finance over the past year, and certainly my role and the role of my office in my time as minister, has been exactly that — to assist groups to find insurance.

I take up the interjection of Mr David Davis, who said all these things are belated — nothing could be further from the truth. Victoria led the Australian communities late last year, and my colleague the Minister for Small Business and the then Minister for Finance in the

Legislative Assembly, Ms Lynne Kosky, convened a summit of people affected by insurance. In fairness I will also give the National Party credit on this, because their leader in the Assembly, Mr Peter Ryan, was at the forefront of this as well. They went out and about to try to engage the community, not just by saying, ‘My gosh, there’s a steam train coming. What do we do?’, but by actually saying, ‘There is a problem. How do we as a community go about fixing this problem?’.

Consulting Victorians as the first step was one of the critical things this government did through the proactive action of two ministers and the Leader of the National Party in the Legislative Assembly going out and about to do this.

The government talked to the community and asked, ‘What is the nature of the problem and how can we fix it?’. This is an ongoing process, but the end piece last year was the passage of this legislation. In the meantime a lot of work needed to be done — because one size does not fit all — to go around community group by community group and ascertain their problems as well as to work out the problems of the industry sectors, what was causing the shortage of insurance and what the government could do to fix it.

That takes me back to Ms Argondizzo’s question about examples and case studies. There is probably not one member in this place who has not had someone in their electorate affected by difficulties in getting insurance. An example of a major group that the government worked with last year is the Pony Club Association of Victoria. There are a number of pony clubs in the Templestowe electorate that I went out and talked to about some of their issues and how the government could assist them in finding insurance. There are pony clubs in every electorate, not just in Templestowe.

Hon. Andrea Coote — There are no pony clubs in Monash!

Mr LENDERS — I take up the interjection of Ms Coote about having no pony clubs in Monash. I suggest she looks a bit further at her electorate, because she will find that there are many pony club members even in Monash Province. That is a sad indictment of her not paying attention to the interests of a lot of her constituents, because there are many thousands of pony club members throughout the state.

I pay tribute to the Seymour electorate in the Central Highlands Province, where the government assisted the organisers of the rafting festival who were having trouble finding insurance. We put them in touch with a range of brokers who came up with a product.

The PRESIDENT — Order! Thank you, Minister!

Consumer affairs: credit cards

Hon. R. H. BOWDEN (South Eastern) — I direct my question to the Minister for Consumer Affairs. There is concern regarding the impact of the unsolicited raising of credit card limits and the damage done to individuals affected by credit limit changes without request, and I ask: is the government prepared to legislate to prevent unsolicited lifting of credit card limits?

Hon. Bill Forwood — Now you've got your script from the previous minister you can answer the question!

Mr LENDERS (Minister for Consumer Affairs) — I thank Mr Bowden for his question and I take up Mr Forwood's interjection. The previous Minister for Consumer Affairs and Minister for Small Business was a credit to this state in the work that she did in assisting consumers and small business. It is a pity that there are not more like her!

On Mr Bowden's issue of credit card limits and the role that a state government can play in those areas, the government is attempting to deal with the issues of the soliciting of trade and a range of areas by legislation and in a number of codes it has before it. It is also being proactive by trying to work with the commonwealth government, because obviously banking legislation is a commonwealth responsibility, although this government has a role under a number of state acts.

As I reported to the house, a productive conference conducted by Consumer Affairs Victoria on consumer credit was held last week at the new Zinc Theatre at Federation Square — and it was the first time that I had been there. Stakeholders from a range of areas came together to report on consumer credit specifically and ways that the government could go forward, both as a state jurisdiction and also in conjunction with the commonwealth government.

As I have reported previously in my capacity as finance minister, I welcome working with the commonwealth government, and if it is not prepared to work with this government we are prepared to do things ourselves. The government will analyse the feedback from the consumer credit conference, although with Parliament sitting I have not had a chance to get a report back from my department on the outcome of that conference. We will be guided by what the stakeholders in the industry have to say about how commonwealth and state laws

can be further improved. I opened the conference and was there for the first part, but I welcome any feedback.

The government is determined to both empower and protect consumers. They are the two key criteria that the government has adopted. Within that context we will look at the outcomes of the consumer credit conference and will act as required.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I wish to advise members that we have in the upper gallery members from the Hellenic Parliament, including Mr Nikos Stratilatis and Mr George Salagovdis, and Mr Kouvaritakis, the Consul-General of the Hellenic Republic. They are visiting on the occasion of Greek National Day.

Questions resumed.

Seniors: card membership

Mrs CARBINES (Geelong) — I refer my question to the Minister for Aged Care and ask: can the minister advise the house of recent government action to improve Seniors Card membership and business involvement in regional Victoria.

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the honourable member for her question and her absolute enthusiasm for ensuring that older members of her community are well regarded, respected and provided with plenty of opportunities by the Bracks government. I also thank her because her questions always keep me on my toes and make sure that I know not to jump to my feet prematurely, although I thank her for the opportunity to jump to my feet on this occasion.

The Victorian Seniors Card is a fantastic government program. It is taken up by 750 000 Victorians over the age of 60: three-quarters of a million Victorians receive their Seniors Card. It is a fantastic program that provides for a range of services which include transport concessions — the daily metropolitan fare for Seniors Card holders is \$2.60 right across zones 1, 2 and 3. In terms of providing discounts on country travel, it provides discounts in the order of 50 per cent to 65 per cent. Right across the business community there are any number of opportunities for discounted services and products to be obtained, whether they be at plant nurseries, veterinary services, book retailers and cinemas as well as recreational opportunities such as

bed and breakfast operations. You name it, there are discounts available to Seniors Card holders right across the state.

Earlier this year I was very happy to launch for the very first time a directory that provided services in terms of the bed and breakfast industry and tourism opportunities right across the state. I hope seniors in Victoria take up those opportunities for maximum effect, particularly in those areas that have been affected by droughts and bushfires and in communities that are doing it hard. I encourage all senior members of the Victorian community to take up those opportunities that are so clearly documented in the directory. In fact the directory was mailed to — —

Hon. Bill Forwood — How old do you have to be?

Mr GAVIN JENNINGS — Over 60. In January I mailed about 500 000 copies of the directory to the citizens of Victoria, and I am very glad to say that I did not personally lick the stamps.

There has been an initiative that Mrs Carbines and her Geelong Province colleague, the Honourable John Eren, will be particularly mindful of, which is that I have recently approved a program to provide opportunities for senior citizens in the Geelong region and, even more broadly, throughout western Victoria to use their Seniors Card to get access to some fantastic performances at the Geelong Performing Arts Centre. That is a sensational program that encourages people to come in to be entertained and to become part of the community. Last year over 6000 Victorians took part in this important initiative of the Bracks government across the state, of which Geelong is an important component.

But people should get in quick! Of the programs coming up, if you want to see Phillip Gould on 3 April, bad luck! Philip Gould has been sold out. In June Judy Glen is performing a concert called *How to Age Disgracefully*. That is all sold out too. Good news, however, is that you can get in to see Denis Walter for Mother's Day. So make sure, all you Win TV viewers and people in the Geelong region, that you come and see Denis for Mother's Day.

Gas: Bright and Myrtleford supply

Hon. E. G. STONEY (Central Highlands) — My question is directed to the Minister for Energy Industries. In the Myrtleford *Times* of Wednesday, 20 November 2002, the Minister for State and Regional Development in another place is reported as having said:

We will work hard with the local community and relevant gas distributors to ensure Bright and Myrtleford are among the towns to benefit from the Labor government's plan to extend country Victoria's natural gas network.

Given the minister's answer of last week, what action should the Bright and Myrtleford communities now take to make Labor keep that promise?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. As my colleague in another place the Minister for State and Regional Development has indicated, we will be working not just with the Myrtleford community or the Bright community but with a range of communities from regional Victoria to ensure that we can get gas to as many of these communities as is possible.

As I indicated in an earlier answer, a committee is examining this, which is in the area for which the Minister for State and Regional Development is responsible, and includes, obviously, representatives from my department as well. We will be examining in detail the issues associated with gas extensions to all of these areas.

We have an amount of \$70 million. We have made commitments to three places in regional Victoria, which I have outlined before to the house. Of course they will be delivered and we will deliver to as many towns in regional Victoria beyond those as we possibly can. As was promised by the Minister for State and Regional Development, we will be working with members of the Myrtleford community to assist them in their application for gas in that region.

I might say again — and this point needs to be made and will continue to be made again and again — that the reason why we have to spend \$70 million in this state to get gas to regional Victorians is that the previous government sold the Gas and Fuel Corporation and made absolutely no allowances or conditions for regional Victoria. So whereas we had a body which delivered gas to regional Victoria, and in some circumstances when it was non-commercial, we now can only get gas delivered when it is commercial. That was the arrangement that was put in place.

The only other way to get gas into non-commercial areas is through government subsidy; that has been left to us. I notice that the opposition has no policy for spending money in order to deliver gas into regional Victoria. This government has allocated \$70 million and that money will be made available to benefit regional Victorians in the provision of gas to regional Victoria.

The honourable member keeps asking me the question about individual towns. Let me tell him that when gas is ultimately delivered to all those towns he asked about in regional Victoria they will not be thanking him, they will be thanking us.

Supplementary question

Hon. E. G. STONEY (Central Highlands) — I am very unhappy with that answer because there was an explicit promise to Myrtleford and Bright. Will the minister confirm that the government made a firm promise to Bright and Myrtleford that they would get natural gas when the minister knew at the time that it would not happen?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — No, I cannot confirm that, and it is a stupid supplementary.

Murrindindi: small business

Hon. R. G. MITCHELL (Central Highlands) — My question is for the Minister for Small Business. Could the minister advise the house of what action she is taking to improve small business in Murrindindi shire?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question. I know that as the new member for Central Highlands he is spending a lot of time travelling around and looking at the needs and requirements of small businesses in his electorate. He will be a fantastic local representative for businesses in that area.

Mr Mitchell is putting into action the commitment of the Bracks government to govern for every town, every street and every part of Victoria. He is travelling long distances in order to prove that point. I am pleased to be able to say that the government has approved a grant to the Murrindindi Shire Council to assist it to improve marketing for businesses and to help them refocus their activities whilst the water levels are so low at Lake Eildon.

For some time the water levels at Lake Eildon have been of concern for business in the area. Currently it is only at 11 per cent of capacity. This means that operators of businesses that have relied very heavily on the lake and tourist attractions now have to refocus their businesses in order to see themselves through this period of drought.

This grant adds to the around \$900 000 that has been spent by the Department of Innovation, Industry and Regional Development in the shire in the last three

years. The government is conscious of the need to provide support to the shire. Mr Mitchell is at the forefront in helping us in discussions with the shire as to the way in which the state government can assist.

The shire will use this money to put into action a true partnership with the local businesses to refocus their energies and activities so as to provide them with a future and see them through the drought and the current water problems with Lake Eildon. It is for that reason that, as a state government, we are pleased to support the shire and are pleased with this initiative to work with those businesses. We believe working in partnership with local government and local communities will only produce the very best results. I congratulate the honourable member on his involvement.

MEMBERS STATEMENTS

Rural and regional Victoria: field days

Hon. D. KOCH (Western) — I would like to take this opportunity to congratulate two very hardworking regional committees for their dedication and efforts in presenting local field days in western Victoria over recent weeks.

The Acme Field Days Committee organised an excellent event at Allansford on 20 and 21 February. This well-attended and successful event showcased the dairy industry, highlighting the latest in dairy technology. Sponsors and the large number of exhibitors and visitors who supported the committee continue to ensure the future of this annual event.

Two weeks later, from 4 to 6 March, the Wimmera Field Days Committee presented the annual and renowned Wimmera Field Days, which showcased the grains industries at Doon. This huge event, spread over an area of more than 25 acres, has a long and proud history of involving those in the grain industry. This event takes many weeks to organise and assemble and attracts visitors from across Victoria.

The number of people in attendance at these well-organised regional field days is testament to the event committees, which make sure that the latest technological advances in machinery and farming equipment are displayed and demonstrated to industry participants. I congratulate both organising committees on their professionalism in presenting major events that help rural communities keep informed about the latest innovations.

Cultural Diversity Week

Hon. H. E. BUCKINGHAM (Koonung) — To celebrate Cultural Diversity Week and Harmony Day I attended a function hosted by the City of Whitehorse at the Box Hill Community Arts Centre last Friday. The Honourable Richard Dalla-Riva, Robert Clark, the honourable member for Box Hill in the other place, and Bob Stensholt, the honourable member for Burwood in the other place, were also in attendance.

Whitehorse council chose to launch its multicultural policy and action plan at this function. The plan, which values culturally and linguistically diverse communities, was developed after extensive community consultation with relevant stakeholders. The policy provides a framework for the planning and delivery of council services to meet the needs of a multicultural community and identifies a vision for future development.

At this function we were entertained by a choir from the Blackburn English Language School. Their teacher explained that the 13 children, who ranged in age from 5 to 11 years, spoke little or no English and all of them had been in Australia for less than two weeks. They sang *We Are Australian*. They encapsulate a multicultural Australia: they came from Africa, Asia and India. I could not think of a better way to celebrate Cultural Diversity Week and Harmony Day. I hope these children find a happy, safe and fulfilling life in this great country.

We were also entertained by the older persons social and community support program, known as OPSAC, and their musically talented carers. The OPSAC program contains adults who in the past would have been institutionalised; it was heart warming to see them enjoying themselves in the wider community. I commend the City of Whitehorse's multicultural policy.

Melbourne 2030 strategy: activity centres

Hon. ANDREA COOTE (Monash) — The councils in my electorate of Monash Province have great difficulty with the Bracks government's metropolitan strategy known as Melbourne 2030. The strategy was released in October 2002 and was accompanied by a number of ministerial directions. One of those requires all planning authorities to comply with the strategy from day one — 8 October 2002. They apply to the Victorian Civil and Administrative Tribunal, councils, panels and any other planning authority.

Stonnington council is concerned about many aspects of this strategy, but particularly the nomination of Chadstone Shopping Centre, Toorak Village and the Prahran and South Yarra precincts as activity centres. The strategy gives no detailed definition of an activity centre, has no plan for councils to achieve the goals outlined in *Melbourne 2030* and has no resourcing.

The Minister for Planning has said that councils must comply from day one. However, I call on her to clarify the definition of an activity centre and to recognise the diversity of shopping within my electorate, particularly the Stonnington council area. For a strategy that will change the inner face of Melbourne — and the minister states it must be implemented immediately — the Melbourne 2030 strategy is very light on in detail.

City of Moorabbin Cricket Association

Mr PULLEN (Higinbotham) — The City of Moorabbin Cricket Association concluded its final series on the weekend, and the senior division premiership was won by the East Sandringham club for the second successive season. This brings the club's total senior division wins to nine. East Sandringham defeated Hampton Central hitting up a score of no wicket for 109 in reply to central's 107, with Glen Phelan and Guy Martin the unbeaten batsmen. It is the first time since the competition started in 1930 that a side has won a top division flag without losing a wicket, and the side was well led by captain-coach Gerald Cull.

The top division is named after the late Ray Longmuir who was a long-serving president and secretary of the competition. Eleven of the 12 senior division clubs are within my electorate of Higinbotham. I congratulate the teams for their victories. The winners of the other grades were: Woolnough Shield, Aspendale Edithvale RSL; C grade, Omega; D grade, East Sandringham; E grade, Melbourne Wanderers; F grade, West Bentleigh; G grade, McKinnon; H grade, Omega, I grade, Melbourne Wanderers; the one-day grade by Brighton Central; under 16A, Elwood; under 16B, Carnegie South; under 16 twilight, East Sandringham; under 14A, Moorabbin; under 14B, Omega; under 14A twilight, Brighton Union — that's my club; under 14B twilight, Brighton Central; under 12A, Kingston Heath; under 12B, Brighton Union — another one of my teams; under 12C, Carnegie South; under 12D, Washington Park; and under 12E, Hampton Central.

Goulburn Valley: orchardists

Hon. W. A. LOVELL (North Eastern) — The orchardists in the Goulburn Valley have for many years

been investing in infrastructure that provides for more efficient use of water. I congratulate our orchardists on their dedication to better irrigation practices because this year that dedication has assisted them to produce their crops with a water allocation of little more than half the allocation they would normally receive. Currently we are about three-quarters of the way through this year's harvest, and although the fruit is a little smaller in size than in a normal year it is still of very high quality. We are still praying that the drought will break soon. The reduction in water this year has placed the trees under stress, and we are unsure of the long-term result of that stress on the trees in seasons to come.

The Varopodio family of Ardmona has generously provided a case of William pears and a case of Golden Delicious apples so that members can sample the fruit of the Goulburn Valley. I will place the cases of fruit in the walkway that leads from the chamber to the papers office, and I encourage members to sample some of the finest fruit grown in our nation.

Triplet Falls, Otway Ranges

Mrs CARBINES (Geelong) — I rise to condemn the senseless act of vandalism which occurred at Triplet Falls in the Otways last week where dozens of trees were attacked with a chainsaw. As honourable members know, Triplet Falls is renowned for its natural beauty and stunning scenery. It is a very popular, easily accessible destination which to many people symbolises the essence of the Otways. The splendour of Triplet Falls is indeed breathtaking. Representing the Geelong community in this place I know just how deeply the people of the south-west care about the Otways, and I am sure they share my disgust at this cowardly act.

Last November I joined the Premier, Geelong candidates and Geelong MPs at Triplet Falls during the state election campaign to announce the Bracks government's commitment to end logging in the Otways by 2008 and to establish an Otway Ranges national park. Reports in the media have disturbingly linked last week's malicious vandalism to opposition to our policy for the Otways, a policy which was overwhelmingly endorsed by the Victorian people at last year's election. In condemning the obscene act of vandalism which has forever changed Triplet Falls I send a clear message to the perpetrators that the Bracks government's resolve to preserve the Otways, not just for our benefit but for future generations, will not waiver. The will of the Victorian people will prevail.

Clifton Beach

Hon. J. A. VOGELS (Western) — I raise an issue regarding the inclusion of Clifton Beach in the Twelve Apostles Marine National Park. The current status of Clifton Beach is that it falls within the boundary of the Twelve Apostles marine park. The Department of Sustainability and Environment advises that:

The ECC recommendation for the Twelve Apostles Marine National Park and subsequent negotiations between the government and the opposition involved an understanding that Clifton Beach would be excluded from the park to allow recreational fishing to continue at that location.

The government's position is that it will re-survey the boundary in the Clifton Beach area and, if required, will seek to amend the legislation by substituting a new plan with an altered boundary at this location to exclude all of Clifton Beach from the marine national park.

I understand fishing will be allowed until 1 April 2004, but I also understand the wheels of bureaucracy turn slowly. We need to get the show on the road so that our fishers can be assured that this anomaly will be corrected as soon as possible.

Fraser Speechly

Hon. J. G. HILTON (Western Port) — Alongside the Premier, my colleague the Minister for Aged Care recently announced the recipients of Victoria's senior achievers of 2003 awards. One of the 10 recipients of this award was Fraser Speechly of Hastings. Fraser is, and I quote from the Premier's media release of 14 March:

... a volunteer and pastoral carer at the Carinya residential aged care unit where he is regarded as having a wonderful ability to relate to people, not only seniors but also people with severe cognitive disorders and younger people with psychiatric disabilities.

Fraser also acts as an unofficial furniture removalist receiving donations of old electrical equipment, such as washing machines and fridges, and delivering them to the homes of needy families.

He built the raised garden beds at Frankston hospital for the benefit of the aged psychiatry units and is currently raising money for a project in East Timor.

I have had the privilege of knowing Fraser for over 20 years. Fraser has always been and always will be a genuine and caring person. Our community's volunteers create the glue that binds our society together and allows it to function coherently. I commend to this chamber Fraser and all other people in society who provide a great proportion of their time not for their own advantage but for the benefit of others often less fortunate than themselves.

Anxiety Disorders Association of Victoria

Hon. R. DALLA-RIVA (East Yarra) — I rise to commend an organisation within my electorate, ADAVIC, or the Anxiety Disorders Association of Victoria. It was founded in 1994 as the Kew Anxiety and Panic Disorders Support Group, and was incorporated in 1999. The purpose of this support group is to provide assistance to people suffering from panic disorders, social phobias, agoraphobia, generalised anxiety and depression, which, as honourable members would be aware, is a significant problem in our community. Each year this self-funded organisation provides services to over 6000 people throughout the area. This group provides support group meetings each week and is based in the areas of Kew, Spotswood and Brunswick.

I would like to place on record the name of the founder of that organisation, Anna Kouloubos, and those of her committee, Sally McLaren, a psychologist, Megan Sloley and Noel Brown. I again commend this organisation to the house.

Woah Hawp canton mine exhibit

Ms HADDEN (Ballarat) — I wish to acknowledge the official opening of the historic Woah Hawp canton mine exhibit deep underground in the quartz mine at Sovereign Hill, Ballarat. The Woah Hawp canton mine was one of the richest mines in Ballarat between 1882 and 1896. It was owned and operated by Chinese entrepreneurs and produced more than \$18 million worth of gold in today's terms. The canton mine story was developed from original research by Sovereign Hill staff with assistance from Melbourne's Chinese museum.

In the 20-year period after the discovery of gold at Clunes in 1851, Ballarat developed one of the richest goldfields in history. Thousands of young men from China walked from Robe in South Australia to the Ballarat, Mount Alexander and Bendigo goldfields intent on becoming rich and returning home. Many stayed on and so began a special heritage between China and Australia, and especially Victoria.

The Minister for Tourism in another place, Mr John Pandazopoulos, together with the Consul-General of China in Melbourne, Mr Junting Tian, Australian Chinese dignitaries, and I as the local MP, were very impressed with the historical interpretation of this important part of Ballarat's goldfields history.

Mildura Wentworth Arts Festival

Hon. B. W. BISHOP (North Western) — I am pleased to stand in the Parliament today to pay tribute to the hard work and dedication which has resulted in an outstanding 2003 Mildura Wentworth Arts Festival, which was underpinned by the beautiful autumn weather for which the area is famous. This festival has encompassed all facets of art, music and theatre, and I understand patron numbers have again increased. The diverse arrangement of events ensured that all the community was able to attend at least one event to their liking.

It was also great to see such a big participation rate by our younger people. Big family events such as the staging of the concert titled 'Music under the stars' by the Whitlams set in the Perry sand hills at Wentworth look absolutely fantastic lit up by the lights under the night sky. This was supported by a young opening group called Meridian who were extremely talented.

The Jazz at Trentham Estate winery event was a wonderful time on the river with the Don Burrows band, and the encouragement of the committee for the inclusion of experienced and young bands has made this year's event a reason for sincere congratulations to all who played a part in its staging. I say well done, and now we are looking forward to next year.

International Inter-religious Dialogue Conference

Ms ROMANES (Melbourne) — Last Sunday I had the privilege of attending a conference at the Clocktower Centre in the City of Moonee Valley. The conference was called the International Inter-religious Dialogue Conference and it was jointly hosted by three organisations: the Australian Intercultural Society, a Muslim group; St Columban's Mission Society; and the Jewish Community Council.

The Australian Intercultural Society (AIS), the main organiser, aimed to spread a message of love and tolerance to our diverse cultural communities in Australia starting from the point of the life and prophetic experience of Abraham. The theme was 'Abraham: a symbol of hope and a bond of unity in dialogue for Jews, Christians and Muslims'.

The AIS aimed to contribute to the spread of peace and trust among nations in the third millennium. It was a timely conference given events on the international stage with the declaration of war in Iraq last week and also our own Cultural Diversity Week in Victoria. I applaud initiatives such as this which are attempts to

link communities in our society across what are too often religious and cultural divides.

Banyule Festival

Hon. BILL FORWOOD (Templestowe) — I rise to commend the Banyule Festival committee and the Banyule City Council for a terrific festival held on Saturday and Sunday last weekend.

At Sills Bend on the Yarra River — I am fortunate to represent an electorate through which the Yarra River flows — the festival had a twilight sounds event, which was terrific, with fantastic food including crocodile hamburgers, wombats and various interesting bits of food.

Hon. Andrea Coote — Bats?

Hon. BILL FORWOOD — Yes, all that. On Sunday we had the traditional march, and I was happy to walk with my Labor colleagues Jenny Macklin, Craig Langdon and Steve Herbert. It was terrific that they were able to join us as well as members of the Banyule council including Sean Rawson, a new councillor who is the electorate officer for Craig Langdon. There were many kids there, and it was a terrific day, again organised by Rob Winther who is the veterans liaison officer at the Austin and Repatriation Medical Centre. Like the one at Templestowe the week before, the festival was a really vibrant example of communities at work. It was a terrific kids day on the Sunday at Sills Bend. Most of the primary schools in the electorate or that part of the council were represented, and it was a very colourful and entertaining day.

BUSINESS OF THE HOUSE

Program

Mr LENDERS (Minister for Finance) — I move:

That, pursuant to sessional order 16, the order of the day, government business, relating to the Constitution (Parliamentary Reform) Bill be completed by 4.00 p.m. on Thursday, 27 March 2003.

I move this government business program with a single piece of legislation, and I foreshadow that upon the house passing the motion I will then move, by leave, that so much of the sessional orders be suspended that would effectively extend the speaking time for individual members of this house on this bill.

I do this because this is one of the most important pieces of legislation that will ever come to this

chamber; it is one that has been a key one for the government. Arguably, the idea of fixed terms, proportional representation voting and supply probably equals universal suffrage, the reduction of tenure terms in this place from 10 years and one vote, one value in the historical perspective.

I guess the government is being true to its word that it made clear during the sessional orders debate — that is, if there were major pieces of legislation it would certainly not be using a government business program to try to concertina them and many, many other things in the same week. Debate on this will happen during the week. I commend this motion to the house as it will allow us to give due attention to this very critical piece of government legislation.

Hon. PHILIP DAVIS (Gippsland) — I am disappointed that the government has chosen to introduce a government business program to effectively put in place the guillotine for what it claims to be one of the most important pieces of legislation to come before this Parliament. That is quite clear from the fact that the Constitution (Parliamentary Reform) Bill was guillotined through the lower house and, indeed, it is now foreshadowed that it is the intention of the government to guillotine this bill through the upper house.

The far-reaching reforms to the electoral process — to entrenchment in relation to certain matters and changing the basis of the election of members of this place — requires a greater degree of courtesy to the members of this chamber than is being afforded. I do not understand given that this is the only bill that the government proposes to consider this week why it is necessary for there to be a government business program and why it is therefore necessary that members of this house should enter this debate on the premise that, irrespective of any contribution of material value to the consideration and deliberation of this issue, the government intends at the end of the sitting week to pass the bill. In the context of the government having us believe that this is a great and historic moment, it seems to me that it is an infringement on the rights of members that the government should use and abuse its numbers in this house in such a way

As the opposition has clearly articulated on previous occasions, in its view there is no need for time limits in debate, irrespective of the foreshadowed further motion by the Leader of the Government. It is the case that the government intends to apply stringent time limits anyway. I do not understand the necessity for the government to rush this legislation through the Parliament in two weeks — last week in the Legislative

Assembly and this week in the Legislative Council — and at the end of the sitting week, notwithstanding the debate or the contributions of members of this house, the government intends, as flagged and announced in this motion, that it will pass the bill. In effect it is a message to members of this house that the government does not consider them to be relevant in the deliberative process of making law in Victoria.

This bill is being advanced by the executive, and the executive discipline on its own party in both houses will ensure it passes through the Parliament irrespective of any useful contribution that is made in this chamber. It is a great shame that the community of Victoria will be ill-served by the Labor Party having control of this chamber in this parliamentary session. We saw it in the gagging of Mr Atkinson on an earlier occasion; we saw it with the introduction of sessional orders that restrict and curtail the opportunity for members to contribute; and we are seeing it at its most rank use — that is, to use a guillotine and the threat of a guillotine to push major reform to Victoria's constitution through the Parliament. I am absolutely opposed to this proposal.

Hon. P. R. HALL (Gippsland) — I want to make a couple of comments about the motion moved by the Leader of the Government. Firstly, I appreciate that government business this week is devoted to debating the Constitution (Parliamentary Reform) Bill. However, I agree with the Leader of the Opposition about the discourtesy extended to the house in imposing a time limit on debate for this legislation. It is ironic that the legislation we are devoting the whole week to is about this place being a house of review — that is, where proper review of legislation should take place. Yet, by virtue of this motion we are circumventing the review function of this house that the bill says it should play. So it is hypocritical of the government in moving this motion today.

My expectation is that we will reach the deadline given by the Leader of the Government and get through the debate by 4 o'clock Thursday afternoon, given all things being equal. Nevertheless if issues arise during the course of the debate — issues that need to be explored during the committee stage — we may need a longer time to debate this legislation, which the Leader of the Government has said is major legislation and perhaps the most important piece of legislation to come before this chamber in my time in this place and probably that of other members.

I, too, am disappointed with the restrictions and time limits being imposed on the length of the debate that this motion, moved by the Leader of the Government, imposes on us. I look forward to the debate, but I am

extremely disappointed that this house of review may be restricted at the end of the week if there is a need to further explore aspects of the bill.

I also agree with the Leader of the Opposition about the issue of time. We are facilitating an immediate start to the debate on this bill by allowing the second reading to take place in a matter of minutes and formal debate within an hour or so after that. Already the opposition and the National Party are prepared to facilitate a prompt start to the debate, but we do object to being curtailed at the end of the debate when there may be issues to further explore.

I do not know why we need to pass this bill through both houses in two weeks, so perhaps the government will explain it to us. This legislation will not come into effect until about three and a half to four years time, so there is plenty of time to have this properly debated through both houses of Parliament before the implementation of the legislation. The National Party joins with the opposition in expressing its strong objections to the motion moved by the government.

House divided on motion:

Ayes, 23

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Ms	Mitchell, Mr
Carbines, Mrs	Nguyen, Mr
Darveniza, Ms	Pullen, Mr
Eren, Mr	Romanes, Ms
Hadden, Ms	Scheffer, Mr
Hilton, Mr	Smith, Mr (<i>Teller</i>)
Hirsh, Ms (<i>Teller</i>)	Somyurek, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr
McQuilten, Mr	

Noes, 18

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr
Bishop, Mr	Hall, Mr
Bowden, Mr	Koch, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr (<i>Teller</i>)
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Vogels, Mr (<i>Teller</i>)

Pair

Mr Theophanous	Mr Strong
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Motion agreed to.

Sessional orders

Mr LENDERS (Minister for Finance) — I move:

That so much of sessional order 29(a) be suspended in relation to the Constitution (Parliamentary Reform) Bill that the following time limits will apply to members' speeches on the second-reading debate on that bill:

- (i) lead government and opposition speakers — 90 minutes;
- (ii) lead third party speaker — 75 minutes;
- (iii) other members — 20 minutes: provided that after one-third of the members of the Council have spoken, the time limit will be 15 minutes, and that after two-thirds of the members of the Council have spoken, the time limit will be 10 minutes for each member.

I move this motion notwithstanding the debate on the adoption of the government business program. This is an extension of time for all speakers across the board as part of the government's intent that within the regime set by the sessional orders more time be set aside for all speakers to speak on what is a critical bill to the government.

If every member of this chamber were to take up their full time entitlements in debate, with the two address-in-reply opportunities that are to come, the opposition business tomorrow and all the other things set out in the sessional orders, the debate would expire some time during Thursday afternoon, so there will be a significant amount of time for a committee stage and a final vote on this legislation before the question is put at 4.00 p.m. on Friday. I commend the amendment to the sessional orders to the house.

Hon. PHILIP DAVIS (Gippsland) — Given that the government business program has passed, it would seem that a further restraint on contributions to this debate would be unreasonable; however, the motion clearly sets out an intention to gag members of the house on this important bill.

Without reiterating all my earlier remarks, I say again that the opposition is concerned about this proposal. Our view is that members should not be gagged in any way, and I move as an amendment:

That all the words and expressions after 'That' be omitted with the view of inserting in place thereof 'Sessional order 29(a) be suspended in relation to the Constitution (Parliamentary Reform) Bill so that no time limits will apply to members speaking in the debate on the bill'.

In speaking to the motion I want to reiterate that we have come to a point where the time limits are in disarray. The government came into this place and made it clear that it would apply time limits as per the

sessional orders, the result of which would be some predicted measure in pacing parliamentary business. But it seems in fact that the executive will use its authority and control of the numbers in this house to, at its own discretion, vary the opportunities for members to speak on these important legislative proposals.

It begs the question: what other pieces of legislation will be introduced into this place on which the government will unilaterally seek to change the sessional orders to provide for greater or lesser speaking opportunities for members? What will be the situation with regard to stem cell research, for example? That will mean that a number of members will have to consider what their contributions will be.

Given the significance of the legislation, many members will see the restriction to 10-minute contributions as an unreasonable imposition on them. Because of the order of the debate quite randomly some members will be so constrained in their contributions that they will simply be curtailed.

The opposition is of the view that there should be no time limit on debate on this important matter. The house has previously demonstrated a maturity and ability to reasonably get through the business before it, with some members speaking longer than others, and all members have been able to make the points they wish to make in debate. We all know why we are here this week: to consider these momentous changes to the constitution of Victoria, and it should be done in a way that enables members in their contributions to dispose of all the matters that are of concern to them.

Hon. P. R. HALL (Gippsland) — The National Party welcomes this amendment moved by the Honourable Philip Davis and is certainly prepared to support it. It is consistent with the view we have taken throughout the debate on sessional orders — that is, we oppose time limitations being imposed on members' contributions to debate. We are particularly concerned that in this, in the Leader of the Government's own words, most important piece of legislation to come before this house, certainly for some time, there will be restrictions on the time in which people can contribute to this important debate. We say that that is not democracy at work. We say that on this issue, at the very least, the government should relent and allow open and free debate for members to be able to express in the way they so choose their views about this important legislation.

I agree with the Leader of the Opposition about my expectations of debate. I do not think it will make a lot of difference and that we will see a great lengthening of

the contributions purely from the removal of time limitations. People are sensible and responsible in the way they approach things in this house, and I say on behalf of members on both sides of this house that we have always approached things in a very responsible way.

We will get through this debate, but we want to be able to say what we need to say during the debate. That is why the National Party is opposed to time restrictions and why it will support the amendment moved by the opposition.

Mr GAVIN JENNINGS (Minister for Aged Care) — The amendment to sessional orders moved by the Leader of the Government today will have the effect of adding to the time in which the opposition and the National Party would have to debate the item before Parliament today.

Hon. Bill Forwood — And the government.

Mr GAVIN JENNINGS — Yes, in fact it would increase the opportunity for the house to debate the second reading of the important Constitution (Parliamentary Reform) Bill which is on the notice paper and which will be dealt with by the Parliament shortly.

You would think from the actions of the Leader of the Opposition and the Leader of the National Party in this place to reject that gesture by the government to ensure that there is appropriate scrutiny of this piece of legislation, and as an alternative to move a motion to suspend the sessional orders entirely, would have been derived on the basis of an act of bad faith or ill will by the government, whereas the actions of the Leader of the Government were exactly the opposite. The Leader of the Government came into this place and moved a motion to add to the time which would be available to all members of this chamber to contribute to the debate.

In the few minutes that was available to me during the contributions of the Leader of the Opposition and the Leader of the National Party I did a quick tally. I think the Liberal Party, under the regime that is suggested by the Leader of the Government, will have about 6½ hours to debate this matter. I know that individual members of Parliament have entitlements to speak within the Parliament, and in fact they could all make individual contributions. But I would think that within the cumulative 6½ hours that will be available to the Liberal Party to debate this matter in this chamber a pretty comprehensive set of issues could be put on the public record. The National Party, according to my calculations, will be accorded at least 2 hours to put on

the public record its views on this matter, and that will be added to by the committee stage of this debate.

The Leader of the Opposition and the Leader of the National Party in this place, on the number of occasions over the last few weeks that we have been discussing sessional orders in the Parliament, have indicated that it is the time-honoured tradition of this place to deal with government business in a timely fashion.

The Leader of the Government today provided an opportunity for there to be no government business dealt with in the chamber this week other than the matter that will be before us — which is the Constitution (Parliamentary Reform) Bill. It is the intention of the government in government business this week to proceed with no other item beyond the scope of that bill, and the Leader of the Government has moved a simple amendment to the sessional orders to enable opposition parties in the second-reading debate to have at least 8½ hours to debate the matter before going to the committee stage. In fact no limits have been placed on the committee stage, with the exception that it is the government's intention to, by the end of the sitting week — at the very latest, 4 o'clock on Friday of this week — have this bill passed. That is the only limitation that will effectively be placed upon the opposition this week in considering this matter.

Rather than the attitude of the opposition which sees that this is not a government acting in good faith, the government is doing what is within its power this week, within the spirit of the sessional orders and within the spirit of the government business program by making a simple amendment to give each and every member of this Parliament an opportunity to discuss this matter and make a sensible contribution. On that basis I support the Leader of the Government's motion and oppose — and I believe all members of the government will oppose — the amendment moved by Mr Philip Davis.

Hon. ANDREA COOTE (Monash) — I obviously support the amendment of the Leader of the Opposition and cannot believe the contempt that the Minister for Aged Care and indeed the Minister for Finance show towards this Parliament in curtailing our time frames.

I have to go back to what the minister has just said. He said that we will get 6½ hours — as if we are supposed to all be gloriously happy — and went on to say that there will be 2 hours for the National Party. The Minister for Finance spoke about how important the bill will be and that it will be one of the most important bills we will ever have to debate in this chamber, and then the Minister for Aged Care comes along, in a patronising way, and says that in 6½ hours — only

6½ hours — we will be able to debate a bill as important as this, and that the National Party will have 2 hours.

Part of this bill will have some profound effects on how the National Party will operate, in regional Victoria particularly. That there will be 8½ hours altogether shows huge contempt. By the Minister for Finance's own acknowledgement, by adding up all the time frames in which people can speak, that will come to about lunchtime or a bit after on Thursday. The Minister for Aged Care then said that that was the only limitation there would be and that there would be no limitations on the committee process. But he then went on to say that by 4.00 p.m. on Friday it will be guillotined. That is contradictory. It will be curtailed and that will be the end of it — and by saying that government members are contradicting their own argument. That is a contempt of this Parliament, and I condemn them.

Hon. W. R. BAXTER (North Eastern) — I do not think I can let this motion go through without making some comment on it, because it really is hypocrisy unbounded. To think we have had a government for months saying how it was going to make the Legislative Council a genuine house of review, and at the very first opportunity to let the Legislative Council review the most significant change to this chamber in 150 years it is wanting to truncate debate by resorting to the sessional orders which it used its numbers to force through only two or three weeks ago — and we all know the publicity about that, particularly around country Victoria. People are now getting quite dispirited and angry that there are attempts to gag members of Parliament, and in particular to gag members of the National Party, as we saw last Thursday, both on 90-second statements and on the adjournment debate, where National Party members were not able to participate.

I think it is worse than irony that we now have a situation where government members come in here and make these minor adjustments to sessional orders, as if they were being generous in giving more time for debate on this very important bill. My colleague just muttered to me a moment ago that they are Indian givers; they take away with one hand and they give back a fraction with another. If you listened to the Minister for Aged Care you would think he was giving us the world.

Of course they are not. This is yet another attempt to gag the opposition and the National Party in this Parliament from drawing the public's attention to what is wrong with this legislation and how the public of

Victoria has been duped and conned by this government with this legislation, that this legislation has far more in it than the constitution commission recommended, and that it has provisions in it that not only change the Legislative Council of Victoria but change the Legislative Assembly of Victoria and the Parliament of Victoria as a whole forever. There has been an attempt to say, 'We are going to restrict debate on this legislation and get this most significant bill through the Parliament this week', when in fact it will not come into operation for three and a half years.

How are you going to explain in Bourke Street or up in High Street, Wodonga, that you have truncated debate on this legislation and on a bill that will not come into operation, on the government's own say-so, until 25 November 2006? It just does not stand up.

I believe the amendment moved by the Leader of the Opposition has merit and ought to be supported.

The PRESIDENT — Order! The question is:

That the words proposed to be omitted stand part of the motion.

House divided on omission (members in favour vote no):

Ayes, 23

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Ms	Mitchell, Mr
Carbines, Mrs	Nguyen, Mr
Darveniza, Ms	Pullen, Mr (<i>Teller</i>)
Eren, Mr	Romanes, Ms
Hadden, Ms (<i>Teller</i>)	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr
McQuilten, Mr	

Noes, 18

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr
Bishop, Mr	Hall, Mr
Bowden, Mr (<i>Teller</i>)	Koch, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr (<i>Teller</i>)	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Vogels, Mr

Amendment negatived.

Motion agreed to.

PETITIONS

Somerville: pharmacy

Hon. R. H. BOWDEN (South Eastern) presented a petition from certain citizens of Victoria requesting that the state government supports the Somerville community's request for the location of a pharmacy in Eramosa Road East, Somerville, due to rapid population growth in the area (407 signatures).

Laid on table.

Buses: Frankston–Hastings

Hon. R. H. BOWDEN (South Eastern) presented a petition from certain citizens of Victoria requesting that the state government investigate extending the Frankston to Hastings bus route 738 to include Eramosa Road East, Somerville, in consultation with the Somerville community (45 signatures).

Laid on table.

Somerville Rise Primary School: car parking

Hon. R. H. BOWDEN (South Eastern) presented a petition from certain citizens of Victoria requesting that the state government/department of education provide adequate parking facilities next to the Somerville Rise Primary School so that school children can be dropped off and picked up in safety (150 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

National Environment Protection Council — Report, 2001–02.

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

Monash Planning Scheme — Amendment C28.

Warrnambool Planning Scheme — Amendment C3.

Sports Event Ticketing (Fair Access) Act 2002 — Minister's guidelines in relation to ticket scheme proposals, pursuant to section 17(3) of the Act.

Victorian Environment Assessment Council Act 2001 — Amended terms of reference concerning the Angahook-Lorne State Park to national park status, pursuant to section 16(1) of the Act.

Youth Parole Board and Youth Residential Board — Report, 2001–02.

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

The PRESIDENT — Order! I have received a letter from the Minister for Health requesting that arrangements be made for a joint sitting for the purpose of appointing three members to serve on the Victorian Health Promotion Foundation for a three-year term following the expiry of the terms of Mr G. B. Ashman, Mr R. A. Best and Ms J. M. Lindell.

I have received the following message from the Assembly:

The Legislative Assembly acquaint the Legislative Council that they have agreed to the following resolution:

That this house meet the Legislative Council for the purposes of sitting and voting together to elect three members to the Victorian Health Promotion Foundation and propose that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 26 March 2003, at 6.15 p.m., with which they desire the concurrence of the Legislative Council.

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

That this house meet the Legislative Assembly for the purpose of sitting and voting together to elect three members to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly chamber on Wednesday, 26 March 2003, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Assembly acquainting them with resolution.

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Second reading

Mr LENDERS (Minister for Finance) — I move:

That this bill be now read a second time.

One of the most important cornerstones of our way of life in Victoria is our system of parliamentary democracy. Since coming to office, this government has taken many steps to make Victoria a leader in open and accountable government, giving Victorians greater confidence in their elected representatives. The Constitution (Parliamentary Reform) Bill 2003 is no different. The momentous initiatives in this bill will bring our Parliament into line with other states and ensure that Victoria has the strongest possible democratic safeguards.

The bill sets out the most comprehensive reform of Victoria's parliamentary system since it was established in 1856. It amends the Constitution Act 1975 and the Electoral Act 2002 to bring the Victorian constitution into line with the rest of Australia and give Victorian people a stronger, fairer system of democracy.

This bill meets the commitment of this government to create a modern parliamentary democracy by improving our constitution as recommended by the constitution commission. This means introducing new rules to make Parliament more accountable; transforming the Legislative Council into a more effective house of review; and further improving transparency in government.

The constitution commission, comprising former Supreme Court judge, Professor George Hampel, and two former liberal MPs, Ian Macphie and Alan Hunt, was established on 19 March 2001 and reported on 30 June 2002. The commission reported that there was a compelling case for reform of Victoria's Legislative Council. The government agrees with the commission that the time is right for change to Victoria's constitution to create a fairer and stronger system of parliamentary democracy. This bill is based upon the recommendations contained in the report of the constitution commission, *A House for Our Future*.

In reporting to the government the commission found that Victorians believe that more frequent accountability of their upper house parliamentarians is important, as is the requirement that Parliament should reflect contemporary views in this increasingly changing society. The commission reported a strong trend in submissions and public feedback in favour of coinciding terms for both houses. Accordingly, the bill answers this need by providing for a fixed four-year term, in which both houses are elected simultaneously in a general election. The bill fixes the four-year term by requiring that an election be held every four years, on the last Saturday in November. Fixing the date of the election in this way means that the electoral process is strengthened through certainty. The Premier of the day will no longer be able to nominate the date of the election and any advantage to the government in choosing the timing of an election is diminished. Even if a dissolution was to occur outside the usual four-year cycle, members subsequently elected to the Parliament will not serve beyond a period of four years.

The commission stated in its report that those who attended the meetings and made submissions demanded maximum participation in the democratic process. The report described that country voters expressed the view that they would prefer to vote for a candidate who

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

The bill creates a system of proportional representation combined with multi-member electorates for the upper house. This method ensures the highest level of regional participation in a way that is consistent with the democratic principle of one vote, one value. This new system will consist of eight regions which return five members each. This means that the Legislative Council will now consist of 40 members, as opposed to the current 44 members.

In 2005 the Electoral Boundaries Commission is required to undertake the division of the new regions, in the usual manner under the Electoral Boundaries Commission Act 1982. The new regions will be contiguous with the Assembly districts and each region will comprise 11 districts. These new boundaries will become effective from the dissolution of this current Legislative Assembly.

As recommended by the constitution commission, the bill adopts the commonwealth Senate style of voting for the upper house, with the major reform of optional preferential voting below the line. This means that a voter may choose to vote above the line by marking a '1' in the box; or below the line, by numbering at least five candidates in their order of preference. Candidates will also be required to disclose on the ballot paper the suburb or locality of their enrolment.

The bill makes a number of other reforms to improve the efficacy of the Parliament and the way in which both houses relate to each other. These new measures start with inserting a new principle of respecting the government's mandate. The inclusion of this principle requires that the Legislative Council will exercise its powers in recognition of both the government's specific and general mandate. This provision is, however, a statement of principle only. It does not compel the Legislative Council to comply with the government mandate; but simply asks that the Council undertake its reviewing role, whilst respecting the mandate of the government to govern for the people.

Historically, the Legislative Council was a house comprised of members who, although democratically elected, were subject to various voter and candidature eligibility criteria. These members were styled 'The Honourable' in recognition of their status in the community at that time. The bill changes the practice of styling members of the Council as 'The Honourable' in recognition that the members of both houses are on

equal footing. From now on members of this house will not be distinguished by way of title from members of the Assembly, just because they belong to the upper house. Ministers, the President and the Speaker will still be permitted to use the title ‘The Honourable’ in recognition of their important role in government and the Parliament.

The filling of casual vacancies has also been addressed in the bill, following a recommendation to this effect in the report of the constitution commission. As suggested by the commission, the bill ensures that original voter choice is maintained by preserving the political make-up of the house. The same methodology is employed as in the Senate to select a member to fill a vacancy caused by a member representing a political party. In the case of a vacating independent member, nominees must fulfil certain criteria before being eligible to be selected by a three-fifths majority of members present at a joint sitting. This is to ensure that the person selected is not party aligned and is resident in the same region as the vacating member, thereby maximising original voter intention in the political composition of the house.

At the moment, the Legislative Council can bring about the dissolution of the Legislative Assembly by rejecting supply bills. Earlier amendments to the constitution have made it virtually impossible to force an election by blocking supply during the first three years of the parliamentary term. The position in the fourth year is, however, unclear. As in New South Wales and the United Kingdom, the bill clarifies this position by removing the Legislative Council’s ability to block supply. These reforms do not, however, mean that the upper house will be prevented from debating and considering the annual appropriation bills — just that if the Council does not pass a supply bill within one month, the bill must then be presented for royal assent. In this way the Legislative Council cannot prevent a government from accessing the funds it needs to govern the state.

The bill also establishes a new dispute resolution mechanism that will provide both houses with greater opportunities to consider and debate a disputed bill. This system may involve the Premier of the day dissolving the Assembly and calling an election — or holding the deadlocked bill over until the next Parliament, following the usual four-year election cycle. Again, if the deadlocked bill is re-presented and fails to pass the Council within two months, a joint sitting may be convened. If the deadlocked bill is passed by an absolute majority of members, it is taken to have been passed by both houses.

The constitution commission also recognised that closer party margins are an inevitable effect of the introduction of proportional representation. This means that where the government is required to provide the Legislative Council with the presiding officer, under current arrangements, the government would be depriving itself of a substantive vote. This bill addresses this issue by adopting the practice of the Senate — the President will now have a deliberative, and not a casting, vote. This means that the constituents of the member who is the President will now be effectively represented in the upper house.

As further recommended by the constitution commission, the bill seeks to protect the democratic institutions and procedures that support our government by entrenching both existing and new provisions. These reforms require that bills containing entrenched provisions can only become an act of Parliament if passed by a majority of Victorian voters, voting at a referendum; or passage by a special or absolute majority. These reforms mean that the Victorian people will, for the first time in our state’s history, be given the opportunity to have a direct say about how their constitution is changed.

The provisions, which can only be amended after the proposed change has been approved by a majority of Victorian voters voting at a referendum, include, as the constitution commission described, ‘core provisions’ of our constitution. These are:

the requirement to hold a referendum;

provisions relating to the regions, number of members and quorum of the Council and the President;

provisions relating to the districts, duration of, quorum of and number of members of the Assembly and to the Speaker;

the requirement that there be a session of Parliament each year;

the provision relating to appropriation bills and the inability of the Council to block passage of such bills;

the provision establishing a process for dispute resolution;

the provisions which recognise that local government is a distinct and essential tier of government and the ability of Parliament to legislate in respect of local government;

the provisions ensuring the continuance of the Supreme Court;

provisions establishing the offices of the Director of Public Prosecutions, and Auditor-General and matters relating to those offices; and

provisions establishing the executive arm of government and relating to matters of the executive council and the tendering of advice to the Governor.

New sections will also be inserted into the constitution, which make the Electoral Commissioner and the Ombudsman independent officers of the Parliament. This means these important office-holders will be responsible to the Parliament, not the government, and can only be dismissed by the Parliament. These too will be entrenched by referendum.

Similarly, the bill requires that there will always be an independent body, such as the Electoral Boundaries Commission, to review and settle Victoria's electoral boundaries. The bill likewise guarantees the existence of freedom of information legislation in this state.

The Constitution Act will also be amended to formalise the place of local government as a distinct and essential level of government and that councils are democratically elected and accountable to their constituents. This will secure the continued existence of our system of local government but will not limit the power of the Parliament to make laws for local government conferred by section 74B of the act. The government committed prior to the recent election to amend the constitution to properly recognise local government and safeguard its democratic process. This bill honours that commitment.

All of these matters I have described will not be able to be changed without recourse to the people of Victoria. Inclusion of the referendum requirement means that the bill must also establish a process for conducting referendums. This new system has been modelled both on New South Wales and the Commonwealth and the best has been taken from both jurisdictions. The Victorian referendum ballot paper is similar to its federal counterpart — ensuring that the Victorian people will be able to maximise their formal vote count by adopting the same method of voting in any referendum in which they are required to vote.

Other procedural provisions are entrenched by means of a special majority, comprising a three-fifths majority of all members of both houses. The requirement for a special majority increases the safeguards for those sections so entrenched, even more so than the absolute

majority method which currently features in our constitution.

The provisions that are entrenched by a special three-fifths majority are:

the requirement for a special majority;

the Crown and the Governor;

provisions establishing the constitution and powers of the Parliament;

provisions which deal with the membership of the houses and qualifications of voters; and

the provision which enables a house to relieve a member of the consequences of a breach of the office-of-profit provisions.

The bill retains the existing framework for entrenchment by an absolute majority for the provisions specifying the absolute majority requirement, the jurisdiction and membership of the Supreme Court and matters relating to judges and masters of that court.

This bill is the culmination of the work of the Constitution Commission of Victoria and reflects the views of the Victorian people. I thank all Victorians for their interest and contributions to the reforms in this bill. Finally, in 2003, it can truthfully be said that the Victorian people are the framers of their own constitution. This bill has taken us the next step towards creating a stronger, fairer democracy, which is both relevant to the needs and demands of all Victorians in this new century.

I commend this bill to the house.

Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).

Debate adjourned until later this day.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 19 March; motion of Mr SOMYUREK (Eumemmerring) for adoption of address-in-reply.

Hon. B. W. BISHOP (North Western) — It is with much pleasure that I rise today to play my part in the address-in-reply debate. Firstly, I would like to commend Governor John Landy and his wife, Lynn, for the tireless work they have undertaken to visit and stay in touch with communities in Victoria. I assure them

that that is very much appreciated by the people of Victoria.

Secondly, I welcome the election of my colleague the Honourable Damian Drum to the upper house in Victoria. I am sure everyone would have noticed that Damian's enthusiasm and work ethic have already made him a valued member of the National Party team. I look forward to working with him for many years into the future.

I would also like to recognise the retirement at the last election of the Honourable Ron Best and the Honourable Roger Hallam. Both of those gentlemen served their communities and electorates very well. It was always a pleasure to share with Ron Best in serving North Western Province. It was a good arrangement, because Ron was stationed in Bendigo and I was stationed in Mildura. Of course coming from the same party made it an easy and amicable way to manage a huge electorate.

The Honourable Roger Hallam was a Minister of the Crown for seven years, and he was a tough and relentless performer. Everyone will remember his practical and intelligent appraisal of Victoria's finances. I am sure that appraisal will be long remembered in this place.

Jeannette Powell left this house to successfully contest the seat of Shepparton in the other place at the retirement of Don Kilgour, who also served his electorate well. We wish all of those who have retired from this place well, and we wish Jeannette well in her new task in the lower house.

My colleague Barry Steggall also retired from the other house at this election. He had been the member for Swan Hill for 20 years — a long time — and had served for many years before that in local government. He will be sadly missed. He was a tough and talented performer. His contributions on issues of agriculture, particularly water, were always listened to by all sides in Parliament. He got a great send-off in Swan Hill: a tremendous crowd of people turned up to wish him well in his retirement. Many of them spoke of their involvement with Barry Steggall over his time in the Parliament. It was a great send-off and a great recognition to his services, not only to his electorate — because everyone would recognise that Barry Steggall's commitment went further than just his electorate — but to all of Victoria and the nation as well.

I would next like to mention the election results. It seems far in the past now, but it was a huge win for the Labor Party, and given the swing that occurred during

the election the National Party did particularly well. Members of the National Party were the only ones to win a seat from the Labor Party, and whilst we went down from 12 to 11, it was certainly a good effort on the part of the National Party. A great deal of the credit should go to our leader, Peter Ryan, in the other house, who has done a magnificent job in leading the party over the past few years.

It is interesting to note the increased responsibility the Bracks government will have after this last election. In the past, when this house was not controlled by Labor, members of the ALP could bowl up anything from the lower house — anything at all — and know quite clearly in their own minds that a good many of those issues would be bowled out in the upper house. That is not so now, so there is enormous pressure on the Bracks cabinet and government to respond to that extra responsibility.

I think that extra responsibility will come back to bite them. In the first week of sitting we saw the blatant and arrogant use of the government's numbers in this house to ram through the sessional orders which will choke down and dumb down this house. We may get to a stage where a bill will go through the whole of Parliament and not even be debated. We have seen that again today, where one of the most important bills that will ever be debated in this house will be guillotined by the Labor Party against the strongest opposition from the National Party and the opposition party.

In the limited time I have available I will briefly talk about the drought, which has been severe across Victoria and many other parts of Australia. Many people have come through a terrible time very well, which is testament to their courage, determination and will to survive. Some of those people will need help, particularly those who were not fortunate enough to have a couple of reasonable years prior to the drought hitting their farming enterprises. Some areas spring to mind: the Kerang–Normanville area and areas around Donald, and people from other parts of the Wimmera and the Mallee have had some very tough years over an extended time and will certainly need some help.

Some rains have come during the summer, and from the grain industry's point of view they have been mostly good rains and will give that industry an opportunity to start the process for this year's sowing program.

I want to talk a bit about water. It is a pity that while we have had some reasonable rains our catchments have seen very little run-off. We will need far more than we have had to relieve the plight of our irrigators, stock and

domestic users, households and our recreational ovals and streets.

The dried fruit growers in the Sunraysia area have had a terrible time this year. They have had a small crop; in many cases it would be under half of what they normally produce and in many cases far less than that. In a number of cases some of our growers have not been able to harvest anything at all. The grapes have been severely damaged as a result of extreme heat at the front end of the season and also unseasonal rains with very close and muggy weather after. That is another agricultural area that will need a helping hand. I anticipate there will need to be some substantial restructuring in the Sunraysia area given the very tough season we have had.

I noted in the Governor's speech that the Victorian Water Trust will be put in place. The irrigators in Sunraysia are very interested in how the trust will go about its business. In the Sunraysia area \$20 million has been allocated over four years for irrigation infrastructure upgrades, which is really just a drop in the ocean of the total amount of money required. Unless it is very carefully handled it could become a consultant's dream.

There have been more than enough studies on irrigation infrastructure improvement and renewal in the Sunraysia area. In fact, what those irrigators and the community want now is action, and certainly \$5 million a year will not be able to provide that.

The government must recognise the value of saving water in irrigation areas such as the Sunraysia. It must also recognise the fact that irrigators cannot bear all that cost. There is a good reason for that and a good reason why they should not have to. In some cases there have been no real renewals in place in the Sunraysia irrigation area for more than 100 years. That is not the irrigators' fault. It is not the fault of anyone, and it is not the government's fault. It is something that is in place now and has been for some time. They were put in place during the early 1990s by the former coalition government. However, there is a big backlog of renewals that have not been funded over these years. That is one point.

Another point is that irrigators in the Sunraysia cannot afford to be just pouring money into patching up the system. A good example is the township and the irrigation area of Robinvale, which is a huge producer of world-quality table grapes. It is a great place and is highly productive in many other areas of horticulture as well. We must take the load off the irrigators in that area. Estimates have been made that 40 per cent of the

cost of their water is attributed to maintenance, with a run-down, worn-out system, so it is past time that the government bit the bullet and got on with the job of renewing, where necessary — and in Robinvale that is where it is at — and perhaps in other places refurbishing where necessary, before it goes too far.

We have plenty of precedents for government assistance. In fact the Northern Mallee pipeline, which is nearly finished, was an over \$50 million project with costs shared by the state and federal governments and the land-holders. It will save 45 000 megalitres of water out of 50 000 megalitres previously used by the channel system.

We are now in the detailed planning area to finish the balance of the Wimmera Mallee pipeline. It is a huge project with an all-up cost of just over \$300 million. It will save close to 100 000 megalitres of water, which will give tremendous security to our farms, towns and communities over a huge area. The blueprint is already there. All those things are under way, and that blueprint should be able to be used for the irrigation infrastructure upgrades and renewals in the Sunraysia area.

I urge the government to recognise the plight of the irrigators in that area. Many of them are drowning — a play on words — in maintenance costs; we have plenty of precedents. Just over the border in South Australia there has been a cost-sharing arrangement with the state and federal governments each picking up 40 per cent of the costs and the irrigators or the authority picking up the other 20 per cent. That has worked very well. There has been a different system in New South Wales. They have been fully refurbished as well with a cost-sharing process there. That cost-sharing process has gone further in South Australia and New South Wales where the irrigation structures are now being handed over to the grower communities to run on their own behalf.

I am running out of time, so I will have to shorten my speech.

I noted in his speech that the Governor talked about the return of passenger rail. I point out again, as I have before in this house, that there will not be a return of passenger rail to the Mildura area unless the rail line is upgraded and standardised. It was announced a couple of years ago, but not a spike has been driven. We have lost businesses out of that area into New South Wales and South Australia — for example, the mineral sands business. We will continue to see more business go out of the state unless the government bites the bullet and gets on with the job of standardising and upgrading that line.

Hon. P. R. Hall — It is getting a bit touchy about it.

Hon. B. W. BISHOP — It is getting a bit touchy about it, Mr Hall, but we will keep pursuing it because it is an issue of the utmost importance to north-western Victoria and Victoria as a whole. It would also give us the opportunity, Mr Hall, to go into the Darwin area direct, which would be a great option for our producers in that area and would provide opportunities for other areas of Victoria as well. It would reduce the rail cost cartage of grain and other horticultural products and it would keep trucks off the road. That project has many advantages. However, the government will need to get going as quickly as possible before industries lose more confidence in the government's inaction.

We certainly need some action in the Mildura area. I suggest, given the last election, that Mildura has gone off the radar screen quite substantially because of the lack of value of the Independents on the political scene. Mildura may well pay the price. I assure the house that Mildura will be loudly represented by me and the Honourable Damian Drum. We are pursuing the government on issues such as the railway line.

To conclude, I thank the Governor again for the great effort that he and his wife put into our communities. They do a magnificent job. I urge the government to look at and support country Victoria. It is now firming up as a city-centric government. I warn it that if it does not pick up its promises, many of which it has been slow to achieve, then the vote in country Victoria will turn severely against it. Country people will soon get sick and tired of the spin doctors and the propaganda and will call for real action. I can assure the government that that will be reflected strongly in the next election unless it gets its sights clearly on country Victoria.

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

Hon. R. H. BOWDEN (South Eastern) — There is a time-honoured saying in our communities that you can fool some of the people some of the time but you cannot fool all the people all the time. When I read the government's document that was presented by the Governor on 25 February in this chamber that saying came to mind. This clearly is a document that will be proof everlasting that the government intended to mislead and misled the electorate of Victoria prior to the last election. This is a blueprint that will confirm that the government misled the electorate.

The game has been given away because as you read this document, which is the government's blueprint for action, it is clear that the actions it intends to take are

built around several key points. The thing that stands out to me is an obsession with changing the upper house or the Legislative Council. Honourable members will note that I did not use the word 'reform' because many of my honourable colleagues, many in my electorate and I do not believe the Legislative Council needs reforming. It is not out of control, and it is not acting against the interests of the people of Victoria. Whilst evolution in our parliamentary system is a good thing, change to perpetuate power is a bad thing. I sincerely believe the Governor's speech at the direction of the government made it absolutely clear that the government is all about consolidating its long-term power and not about acting in the interests of the people.

South Eastern Province is a complex one. It is quite large; it is just under 5000 square kilometres of land with huge areas of water mixed in with its geography. Apart from being complex it is also an electorate that has for many, many years been well served by honourable members preceding me. I am concerned for the future of this great territory.

I would like to commend the volunteers and professionals who so recently gave such wonderful service to the people of South Eastern Province in combating bushfires. We know about the devastation and great concern in our community that those bushfires caused, but I would suggest that the government in some clear way made a contribution to causing the problem. After having quietly thought about the bushfire situation in parts of my electorate it seems to me that the government is a captive of the green pressure groups. For a considerable time prior to the election the government was so interested in building up its green credentials that it allowed the precautionary burning programs to be cut back.

What happened? Over a period of time the fuel load on the areas of forest and in the bush areas became such that under the conditions that prevailed a few weeks ago we had enormous fires that caused a great deal of damage and huge concerns for our community. In a way, without being extreme, I suggest that the government to some extent is culpable because in its rush to pander and get the preferences from certain groups such as the Greens it deliberately cut back on precautionary burning. I represent my electorate and say that is unacceptable. As a representative of the electorate I say the government is partially to blame for the damage that was caused.

I now mention so-called attitudes towards improving community safety. We need more police, particularly on the Mornington Peninsula, and I would suggest that

one of the things the government could do is sit down and talk with the Victoria Police administration and come to a political decision to cease using police for taxation. We all know it is a fact that in the current budget documents there is an estimated — —

Mr Viney interjected.

Hon. R. H. BOWDEN — Mr Viney will have plenty of time to have his say, but I would like Mr Viney to put on the record that he supports the police being used for taxation, with \$400 million being allocated in the current budget. Is Mr Viney comfortable with that?

The police taxation regime ruled by this government, with \$440 million in the current budget papers, is deadset wrong. The police are professionals, and we are fortunate to have a professional and highly motivated, and very fine, police force. They should be used for the detection of crime and the implementation of the proper laws of this state, not as fundraisers. I am concerned that there continue to be shortages in nearly all or most of the police districts or areas within South Eastern Province.

I want to know when the government will bring a police station to Somerville, which, by population, is larger than Hastings — and Hastings needs more police, but there is no police station at Somerville. The nearest police station is at either Frankston or Hastings.

In terms of local government, there are concerns about this state government wanting to further entrench its power by its direct links with local government and councils. Many councils deliberately ignore state parliamentary members. This government is very much signalling that it wants to enshrine the local government situation into the parliamentary process and protect it in the state constitution. I have no fundamental problem with that, but I do have difficulty when there are so many well-documented and historical links between the Labor Party and councils, and the way councils use their powers and often ignore advice and suggestions particularly by members of this chamber.

The average number of constituents that a member of the Legislative Council represents is more than 140 000 and many members in this chamber represent closer to 150 000 constituents. An average councillor may represent about 10 000 constituents, yet time and time again over the years councillors and councils say to state members of Parliament, whether they be in government or opposition, 'We are going to ignore you'. That is wrong and the government has not in any way served this state by saying, 'We will further

entrench the council situation at this time'. I am not anti-local government, but I am concerned.

As to community safety I have already said I am not satisfied at the extent of police force numbers in South Eastern Province. I suspect that there is a great deal of concern in the electorate that the crime that we come across in our various activities, the newspaper reports and so forth, are accurate. We want more police. We want stronger law enforcement, and we also need the courts to understand that they have an important role to play. Many of the fine Victoria Police men and women who serve us at times get quite disheartened about the professionalism they apply in catching offenders who are then turned loose by courts that do not appear to understand their responsibilities.

I would like to mention water. The economics of water are vital for many of the constituents in my electorate because we have very large commercial vegetable-growing enterprises, huge dairying enterprises and over the last few years, particularly in the Mornington Peninsula, a huge increase in the production of wine. Any moves to have agricultural producers pay for rainwater is completely unacceptable. I know that over a considerable period there will be practices, programs and legislation brought into this place dealing with the economics of water, but I suggest to honourable members that the needs of the agricultural community in particular regarding water are extremely important.

Among several aspects of South Eastern Province I have a real supporting interest in rural activities. The redevelopment of the Royal Melbourne Showgrounds is extremely important. We have a huge equestrian population, we have vegetable growing and a whole host of rural activities, and I believe a high priority item for the state and for my electorate is the redevelopment of the Melbourne showgrounds.

As I listened to the Governor's speech I was not satisfied that the government is really committed to maintaining our roads. We need strong, capable and safe rural roads for the movement and transportation of huge volumes of milk, often over difficult back roads and highways which are not being maintained to a standard that is acceptable, nor are they being developed to cater for the increasing traffic, particularly of milk tankers. In future years there will be a large volume of sand produced around Grantville and Lang Lang and other places in that area. I have seen no evidence that convinces me that the government is addressing the need to upgrade the roads to cater for the huge volume of sand that will come from that area. I do not believe that portion of the document the

government prepared for the Governor where it indicates that it will look at roads and infrastructure.

I am not satisfied since the election before last that the government has really focused its attention and is properly concerned about tourism. The Phillip Island tourism area is extremely important to the state, and so is the Mornington Peninsula. There has to be a more concerted effort applied in funding and focusing on specific tourism attractions to make sure that international, national and domestic tourism is encouraged.

In the context of the environment and sustainability, the marine national parks are a cause of concern because there has to be better and more appropriate access for recreational fishermen. I was not satisfied when the bill creating those parks passed through this chamber that the government really understood the huge number of people involved in recreational fishing and the contribution to our economy that that activity brings to the state. It seemed to me at the time that the focus of the bill was in creating marine parks and not balancing fair and reasonable access to those marine parks for recreational fishermen.

The Gunnamatta outfall is an issue on the southern part of the Mornington Peninsula that cries out for government attention. Each day, and I emphasise that, the state government presides over a situation where approximately 300 million litres of contaminated water is pumped into Bass Strait off the Mornington Peninsula. The government claims the Department of Sustainability and Environment is the world's greatest thing in that context, but it isn't. A government that allows 300 million litres of contaminated sewage to go into Bass Strait in an area where it has just created marine parks is misleading the people. I am not satisfied with the Gunnamatta outfall situation, and I will continue to support my parliamentary colleagues in trying to get that fixed. The real answer in the long term is to make sure the government understands that it has to start further processing — —

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

Debate adjourned on motion of Ms HADDEN (Ballarat).

Debate adjourned until next day.

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Second reading

Debate resumed from earlier this day; motion of Mr LENDERS (Minister for Finance).

Hon. PHILIP DAVIS (Gippsland) — I rise to speak on the Constitution (Parliamentary Reform) Bill, which is fundamental to the governance of this state for the next century. We are about to consider changes to Parliament which will be changes forever. In doing so we should consider why it is we are in a position to reflect on this bill at all. I assert that the primary reason is because the government, in its enthusiasm, is displaying hubris in the sense that now it has the opportunity to exercise the dominance of numbers in this chamber it will ensure, notwithstanding all the meritorious consideration of the arguments that goes into this debate during the course of this week, that the bill in the form the government has presented to the house will pass the chamber, as indicated clearly, without qualification. In the event that the debate is extended the debate will be guillotined and the bill passed through the Parliament.

I wonder how new members of the house, particularly those members on the government side, feel when they come into this house bright eyed and bushy tailed as members of Parliament for the first time and realise that they are simply servants of the executive, which has determined the form, shape and scope of the bill. It has determined exactly when the bill will pass. As a consequence, the views of members of the Legislative Council who are so affected will not be considered as they will have no opportunity to influence in any way consideration of the matters before it.

I regard the claims being made by the government about this legislation being the most important constitutional reform in 150 years as extravagant. Not only that, they are hypocritical and a great deal of humbug. It surprises me that members of this house, like some of the ministers and a member leaving the chamber, Ms Hadden, would allow the government to get away with this. I would have thought that the most significant reform to parliamentary democracy in Victoria was in 1908 when women were granted the vote — that is, equal franchise. I find extraordinary the mantra that was proclaimed about this bill in the debate in the other place and generally in the community, as promoted by the government, as are references to the bill by government members today that somehow in 2003 these reforms to the Parliament of Victoria are more significant than enfranchisement of women voters

in 1908. I have to say that I find that pure humbug and that the claims made by the government in relation to this proposal before it are hypocritical.

For example, what we are seeing is the entrenchment into law of the Labor Party's preferred electoral system. It has nothing to do with whether or not the community at large wishes to see these changes, because one of the clear issues is that the community has not been engaged. Certainly the rural community, which will be profoundly affected by these changes, has not been involved in a conversation. The consultation process was a farce.

Hon. Andrew Brideson interjected.

Hon. PHILIP DAVIS — A colleague says 'a sham', but I would say it was a farce. The government, which had well-known prejudices about the upper house model it wanted to advance, embarked on a process of appointing consultants — I make no references of a personal nature to the three consultants who worked for the government to advance its political agenda; I am sure those men were driven by the highest of motives and behaved in a professional manner in reflecting the views of their employer, the government of Victoria, the government of Steve Bracks! That means, therefore, that the constitutional commission process had a predetermined outcome even before the conclusions were published.

It is disappointing to note that there is no overwhelming community sentiment driving and promoting these proposed reforms. If you turn the clock back to early in the 20th century you will see that there was a grassroots movement called the 'Kyabram movement', which advocated strong reform and resulted in a downsizing of the Victorian Parliament. The reform came about from a view the Victorian community was strongly advocating at the time. It came from a grassroots perspective, and it reflected the engagement of Victorian and Australian society in debates about how we are governed. It arose out of Federation and the view in the post-Federation era that the state Parliament and the state government could do with less members and less ministers. The Kyabram movement was truly a grassroots movement, and there have been other reforms in the history of the Parliament that have been a true reflection of the views of the community.

But this reform before us does not represent such a conclusive position. Less than 200 submissions were received by the constitutional commission on these very questions. Yet in the debate on marine parks — that bill was before this Parliament last year — more than 4500 submissions were made to the Environment

Conservation Council alone, and in addition many submissions were made to members of Parliament and ministers of the Crown. In relation to the box-ironbark investigation, there were 3500 submissions to the Environment Conservation Council and many more to ministers and other members of Parliament. In fact, there were more submissions from the Victorian community on a discussion paper about collecting firewood than there were on constitutional reform. The reform process being driven by the government has failed to engage the community in discussion in any material way.

Because of the restrictive procedures that have been implemented by this government I have absolute certainty that this bill will be passed in this Parliament this week, but, frankly, it will pass with very few Victorians being aware of its implications for the governance of this state. The government failed to inform the community effectively about the changes it proposed to the sessional orders, and this is materially the same issue.

It is relevant to remind members of the article that appeared in the *Herald Sun* of 22 February, which alluded to the debate on the sessional orders. It states in part:

In a political sense, these upper house reforms utterly defy everything that Labor said it stood for when it claimed it was for openness and accountability.

And true to form, it misled the public by omission when it announced its reforms because there had been insufficient detail put on the table.

I make the point that it is not just that the detail was not made available to the public, that is certainly true, but there has been a complete abdication of responsibility by the government to engage the community in discussion on proposals that go to the very core of how we will be governed for the next century.

The reality is that with the entrenchment of the provisions the government is proposing in this bill it will be virtually impossible to materially change any of the aspects of the electoral process — whether or not we subscribe to a view about proportional representation, because that is immaterial to this particular aspect of the debate. It is certainly the responsibility of the government when reforming the electoral process and the constitution to ensure that its proposals are fully understood by the community. Clearly that has not happened.

It is also a matter of fact that the government's rhetoric has been misleading. The government has maintained

that the upper house has been an entrenched bastion of conservative dominance.

Here we are in 2003, and who has control of the upper house? All the Labor Party had to do was win the majority of votes in the majority of seats to be elected, and it is clearly the case that at the most recent state election the government was able to win those votes. There has never been any process that has inhibited that from occurring before; it is just that the Victorian electorate has not been prepared to invest in the Labor Party in such a way previously.

Further, it is argued that the upper house is a hostile house and that it has been hostile to the government. As a matter of fact 306 bills were introduced into this place in the last Parliament, and only seven of those were defeated. I note that with at least two of them it is unlikely that the government will reintroduce them because it seems to have changed its policy — and I refer to heroin injecting rooms and home detention.

It is my view that clearly the government's approach has been inconsistent and hypocritical, because it has been advocating changes to this house on the basis of a false premise. Not only that, it has ensured a process of dumbing down the way the Parliament operates in terms of imposing restrictive controls on the operations in the house that would lead to a fulsome debate on this bill.

It is also extraordinarily presumptuous of the government to determine that the Parliament will adopt changes now which will be with us forever, given the fact that the Parliament, over 146 years, has consistently made changes to the electoral system and the constitution to adopt progressive advancement. As a matter of fact, just to remind members — and all members have access to this information — I will refer to some of the changes that have been made.

The Victorian Constitution Act was given royal assent on 23 November 1855, and in 1856 the Parliament was formally opened. In 1857 all Victorian men were given the right to vote for the Legislative Assembly, and there was a removal of the requirement for a person to be a property owner in order to be a member of the Legislative Assembly. Property qualifications applied for men standing for and voting in Legislative Council elections. In 1878 payment for members of Parliament was introduced. In 1908, as I have earlier indicated, Victorian women over 21 were given the right to vote and were given the same property qualification as men to vote in the Legislative Council elections. In 1911 preferential voting was introduced; in 1923 women were permitted to stand for Parliament on the same

basis as men — that is, that the property qualification applied to the Legislative Council; in 1935 compulsory voting was introduced; and in 1954 adult suffrage was introduced by the removal of the property qualification to vote in the Legislative Council elections and the removal of the property qualification to stand for election to the Legislative Council. In 1973 the voting age was reduced to 18 years. In 1975 Victoria formally enacted its own constitution into a single document, the Constitution Act of 1975, and in 1982 the principle of one vote, one value was introduced.

May I just make the point that many of those changes could not have been enacted if the entrenchment provisions which are proposed in this bill had been in place. We know as a matter of fact from being in Australian political life that the community at large is conservative in its attitude to change, that notwithstanding that community leaders may advocate it, notwithstanding that parliamentarians may see some sense because they have a detailed understanding of it, and notwithstanding that you can have a position of bipartisan agreement on what sometimes can be modest change, the electorate by nature is conservative. I would suggest that there are changes to the constitution which have been made progressively over the history of this Parliament in a measured way, using the good sense and goodwill of members of both houses to progress, which would be frustrated under the proposals being entrenched with this bill.

What I say is of concern about that is: how can we today presume to know the changes which might be prospectively made at some time in the future which are beyond our understanding for the time being? How is it possible that anybody in 1855 or 1856 could have known that 18-year-olds would get the vote 100 years later? How could they possibly have known that? Clearly with the electorate being such a conservative creature — necessarily so, because there is great scepticism about whether members of Parliament act entirely and always honourably, notwithstanding that we are affronted by those accusations that we do not — the reality is that members of the electorate really do regard members of Parliament with some degree of caution.

I am not suggesting that the electorate should not have an opinion about these issues, but I have to say that in terms of legislation affecting the constitution of Victoria history relates that there were, I think, 19 attempts to change the constitution in Victoria to allow women to vote before there was success. In fact Sir Thomas Bent was the Premier at the time who finally agreed that the change should be made. I say about that that he came to be converted. But that was a

reflection of the community view at the time and was entirely appropriate — and some would say delayed by 20 years unnecessarily. My own view is simply that it reflected the values of the time. For it to be presumed now that provisions of this constitution should be entrenched in such a way that they are undoable in the future is extraordinarily presumptuous, and I believe eventually it will be shown to have been an action that was made not in the best interests of good governance in Victoria.

The argument has been put that the reason for introducing the changes — and we all know what they are and I will not waste members' time by going through them; essentially they revolve around adopting an electoral model that will suit the government — is so there will be consistency across jurisdictions. I suggest that in relation to fixing the regions and a fixed four-year term for an upper house it is only Western Australia which has this particular model.

Hon. W. R. Baxter — They keep telling us it is Australia-wide!

Hon. PHILIP DAVIS — It is not. We know that in New South Wales it was a Labor government which entrenched an eight-year term for its upper house. So I cannot see how the government's argument can have any relevance at all in terms of consistency across jurisdictions.

It is also clear that the government's claim to be implementing the constitution commission recommendations is not a valid argument. There are a number of contradictions in just that one claim. I will refer in particular to some of the recommendations by the constitution commission, and will come back to the issue about how valid this process was shortly. I quote from page 40 of its report entitled *A House for Our Future*:

Taking these considerations into account, on balance the commission favours the six region by seven members model.

I will just read that again in case you did not get it:

Taking these considerations into account, on balance the commission favours the six region by seven members model.

Hon. Bill Forwood — Why did we not get it?

Hon. PHILIP DAVIS — The reason we did not get it is clearly that the government chose a model to suit its political ends. It set up a commission that had a predetermined outcome — we know that. Clearly the people who were briefed to do the consultancy for the commission were told what their marching orders were. They set up a procedure to be seen to be driving some

sort of consultation process, which in itself was a rank failure, but at the end of the day even the recommendation of the Constitution Commission of Victoria for the proposed model for proportional representation has been ignored by the government.

Further, the constitution commission made additional recommendations which appear on page 71 of the report under the heading 'Major recommendations'. These include:

6. The committee system in the Council to be strengthened and the committees to be appropriately resourced.

We have not seen any of that.

7. Regional committees, for each Legislative Council region, to be established, made up of all Legislative Council members of the region.

I have not seen that.

8. Ministerial posts in the government to be phased out from the Legislative Council.

Which ministers in this house will actually put their hands up to go?

Let us be quite clear about this: notwithstanding the recommendation of this government commission, what actually happened when ministers were sworn into office at the start of this parliamentary term? My recollection is that in the last Parliament there were four ministers in the upper house, and as I count the ministers sitting across from me in the chamber today I do not find them being phased out — I find that there are six ministers. What a lot of hypocrisy and humbug! That is a complete abdication of the government's responsibility to do as it said it would, which was to introduce the reforms recommended by the Constitution Commission of Victoria.

I turn to the question of whether or not the constitution commission had an appropriate process. There are various views about this. All I can tell the house is that from the perspective of the community there was a complete lack of engagement. We know, as I have said, there were less than 200 submissions and that only a handful of people attended the 12 or so public meetings around the country. Let us look at who was present on the day at one particular consultation meeting of which I have a record, which was held at Bairnsdale on 23 October. There were the three commission members who were being paid a consultancy fee; there was my colleague the Leader of the National Party, the Honourable Peter Hall; there was my colleague in the other place, the member for Gippsland East, Craig Ingram; there was the mayor of the Shire of East

Gippsland, Cr Tom Courtney; there was the immediate past mayor of the Shire of East Gippsland, Cr Peter Bommer; there was a Monash University politics student from the campus in Gippsland, Paul Van Breugel; there was my electorate officer, because I could not be in attendance; there was a secondary college student.

Hon. Andrew Brideson — Just one?

Hon. PHILIP DAVIS — A secondary college student. And there were two citizens: Peter Glover of Flaggy Creek and Jim Brennan of Paynesville. My advice is that this was entirely consistent with the representation around the state, and if necessary I can provide the attendance numbers of every one of those consultation meetings. Frankly, they were an absolute farce — just as the commission has been. The commission had a predetermined outcome before it handed out its report because the government had given clear instructions and it had selected people it believed would do its bidding — and so they did. They did the job of professional consultants, and I cannot criticise them for that. There is no basis at all for using the Constitution Commission of Victoria as a justification for the farce of legislation we have before this house.

I refer honourable members to the fact that there was a very expensive process of consultation. Around \$400 000 was expended on the 15 public meetings which were attended by a handful of people, as I have pointed out. To further make the point about the numbers at meetings, I am advised that the Warrnambool meeting was attended by a group of school children and one other person, and there were only 11 people at the gathering in Mildura.

We have seen evidence that the constitution commission had a preconceived agenda, because that was the nature of the consultancy in which the members of the commission were engaged; and further we have seen that it had no grassroots support — not like the Kyabram reform movement, which did drive reform and which was established effectively on 4 November 1901.

All I can say about the comparison between the Kyabram reform movement and the 2002 Constitution Commission of Victoria is that one was an effective people's movement and the other was a politicians' movement — the politicians being the members of the present government, who will use their numbers in this place to ram through this legislation against the interests of all Victorians.

I will just pick up for a minute what the community might think about this. Given the difficulty there has been because of the government's determination not to engage the community, it might be instructive to hear what voters think. From time to time members come into this place and use various polls to support their arguments, and I am not one for doing that as a matter of course, but when doing research over the last few days I found that on 13 June 2002 the *Herald Sun* asked this question:

Should the upper house be reformed?

Let me say from the beginning that I do not think anybody on this side of the house would argue that changes should not be made to the Parliament. In the last Parliament it was the opposition that initiated some significant changes. But this is what the community is reported to have said: of 1004 calls to the *Herald Sun* Voteline, 367 people voted yes — 367 out of 1004 calls — and 637 voted no. Just so honourable members know, 63.5 per cent voted no and 36.5 per cent voted yes.

That is only a representative sample, and how statistically valid it is — there will be a vote about that — I do not really care, but it is one measure of how the community was feeling at that particular time, and it coincided with the constitution commission's report being about to be released.

The question is what do the editorial writers say, because often they have a feeling for what is either in the public interest or what is viewed by the public as being acceptable. Certainly it was the case that when the proposals in relation to this matter which we are effectively considering today were mooted in the *Herald Sun* of Wednesday, 31 May 2000, that paper said:

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

...

A key reform would be to use the Senate's proportional representation voting system, which has been responsible for giving Independents and the Democrats a stranglehold on the government of the day.

It further goes on to advise:

But the Liberals' obligation does not extend to allowing reforms that could paralyse government in this state.

In considering the matters that are before the Parliament today, three years ago the *Herald Sun* was of a view that the introduction of a Senate-style proportional representation system would not be in the interests of Victorians as a whole. I do not believe the *Herald Sun*

has changed its view, but like most others in the community it has decided to treat the issue with disdain because at the end of the day there has been a deliberate approach by the government to ensure that the community is not engaged in this debate. Consequently we now have a circumstance where there is no great public interest: there is certainly no great public outcry for it. This issue is not a new one. Those of us who have been around parliamentary and political life know that the Labor Party's view of changing the upper house is a constant debate.

It is instructive to go back over time and see what some of the eminent people of the Labor Party have said on the issue. In the *Herald Sun* of 3 October 1987 Ian Munro, the state roundsman, said:

No longer does the government seek to abolish the upper house, but it does have on the books moves that, if successful, would abolish the Legislative Council in all but name.

The article goes on to talk about the proposal to scrap the power to block supply, and further states:

Also if the Council blocked any bill, a joint sitting of both houses could be called ensuring the government's view held sway.

The moves would introduce proportional representation for upper house elections — the price for the government of getting Australian Democrats support at the last general state election.

How the wheel turns! Here we are 16 years on and we see exactly the same deal, take out the Democrats and put in the Greens. The government is quietly prepared to acknowledge that that is exactly the reason it has control of this chamber today. Its majority in the Legislative Assembly was enhanced because of such a deal. The government went to the minor parties and offered to introduce proportional representation for a purely politically expedient purpose. It can rest on its laurels and say that it was successful. That is not in the interests of ordinary Victorians.

It is also interesting to note what various serving members of this Parliament have said from time to time. I note that the then Leader of the Opposition, John Brumby, said in a press release of 29 August 1993:

And while I believe that we have too many politicians in this country and support the abolition of the upper house in Victoria ...

John Brumby made his views clear on the upper house from time to time and in respect to the issue generally he suggested in the *Age* of February 1996 that the upper house was full of basically party hacks and should be abolished. It is interesting because there was a response — and I am disappointed that the Minister for

Energy Industries is not in the house to acknowledge it in this context. He defended the upper house in the wake of John Brumby's scathing attack. He said Mr Brumby:

... should not forget he was a member of the Council for a time.

Clearly members of the Labor Party have some difficulty in being consistent about their views, but not about the fact that the agenda is clearly to move progressively to a position of abolishing the upper house. The reforms that are before us today are clearly a further step on the long road towards abolition.

I want to pick up the issue of the frustration of government agendas. As I indicated earlier, the government has claimed that the upper house has been hostile. In fact if we look at the last Parliament we can see that of 306 bills, 58 were committed, 24 were amended and 3 were defeated. If we go to previous parliaments, did the upper house ever act in a consistently hostile manner to the government of the day? It is quite evident that that is not the case. Between 1982 and 1985 when the first Cain government was in place, of a total of 462 bills, only 3 were defeated at the second-reading stage. Between 1985 and 1988, of 433 bills, 13 were defeated at the second-reading stage and between 1988 and 1992, of 415 bills, 12 were defeated at the second-reading stage.

It is unarguable that the role of the Victorian upper house has been consistent with the traditions of Westminster and upper houses everywhere. It has taken a role where from time to time it has rejected legislation proposed by the government, but on the whole it has acted in a cooperative manner to facilitate the passage of the government's legislative program and therefore to allow good governance to continue, notwithstanding the reservations that the Parliament may have had about particular proposals in the main.

Today we have arrived at an unfortunate circumstance. The government is arguing to introduce proportional representation and it argues in part that we should have a greater representation in the Parliament of groups who are not represented here today and that the best way of achieving that is through a system of proportional representation. That in effect means a decision must be made about what system is adopted.

As I alluded, the constitution commission had one view and the government has rejected that model and adopted an alternative, the effect of which is that the threshold in terms of a quota for a member to be elected to this place will be 16.66 per cent. That is interesting because in the New South Wales Parliament a quota to

be elected is 4.54 per cent, and therefore the New South Wales upper house is much more representative of non-major parties than is any other Parliament in Australia. There are groups represented in the upper house in New South Wales which some would find challenging were they to be members of this place.

Nevertheless if the government wanted to be honest about its intention it would adopt a model that would be more open, and I am sure there will be huge disappointment on the part of many of the minor parties and minor groups, which committed themselves to give preferences to the government at this election, because they will find that they will not be able to reach the threshold. Further, the threshold of a quota makes it quite clear it would be virtually impossible for an Independent ever to be elected to the upper house.

For an Independent member, the requirement to achieve the quota in an electorate of 430 000 people stretching from Mildura to Wodonga to Sunbury would be a complete handicap of the worst order. The electorates that are proposed in this bill mean that there is virtually no capacity to provide a community of interest; that the members who will be elected will inevitably be those who carry the weight of party endorsement; and that the consequence therefore is that the model which is proposed is that minor groupings and Independents will be effectively excluded from this house.

So the government again has acted in a hypocritical way. It has adopted the highest threshold in parliamentary elections in Australia. It has adopted a threshold that is higher than New South Wales at 4.54 per cent, higher than South Australia at 8.33 per cent, higher than Western Australia, which has some seven-member seats at 12.5 per cent and other five-member seats at 16.66 per cent. There is no proportional representation in the upper house of Tasmania and Queensland does not have an upper house.

Notwithstanding the fact of the government's advocacy for proportional representation, it does not actually want to trust the minor parties. I put it that this was best summed up by the then Premier John Cain in the debate that occurred in 1988 about upper house reform. In the *Australian* of 29 July 1988 an article said in relation to a single Senate-style electorate across the whole of Victoria:

... the quota required would probably be only 4.5 per cent.

The Premier, Mr Cain, has said the smaller quota system would open the Council to every 'ragtag, bobtailed mob' that

wanted to run for Parliament and the government would probably not accept the proposal.

I alluded to that for this reason: that the whole premise of the argument for proportional representation by the government has been to open up the upper house of Victoria to minor groups and interests to get a representative profile of Victorian political life. The reality of this bill is that it is designed to deliver not that outcome but another: an outcome that will entrench the situation where there will be, to a greater or lesser extent, an equality between the government — that is, the Labor Party today — and the non-government parties. The minor parties in the scheme of things, the Democrats and the Greens, will have a great deal of trouble dealing with the implications of the bill. I am not sure about the National Party and I will let the National Party members speak for themselves, but clearly the National Party will have some challenges in respect of this matter.

I would like to suggest that it is likely that the final outcome will be that the Democrats or the Greens, or a combination thereof if the Democrats survive the next election cycle, will have some influence in this house. It is not possible to imagine that there would be a continuing dominance of one side or the other. I accept that because that is the challenge the government has provided to the Parliament: to adopt this bill, and to create a system which will reduce the probability of there being a dominant party in this chamber. I accept that that is the government's intention. It still can occur, but it is more likely that a minor party like the Greens will have the balance of power.

That is fine, but what about all those other interest groups that will not be in a position to get the sort of quota that is necessary to get into this house, the highest quota of any house in Australia? There are a number of issues we can address today. We need to talk about the impact directly on communities of interest and on electorates that are affected by these changes. At the present time as a rural member of Parliament I am proud to represent the district in which I was born and where I feel I have a long association. It is not just about a professional job that I do on behalf of my constituents, but a passion for the region in which I live.

Gippsland has been my home for most of my life, and it has been my family's home for 150 years. I, like many other country members, bring to this task of representation a passion for the region I represent. But it will be a new world for us, following the implementation of this bill and the next election cycle, when I will be representing not just Mallacoota, Orbost, Swifts Creek, Bendoc, Bonang, Tubbut and Woodside

but will also — if I am elected in the eastern region, region 1 — be representing places like Portsea, Sorrento and Mount Eliza.

I recently went down to Sorrento just to investigate the opportunities in the area and noted there was quite a difference in focus and orientation from the areas I presently represent. Nevertheless, I think I could accommodate that transition if it is required.

An Honourable Member — Will you get up at no. 3?

Hon. PHILIP DAVIS — I was actually wondering how many of them voted down there.

The point I wanted to make was that this is not just a challenge in eastern Victoria; it is a challenge in western Victoria as well. We are going to have members trying to represent Nhill, Casterton, Edenhope, Hamilton and Portland at the same time as they are representing Werribee, Geelong and Melton.

As I alluded to earlier, the great northern region, region 6, as proposed in the schedule to the bill, the region which will subsume North Eastern Province, North Western Province and a fair bit of Central Highlands, will end up encompassing Mildura, Bendigo, Wodonga and Sunbury. Can anybody seriously propose to me that it is possible for one member of Parliament — or indeed five members of Parliament — to effectively advocate with any detailed knowledge of the issues that affect those expanded regions? It is beyond being a farce; it is an insult to the intelligence of members of this place to try to argue that point.

It is clear that the pressures members of this place will come under will be the same as those experienced in New South Wales. In New South Wales members elected to the upper house see no good reason to have offices in and be involved in their communities. They represent the community of the state because they effectively operate out of Sydney. Their offices are in Sydney and they have no community involvement beyond the city limits. It will be a great shame for representation in country Victoria.

We presently have members in this place with offices in Mildura, Hamilton, Warrnambool, Traralgon, Shepparton, Sale and until very recently Wonthaggi — but of course there is a strong representative still in Wonthaggi, the now member for Bass, who has just changed houses.

This will be a huge loss to rural Victoria. Notwithstanding the suggestions that members of this

place do not have a connection with their local electorates, the reality is different. I can testify to this: I get plenty of advice from my constituents. They seem to know how to find me pretty easily, and I think that is true of all country members. City members suffer the challenge that many electors do not know what their electorate is, particularly their upper house electorate, simply because it is less definable as a region. Country electorates are obviously more prominent.

I do not really have any problem with fixed four-year terms in relation to the Assembly, but I have to say, as we have already said in relation to this debate, that it is extraordinary that the government is doing something the New South Wales Labor government has entrenched — abolishing the two terms of the lower house.

Issues have arisen during the course of debate on this bill about casual vacancies. I do not imagine there will be a lot of debate in this house about it, because it is not a matter on which there is deep disagreement, but it should be noted that the government is proposing a system of filling casual vacancies which involves a joint sitting of Parliament. I have had representations from the Proportional Representation Society of Australia on this matter. I met with Geoffrey Goode, the national vice-president of the Proportional Representation Society of Australia, and also with Lee Naish, who is the Victorian spokesman.

Both of those gentlemen made the point that they are particularly concerned about the casual vacancy provisions because their view is that the direct election requirement ought to be entrenched, and that therefore the countback system should be introduced. I am not advocating that. I have listened to the arguments put to me by the Proportional Representation Society of Australia, and I believe they have some merit, but on balance it is the view of the opposition that to maintain the equilibrium of the Parliament the government proposals on this question should be supported, because they will ensure that, notwithstanding the unfortunate and untimely incidence of a casual vacancy arising, there will be no change to the political balance of the Parliament as a whole.

That proposal has great merit and outweighs the arguments put in relation to direct election, because the result of a countback could significantly change the political paradigm at the time, and there is no way of predicting with any certainty what that may be.

There is certainly a case to be argued about removing the ability of the upper house to block supply. I do not intend to go into that debate in any detail at this point,

but we should note that that provision is to some degree theoretical. It has not been exercised since 1952.

Hon. W. R. Baxter — Who did it then?

Hon. PHILIP DAVIS — The Labor Party was instrumental in blocking supply in 1952, and the blocking of supply led to the defeat of the first McDonald ministry and the election of John Cain, Sr, as Premier. I do not believe it is of value to pursue that question further.

I note that this change will not have a material effect, but I am concerned about the provisions that relate to the passing of appropriation bills, because that severely restricts the capacity of the upper house to undertake scrutiny of those bills. A provision that basically says bills automatically pass if after one month they have not been passed by the Council in effect abrogates the responsibility of this house in relation to considering legislation. It curtails the capacity of the upper house to examine such bills with the appropriate detail which may be required.

The provisions in relation to deadlocked bills are fairly onerous. In effect they transfer a large head of power to the Premier and are inconsistent with the recommendations of the Constitution Commission of Victoria. It was the constitution commission that said essentially for a bill to be referred to a joint sitting it should be referred after there had been a general election. The government is proposing to give the Premier the capacity to unilaterally determine whether or not he will convene a joint sitting and try to resolve a deadlocked bill in that fashion without calling an election. Again, there is some hypocrisy in the way the government has used the constitution commission to justify its case, but in fact has failed to materially do so.

In terms of the timing of elections, the fact that we have a fixed term raises a number of issues. While many of us will be quite comfortable with the fact that there is a degree of certainty about the timing of the next election, the reality is that in the community there is some serious angst — for example, there are people who will be, by virtue of the age of their children, engaged in preparation for the Victorian certificate of education (VCE) examinations. There will be children themselves who are of voting age who will be involved in those examinations. There will be pressures on students generally because of the coincidence of a general election with the activities that occur inevitably at the end of the education year. Individual students and their families will be put under an unnecessary pressure by fixing the date of the election at the last weekend of November.

The end of November is the commencement of just about the busiest period of the year for many in the retail trade and for many other businesses, because an enthusiastic effort is made in relation to the Christmas and Easter periods in retailing. I have no doubt — —

Hon. Andrea Coote — Not Easter Sunday any more!

Hon. PHILIP DAVIS — Certainly not Easter Sunday, as my colleague the deputy leader points out. University students and other students also have exams at that time of the year, and I daresay there will be concerns.

There is the further issue of the parliamentary year of which we have seen evidence over the last several months. Today is 25 March and the election was held on 30 November last, but we still have not got parliamentary committees established. Not only have we not got parliamentary committees established, but the government has somewhere in the Parliament a bill proposing to change the nature of parliamentary committees. While I do not intend to speak to that bill, it makes it more awkward that we should deal with parliamentary committees some several months after an election. We have staff who are unproductive — and I do not want to be rude about the staff — and who are frustrated that they have not got a task in front of them because the committees have not been appointed.

I will make a couple of brief points. Firstly, I refer back to a point I made earlier, which I think needs re-emphasis, about the presumptive nature of the government with respect to this legislation. It truly believes that this is somehow a panacea, that this government has all the required wisdom to know what is in the interests of good governance in this state for the next century. Our forebears in this place did not make that presumption, and the evidence is, as I said, that regularly there were significant changes to the constitution and to democratic processes.

What has been constant is the regularity of change in terms of representatives in the Parliament — that is, the numbers of parliamentarians. For example, we have had these numbers: in 1856 we had 30 members of this house; in 1881, 42; in 1889, 48; in 1903, 35; in 1906, 34; in 1965, 36; in 1974, 44. It is clear that we need to refer also to members of the Legislative Assembly. The numbers were: in 1856, 60; in 1859, 78; in 1877, 86; in 1889, 95; in 1904, 68; in 1907, 65; in 1955, 66; in 1967, 73; in 1976, 81; and in 1985, 88. I have just read those figures into the record for the purpose of supporting my contention that it is extraordinarily naive, capricious, presumptuous and arrogant — —

Hon. A. P. Olexander — Cavalier.

Hon. PHILIP DAVIS — Cavalier is a good word as well — for the government to presume that it actually knows exactly what it is that is in the best interests of governance in this state forever. We know the difficulty of changing the provisions about numbers of members in either house, numbers of districts and the electoral system. As I alluded to earlier, the truth is that our constituents regard us with some caution, necessarily so because they have been let down by previous governments.

In conclusion I refer to the entrenchment provisions of the bill. We have a number of proposals for entrenchment. The entrenchment provisions unfortunately deal with a range of matters which relate to both the operation of Parliament itself and to other matters that the government proposes to entrench by way of the Auditor-General as an officer of the Parliament, entrenching provisions in relation to a system of local government, freedom of information and so on.

There are three levels of entrenchment proposed in the bill. The first and most significant entrenchment is by way of a referendum of the people of Victoria to make any change. I do not pretend to be a constitutional lawyer and I am not going to represent myself as an expert in these matters, but I can say to the house that I have been given advice that sets out clearly that the government has a fundamental flaw in its approach to these questions. I will shortly refer particularly to section 6 of the Australia Act 1986.

We all understand that there is a common-law convention that one Parliament cannot bind a future Parliament — that is, anything that can be done in law in this Parliament can be undone in law by a future Parliament. We understand generally what that means. What is provided for, however, is that section 6 of the Australia Act 1986 says:

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

My advice is clear. Matters that relate to the fact of enshrining the numbers of members of Parliament, the numbers of districts in the other house, the election cycle, the term of office of members of Parliament — all those matters can be clearly made law as a consequence of the fact that they relate to the operation of Parliament. In other words, Parliament has the power to entrench those provisions at law in a way that would

require them to go to referendum. I do not debate it. That is our central concern with the bill — that those provisions are to be entrenched.

But when it comes to other matters there is a degree of legal doubt. I will not have that debate here. It will be a debate that must be had at another time in the jurisdiction of the courts, I imagine, because that is where we will end up as a result of the doubt about the capacity of this Parliament to bind in such a way future parliaments with regard to entrenchment.

What I can say with absolute certainty is that the government has made a mess of things. The bill that was introduced into the Legislative Assembly for consideration is not the bill we are considering today. The bill we are considering today was amended substantially in the Assembly. It was amended so substantially that if one were competent to have taken note of the second-reading speech of the minister in this house one would have noticed the changes that had been made in that second-reading speech.

I was interested in that less than 24 hours before the bill passed through the Assembly on the guillotine motion the government came to brief the opposition about amendments that the government was introducing in relation to a number of matters. That actually happened at 8.30 p.m. on 19 March; representatives of the government briefed me and the shadow Attorney-General about 35 amendments that had been introduced. Subsequently additional amendments were introduced later the next day.

These matters went to entrenching the provision for the Auditor-General to certify what is an appropriation bill. The government came to us, if you like, at 5 minutes to midnight and said, 'We made a bit of a mistake there, the Auditor-General does not want to do that. He is an accountant, he is not a parliamentary counsel and he is therefore not inclined to undertake that role'. All of a sudden the Auditor-General is being excised from the bill with the effect that to certify an appropriation bill in the future the Speaker of the Legislative Assembly will need to undertake that certification.

Further, provisions were proposed to be amended in relation to the electoral system — that is, to be consistent with the Senate about above-the-line voting. There is the issue of inadvertently exhausting preferential votes in a manner that was germane particularly to political parties. There were a number of consequential amendments dealing with how-to-vote cards and below-the-line voting. There were amendments relating to parliamentary counsel and

consistency with the Australian Electoral Act in relation to parties.

But the matter that was of interest to me was that the government came to brief the opposition on a proposal to further amend this bill by introducing amendments in the other place to, in effect, water down the provisions in relation to local government. What was proposed was in effect that the government suddenly realised that in drafting the bill it had created a situation where there would be a need to consider that if there were a provision in relation to local government contained in a bill before Parliament — it could be something, for example, like the regulation of dog catchers or the appointment of environmental health officers — that those measures in legislation in the Parliament would have no effect because the bill effectively proposed that any changes to local government would mean that there would need to be a referendum held. The government suddenly realised there was a problem with the entrenchment provisions for local government.

That was fine. We took the government at its word that it had now got the bill right. I advise the house that at 6 minutes to 4 o'clock in the closing stages of the debate in the Legislative Assembly the Leader of the Opposition had to point out to the Premier that there was an error in the drafting of a clause, the consequence of which was that there was a cross-referencing error. The error was in relation to the amendments proposed in the Assembly in relation to clause 16 where reference was made to the insertion of subsection (1B) when in fact what was required to be inserted was subsection (1BA).

The point of raising that matter in this debate is to put clearly on the record that in effect the government has had in train the preparation of the bill since it took office in 1999. It has been through various guises of promoting the bill in Parliament with a couple of previous attempts. It appointed the constitution commission, and since 30 November last year, knowing that this would be the first bill introduced into the 55th Parliament — an icon piece of legislation which the government claims to be the most important constitutional reform in the history of the Victorian Parliament, a claim that I dismiss, but it is the government's claim — it still has not got the drafting right.

The government introduced a bill in the other place, yet less than 24 hours before the bill was to pass on the guillotine it had to admit it had it wrong and introduced 35 amendments. Not only did it introduce those amendments, it did not even get them right. I wish the minister who has carriage of the bill was in the

chamber. I am reminded by a colleague that the Leader of the Government has not attended the chamber at all since the debate began and therefore will be completely uninformed about the matter I am raising. The legislation is flawed.

The opposition is opposed to the bill because it is flawed — flawed in principle; flawed because it has not taken the views of the community into account, because there has been no effective process to deal with it; and, more particularly, flawed because of the drafting of the bill. That is an admission the government has made in its own right by its introduction of 35 amendments in the Legislative Assembly and an admission that has been brought to light as a consequence of the opposition's detailed scrutiny of the bill in picking up an error only 6 minutes before the closing of the debate in the Legislative Assembly.

This is a disgrace. The fact that the government proposes to introduce and pass this legislation is contemptuous of the Parliament. I note with great interest that the bill did pass on the guillotine in the other place and that the government proposes that it will pass on the guillotine this week. It will abridge debate and effectively ensure there is no effective process for the Parliament of Victoria to consider what the government says is the most important bill to come before the Parliament for 150 years. That leads me to only one conclusion: that the government is not fit to be in charge of drafting this important legislation, and therefore I propose a reasoned amendment. I move:

That all the words after 'That' be omitted with the view of inserting in place thereof 'as the government's haste to seek passage of this legislation through the Parliament has resulted in the bill being flawed, and as the government's own amendments made in the Legislative Assembly have not adequately remedied the deficiencies which have been identified in the bill, this house refuses to read the bill a second time until its provisions have been referred to a select committee for inquiry, consideration and report'.

I commend the amendment to the house.

The PRESIDENT — Order! The Honourable Bill Baxter, on the bill and the amendment.

Hon. W. R. BAXTER (North Eastern) — Let me say at the outset that the onerous sessional orders imposed on this house for the very first time after 150 years are attending this debate with absurdity. We saw a move by the government earlier today to try to make it look in the community as though it is giving additional debating time to this legislation because it styles it as being so important that it has imposed on other debates to give it additional time. The reality is that it is requiring the lead speakers of the opposition

and the National Party — particularly in my case, the National Party — to speak for the time allotted, 1¼ hours. I am not in a habit of making long speeches because I think long speeches do not do any credit to the house, but if I do not take up the time allocated to me I am unable to convey any time to my colleagues, some of whom are now restricted to 15-minute contributions.

We well know that it is very difficult to develop a case on a complex piece of legislation in 15 minutes, yet if we did not have the sessional orders we would probably deal with the bill more expeditiously. We would have had a more interesting debate and each and every honourable member would not have felt under some compulsion either to speak longer than he or she would have otherwise or to be unduly constrained, as Mr Bishop will be because he is 25th on the list and will only be able to speak for 15 or 20 minutes. It is an example of the government saying one thing in the electorate about being open and accountable, but doing the direct opposite in Parliament. I am distressed and disappointed that the members of the media do not seem to understand that they, along with the people, are being sold a pup by this government and that they have an obligation, duty and responsibility to alert the public. They are failing on that obligation. That is very, very disappointing indeed.

The other point I make at the outset is that the result of the election on 30 November last year rendered this legislation redundant and unnecessary because of the government's claim for years and years and years that it could not win a majority in this chamber and that somehow or other it was undemocratic and needed to be changed. I refer to an article by the former Leader of the Government in this place that appeared in *The Parliamentarian* 2001. I had some difficulty with the article, but fortunately it was well-counteracted by Mr Katsambanis, a former member of this place.

The article advanced the argument that this house was undemocratic because the Labor Party was unable to win a majority in the chamber. I, along with others, have been telling members of the Labor Party for years that if they put up a good slate of candidates and go out and campaign and do not put up a group of union hacks and people whom you would not want to give a job to, the electors might respond positively and return more Labor members to the Parliament. That is precisely what happened. It happened briefly in 1985 by a quirk of circumstances and a draw from the hat, and then the Labor Party found itself progressively declining in numbers in this house right down to 10, but now it is up to 25. So the wheel turns! We now have the living proof that the arguments Labor Party members put up

for years — that this is an undemocratic house and they cannot win a majority — have been rent asunder. It has clearly cut the ground from under their feet in terms of justifying why they believe this legislation is so necessary.

In the article I referred to earlier the then Leader of the Government in this house, the Honourable Monica Gould, alleged that the ALP at the previous election had polled 42 per cent of the vote but had only got 31.8 per cent of the seats and that that was very bad and indicated that this was an undemocratic house. She went on to discuss what the National Party got, and somehow or other concluded that because it got 7.28 per cent of the vote but 13.6 per cent of the seats there must be a gerrymander or that something was wrong with it. As the article was in *The Parliamentarian*, which circulates among 10 000 parliamentarians around the British Commonwealth, I thought it might have been fair to at least draw the attention of those readers outside Australia to the fact that the National Party is a regional party and is very strong in some areas and does not stand members in others. That might have been a little fairer. The article then refers to the fact that the Australian Democrats scored 6.8 per cent of the primary vote but did not win any seats at all. I will come back to that point later, because it is significant.

The other interesting issue is to look at the last election, in which, according to my calculations, the Labor Party scored 47.4 per cent of the primary vote in the 22 seats that were vacant yet actually secured 77 per cent of the seats that were then on offer.

Hon. P. R. Hall — It's a gerrymander!

Hon. W. R. BAXTER — Exactly, Mr Hall. I suppose that would be a claim that we could make using the logic that has been used by the Labor Party for years and years, but I do not make that claim.

It reinforces the argument I have just been advancing: that it is subject to the ebbs and flows of the electoral pendulum. The support of the political parties goes up and down and you get those sorts of results, and on single-member constituencies you are never going to get a result in the numbers of seats won or lost that matches, to any significant degree, the percentage of the vote. Anyone who understands voting in single-member constituencies realises there is no direct mathematical correlation and there are surplus votes locked up in places. Nevertheless, over the years it has been a pretty good system, and the last election demonstrated the falsity of the Labor Party's

longstanding claim that it could not win in the upper house.

Looking at the figures I have quoted, if you extrapolate the 77 per cent of contested seats Labor won at the last election across the chamber, and taking into account the members who were ongoing on the rollover, Labor's vote on 30 November was 47.4 per cent, whereas now 56 per cent of members in this house are Labor. So there we have it. The number of Labor members in this house is roughly equivalent to the vote it achieved on 30 November. What is wrong with that?

Hon. P. R. Hall interjected.

Hon. W. R. BAXTER — It evens out, Mr Hall, it evens out over time. They are the statistics, they are on the web, and it is easy to see.

The other aspect I would like to talk about in opening this debate is the truncation of the terms of honourable members. There are quite a few honourable members — I am not one of them, because I was not up at the last election; I am facing the poll in 2006 in any event — who were elected in 2003 with the expectation that they would be here for two terms of the Legislative Assembly. They have now had their careers cut in half in terms of the 55th and 56th parliaments without, it appears to me, legal grounds.

At a briefing given to me by the departmental officers I asked on what basis the government believed it could truncate by 50 per cent the terms of members who had been elected in good faith by the electors of Victoria, and I was told they had legal advice to the effect that it was within the Parliament's ability and capacity. I asked for a copy of that legal advice. One would have thought that if the government were confident about the legal advice that it does have the power to truncate the terms of members — members elected under the constitution of Victoria — I should be privy to that advice. But no, this open and accountable government refused to make that legal opinion available to me. I am not saying the legal opinion is incorrect. I am not a lawyer, but I would have thought as the lead speaker of the third party that in raising this particular matter I at least would have been accorded a copy of the legal advice if this government were genuinely open and accountable. Of course it is not.

Hon. P. R. Hall — Sounds as if they have something to hide.

Hon. W. R. BAXTER — As you say, Mr Hall, maybe the legal advice is not nearly as strong as the government wants us to believe and it is trying to hide it from us.

The other question that fascinates me is: of those honourable members whose terms have been cut in half, who will be going? That will be an interesting matter for the government side. It has 25 members at the moment, but the number of members in the house will be reduced to 40. On my calculations, taking into account what the government claims, at least 8 members on the Labor benches will have to go. What sort of factional in-fighting will that lead to?

Hon. Kaye Darveniza interjected.

Hon. W. R. BAXTER — Ms Darveniza, you are a past master of factional manoeuvring and number crunching. We know that. I wonder whether it will be assumed that Mr Smith, Mr McQuilten, Ms Hadden or Ms Hirsh should go — perhaps they will give way anyway, and it will all be resolved by attrition, so to speak. But I rather suspect not; I think we will be in for all sorts of fun and games as Labor Party members manoeuvre to see who, after having been elected effectively for an eight-year term, suddenly get the chop and are out. I will look at the wheeling and dealing that goes on with a great deal of interest.

The government has been selling this legislation as a great reform, but what I am saying to honourable members whose seats will disappear and whose terms will be truncated by half is that there is a precedent which says that you can stand up to your own government. Premier Forgan Smith in Queensland had a fair bit of trouble when he tried to reform the upper house in Queensland. He had to try for quite a while, because he found that some of his own members, having been elected to the upper house, decided that it was in the interests of the people for them to continue. In New South Wales during the 1930s Premier Jack Lang thought he would make big changes to the Legislative Council by orchestrating the appointment and election to the Legislative Council of members who were going to vote for its abolition. When he put them to the jump, they too reneged on the deal.

I am saying to honourable members on the government benches that if they are uncomfortable and unhappy with this legislation — and they absolutely ought to be, because if they had listened to Mr Davis and done a bit of research they would know that this is a flawed bill — now is the opportunity to stand up and say that they are not going to become party to making such radical changes in such a flawed manner.

I throw out the challenge to each and every one of you: this is your opportunity to do what is right. I am not opposed to change to this legislative chamber; it has been changed many, many times over the years, and in

the period that I have been here. But passing this bill which will set in concrete the new Legislative Council forever, because the entrenching provisions will mean that it will be virtually impossible to change again in the future, I say is an action that government members should be very wary of indeed. They should take it upon themselves to call a halt while they have the chance. As New Zealand has found, once you do it, it is too late; there is no going back.

That is the responsibility that is imposed on members of the government backbench at this very moment. If they do not take up that responsibility, they are really just here as cannon fodder. Mr Phil Davis has said that they are here at the whim of the executive, that they have come in and found that the joint is being run by the executive, which clearly it is. I give it a more visceral term than that. If they let this go through, they are just cannon fodder, and who wants to go out of this place with the reputation that you failed to stand up and you just allowed yourselves to be used in the numbers game?

Mr Viney — You just worry about your side.

Hon. C. D. Hirsh — We are just interested in democracy.

Hon. W. R. BAXTER — We will come to your version of democracy in a moment, because we have heard a fair bit of hypocrisy about democracy in terms of this debate, Ms Hirsh, and we have heard a fair bit of hypocrisy about sessional orders. We have heard a fair bit of hypocrisy about freedom of information from this government — the Ombudsman has certainly drawn attention to its failures on freedom of information — and we have heard a fair bit of hypocrisy over the bushfires where the government has been up there making all sorts of statements but none of the money is on the ground yet. Mr Viney should have come with me to a meeting in Tallangatta last Thursday when he would have known just how unpopular his government is in country Victoria. We have also heard a fair bit of hypocrisy — —

Mr Viney interjected.

Hon. W. R. BAXTER — No, it was called by the Victorian Farmers Federation, and there were 250 people there. If I might say so, a young lady from Mitta whose property was burnt out made some fairly scathing but very relevant remarks about some of the ministers drinking latte in Camp Street, Beechworth. They were happy to go that far to look at the fires but were certainly not prepared to go and talk to anyone who had actually been burnt out in the fires.

Hon. R. Dalla-Riva — Did she write a submission? Did she sit down and write a submission?

Hon. W. R. BAXTER — Yes, Mr Dalla-Riva, she is probably one of those who is capable of writing a submission, but she would far rather go and give evidence to an open, public parliamentary inquiry.

I dare say that tonight we will hear from members of the government a fair bit of hypocrisy about the history of this place, too. We will no doubt go back and be given history lessons about 1855 and the 1880s. I know Mr Viney has a text there of a book that gives a very good history of this place. I have seen him going through the pages and putting marks in there where he will quote from. I do not mind him quoting it; what I do say, though, is that if he goes back beyond 1952 it is all irrelevant, because this house changed radically in 1952 when the then Country Party government introduced universal franchise. I say that to talk about anything prior to 1952, more than 50 years ago, has nothing to do with the debate at all.

I am the first to acknowledge that this chamber's early history was based on restricted franchise, men-only voting, and so on. Everyone acknowledges that — that is the truth. The fact of the matter is that since 1952 this chamber has been based on universal franchise, no property qualifications, and, by and large, one vote, one value. Yet we will no doubt hear all this hypocritical talk about — —

Mr Viney interjected.

Hon. W. R. BAXTER — See, Mr Viney does not even know the history. For a long while we were actually on fixed six-year terms in this house — it had nothing to do with two terms in the Assembly and certainly nothing to do with eight years, because no-one has ever had an eight-year term in this Parliament. No-one has ever had an eight-year term in this Parliament, yet if you go out on the hustings and listen to Labor members, they keep ramming it down your throat that this is somehow or other an undemocratic house because members have eight-year terms. I say again: no-one has yet had an eight-year term in this house.

The hypocrisy of the government knows no bounds, as I have noted on many occasions in this place, and no doubt I will continue to do so. But to give its ideas and intentions a veneer of respectability, it set up the Constitution Commission of Victoria. Mr Phil Davis, I thought, was fairly kind to members of the commission and referred to them as consultants. Maybe consultants is not a bad term. But what I would have preferred,

bearing in mind that this was such a significant task that the commission had allegedly been given and that it was answerable to the executive, to the government of the day, was for the constitution commission to have been set up by the Parliament and have been required to report to the Parliament. That would have made a deal of sense, bearing in mind that the proposals were going to, or were likely to, or may have radically altered the composition and the operations of this Parliament. I think it would have been far more acceptable to the people of Victoria, and we would have seen a little more interest at the consultation process around country Victoria and in the suburbs, if it were the Parliament doing it. But people did not take it seriously — they saw it as a constitution commission set up by the government to do the government's bidding. It was set up by a very cynical, yet clever government which put two former politicians on that constitution commission who were not members of the Labor Party. Well, one of them ought to have always been in the Labor Party!

Mr Viney — Who is that? Name names.

Hon. W. R. BAXTER — Mr Macphee.

Mr Viney — All right; there you are.

Hon. W. R. BAXTER — And Mr Hunt, a man for whom I have great respect but in whom I am very disappointed allowed himself to become a tool of this government when he could have done an outstanding job for the Parliament if the commission had been properly set up as a creature of the Parliament and not of the government.

We have heard from Mr Phil Davis about how farcical the consultation process was. I had intended to regale the house with the numbers who turned up in my area, but my examples are very much the same as Mr Davis's so I shall not do so, other than to reiterate and reinforce that the meetings were very poorly attended indeed, which indicated a total lack of interest and total suspicion as to what the commission was on about on behalf of the government. The number of submissions received on the matter compared with some of the other issues of the day, such as marine parks, box-ironbark parks, injecting rooms and so on, is indicative of that.

As to the commission's report — well, it is not a bad read, I suppose. It is better than the first document it put out, which tried to rewrite history and which certainly left a lot of people with misconceptions about what it was on about. But what I object to most about the commission's report is its propensity to have little, what you might call, pictures in amongst the text, quoting

people out of context — possibly in some cases it may not have been.

There is one quote from John P. C. Gray of Toolamba. He says that it does not matter in these days of modern communications where your MLC lives, whether it is at Mallacoota or Moonee Ponds, Quambatook or Queenscliff. As the Honourable Wendy Lovell knows, this is the same J. P. C. Gray of Toolamba who was complaining during the election campaign that Shepparton was in danger of losing one of its resident MPs. Talk about hypocrisy! Here is a man arguing on the one hand that something is white and on the other hand arguing in another circumstance that the same thing is black.

These are the sorts of people whom the commission has chosen to quote in an official report as if they have some authority and some logic to their argument. That more than anything is what undermined the report's veracity and credibility as far as I was concerned.

The commission was designed to give a veneer of respectability to the government's intentions. What did the government do? Were we surprised? Did it take much notice of the recommendations on page 81 of the report? No. The government did what it always intended to do — it picked an option out of the report that best suited its nefarious intentions. That is what it did. It did not give any consideration to the other recommendations contained in the report. There is no reference to getting rid of ministers in this house, for example, and there is no reference to forming committees of upper house regions. There is none of that; all that is ignored.

The government has not chosen the commission's preferred option, which was for a regional set-up which would have given a much lower quota than we currently have under this eight-by-five proposal that the government has grasped. In fact, I do not think it grasped it at all. I think this option was always the government's intention and that it just wanted to give some legitimacy to it by having the commission come up with this range of options.

What do we have now? We have a set of proposals that will make it impossible for Independent candidates, certainly, and probably for minor party candidates to be elected to the house.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Hon. W. R. BAXTER — Prior to the suspension I was recalling to the house the hypocrisy of the government in appointing the Constitution Commission of Victoria and then selecting from the options the

commission produced the one that most suited the government. Of course there was no surprise about that, but to a degree the surprise has come since the election — that is, that it is proceeding with this legislation so early.

That tells a tale if one looks into it, because the proposal the government has adopted, as we heard from Mr Philip Davis, sets the quota at 16.67 per cent — a very high threshold for any minor party or Independent candidate to get over — yet so often we have heard from the government that its rationale for the legislation is to give some opportunity for minority opinion to be represented in the house.

Politicians being what they are, with this government having had a surprising victory at the election and now having a clear majority in this house and with the current voting arrangements and the two parliamentary terms that upper house members currently serve, I would have thought the ongoing government majority is likely to extend at least into the 56th Parliament. Theoretically we have a government which has an inbuilt majority in this upper house — where it has struggled for so long to get a majority — that is set in concrete for eight years. One would think there would have been a fair bit of pressure and discussion saying, ‘Why should we squander that majority? We have spent so many years waiting for it and working for it and now we have got it, why should we squander it by changing the system to one which will elect minority opinion and which will perhaps have a minor party, a single person or even the National Party holding the balance of power after the next election in 2006?’.

I am sure that went through the minds of those in government, but the reason they did not do it, of course, is that they are absolutely confident they are establishing in this legislation a mechanism which will not give the balance of power to minor parties and which almost guarantees that the major parties will maintain majorities in this house.

The government is quite confident that after the election on 25 November 2006 the majority in this Parliament will still be in the hands of the Labor Party, because it has drawn up a system which sets the quota so high that it will exclude minor parties — the ones the government said it was going to give an opportunity to under a policy the government sold to the people.

Mr Viney interjected.

Hon. W. R. BAXTER — I have caught Mr Viney out, because that is obviously his thinking. It is absolute hypocrisy.

Mr Viney — Look at the parliamentary library’s research!

Hon. W. R. BAXTER — Yes. I have a great respect for the library, but I think that one is absolutely wrong. If you look at the caveat that is on the library’s research, Mr Viney, you will see it says it was worked out on the 2002 voting figures, and the National Party was not standing in Mornington, for example, or in Hastings — or in your seat!

The ACTING PRESIDENT
(**Hon. B. W. Bishop**) — Order! Mr Baxter, through the Chair.

Hon. W. R. BAXTER — I beg your pardon, Mr Acting President. Here we have it: we have the hypocrisy of choosing a system which is going to maintain the majority the government has now achieved and the hypocrisy of the government in having the gall to go out and say that this legislation will increase country representation in the Parliament.

As I have asked so often, do the people of Frankston believe they live in country Victoria? Do the people of Mornington believe they live in country Victoria? Do the people of Sunbury believe they live in a country town? I think not. They clearly see themselves as part of metropolitan Melbourne.

I do not know how the Premier can speak on 3AW and Jon Faine’s show and appear on television so often and in Camp Street, Beechworth, as he did when the Labor caucus was up there, and look into the camera lens and claim that country representation is being increased when the only way the government can do that is by including suburbs of Melbourne in country regions.

I understand my colleague Mr Hall is going to do a comparison of definitions of ‘country’ that this government uses in other places; it will be interesting to see how it uses different definitions to suit its argument at the time.

I put it to you, Mr Acting President, that it cannot be truly said that these new regions increase country representation — they patently do not. As Mr Philip Davis has already indicated, at the moment we have a fairly good spread of upper house members from country Victoria. We have members in Ballarat, Traralgon, Hamilton, Shepparton, Maryborough, Kilmore, Mansfield, Mildura, Wodonga, Warrnambool, Sale and Bendigo. That is a reasonable spread across the state. It is not perfect by any means, but it is a reasonable spread, and it has changed over time. We have had members from Myrtleford and from Rutherglen in the past, and we have had members from

Warracknabeal. The representation changes, but what we will now see is a contraction of that representation down towards Melbourne.

Yes, we might still have a member in Ballarat and we will still have Mr Drum in Bendigo, but the other members are likely to cluster around the edges of Melbourne. That is where the big vote is, and under the system proposed in this bill they will not be accountable to the electors. They will not need to be out there making representations on behalf of individuals because the electorates will be so huge members will tend to cluster around the outskirts of Melbourne, and country people will miss out again. That circumstance will be aggravated by the fact that this bill requires the place of residence to be put on the ballot paper next to the candidate's name.

Ms Hadden — It is a good idea.

Hon. W. R. BAXTER — Ms Hadden, what an extraordinary assertion for you to make! Is it not the fact that you are likely to have Ballarat next to your name because that is where the big population vote is? You presumably are not going to have some village — Elmhurst or something like that — put next to your name.

Hon. J. M. McQuilten interjected.

Hon. W. R. BAXTER — This legislation will further marginalise the remote, small country localities, and in future political parties will be attracted to choosing candidates from the major population centres — and, yes, Mr McQuilten, Betley will miss out. There is no doubt about it.

An honourable member interjected.

Hon. W. R. BAXTER — How do I know this? One has only to look at the experience in other states. Look at New South Wales: does any upper house member in New South Wales have his electorate office west of the Great Divide? No. They are nearly all in the city — so far as I know, they are all in the city!

What about the senators? We seldom see senators around country Victoria other than Julian McGauran. I do not see them in Wodonga or Shepparton, and Mr Vogels does not see them in Warrnambool, except perhaps for Senator Troeth, yet Victoria is going to the same system. This government wants to bring in the same system so country Victorians will again be ignored, because members will not be accountable to those electors. The members are accountable to the party machine under a system of proportional

representation, and they just cuddle up to the party machine to maintain their place on the party ticket.

I will turn now to proportional representation in some detail. It is understood by very few people, and I challenge anyone to give the house a succinct explanation of how the distribution of preferences works under proportional representation. I had a briefing from the department. I had told the department and the ministerial adviser that I understood what was in the bill, but I needed an explanation of how proportional representation works in terms of the distribution of preferences. Three people turned up, all smiles. They produced a document, which I read, and I said, 'That is great. I understand all that so far as it goes. What happens in this scenario?', and I put a scenario to them. There was blankness: they could not answer the question. They had to take it on notice. That was on a Tuesday and they said they would get back to me by Friday. I said that was all right but that I needed to explain things to my party room before members could take a decision on the legislation. I said, 'I want a couple of wall charts and a couple of scenarios that I can put up on a whiteboard to explain to my members how this voting system works'. I said that they could not expect members of Parliament to vote for something when they have had no satisfactory explanation of how it operates.

Friday came and went. A whole week went by and there was nothing. I finally rang up on the day of the party meeting and said, 'Where is it? I have not got it. My party cannot make a decision without the information'. I did not get my wall charts, but I got one A4 page which I seek leave to incorporate into *Hansard*.

I advise you, Mr Acting President, that I have checked it with a minister, the Leader of the Opposition, the President and with Hansard, and I am happy to circulate copies to honourable members.

Leave granted; see table page 470.

Hon. W. R. BAXTER — This is what I got, and I am not going to try to decipher it. But I want to demonstrate how the government and the department treated me with contempt. This document has no heading on it, it does not explain what it is about, it does not answer the questions I asked and it is in no way satisfactory. I want it incorporated into *Hansard* so that people who read it will know what they are in for, because this is the sort of voting system the government is imposing on the people of Victoria, and I think it is grossly unfair that we are being lumbered with a system that is as complex as this document shows.

I have spent some hours poring over it: I think I understand it now, but I have no way of explaining it to a citizen who approaches me in the street.

Hon. J. M. McQuilten — Is it the same as the Senate?

Hon. W. R. BAXTER — Mr McQuilten, the Senate voting system has always been a mystery to me!

The system of proportional representation the government is imposing on Victorians is not genuine proportional representation in the sense of a single, transferable vote. Because we will have above-the-line voting, it is actually a hybrid version of proportional representation, which makes it even more difficult for people to understand. It is an absolute denial of democracy if we impose a system of voting on Victorians which very few can understand unless they are people of great academic bent.

I want to turn to the loss of accountability for members elected under the multi-member electorate system. We have large electorates, and we have already had that explained to us. Mr Drum and I, for example, will find ourselves geographically in the northern region from the South Australian border to the headwaters of the Murray River and from Sunbury to the Murray River. It is a colossal area with over 400 000 voters and 11 Legislative Assembly seats. It is totally impractical, with no community of interest and no transport links. It will be very difficult indeed. Mr Hall will find himself representing people from Point Nepean to Gabo Island. For heavens sake, what a contrast! What a distance! People who get to Bairnsdale think they have already gone a long way, but they are not halfway there. It is impossible to contemplate that an individual member will be able to have a personal presence in an electorate of that size.

We all know what will happen. Under this system, the first two members on the Labor and Liberal tickets will be guaranteed election in each of the eight regions. It is a given. The same thing happens in the Senate, Mr McQuilten, where those on the top of the party machine list will get elected. It does not matter how useless they are or how little they do. If they have cuddled up to 104 or Sussex Street or King Street, or wherever you are in Melbourne — —

Ms Hadden — What's 104?

Hon. W. R. BAXTER — Doesn't the Sydney outfit run your show? Those people will get elected, so there is no accountability for the first four people on the ticket. It will be interesting to see who gets the fifth place. That is where the real contest will be. With a

quota of 16.67 per cent, it is highly unlikely — I would say impossible — that an Independent will ever be elected over an area that great, because an Independent could not get a bandwagon running over that area. They might get elected in Gippsland East or in Mildura because of special circumstances or in an area where you can be a personality, but not if the region they are seeking to represent covers more than half the state.

Hon. P. R. Hall — The library agrees with that.

Hon. W. R. BAXTER — The library does agree with that, Mr Hall. I do not think we are going to see too many other minor parties elected. The Greens probably reached their high point on 30 November. I think they got an 11 per cent vote. That is still 5½ per cent under the quota. They will get a flow-on of Labor preferences, there is no doubt about that, because of a preference deal with the Labor Party, and in one region they might go close to getting a quota on last November's results. They might go close, but it is in no way assured that they will get there.

I go back to this famous article by the former Leader of the Government, the Honourable Monica Gould. It is another indication of the hypocrisy of this government. Ms Gould in this article bemoans the fact that in the 1999 elections the Democrats 'scored 6.08 per cent of the primary vote ... and yet failed to get a single seat'. The inference of that is that Ms Gould thinks that with 6.08 per cent of the vote the Democrats should have been elected to this house. And what is she doing in this bill? She is making it 16.67 per cent. What hypocrisy to be referring in this article in a learned journal like the *Parliamentarian* that you believe people who hold 6 per cent should get in under proportional representation, yet her own government brings in a bill which sets the quota nearly three times as high as that. Hypocrisy again.

As I said, the members who fill the two places from the Labor Party and the two from the Liberal Party are not necessarily going to be representative at all. They will be friends of the party machine, likely not to have any local knowledge and not to have any community participation to any great extent. We in the country place great store on our members of Parliament actually being involved in their local communities and having made their mark there. They are likely to have no commitment and loyalty to the particular area they represent. I hold my area very dearly. Like Mr Phil Davis, and as he explained, our electorates are for both of us the areas where we were born and where we have lived our lives; and we hold them dearly.

This system is going to enable party machine nominees to be imposed on country regions willy-nilly, and we will lose any of that personal attachment to the electorate that we value so much now. I am afraid we are going to see some fairly anonymous nonentities imposed upon us. Because they do not need to be accountable and they do not need to respond to their electors, they can ignore the electors and get themselves re-elected.

Again I use the case of the senators. I think too few senators have any regard at all for looking after their electors, simply because they do not need to. They have to maintain their right ranking on the party ticket, and they get re-elected. Is that the sort of system we want? It is not the system I think we should have in Victoria. That is one of the reasons I am opposing it.

We have heard a lot about the four-year term. I am not actually too opposed to it, but on the other hand if you are going to have a term identical to the Assembly, you have to have a different voting system, otherwise you have a chamber that is a mirror image of the lower house, and we would be better off without it if that were all it was going to be. So we go to four years with proportional representation: yes, a different voting system, for sure. It will not be a mirror image of the result in the Assembly. But is it the best alternative? No, I do not think it is.

I think we ought to look at what happens in other parts of Australia. This government is so keen on telling us with so many pieces of legislation that it wants to be uniform with the rest of Australia, so why not look at what New South Wales does? It has just entrenched an eight-year term. Why not look at what they do in other states? Why not look at the Senate? The senators do two terms of the lower house. So in order to overcome this conundrum of not having a mirror image of the Assembly I say we would be far better off avoiding proportional representation, because it is going to bring so many problems for the people of Victoria. We would be far better off maintaining a voting system which had half the members go up at each election, because that gives you the difference, and it still gives the voters the chance to directly say who they are going to elect rather than be dictated to by the party machine in terms of the ranking they give their members.

The entrenching provisions are hypocrisy unbounded. If you read the document *A Stronger, Fairer Democracy for Victoria* produced by the government as propaganda to support the bill, you find in the foreword that the Premier says:

For the first time, Victorians will be given a say in changes to their constitution.

Are they getting a say in this bill? No.

Hon. J. M. McQuilten — They will from now on.

Hon. W. R. BAXTER — Yes, Mr McQuilten, they are going to get a say from now on, but if you were really genuine in believing that the people should be the ones writing the constitution one would have thought you might have actually given them a say in this momentous change you are proposing. I find it unbelievable that government members say yes, they are going to entrench things in the constitution so that in future the voters are going to have to vote in a referendum on changes, yet they are going to deny them the right to have a say right now. I simply cannot grasp the logic of the concept: they will make sure nothing happens in terms of changing Parliament without a referendum, but they will make the changes first without consulting the people.

Pages 28 and 29 of the document list some of the things which are going to be entrenched in the constitution and which will in future require a referendum to change: the number of members and quorum of the Legislative Assembly and the Legislative Council; a new dispute resolution process for deadlocked bills; and it goes on with a number of others, but I will deal only with those two. What this is saying, in other words, is: ‘We have got all the wisdom of the last 150 years. Despite all the changes that have been made to the constitution of Victoria and particularly to this place since 1855’ — and we have had those changes enumerated by Mr Phil Davis, so I will not go over them again — ‘that is all past now. We are now making a decision. We know best. This is the way it is going to be for the next 150 years. We are going to entrench it in the constitution so that there will be 88 members in the Legislative Assembly forever’. No-one realistically believes a referendum to increase the number of politicians has got a hope in hell of ever getting passed. You would be kidding yourself if you did believe that.

Now the government says, ‘We are going to have this deadlock mechanism. If we do get differences between the houses, we are putting provisions in the bill to resolve the deadlock’. I am not opposed to that; what I am opposed to is entrenching in the constitution so that it can only be altered by a referendum a mechanism which has not yet been tried in practice. This deadlock proposal might look all right in theory, but we have not tried it; we do not know if it will work. Why would we entrench something that is untried in the constitution so that it can basically never be changed?

Hon. D. K. Drum interjected.

Hon. W. R. BAXTER — I think that it is extraordinarily ambitious, extraordinarily short-sighted, and yes, Mr Drum, irresponsible. We are lumbering future generations with a system of deadlock resolution which may be totally unworkable in practice. I cannot believe that Parliament and the government would contemplate doing that.

We had a change to the constitution in 1985; the government thought it had got it right then, but it was changed again. And on we go! We should not think we have all the wisdom and that we should entrench matters in the constitution right now. If we want to take this bill out to the people and ask them now if they want it entrenched, I am happy to accept their verdict. But I absolutely object to us doing it first and going back later — perhaps years later — and saying, ‘Oh, sorry about that. We got it all wrong; we want you to change it’, because it will be very difficult to do. Have a look at New Zealand, the example I used before.

There are a few other things to be entrenched in the constitution. I have no objection to freedom of information being entrenched in the constitution, but is it not hypocritical? Members of the government talk about freedom of information, but what does it do? Just ask the Ombudsman. On one occasion the government held an application for 264 days. I tried during the last Parliament to get something out of a department and it refused to give it to me. It was a copy of a letter that a member in this place was quoting from — or what was purported to be a letter anyway. If I was not such a gentleman I would allege that the letter was not genuine in the first place and that it had been concocted.

As to the idea of the Auditor-General being entrenched in the constitution, who objects to that? Let us not forget who made the Auditor-General an independent officer of the Parliament: it was not this government, it was the previous government.

Regarding appropriation, the government makes all this play about how it is going to stop the upper house from blocking supply, and says, ‘Isn’t blocking supply dreadful?’. Who was the last lot to block supply? The Australian Labor Party, in 1952. Labor members were the people who blocked supply. It is hypocritical to suggest that for some reason or other this place is putting the government under grave threat because it is going to block supply. Nevertheless I am not opposed to the supply-blocking mechanism being taken away — I never thought that upper houses should be able to exercise that power. That is why, in the 25 years I have been here, there has never been any suggestion from me that the upper house should exercise it.

What I am concerned about is the definition of appropriation in this bill. The government is widening the definition of appropriation so that you could drive a horse and cart through it. This means that basically any bill that will spend government money will be deemed to be an appropriation bill and the house will not be able to knock it back, amend it or do anything, or if it does it will be deemed to be passed after one month.

I refer to proposed section 65(2)(c), which goes to the definition of appropriation. Proposed section 65 states in part:

(2) For the purposes of sub-section (1), “ordinary annual services” includes —

...

(c) services proposed to be provided by the Government which have not formerly been provided by the Government.

So it is not appropriation for annual works and services, and money that we normally expect. This is so wide that no matter what the government wants to do, whatever harebrained scheme it wants to roll out, it will be able to dress it up as an appropriation bill and this house will be stymied. This house is stymied under proposed section 65 of the constitution — that is what the people of Victoria have not been told. Not only is the government stopping the upper house from blocking supply, to which no-one objects, but it is widening the definition so greatly that it will very much trammel the work of this house. That is the sort of thing that the public of Victoria ought to become aware of, and I am very much opposed to that.

I understand that the original bill had a mechanism whereby the Auditor-General was supposed to certify whether a bill was an appropriation bill or not. Like Mr Phil Davis, I got the call last Thursday night to say, ‘Look, we’ve had a bit of a rethink about that; we want to take that particular provision out. The Auditor-General says he is an accountant and he should not have to do things like that’. I said, ‘All right, if that’s what the Auditor-General said, give me a look at what he said. I want to see his reasons — I am interested in this. I have great regard for the Auditor-General, a highly respected officer of the Parliament. Did I get it, under this open and accountable government? No, it refused to make that advice available to me. I did not come down in the last shower.

Ms Hadden — Did you ring him? I bet you rang him.

Hon. W. R. BAXTER — No, I would not put the Auditor-General through those circumstances.

I thought there had to be something more to this than met the eye. This government has woken up to the fact that it is not a good idea to have the Auditor-General certifying what an appropriation bill is because he — whether it is the current Auditor-General or one of his successors — holding the office that he does, is likely to be a bit restrictive and the government wants it as wide as it can possibly have it.

As the government was not prepared to make the advice from the Auditor-General available — and I am not suggesting for one minute that the Auditor-General did not express some reservations; I am sure he did — I think it happened to suit the government's purposes to have it taken out because it gives it much more scope to do what it likes. The people of Victoria certainly do not know anything about that. I am suspicious; the people of Victoria ought to be suspicious as well.

Then we get to the famous cooling-off period if there is a want-of-confidence motion. This is a doozy! The Westminster system has clearly operated on the basis that to be the government you have to maintain the confidence of the lower house — the Assembly. If you lose that confidence then either the Governor sends for the Leader of the Opposition or the Parliament is dissolved and the electors decide.

What have we got now? None of that can happen for eight days. We will have a cooling-off period for eight days; we will be in limbo for eight days. The government of the state will grind to a halt for eight days, but there will be some pretty busy people around. You can imagine, can you not, Mr Vogels, the horse-trading and the arm twisting that will be going on as the government desperately tries to persuade someone to cross the floor again to give it the numbers. It will be the most amazing scene. Clearly we will not see it for a while, and I do not think in my time in the Parliament we have had a want-of-confidence motion that went anywhere near succeeding. Some whole parliaments would have passed by without such a motion even being moved.

Nevertheless, under the Westminster system it is part of an opposition's armoury, and it should not be interfered with as the government proposes in this legislation because it is defeating the very purpose for which the system was designed — which was to keep the government honest. All this is doing is giving the government the opportunity to really put the screws on someone in the smoke-filled back rooms in secret and

away from the scrutiny of the Parliament, the people and the media.

Finally, I refer to a couple of amendments which will be moved by the National Party in the committee stage. One goes to the issue of the regions. There is nothing in the bill which compels the Electoral Boundaries Commission to design three of the eight regions to be predominantly rural. We know the government has talked about it: 'We will increase country representation and, yes, there will be rural regions'. But there is nothing in this bill that says you have to, so one of the amendments the National Party will move in the committee stage is to make it mandatory that three of the regions are predominantly rural. I am sure that will have the support of all sides of the house because the opposition will agree with it and the government, if it is going to match its rhetoric, will have to agree. I look forward to that amendment being adopted by the committee.

I refer to the other significant amendment. The National Party believes it is time we moved to a system of postal voting for elections. It might seem a bit radical, but we will have electronic voting before much longer in any event. Voting at voting centres will cease, and the time has come, especially taking into account our experience with the recent local government elections in Victoria in 30 or 40 municipalities where postal voting worked extremely well and has been endorsed by the ratepayers and the voters. I have heard a lot of confidence expressed about it.

There is no doubt — and we would all have experienced it on 30 November — that the electors are absolutely sick and tired of running the gauntlet of the polling booths, now called voting centres, on voting day, having how-to-vote cards thrust in their hands and having almost to fight their way through a bevy of party workers standing outside the booths. That is evidenced by the increase in postal voting with more people applying for a postal vote. Certainly the evidence is there in pre-poll voting; people have worked out that they can vote in the fortnight beforehand without having to run the gauntlet of party workers on polling day.

The other problem that is getting worse and worse and is in danger of getting out of hand is the erection around voting centres of party propaganda and material prior to the opening of polling. It is becoming a real competition, with people arriving at midnight to get the best spaces and so on. At the Benalla by-election the Labor thugs came up from Melbourne — and that is what you get in a by-election; they are too busy down here during general elections — and we got very close

to violence at the Benalla East polling booth at that by-election due to the activities of the Labor apparatchiks. There would have been an ugly incident if it had not been for the good sense of some other well-known Benalla citizens that day.

That is one incident. There are obviously more, and we are in danger of that occurring more if we continue down that track. That can all be avoided if we go to postal voting. It gives the electors the opportunity to make their decisions at their kitchen tables without being hassled and with full information at their disposal. It does not interfere with the party's capacity to advertise on television and radio, in the newspapers or through letter boxes or to do anything like that. It does not interfere at all with the ability of political parties to campaign. It does away with what is becoming an increasingly hassled polling day which more and more electors are resisting, not only because of the crowd scenes but because they are also perceiving the dreadful waste of paper and material with all the how-to-vote cards.

Hon. P. R. Hall — And human resources as well.

Hon. W. R. BAXTER — And human resources. On 30 November we would all have seen the number of people who refused to take a voting card because they said it was a waste of paper or those good souls who brought them back and recycled them. It is time we got rid of how-to-vote cards. I think nearly everyone is coming to that conclusion. It is also time we got rid of in-person voting on polling day and went to a total postal vote election, and that is the import of the amendments I will move in committee.

Hon. J. M. McQuilten — Your members will not turn up on election day. That is the only reason, Bill.

Hon. W. R. BAXTER — Mr McQuilten, I think even you would acknowledge that over the years the Country Party and the National Party have actually led the field in doing that.

Hon. J. M. McQuilten — You have done it very well.

Hon. W. R. BAXTER — We have done it very well, as you acknowledge.

Hon. J. M. McQuilten — Yes, in the past.

Hon. W. R. BAXTER — My time is about expired. If I could be personal for a moment. I am sad tonight that after 25 years in the Parliament as a member for North Eastern Province I will be the last member for North Eastern Province. Poor Ms Lovell will be the last

half member for North Eastern Province because she has had her term truncated by this bill. I feel for Ms Lovell. She was elected to this house as a member for North Eastern Province for the 55th and 56th Parliaments and she will not see the 56th Parliament.

Ms Hadden — That is being very pessimistic.

Hon. W. R. BAXTER — Not necessarily, Ms Hadden. I will let you speculate; look at the northern region and at the competition for the Liberal Party, and I think I might be right.

I want to place on record the names of some of my predecessors in North Eastern Province: Sir John Harris, a doctor from Rutherglen, was Minister for Health for many years; Percy Inchbold from Yarrowonga; that great former leader of my party, the Honourable Ivan Archie Swinburne from Myrtleford; Keith Bradbury from Wangaratta.

Hon. W. A. Lovell — A great man.

Hon. W. R. BAXTER — Ms Lovell acknowledges Keith Bradbury was a great man; he was. He and I just happened to have some differences of opinion, but other than that he was a great man.

Also on the list is that other great member who many of us in this place would remember, particularly when one makes a long speech, which I do not often do now, but I am doing it because of sessional orders — that is, the Honourable David Evans. He had a great capacity for making a speech if a speech of some duration needed to be made. More recently a representative of the province was the Honourable Jeanette Powell who recently made the transition successfully to become the member for Shepparton in the other place.

I look back with some pride that all those members with the exception of Mrs Powell — and she is still in the Parliament; she simply moved across the corridor — served for very lengthy terms. Ivan Swinburne served from 1946 to 1976; Keith Bradbury from 1953 to 1978; and David Evans for 20 years. I think it sad that Ms Lovell and I will find that after the next election there will not be a North Eastern Province in this Parliament. We will be represented by five members, none of whom may live anywhere near the boundaries of the current province.

I am absolutely convinced that the voters will come to regret this legislation. I think they have been ill-informed about it and they have been misinformed about it. To some extent they have also been duped. On 25 November 2006 I am not sure that I want to be at a

polling booth — if my amendment is not successful later tonight and we still have polling booths — because we will have a whole heap of people coming up to us and saying, ‘How did you let this happen? Why are we voting for five people? Why haven’t we got any local candidates? Why do we have this tablecloth-size ballot paper?’. They will say to us, ‘You saw what happened in New South Wales. What a disaster that was and how much trouble is it to try to correct it. Why did you do it here?’. I will look them straight in the eye and say, ‘Blame the Labor Party, because we certainly opposed it’.

Mr GAVIN JENNINGS (Minister for Aged Care) — In September 1999 the majority of Victorian voters spoke very loudly. They said that the Kennett government had gone too far. They actually said, ‘They have cut into programs and cut into services and cut into public institutions across the state’. As part of that message they said that they had grown tired of the erosion of the appropriate scrutiny of the executive by the Parliament of Victoria. Labor understood that. We understood, in fact, that the people wanted a more accountable government and they wanted a more considerate government. We also understood they wanted a more representative and accountable Parliament.

So in 2001–02, following the unsuccessful attempt of the government to amend the Constitution Act to provide for a more representative and accountable Parliament, the Bracks government appointed the Constitution Commission of Victoria to review the activities of the Parliament — to consult widely, to analyse, to reflect and to provide recommendations to the government on ways in which the Parliament could be enhanced and our constitution could be improved to provide for those features that the Victorian people so clearly thought were lacking in the previous administration of the Kennett government.

On 30 November 2002 the people spoke again. At the election in 2002 they spoke clearly, loudly and comprehensively. They wanted the return of the Bracks government. They returned the Bracks government with 62 of the 88 members of the Legislative Assembly and 25 of the 44 members of the legislative Council. They spoke again and said they wanted upper house reform. Today Parliament is debating an important piece of legislation — that is, the Constitution (Parliamentary Reform) Bill 2003. In this bill we see a number of key amendments to the constitution of Victoria, which will strengthen it in terms of providing a great degree of democracy within parliamentary procedures. In fact, the very constitution itself will be

enhanced to improve protections of key public institutions and democratic rights — —

Hon. P. R. Hall — Deputy President, I draw your attention to the state of the house.

Quorum formed.

Mr GAVIN JENNINGS — The features of the Constitution (Parliamentary Reform) Bill include setting a fixed date for elections, to be every four years on the last Saturday in November, with the next election to be held on 25 November 2006. The important aspect of those four-year terms is that they will apply to both the Legislative Assembly and the Legislative Council. They are important reforms that will make this chamber more democratic. There will be a reduction in the number of members in this chamber from 44 to 40, which will comprise 8 regional electorates that will each elect 5 members on the basis of proportional representation.

In the future we will be elected on the basis of a Senate-style system with above-the-line voting with below-the-line optional preferential voting. As a consequence, this house will be a more genuine house of review. The bill will clarify the circumstances to guarantee that supply cannot be blocked within this chamber and provide certainty that whilst supply may be debated within this chamber, at the very latest it will receive royal assent one month after it is introduced into this place. There will be a requirement for the chamber to be mindful and respectful of the government’s mandate.

There are mechanisms within the bill to enable disputes between the various chambers to be resolved and to restore to Parliament the important tradition of negotiating and settling political disputes between the chambers. As I have indicated, it will strengthen the constitution of Victoria to provide for a number of key protections of major public institutions in this state.

The Victorian constitution was drafted in Melbourne by Victoria’s first Legislative Council in 1853–54. It was approved by the British Parliament in 1856 and came into effect in Victoria in 1856. The constitution has been amended on many occasions. At its instigation the members of this chamber were restricted to males being over the age of 30 who held property to the value of at least £5000 or an annual property value of £500. Those property rights or restrictions on membership of this chamber were not affected until 1950, when they were finally removed.

The only substantial reform that actually took place within that time was when women of property were

eligible from 1923 to be elected to this place, but it was not until 1950 that the constitution was amended to enable people who did not have property to be elected to this place. It was not even possible to vote in this chamber — —

Hon. W. R. Baxter — That is ancient history.

Mr GAVIN JENNINGS — It is all relevant to the ongoing reforms that have taken place in this chamber over 150 years. Until 1950 there were restrictions on the eligibility of voters who could vote for members of this place.

It was not until 1973 that the method of voting enabled those over the age of 18 years to vote as they can today.

The reform process introduced by the government came off the back of the sorry history of the Kennett government. Between 1992 and 1999 Labor in opposition in this place attempted to amend 185 bills; it put forward 480 amendments to those bills and not one of them was accepted by the Kennett government. It was a government that trammelled over public institutions and services in the state, closing 176 schools, 12 country hospitals and 5 train lines, and it privatised the electricity industry which led to a rampant increase in the price of electricity right across country Victoria. Not once did this chamber stand up to the government; not once did it apply scrutiny to the executive.

One of the first bills introduced by the Bracks government on coming to government in 1999 was a bill to reform the constitution to provide for greater accountability within the Parliament. In 2000, the Constitution (Amendment) Bill and the Constitution (Proportional Representation) Bill were sent down by the chamber on a very sorry day — that is, 24 October 2000. The opportunity for us to reform ourselves in a collaborative fashion on the basis of a negotiated settlement was denied by the opposition parties. The Liberal and National parties rejected the opportunity to reform themselves. As a consequence, they are complaining today about the amendments to the constitution that will be adopted by this Parliament, I am happy to say, but they cannot complain because they had three years during the period 1999 and 2002 to take up the opportunities offered time and time again by the Bracks government to amend the constitution to provide for their concerns and a greater degree of confidence by the Victorian people in the way this Parliament operates.

In 2001 following the rejection of the Constitution (Amendment) Bill, the government appointed the

Constitution Commission of Victoria, comprising Professor George Hampel, Ian Macphee and Alan Hunt. That commission reported to the government on 30 June 2002. It was a salutary wake-up call for any member of this chamber to read the report because the commission commissioned a news poll to undertake a survey of the Victorian people about our degree of recognition within the state. In fact, four out of five people in Victoria had no idea who their MLC was; 95 per cent could not name one member of this chamber; 83 per cent of our collective constituents had never met an MLC; and in regional Victoria 60 per cent of people did not know they had two members of Parliament. After extensive consultation and analysis the constitution commission reported back to the government and said that clearly there were important reforms that should be adopted by this government.

I quote briefly from page 27 of the Constitution Commission of Victoria report where it states:

The structure of the present system means that no independent member or minor party representative has been elected to the Legislative Council in the past 50 years. . . . The absence of independent or smaller party representation has occurred in spite of the modern trend for the community to elect Independents and minor parties in the Victorian lower house, and in the upper houses of other states and federally.

It goes on to say:

The electoral system itself deprives electors of the opportunity to be represented by parliamentarians who are not members of mainstream political parties and thus fails to provide the upper house with variety and diversity in its membership.

It went on to make recommendations to the government, the Parliament and the people of Victoria that it was a strong advocate of proportional representation being introduced into this place. Page 28 of the commission report states that the commission supports proportional representation to:

... give a greater and more effective voice to the electors, and to have an upper house different from the lower house.

It goes on to say that proportional representation:

... will result in a more representative upper house and will enhance both its review and accountability functions.

On page 10 the commission indicates that it has severe concerns that we are out of kilter with democratic institutions across the country. It states:

Significantly, Victoria is now out of step with the rest of the country. Of the six bicameral Parliaments in Australia, the Victorian Parliament is the only one in which the upper house is elected by the same method as the lower house.

The commission believes there are chronic concerns not only with the way this place is elected but how it operates. It was very clear that the time is ticking for this chamber and, as I indicated a few minutes ago, members of this place did not take up the opportunity as a chamber to reform ourselves. Alan Hunt was reported in the *Age* of 9 July 2002 lamenting the fact that the opposition parties had not embraced the reforms and said that:

... voters already believe that politicians serve their own interests rather than those of the people.

I am pleased this generated some commentary within the media and the Victorian community generally. What all members of this place should have heard is that our behaviour was not up to the standard; our scrutiny was not up to the standard; and the quality of our contributions to public life was not up to the standard of what the people were expecting.

The *Herald Sun* editorialised on this matter on 12 June 2002 in the following way:

... the somnolent Legislative Council which is barely relevant in this day and age ... MLC's enjoy their red velvet seats unchallenged for eight years before answering to an electorate which could be forgiven for having forgotten they exist.

I rejoin to the *Herald Sun* and say that these seats are not that comfortable, but I agree with the proposition that eight-year terms are not acceptable in current democratic institutions.

The *Age* also editorialised on 14 July 2002 in the following way when it said that the Legislative Council:

... is the least representative chamber of any mainland Parliament.

It said that eight-year terms are:

... too long to maintain accountability ...

and lead to:

... unresponsiveness to change in the mood of the electorate ... the composition of the council never catches up with the electoral cycle.

How many times during the period between 1999 to 2002 did I use the phrase the 'stale mandate' in describing those members of this place who were elected in 1996 and who paid no regard or respect to the changing aspirations of the Victorian people as expressed at the ballot box in September 1999.

We have finally introduced measures to reform Victoria's constitution and this place. The reception has

been very enthusiastic both in the community and in the media. On 16 March this year the *Sunday Age* states that the bill is:

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

The most important change will be four-year fixed-term parliaments ... A Premier will no longer be able to call an early election simply because the timing happens to be politically favourable ...

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

It will be harder for either the Liberals to regain, or Labor to retain, control of the upper house. The potentially frustrating price of a more democratic voting system could well be that the Greens — or other minor parties with strong popular support — will hold the balance of power in the Council in the future.

The point I want to take up at this point of time is that the proposition put by opposition parties and most recently by Mr Baxter on behalf of the National Party is that there will be an electoral advantage to the Labor Party in adopting this reform, which flies in the face of independent scrutiny and analysis that has appeared in the media and been published on the Parliament of Victoria's web site. The projection of the last election results — outstanding results for the Labor Party in Victoria, where it gained 25 members of the 44 members of this place — will never be replicated again if we apply the same number of votes to the model of the electoral boundaries contained within this bill. Labor will be in a minority position if it achieves clearly what we understand to be a high-water mark of our electoral cycle. It is an irrefutable fact, and any independent scrutiny of this matter cannot be brought into question.

It is irrefutable that the Bracks government has taken the initiative to ensure that the reforms go through in a principled way despite the potential electoral costs; at least five or six, if not more, of my good comrades and colleagues on this side of the chamber, including me, may face the electoral consequences of our actions. Collectively we will go to the people at the next election with a degree of confidence about our electoral support while knowing full well that it is unlikely that we will be returned in the same numbers — it is almost impossible to be returned in the same numbers.

The important reforms in this bill are those providing for four-year terms. Proportional representation will apply, and we will finally have one vote, one value within the eight regions, which will each return five members. In 2005 the Electoral Boundaries Commission is required to independently undertake the

redivision of the new regions, so we will see how our political fortunes fair in the lead-up to the next election in 2005–06.

We have reformed this Parliament in a principled fashion regardless of what the consequences for our electoral fortunes may be. There are important provisions in this bill that will entrench provisions in the constitution that can only be altered in the future by referendum. It is an opportunity that has never been afforded to the people of Victoria. Those provisions include the protection of the Parliament itself, the Electoral Commissioner, the Auditor-General, the Director of Public Prosecutions, the Ombudsman, freedom of information, the Supreme Court and local government. They are all key political democratic institutions in this state.

A number of provisions will be entrenched that can only be altered by a three-fifths majority of the Parliament. They include the mandate and the sanction of that special majority. The constitution will restate the powers and obligations of the Parliament and prescribe the obligations of membership and who can vote in this place. It will resolve for all time the fact that this chamber will not in the future have the capacity to block supply, although an understanding of the current constitutional arrangements would recognise that that is an unlikely thing to occur within the first three years of the Parliament.

They will also provide a mechanism to resolve disputes in the Parliament. In the future there will be a dispute resolution committee comprised of members of both this chamber and the Legislative Assembly to provide for the resolution of deadlocked matters between the chambers. It is a very useful mechanism that will enable bills that have been disputed to be negotiated, and if there is a negotiated settlement the bill will be returned to the Legislative Assembly for passage in the normal way. If the bill cannot reach a negotiated settlement, it provides the trigger for a subsequent election, so in a truly transparent way it will allow the people to determine our collective fate and the future of the legislation in question.

This piece of legislative reform will restore the confidence of the Victorian community in not only government and what this government stands for but also in the Parliament itself. It will enable us to undertake our important work on behalf of the Victorian people in the future in a way that is accountable and tested on a regular basis. All of us will have four-year terms. There will be no sitting back in luxury in this chamber. We will be put on notice each and every one of our working days.

Hon. ANDREA COOTE (Monash) — I would like to start my contribution tonight by reading a definition from the *Oxford Shorter Dictionary* of what a constitution is. It states:

The system or body of fundamental principles according to which a nation, state or body is constituted and governed.

Tonight we are altering those fundamental principles, and the Liberal Party does not believe it is in the ongoing interests of all Victorians. In fact these fundamental principles have already changed: we saw them change with the amendments to the sessional orders, and for the first time in 150 years we saw speech being curtailed in this chamber. Speech is curtailed and debate is guillotined; this has not happened before. It is a narrow and very constricting regulation. It is extremely difficult to go on from here: we are already seeing the fundamental change in what has been happening.

The Constitution Commission of Victoria was, admittedly, widely publicised across the state, but as the Honourable Philip Davis said, the meetings were very poorly attended. He spoke in detail about what happened at Warrnambool, Mildura and other areas. He also spoke about the enormous cost of it. It came to \$400 000, which is an extreme amount of money considering the work the members of the commission did. They had a preconceived idea, and they knew exactly what their brief was. The narrow brief was given to them by the Labor Party, and it was guaranteed to achieve exactly what the government wanted.

Only 196 submissions were received, and if we analyse them we see that 20 per cent of them were from political parties or political groups. The meetings were poorly attended: we have already heard of the breakdown. I will quote a gentleman who attended a meeting on 19 September at which Professor Murray Goot, Associate Professor Spencer Zifcak and Professor Richard Mulgan spoke and which was chaired by Alan Hunt. This one man was very frustrated by the work of the commission. He said that the whole event was a talkfest and that no hard work had been done. He said that it appeared to be a discussion between a certain clique of interested professors, et cetera, and that the public was not involved. That encapsulates what a number of people have said. It reflects why the constitution commission was given such a narrow brief and why the recommendations were pre-guaranteed before the commission even started.

A number of issues have already been looked at in great detail, but I will touch on them as I go on. Given that our speaking time on this most important bill has been

constricted, I know my colleagues will have more to say about these areas. As the Minister for Aged Care said, the Liberal Party will have 6½ hours to debate this important bill. If we take into account what our National Party colleagues have, it is 8½ hours in total.

That is an absolute hypocrisy and a disgrace. What scrutiny is it that they are wanting avoid? What about this transparency? They came in here crowing about transparency of government, yet here we are with debate being curtailed to 8½ hours, if you take the contributions of the National and Liberal parties combined. That is simply not good enough for something that will have a profound effect on the whole of Victoria, and certainly on this Parliament, forever.

I turn to the fixed four-year term. The bicameral system is based on staggered terms, and they have served many parliaments across this country and internationally extremely well. Nearly all of the parliaments in Australia operate under this system; indeed, the Senate operates under this system. I would like to quote from an article by Bruce Stone in the *Australian Journal of Political Science*, volume 37 no. 2. He says about conjoint elections:

Conjoint elections seem to have finally tipped the balance decisively in favour of fully partisan upper houses on the lower house model. They have also meant that patterns of support for parties in lower house contests are more likely to be replicated in upper house contests, with a beneficial effect for the party or parties winning government; whereas upper house elections held at different times, if dominated by partisanship, are akin to lower house by-elections and tend to produce results unfavourable to the governing party or parties.

This indeed is a good thing; it gives us a balance and an understanding. We may not need to have eight-year terms, but a staggered-term system would have been a much better and fairer option and given a balance to this Parliament.

If we look to the proportional representation aspect of this bill we can see hypocrisy at its very best. This government went to the polls doing a deal with the minor parties and the Greens. It said to them, 'Come here, we will give you an opportunity to have a seat in the upper house. Come here and we will help you'. Its real agenda is to abolish this chamber, and that is what we have seen through many of the speakers who have already spoken. It is on the record from the Premier and the Treasurer of the state that the real agenda is to abolish this place. However, to appease these minor parties it has done this deal with them. But it has been hypocritical with them, too; the hypocrisy is that to become a member of this chamber under a proportional representation model you will need 16.6 per cent of the vote. For the Senate you only need 14 per cent. So the

government is already placing a huge hurdle in their way, and I wonder whether they have caught on to what the implications will be.

However, should they get in here and should this be the situation, we would find that we could easily be hijacked by a single Independent's issue in this chamber. To see that we do not have to look very much beyond Senator Harradine in the Senate. I remind those in the chamber about Senator Harradine. He is from Tasmania, and in 1998 he got a six-year term on 7.9 per cent of the vote. However, we know of some of the issues he has held up the Senate with. I refer to a transcript from the *7.30 Report* of 27 May 1999, where Maxine McKew says:

Is a vote for sale fast becoming part of the Australian political culture?

Tonight, that is the concern of Australian businesses, at least, as Tasmanian senator Brian Harradine returned to the centre of the political stage, offering the government a deal to sell off more of Telstra.

What sorts of deals, what sorts of sales will we expect between the minor parties and this government after the next election? What sorts of deals will the government be doing? How much will it cost? What will it offer them? It will be fascinating to watch. I do not think this government will be able to resist it.

I think we will have government by compromise, and that will be shameful for Victoria and it is something we will not be able to turn back. Many of my rural colleagues will be talking about how this bill is emasculating the votes in rural Victoria and how rural Victoria will be swamped by the metropolitan vote. I will not go into great detail on that issue, but these provinces will be so enormous that they will be unworkable. Not one region in the schedule is dedicated totally to country voters, and all contain metropolitan areas on the fringes of Melbourne.

This chamber has had a huge range of people from all sorts of backgrounds from our rural areas, and I think that has given a healthy mix to the representatives we have in here. When we come back under the new system we will have people from the outer suburban areas and some of the semirural towns. I think the mix will be more limited and will not cover the breadth of all Victorians, and that will be a shame for all those rural voters in this state.

I have to say the Honourable Philip Davis covered the entrenchment issues extremely well, but I would like to reiterate the opposition's view of the mess. This government promised us that it would get this right. This is a really important bill, as government members

have said, for this house and for this state. They promised they would get it right. However, we have heard about the 35 amendments arriving on the death knock at 5 minutes to midnight, as you might think, or at 7.30 the day before it was to be guillotined, making changes that would alter this bill while it is being debated — a bill that government members themselves have said will be one of the most important bills ever to be debated in this Parliament. However, the government did not get it right. It messed up with the Auditor-General. It would seem that in its haste to be open and transparent it must have forgotten the consultation aspect of what it initially crowed about, because it forgot to consult with the Auditor-General to see what his view was. He came out and told the government in no uncertain terms that he did not want the responsibility. So there were all these amendments to try to patch up something that was done in haste. It is not good enough.

An amendment had a cumbersome loophole that affected local government. The government got that wrong too. However, it did not look at how it would fix that loophole until it was pointed out by the Leader of the Opposition in another place at I think 5 minutes to guillotine time; he had to point out the government's mistake. If the opposition was not fixing up the government's mistakes, what would happen? Where would the people of Victoria be? We would be having expensive, time-consuming and cumbersome referendums out there on the most minuscule of issues. It is simply not good enough.

I think the people of Victoria have a right to feel very frightened at the prospect of this government making legislation. It drafts a bill such as this, which is so relevant to this state, and it cannot get it right. I think the community as a whole will feel very insecure and will have a lack of trust in this government. It is a slapdash approach. It is not good enough for something this important. I have to say that I, together with my colleagues, feel very concerned that there may be other profound mistakes in this bill that we have not even discovered yet.

It will be most interesting to see the government try to explain to the people of Victoria when we go to a referendum on a small matter involving local government, something as inconsequential for the whole of Victoria as food inspectors. It will be very interesting to see what the spin doctors will be able to come up with then. Is the government going to tell them? We certainly will tell them about its slapdash approach, about its cavalier — I think that term was used earlier this evening — approach to drafting bills as important as this.

This house has always been a house of review. I would like to quote a former Leader of the Opposition and former minister in the Kennett government, the Honourable Mark Birrell. *Hansard* of 4 October 2000 reports him as saying about this chamber — and I think it is salutary for us to take a moment to understand what he said and the sentiment with which he said it:

It offers a powerful platform for the scrutiny of ministers and the use of taxpayers' funds. It gives a fairer voice to the concerns and hopes of Victorians who live outside Melbourne. It has been an essential element in securing stable government, not just good government.

I do not think we saw good government with the drafting of this bill. I think we saw a shoddy, bad example of what this government obviously has ahead for us. However, I think the sentiments behind Mark Birrell's comments are something that all of us in this chamber should try very hard to emulate, despite the curtailment involved in what we have been given in this bill.

I have to say there are huge problems that can arise without a house of review. To see that we do not have to look much further than Queensland, a state which was dealing with a lot of corruption and which had a lot of problems. May I remind the chamber that it does not have an upper house.

I refer to a parliamentary education and training services document of the Queensland Parliament dated 11 January 2001 which refers to the Fitzgerald report and the investigation into fraud and other issues which I will not go into, but I am sure all members remember vividly the huge case of corruption within Queensland. This is what the document says:

When the Fitzgerald inquiry of the late 1980s raised the issue of government accountability, several public figures called for the restoration of the upper house, saying that its presence would have made the governments of the day more accountable.

We are trying to be more accountable in here. We have had our voices silenced, we have had our debates curtailed and we have been told that we have to finish within certain times. We have not been able to talk through this debate and give it the proper weight it really needs. We do not want to end up with a situation like that in Queensland and we do not want to end up with a situation where the scrutiny of bills is guillotined or where bills go right through Parliament without any debate at all, but it looks as if that is the way we are heading.

Finally, I would like to quote my former colleague and friend Peter Katsambanis, who said in the 2001 issue of *The Parliamentarian*:

The sum total of the ALP's approach is one of ensuring an upper house that can be as accommodating as possible to its own interests in government and one that is equally as obstructionist to its political opponents when they are in government.

That is what we are seeing here tonight. We are seeing something that has been set up to obscure its purpose. Its whole purpose is to obscure Parliament, to obscure transparency and to obscure scrutiny for all Victorians.

What is certain about this bill is that it will be passed this week. It is undisputed that the government has the numbers — there is absolutely no doubt about that — so the bill will be passed. But it is incumbent upon this Labor government to ensure that the people of Victoria know just what it is they are getting, what it is the government has constructed and what it is the government is putting out there in front of them.

In the report of the constitution commission, *A House for Our Future*, the Honourable George Hampel, QC, says in his chairman's introduction:

A consistent issue that has arisen is a need for greater education and discussion about Victoria's parliamentary and governmental systems. Many people expressed the view that there was merit in having this type of information formally incorporated in the secondary curriculum. Although not directly part of the commission's recommendations we would commend the matter for further investigation.

Our constitution is a set of rules by which we run our state, and the people of Victoria can establish the rules by which we govern only if they know the full facts and the basis on which those rules are made. I challenge this government to ensure that all Victorians, but specifically the secondary school students, are fully and impartially taught about our constitution — its history, its changes and its implementation.

The changes the government is making to the rules that govern our state will ultimately profoundly affect the lives of those Victorian students, and they and all of the other Victorians will be its judge. I hope the government got it right.

Mr VINEY (Chelsea) — I have to open by saying that the opposition's complaining and bleating in this current debate about the government's proposed amendments and reforms to the constitution are extremely disingenuous, to say the least.

The opposition parties had the opportunity in the last Parliament to work in conjunction with the government to reach agreement and to see some reforms of this Parliament achieved in a spirit of cooperation. But they believed that the 1999 election result was merely a mistake, and they believed that following that mistake

in 1999 their right to rule this state would be reinstated by the people of Victoria. That was a false belief and the mistake was on their side. Not only did we see the people of Victoria endorse the government and its policies of restoring basic services and restoring democracy and accountability in Victoria, but we saw the people of Victoria endorse this government in its program of reform for this house. The opposition parties have now been left completely behind in this debate. They chose over the last three years to ignore the opportunity and to reject the opportunity to reform this chamber, and in making that decision they made themselves irrelevant to the debate today.

In the contributions to the debate so far we have heard a series of fairly pathetic bleatings about some of the detail of the legislation, and I am happy to respond to some of those matters. I was particularly struck by the comments made by the Leader of the Opposition — the complete context of his comments has left me for the moment — referring to women's franchise. While listening to the debate I recalled from reading Dr Ray Wright's book, *A People's Counsel*, that there was some interesting history behind women's franchise, and I thought I had better have a look at that. I recommend that honourable members look at Dr Wright's book, in particular page 134, where it is revealed that the conservative forces on the Legislative Council rejected women's franchise — 19 times! It states in part:

... having watched 19 private members bills on the subject fall victim to the Legislative Council since 1889 ...

It is a little surprising that the Leader of the Opposition would start his contribution by referring to women's franchise when the history of his own forces in this chamber rejected women's franchise 19 times.

I was also interested to hear Mr Baxter referring in his contribution to the Auditor-General in relation to supply. I have already said in this chamber — and I have been here only a very short time — how extraordinary it is that the opposition parties should raise the matter of the Auditor-General at any time. It would seem to me that the members of the opposition parties would want to hang their heads and hide under those desks every time the term 'Auditor-General' comes up, because it was they who tried to destroy the powers of the Auditor-General. They all sat meekly by while Jeff Kennett and Alan Stockdale and his mates cut and ripped into the powers of the Auditor-General to try to protect themselves from proper scrutiny. In fact that was one of the key issues that drove the result of the election in 1999.

There has been a long history on our side of politics of reform of parliamentary practice. It has already been

mentioned a number of times in this debate that on a number of occasions supply has been blocked by this chamber. I think it was Mr Baxter who mentioned the occasion in 1952 when the Labor Party, in conjunction with some conservative forces, blocked supply. It is a policy of the Labor Party not to do that any more.

It is interesting to refer again to Dr Wright's book and to the reasons behind the blocking of supply in 1952. The reasons were that the structure of the Victorian Parliament at that time was severely and grossly gerrymandered in favour of the Country Party. The Country Party then had a majority of seats in the Parliament with a minority of votes. It was a blocking of supply — initially it was a temporary blocking of supply — with only one objective: to establish proper electoral reform.

The Labor Party has a long, proud and strong history of reform of this Parliament and in particular of reform of this chamber. The Deputy Leader of the Government mentioned the question of adult franchise for the Legislative Council, which was finally introduced in 1950. I have been reflecting that when my grandfather returned as a veteran of World War I, he was not entitled to vote in an election for an upper house member. Indeed, when my father returned as a veteran of World War II, he was not entitled to vote in an election for this chamber either. That was because neither of them owned property. What an appalling state of affairs in Victoria! It has always been the progressive forces in this Parliament that have pushed through these kinds of reforms.

By the 1950s the conservative forces had to acknowledge that the only way of this chamber staying relevant and having any sort of credibility was to accept universal franchise for adults for the Legislative Council. At that time 555 000 out of the 1 375 000 enrolled voters were disenfranchised for want of the property qualification — about 40 per cent of the electorate in 1950 were not entitled to vote for membership of this chamber.

It is the Labor history, the progressive forces in our community, that have driven through reforms of this Parliament. That is why I am very proud to be a part of the Bracks Labor government that is again driving through reforms to this Parliament with a whole series of valuable reforms that will see this chamber become for the first time a proper house of review, properly representing the whole of Victoria.

There has been an inequitable system in this chamber. Over the three elections before the last one, the Labor Party's average vote was 40 per cent, with an average

representation of 27 per cent. Over the same three elections, the Liberal Party's average vote was 42 per cent — that is 2 per cent higher than that of the Labor Party over the same period — but the Liberal Party's representation was 60 per cent, more than double the Labor Party's representation in this chamber. It is impossible for opposition members to continue to justify that as some kind of democratic process in this Parliament.

We have heard some criticisms of the proportional representation system, particularly from National Party members, although the proportional representation system would require a vote of about 16.5 per cent for a member to be elected here. There has been comment that it will lead to this chamber being captured by some sort of extremist minority group. It is clearly a nonsense for members to suggest that if a political party, an Independent or an interest group were to attract 16.5 per cent of the vote in a particular electorate that that view should not be represented in this Parliament. It is an extraordinary proposition. It is hardly likely that some extremist fringe element would attract 16.5 per cent of the vote, and it is a nonsense for members to put forward that proposition.

There has been some criticism of the new regions, again particularly from National Party members. As a member currently representing Frankston, I have no trouble that Frankston and the Mornington Peninsula will form part of an electorate that goes down to Gippsland and East Gippsland. I have some very close connections to Gippsland and have spent a lot of my life there. Having represented Frankston for four years, it is interesting that in many ways it is a community that has the feel of a regional town. People in Frankston probably travel to the central business district even less frequently than people from Geelong, Ballarat and Bendigo. There is no difficulty with an electoral boundary that covers Frankston and Gippsland.

I did some calculations given that some of the criticism of the bill has been that members in the new seats will have too many constituents to represent. A federal member has about 80 000 voters. With these proposed boundaries by my calculations — I might stand corrected — there are about 450 000 voters in each region. That would mean that there are a bit over 80 000 voters per member in each of the regions, almost exactly the same number that elect a federal member of Parliament, so I find it a bit disingenuous of the opposition to be suggesting that it is impossible for members in the new regions to represent their electorates but at the same time offer no criticisms of the size of federal electorates. They are just about identical. The proportion of representation per member

is about equivalent to that of a federal member of Parliament.

Supporting this legislation has for me something of an interesting twist, because in the last Parliament I was fortunate enough to represent the seat of Frankston East in the Legislative Assembly, then electoral commissioners chose to abolish that seat. Now, here I am tonight proposing to vote to abolish my new seat of Chelsea Province and create a future opportunity. It is interesting that at the end of this Parliament I will have represented two seats, one in each chamber, neither of which will exist. This is not a very good portent for the new seat in the Gippsland–Frankston region that I hope to represent in the future.

I support the government's legislation, and I go back to my comment that it has been the Labor side of politics, the progressive force of politics in this state, that has driven through parliamentary reform. That has happened in the face of considerable opposition from the conservative forces in Victoria. It is a proud history for Labor Party members to be able to be here today with the support of the electors in the last election to propose fixed four-year parliamentary terms and to support the restructure of the Legislative Council so that it has 40 members elected on the basis of proportional representation, introducing some proper democracy into this chamber for the first time. It is a proud moment to be standing here as a member of the Bracks Labor government and to be part of driving through a reform such as the recognition in the constitution of officers such as the Ombudsman after having been part of driving through the recognition of the role of the Auditor-General and enshrining that. I make the point again that it was the conservative forces in this Parliament that attempted to emasculate the power of the Auditor-General, fortunately seen through by the people of Victoria and rejected.

I am pleased to be here as part of this government driving through these reforms. It is a shame, a real shame that the opposition missed its opportunity in the last Parliament to work with the government to get through some reform which its members could have been relevant in driving through. They had the opportunity to be relevant in this chamber during the last Parliament and to get through some proper reform; they missed the opportunity. They rejected the opportunity and instead used the opportunity of their numbers to misuse this place.

They used it to set up all sorts of committees. I see Mr Brideson there. I remember very well some of the work he did. It was a Star Chamber committee this Council set up purely for political purposes in the

lead-up to a federal election. It was another example of how the conservative forces in this Parliament have abused the processes of Parliament. It is another example of their inability to grasp the moment — they had the opportunity in the last Parliament — and to drive through in conjunction with the government some positive reforms and to be relevant, to be a part of it. They missed it, so it has fallen upon the Bracks Labor government in its second term with a majority in this chamber for the first time — a majority, I might say, that we only achieved by getting 58 per cent of the two-party preferred vote, an unusually high water mark needed for us to get a majority in this chamber — to make these changes.

Now that we have that majority we intend to drive through the reform that will make this chamber relevant, a proper house of review and democratically elected. The opposition missed its chance. The Bracks Labor government is driving the reform through, and I commend it to the house.

Hon. A. P. OLEXANDER (Silvan) — I think it is a great pity that Mr Viney has tonight used his opportunity to launch into a tirade of name-calling, histrionics and irrelevant discussion about the bill, so what I would like to do is bring the chamber that to the core issues we are debating, and there are something like nine key issues being debated.

The bill provides for a fixed four-year parliamentary term unless a dissolution of the Legislative Assembly occurs sooner; it will reconstitute the Legislative Council to consist of 40 members elected from eight regions, and each region will return five members; it will provide for proportional representation with optional preferential voting; it will provide for the filling of casual vacancies in the Legislative Council by a joint sitting of the Legislative Council and the Legislative Assembly; it will provide that the President of the Council has a deliberative but not a casting vote; it will recognise the principle — in words at least — of a government mandate; it will remove the ability of the Legislative Council to block supply or the annual appropriation bills; and it will establish a dispute resolution process for deadlocked bills. Finally, it will provide for the entrenchment of certain legislative provisions by a referendum for change in the future.

These are the core issues we are debating here tonight, not what happened in 1928, not what happened when the landed gentry denied one group or another their rights or roles. What we are debating here tonight is what we in 2003 believe is appropriate for our democracy into the future. It is a very great pity that

Mr Viney squandered his opportunity by launching into a tirade of invective.

To consider, debate, scrutinise and review — this is precisely the role of the Victorian upper house. This is a house of review. It is a safeguard of the Parliament and performs vital checks and balances on the government of the day. To guarantee this process, a longer term than the lower house — be it the Westminster House of Commons in the British Parliament, the House of Representatives in the Australian Parliament or the Legislative Assembly here in Victoria — is a necessity. In fact, bicameral parliaments all over the world generally follow this formula where you have a longer term in the upper house than in the lower house and for extremely good reasons. There needs to be a certain independence in the house of review, an arm's-length removal and a long-term focus. Upper houses are relied upon to fulfil that role. Independence, an arm's-length removal and a long-term focus are things that are not provided for in this bill. Remove this position and the institution certainly will not perform to its fullest potential. The people of Victoria deserve that potential in full.

The creation of a rubber stamp cannot be in the interests of democratic openness. I want to give members an example from the United Kingdom, which I visited recently. There were seven proposals from the Blair Labour government for reform of the House of Lords, and those seven proposals — with various formulas — looked at democratic ways the House of Lords could be elected. Each one was voted down by Labour's vast majority in the House of Commons, because Labour felt it was preferable for the Prime Minister to be able to appoint what they called 'life peers'. The government got rid of the hereditary peers in the House of Lords and appointed life peers.

These life peers now hold sway — they have the majority. They are all appointed by the Prime Minister — a Labour Prime Minister. They have come to be known by the media and population in Britain as 'Tony's Cronies'. That is exactly what they are. They are an attempt by the Labour government in the lower house to instil its will on an upper house which it may or may not control from time to time. That is exactly what we are witnessing here. We are witnessing the creation of a chamber not populated with Tony's Cronies but, in the Victorian context, with Bracks's hacks. It will be populated with Australian Labor Party members and, in the future, fellow travellers from the left of Victorian politics who will fit in very nicely with Labor's political agenda.

I believe in change when it is for the purpose of improvement, but I do not subscribe to the belief that conventions should be set in concrete for eternity when they could be developed for the better. The Bracks government does not believe in these conventions, or upholding history even when, in this instance, it has been proven time and time again — through Liberal and Labor governments alike — that this chamber does work, that this Parliament does work and perform and is democratic. That is not the Labor Party's agenda.

Its agenda has two parts. The first part relates to the Australian Labor Party's historical inability to gain majorities in this place. It has had enormous difficulty in doing so over the last 150 years. The second part of its agenda is driven by the political imperative to reward the Greens party for its support at the last state election. Let us be absolutely frank about this: if Labor Party members are honest with themselves and this chamber, they will admit that is what it is all about. Instead of all this nonsense they are trotting out here tonight, they should be honest about it and say that it is about the fact that Labor cannot control the chamber through a democratic vote under the current system and has to reward its political allies in the Greens party for getting them over the line through its preferences. That is what it all about.

What does the Bracks government do? It attempts to quash tradition and convention — even if it is effective and fair — at every opportunity. Upper houses traditionally have a longer term than their lower house companions so that they can review and keep accountable a government without bowing to electoral pressure and populist electioneering every few years — exactly what is happening now.

Our Federation forefathers believed that the arm's-length distance, independence and longer term focus in upper houses in a bicameral system were the best for our democracy. I know members on this side of the chamber share that same faith — we share it and we hold it. Even so, honourable members who comprise the upper house sit at the pleasure of the public. We are elected just as anybody else is, and if the public wants to show its displeasure it can unelect us. What better example do we have than the last state election? Nobody is disputing the fact that Labor obtained a majority in this place and it did it under the current system —

Hon. C. D. Hirsh — You actually can't dispute it.

Hon. A. P. OLEXANDER — Nobody is disputing that, Ms Hirsh. What I am saying is that Labor has an

alternative agenda for those changes, which are not in the interests of democracy.

There are currently 22 provinces within Victoria, represented by 44 members. Considering that within and across these provinces there are municipal councils and shires and, very often, multiple federal electorates, there are Victorian constituents out there who are extremely well represented. What this change is going to do, by creating an extra-mega electorate, is to say to them, 'You are going to elect another five people to represent you' — another five members, added on top of local and federal governments. People might be forgiven for thinking that this is a tad overboard, that this represents overgovernment. But the mega-regions and provinces that this bill establishes present their own special problems for voters, for the representatives they elect and for the democratic system.

The first problem is that of competing interests; the second is that of lack of interest; and the third is that of population centricity. These mega-electorates will very likely create a situation where within the same electorate there will be severely competing interests for the attention of Parliament and for the direction decisions take. Different cities will have different viewpoints. Different regions of the same electorate will often have conflicting viewpoints. That will be one of the negative side effects of this bill. A situation will be entrenched in our democratic system where constituents, ostensibly represented by the same people, will be at each other's throats, and that is not good for our democratic system.

Also entrenched will be a lack of interest in every region. In every one of these eight mega-regions that will be created certain parts of the regions will be told that they do not matter because there will not be a representative from that region directing their attention to that particular area within the region. That will be a huge problem from now on in the democratic process.

The third problem, population centricity, is where there will be a preponderance of the candidates — obviously for their own electoral prospects — congregated in the largest population centres of the regions. In some of the mega-regions that will be in a major city, rural city or regional town. In some parts it will be an interface area on the urban fringe of Melbourne. What is the implication of that? Has the government thought it through? The implication is that large areas of every region will not be adequately represented because the electoral imperative will be to establish yourself where the population exists, and that is also not good for our democracy.

Community of interest is a key guiding principle in the establishment of any electorate or constituency. It is worldwide. Those who are represented in Parliaments need to know who represents them, and the representative needs to know exactly who they are representing. It has been said of these sorts of situations — —

Hon. P. R. Hall — The concept of representation is gone.

Hon. A. P. OLEXANDER — Indeed it has gone, Mr Hall, because it has been said about this proposal that every member is responsible to everybody and nobody at the same time because in a multimember electorate it is so easy to push off your responsibility on to others. I believe that this system will entrench into our democratic process major problems for upper house representation.

The Premier claims his proposal will enhance the effectiveness, accountability and representativeness of the Parliament as a whole, yet he cannot outline any single flaw with the current system other than the great difficulty — and this is the truth of the matter — that Labor has had in historically obtaining majorities in this place. The reason for that is that historically the ALP vote has been concentrated in very limited geographic areas. That is why a majority of electorates in this place have not fallen to the Labor Party.

In the last state election, a point in case — one only needs to study the statistics — the vote for the Labor Party rose so much and the geographic spread was so even that it won a majority, even with only half of the members going out. The democratic processes in this place work, and the government is the evidence of that.

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

Recently the concept of a minority mandate has been introduced into our democratic process. The balance of power groups in upper houses have used this concept. This might be something the Labor government will be handling very shortly. The Liberal Party is very serious about this issue as it has a dire consequence for the people of Victoria. It therefore saddens and angers me

to hear comments like, 'The upper house is a joke' from senior ministers such as the Attorney-General in the other place, Mr Hulls. His vitriolic sarcasm may also suggest he thinks the issue itself is a joke. If the upper house is such a joke why then has it been the incubator for such Labor leaders as Jim Kennan, Joan Kirner and John Brumby, and Liberal leaders on the other side such as Robert Menzies, Rupert Hamer and Marie Tehan?

The upper house is no joke, and the Legislative Council is anything but a retirement home. The upper house is certainly not a protest chamber either. Of the hundreds of bills that were successfully passed in the last session of Parliament only six were rejected. They included legislation for heroin injecting rooms, legislation which would have seen unions given the right to enter family homes and onto people's farms — —

Hon. Kaye Darveniza — On a point of order, President, I believe the opposition member is just slavishly reading his speech rather than simply referring to his notes. He is standing up there reading page after page, and we know that that is not permissible in this house. I ask that you, President, ask the member to cease reading his speech.

Hon. A. P. OLEXANDER — On the point of order, President, I am referring to copious notes and not slavishly reading at all.

The PRESIDENT — Order! On the point of order I accept the member's word, but I ask him to not refer to his notes too often, and I ask him to continue.

Hon. A. P. OLEXANDER — The government loves to say that the opposition pushed through amendment after amendment to legislation during the last term of government and that it resisted the government's right to pass laws in their original format. I remind members that it is this very same Labor Party that in opposition moved almost 500 amendments against the Kennett coalition government's legislation in this place. There is a word for that. Making the accusation and having acted that way, the word for that is hypocrisy. In fact, during the Kennett government the Liberal-dominated upper house moved more than 50 amendments to its own government's legislation and was fulfilling its very real role of review.

When history judges these changes, as it will, it will not find consensus, agreement, or that a natural evolution has taken place here tonight. What it will find when a historical analysis is done is that the real truth behind the Bracks Labor government's move is basically a cheap grab for control and power by Victorian Labor. It

will reveal a tawdry political deal made to win control — —

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! Pursuant to sessional order 10 I advise that it is now 10 o'clock. The question is that the house do now adjourn.

Albert Park Lake: level

Hon. ANDREA COOTE (Monash) — My question tonight is to the Minister for Environment in the other place and it concerns Albert Park Lake. Albert Park Lake is almost dry, and all the water sports that take place on the lake are in jeopardy, including the yachting squadron from the Albert Park Yacht Club. Sailability, the excellent program for disabled sailors, is also in jeopardy. We need to get Albert Park Lake filled again. I do not advocate filling it with fresh water, as has been done in the past, but I would like to see some proper attention paid to diverting stormwater into Albert Park Lake and looking at the possibility of diverting some brackish water, some of the Cowdry Street stormwater and some retreated sewerage water into Albert Park Lake.

I remind the chamber that the member for Albert Park in the other place is a member of the Albert Park Yacht Club, and he might like to see the lake filled as well. He is the minister so I will be interested to see what he does.

Hon. Bill Forwood — He is also the Minister for Water.

Hon. ANDREA COOTE — That is exactly right. I would like to see him put some of that brackish water back in. I encourage the government to immediately refill Albert Park so that water sports can begin again. I ask the minister when the Albert Park Lake will be filled with artesian water?

Industrial relations: Australian workplace agreements

Hon. KAYE DARVENIZA (Melbourne West) — I raise a matter for the Minister for Aged Care representing the Minister for Industrial Relations in the other place. I know the minister will agree that the Howard government's Workplace Relations Act has failed to bring about productive and high-performing work places which would assist Australia and our own state to compete globally. The Workplace Relations Act

and the federal minister Tony Abbott promote the Australian workplace — —

Hon. A. P. Olexander — On a point of order, President, I draw to your attention the fact that the honourable member is slavishly reading from notes. She has not looked up once, not even to take a breath. I ask you to draw her to order according to the conventions of the house.

Hon. KAYE DARVENIZA — On the point of order, President, this is not anticipating debate on a bill. I have a 3-minute limit to put a matter on the record and we are allowed in an adjournment debate to refer more closely to our notes.

Hon. Philip Davis — On the point of order, President, the honourable member ought to know that if she is making a 3-minute contribution she should be able to do it without any notes at all. If she is not competent to do that she should go back to kindergarten. I ask for you to rule that the member should not read slavishly from her notes.

The PRESIDENT — Order! Prior to my previous ruling relating to the Honourable Andrew Olexander, he indicated to the house that he was referring to notes. The Honourable Kaye Darveniza has done the same.

Honourable members interjecting.

The PRESIDENT — Order! The honourable member has indicated she is referring to notes. I ask her, as I advised the Honourable Andrew Olexander, not to refer to them as often, but she may refer to notes.

Hon. Philip Davis — On a point of order, President, I do not wish to contradict you, but in fact the member said she was entitled to read during the adjournment debate. I make the point that the member is not entitled to read a speech at any time in this place, that she is entitled to refer to notes, and if it is her intention to read from her notes she should be advised she is not entitled to do that.

The PRESIDENT — Order! On the point of order, all members are aware they are not allowed to read their speeches, but they are aware they are allowed to refer to notes. The honourable member will continue.

Hon. KAYE DARVENIZA — The Workplace Relations Act and the federal minister, Tony Abbott, certainly are promoting the Australian workplace agreements (AWAs) which are not good for business and are not good for workers. AWAs are nothing more than secretive documents with many restrictions on who is able to have access to them. The focus is very

much on the individual worker, which is the very opposite to a cooperative and flexible model of work practice. This creates a great deal of division within the workplace.

A recent study from the Melbourne University Centre for Employment and Labour Relations Law found that a staggering 88 per cent of AWAs provided the employer with the capacity to unilaterally increase or decrease working hours. It also found that 25 per cent of AWAs provided that employers could require that an employee work overtime without an employee receiving any additional payment. The centre went on in its findings to say a lot more about AWAs and the restrictions on workers and the lack of flexibility.

Given that the Workplace Relations Act has failed workers and business, I ask the minister what action he will take to bring about changes to the industrial relations system in Victoria which would result in a more open, inclusive, cooperative and productive workplace?

Merino Consolidated School: upgrade

Hon. D. KOCH (Western) — I direct to the Minister for Energy Industries as the representative of the Minister for Education and Training in the other place the Merino Consolidated School fire. A week ago today, on 18 March 2003, the administration area, staff room and sick bay of the consolidated school at Merino in south-west Victoria were destroyed by fire. It is believed the fire was caused by an electrical fault. This was the second major fire for this aged school in the last five years.

The major concern of the Merino school community is the lack of permanency at the school. After the previous fire the school building was due for replacement three years ago, but nothing has been done by this government and no funding allocation has been provided in the current budget. The school currently operates with five temporary buildings. This is not an acceptable situation, and the school continues only due to the high tolerance of the fantastic and supportive school staff.

The Department of Education and Training notified the school that another temporary building would be delivered by 24 April 2003. Within a further 24 hours the principal was advised that the relocation would not be effective until 22 May, without any indication when it may be operative. It is imperative that the Bracks government, especially the education department, recognises the dilemma in relation to educating the

80 children at Merino and uses a portion of its regional contingency funding to upgrade the Merino school.

In addition the school's principal was notified last Wednesday that the destroyed administration centre relocated just two years ago contains asbestos, which demanded that the principal make the difficult decision to close the school for two days while the site was decontaminated. To have portable buildings, contaminated and containing asbestos, relocated to country schools is a danger to the health of children and staff, demonstrating the need for a purpose-built school to be constructed at Merino as a matter of urgency. Will the minister give the Merino school council, staff, children and school community the commitment to ensure that the replacement buildings will be located and operational by 24 April and, as earlier indicated, the new school for Merino will be listed in this year's budget estimates?

Sandybeach Community Centre

Mr PULLEN (Higinbotham) — I raise a matter for the Minister for Education and Training in the other place. The Sandybeach Community Centre was established some 20 years ago and recently celebrated its birthday. The people there run courses for people from all the southern suburbs of Melbourne, but principally from the cities of Bayside and Kingston in my electorate. I have with me a booklet detailing the latest courses. The centre runs courses in English, writing and language, house and home, the great outdoors, computers, professional skills, art and music, family matters and even belly dancing. The centre provides some 110 courses and has an annual turnover of \$1.2 million, approximately 50 per cent of which it raises itself. I am particularly impressed with the disability services provided, and when I visited the centre I saw the disabled young people providing meals for the senior citizens who were at the centre.

The Sandybeach Community Centre chief executive officer, Mary Walsh, started the centre as a volunteer. She is supported by 150 volunteers in this area. They have about 2500 people visit the centre each week. The centre is in the process of purchasing the ground floor at 2 Sims Street, Sandringham, for \$925 000. If anyone knows Sandringham, that is a darned good price for a magnificent building in that particular area. I understand that a grant of \$355 000 has been made from the Adult, Community and Further Education Board. I would like to know when the Sandybeach Community Centre is to receive those funds.

Professional indemnity: building surveyors

Hon. J. A. VOGELS (Western) — I raise a matter for the Minister for Finance regarding the inability of building surveyors to obtain professional indemnity insurance. I intend to quote from a letter sent to me by Mr Neil Povey which he wrote to the Building Practitioners Board. Mr Povey states:

I refer to previous correspondence dated 2 September 2002 and 25 September 2003, both of which I have still not had any replies ...

Seven weeks after my PI insurance ran out (17 September 2002) I was able to renew the policy with a different insurance company and at an increase in premium from \$1300 to \$9000.

I would appreciate if you could please advise me as to what action I take when my current insurance policy once again expires. From discussions in the industry it is unlikely that the premium will be reduced to something reasonable and highly likely that I will not be able to even get a quotation again.

I think there are a lot of building surveyors in the same situation. They cannot get public indemnity insurance, which is a huge concern.

Mr Povey runs his business from Mortlake, which is approximately 80 kilometres from the next building surveyor, and he is being told that he needs to get permission from the Building Control Commission to be relieved as a relevant building surveyor, that he needs to get permission from the client to be relieved as the relevant building surveyor, and that he then needs to find another relevant building surveyor to take over the job.

He goes on to state:

The first two actions are achievable, the last one was impossible ...

He states that there is no other building surveyor within 80 kilometres of the Mortlake area. He continues:

I have spoken to all building surveyors (i.e. those who are still operating) and none will take on anyone else's jobs. Once again can you please tell me what to do.

Further, I assume with the deletion of the run-off insurance this means that for the rest of my life (after I do not have PI insurance) I will have to dispose of all my assets and company ties which are in my name or run the risk of a claim against me being made. Can you please advise?

I am really concerned about building surveyors, especially in rural Victoria, where half-finished houses and houses still on the drawing board cannot get public indemnity insurance — a huge issue.

I have already spoken to the Minister for Finance about this, and he told me that he would look into it, which is why I am raising the matter during the adjournment debate.

Frankston: marina

Mr SMITH (Chelsea) — I raise for the Minister for Planning in the other place, through the Minister for Sport and Recreation, a matter concerning the Frankston marina. The marina is a contentious issue in Frankston, especially with regard to the proposals put to the public. Given that the previous council had engaged independent consultants and decided to support phase 3 of the marina as opposed to the independent consultants' recommendation that there were some flaws in the proposal, it has become a more contentious issue for a number of groups in Frankston, particularly the Save our Beach organisation and other environmental groups.

I record my opposition to phase 3 of the marina. I have serious concerns about its environmental impact, and I think it is important that the government deal with this matter as soon as possible. I request the minister to respond when it is convenient for her.

Bushfires: timber salvage

Hon. P. R. HALL (Gippsland) — I raise a matter for the Minister for Agriculture in the other place, who I understand has responsibility for commercial timber operations in the state. The issue I raise concerns the relationship between exit packages currently being offered to some of those in the timber industry and the salvage of millable timber affected by the recent bushfires.

We all know that holders of commercial timber licences are being offered industry exit packages because the government cannot meet its end of the contract to supply the volumes of saw woods stipulated in those contracts. Many of them understand and concede that the writing is on the wall; they are being forced to accept these exit packages. In many cases it is against their will, because they do not wish to do that, but they are forced into the situation of not being guaranteed supply so they have no option but to accept the exit packages.

One of the people who is reluctantly accepting a package is a constituent, Mr George Morgan, who operates George Morgan Sawmills Pty Ltd based at Rokeby in West Gippsland. He has two evergreen timber licences — quite valuable licences — that expire in 2007 and 2008 respectively. He would much rather

continue the operation of those licences and his mill. He sees a window of opportunity with the large volumes of timber material that have been affected by fires and the need for that to be salvaged within the next two or three years, otherwise the resource will be wasted.

Mr Morgan is of the view that if all licensees accept exit packages there may not be sufficient licensees left in the system to ensure that this salvage timber is used efficiently and fully utilised.

Mr Morgan requests an assurance from the government that sufficient licensees remain in the industry to accommodate the timber salvage required, and if that is not the case he is one who would be quite willing to defer his exit package for 12 months to participate in the milling of the material that has been affected by the fires.

I ask the minister to give that assurance or to consider allowing people like Mr Morgan to remain in the industry for another 12 months.

Aquatic facilities: Boronia

Hon. C. D. HIRSH (Silvan) — I raise with the Minister for Sport and Recreation the Boronia swimming pool complex, which was recently reopened after a major upgrade and the establishment of the YMCA as the manager. The YMCA is doing a fantastic job and is an excellent manager.

The minister visited the Boronia pool some little time ago. His visit was highlighted by an extremely fast trip down the 400-metre water slide. I did not join the minister in this activity but allowed him to do that on his own. I hope the minister continues to support the Boronia pool in the manner he has because it serves an extremely important role in the social wellbeing and health of the people of Boronia and surrounds in Silvan Province.

I recall many years ago taking my three daughters and the children of my next-door neighbour to what was then the Boronia baths, which were a bit basic. Once they were teenagers I can also remember them meeting with boys in the middle of the pool where I could not reach them to separate them. It was a bit awkward.

Hon. Bill Forwood — What were they doing?

Hon. C. D. HIRSH — Cuddling each other! Going to the Boronia pool was one of the great social activities for teenagers. It was great. More recently I took my three-year-old granddaughter to the newly refurbished, very attractive Boronia pool, and she sensibly considered that she was a bit young for the 400-metre water slide and decided that she loved the frog slide in

the learners pool. That suited me perfectly well. I hope the Minister for Sport and Recreation will maintain the interest he has already shown in the recreational activities of the people of Silvan Province.

Workcover: CAAW International

Hon. C. A. STRONG (Higinbotham) — I raise for the Minister for Workcover in the other place an issue concerning a firm called CAAW International, a small business in Higinbotham Province which supplies a special laundry detergent called Breathe Easy for people who suffer respiratory allergies.

This product is made to a CAAW International specification by subcontractors. It is a totally outsourced operation. CAAW simply markets and distributes the product, which is made to its specification. It has traditionally been classified as an agency and not as a manufacturing organisation, which is an appropriate classification. It has recently been reclassified as a manufacturing organisation, which has resulted in a premium increase of over 500 per cent. The premium increased from \$1254 in 2001–02 to \$9477 in 2002–03. It has written on numerous occasions to the minister asking him to investigate this issue to try to find some resolution, but has received no response.

The reclassification was retrospective, and it has made a \$4572 retrospective payment to avoid a fine. Its Workcover agent now tells the company that it needs not make that payment, but the amount has been held over for its 2002–03 premium. If its 2001–03 premium did not have to be paid because of an incorrect classification why has its payment to avoid a fine been held over for next year's premium, which is probably still wrong? I ask the minister to investigate this issue to try to sort it out for this small business in my and Mr Pullen's electorate. This very important small business is running at great risk because of an improper Workcover classification.

Point Lonsdale: municipal boundaries

Mrs CARBINES (Geelong) — I wish to raise a matter for referral to the Minister for Local Government. It concerns a matter confronting the community of Point Lonsdale in my electorate. The minister would be aware that Point Lonsdale spans two municipal boundaries: it is effectively divided into two municipalities. Half of Point Lonsdale is in the Borough of Queenscliffe and the other half is in the City of Greater Geelong. Last year some residents who live in the City of Greater Geelong side of Point Lonsdale sought a municipal boundary change. They have been

advocating quite loudly in the community for this municipal boundary change. Earlier this year the Borough of Queenscliffe endorsed that view and sought dialogue with the City of Greater Geelong about the matter. Last Friday I was pleased to attend a meeting with the mayor of the Borough of Queenscliffe, Cr Val Lawrence; the mayor of the City of Greater Geelong, Cr Barbara Abley; and the new member for Bellarine in the other place, Ms Lisa Neville, to discuss this matter. I was very pleased that the meeting resolved to find a way forward by initiating a joint study to identify issues which affect residents of Point Lonsdale and their respective municipalities because of the boundary division which divides Point Lonsdale into two municipalities. Not only will the study identify issues, it will also seek to find possible solutions. That is a very constructive way forward on this matter, which has been quite divisive not only around the municipal boundary but also throughout the local community where there has been some very heated debate.

I congratulate Crs Lawrence and Abley on their willingness to address issues of concern raised by their ratepayers and on their leadership in this matter. In bringing this matter to the minister's attention I seek her advice.

Aquatic facilities: Doveton

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise a matter for the attention of the Minister for Sport and Recreation which also relates to a swimming pool. Unlike the swimming pools in Silvan Province this one is actually used for swimming.

The pool to which I refer is the Pool in the Park in Kidds Road, Doveton. This is a longstanding facility; it has been there for roughly 30 years. It consists of a major 50-metre pool, a 20-metre training pool and a toddlers pool along with associated water slides, kiosks et cetera, as you would expect in a swimming pool complex. This property is unique by virtue of the fact that it is an outdoor pool, which is quite rare for that part of the world.

The City of Casey, which is the proprietor, is seeking to upgrade the facility. It is looking to spend around \$1.9 million to upgrade the smaller pools, provide more shading in the outdoor facilities and provide disabled access to the property. Of that \$1.9 million the City of Casey is seeking \$635 000 through the Better Pools fund. As I said, this property is at the Doveton end of the City of Casey. At the Berwick end of the City of Casey there is a new aquatic centre, which is a \$15 million development to which the previous and current governments contributed \$5 million.

I seek the support of the Minister for Sport and Recreation for the application by the City of Casey to receive \$635 000 from the Better Pools fund to contribute to this project so that both ends of the City of Casey have appropriate aquatic facilities.

Public liability: Eltham Chamber of Commerce and Industry

Hon. BILL FORWOOD (Templestowe) — The issue I wish to raise tonight for the Minister for Finance is also about public liability insurance. In some senses it is ironic that today we had a Dorothy Dixier about public liability insurance in response to which the minister announced to all and sundry what a good job he was doing in relation to the problems with public liability.

Last night I attended the annual general meeting of the Eltham Chamber of Commerce and Industry, a vibrant organisation in Eltham that has a strong membership; there were a lot of people there last night. In the report he gave the president of the Eltham chamber of commerce Frank Lynch raised the issue of public liability insurance for the chamber's committee. Members of the committee find themselves in the situation where they have been quoted an amount of \$30 000 — for a voluntary committee running the chamber of commerce in Eltham — which they do not have.

This committee is a vital part of the city. It has an extraordinary role to play in the Eltham township: it is running cases at the Victorian Civil and Administrative Tribunal; it raises funds for the bone marrow organisation; and it has a very strong relationship with the Nillumbik Shire Council. I was very impressed with the list of activities — the shop promotion activities, Streetlife, et cetera — this organisation takes on on behalf of its constituency in the Eltham township, yet its members have been told they have until the end of March, which is less than a week away, or they will be without cover. Frank Lynch said to the meeting, 'We will find ourselves as a committee with our houses being on the line for trying to provide some assistance in our own community'.

The question I have for the Minister for Finance is: what actions are available to volunteer organisations such as the Eltham Chamber of Commerce and Industry who find themselves in the position where in order to keep going they must have some sort of insurance, but the price is out of all proportion to the volunteer work they do in their community? I hope the minister will quickly be able to come up with something realistic and sensible that will enable this organisation at least, and others like it throughout the

state, to continue to do the work it does on behalf of its community.

Responses

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I intend to slavishly refer to my notes, but I might not slavishly read from my notes.

There was a question from the Honourable Andrea Coote to the Minister for Environment in relation to brackish water at Albert Park Lake. She asked when the Bracks government will introduce artesian water for that lake. I will pass that on to the relevant minister and see whether it is possible to fill the lake with artesian water.

The second question was from the Honourable Kaye Darveniza, who referred to her notes — —

Hon. Kaye Darveniza interjected.

Hon. T. C. THEOPHANOUS — No, definitely not slavishly. She raised a matter for the Minister for Industrial Relations relating to the issue of Australian workplace agreements. She asked what action the minister will take to bring about more cooperative workplaces. I will pass that question on to the relevant minister for direct response.

The third question was from the Honourable David Koch to the Minister for Education and Training. It was in relation to the Merino school fire and the rebuilding program for that school, in particular temporary buildings and whether they would be made available by 24 April. I will pass that on to the Minister for Education and Training for response to the honourable member.

Hon. D. Koch — And the replacement?

Hon. T. C. THEOPHANOUS — I will pass the entire question on, yes.

Mr Pullen raised a question for the Minister for Education and Training relating to the Sandybeach Centre and its provision of courses. He referred to the large number of courses it provides, with 2500 people attending the centre on a weekly basis. He asked about the provision of funds for that centre. I will pass that request on to the relevant minister.

The Honourable John Vogels asked a question for the Minister for Consumer Affairs about insurance. In this case the Honourable John Vogels did slavishly read from a letter — which I think is still allowed, as long as he is reading from a letter — from a building surveyor

on an issue relating to insurance. I will pass that on to the minister for response.

Mr Smith raised a question for the Minister for Planning relating to phase 3 of the marina in Frankston. I must say that Mr Smith did not slavishly read from notes. I will certainly pass Mr Smith's request on to the minister for response.

The Honourable Peter Hall raised a question with me for the Minister for Agriculture. It related to commercial timber licences and licensees being offered exit packages which, according to the honourable member, they were forced to accept against their will. I am not sure about their being forced to accept against their will — as a Sartrean and an existentialist, I do not think people can be forced to accept things against their will — but nevertheless I will pass on his query, in particular as to the genuine request from the people he has sought to represent in relation to an extension for one year.

The Honourable Carolyn Hirsh asked a question for the Minister for Sport and Recreation relating to the Boronia pool and the 400-metre water slide and ancillary facilities. I can assure her that I will not be down to use the 400-metre slide. However, I will pass on her request to the relevant minister for response.

The Honourable Chris Strong raised a question for the Minister for Workcover. It related to a small business in Higinbotham Province which is producing respiratory products — CAAW, I think it is — and whether it had an appropriate Workcover classification. I will pass that request on to the minister for response to the honourable member.

Mrs Carbines asked a question for the Minister for Local Government. It related to the issue of the boundaries in Point Lonsdale, which, according to the honourable member, stretch between Greater Geelong and the Borough of Queenscliff. She indicated that a joint study was being undertaken with some possible solutions. I will pass on her request for consideration of the issues to the relevant minister.

The Honourable Gordon Rich-Phillips raised a question for the Minister for Sport and Recreation relating to swimming pools — another swimming pool question, this time in Doveton. This one was about seeking \$635 000 through the Better Pools fund. I will pass that question on to the relevant minister.

Finally, the Honourable Bill Forwood raised a question for the Minister for Finance relating to the Eltham Chamber of Commerce and Industry, which I know is an important organisation, as are all our chambers of

commerce and industry, of which there is a large number. The question was about insurance premiums. I know the minister is dealing with these issues, and I will pass the request on to the minister for direct reply.

House adjourned 10.39 p.m.

	Votes Cast	Status	Votes Transferred	Progress Total	Status	Votes Transferred	Progress Total	Status	Votes Transferred	Progress Total	Status
Party 1											
Candidate A	4000	Elected	-2333 ¹	1667	Elected	0	1667	Elected	0	1667	Elected
Candidate B	100		1749 ² (from A)	1849	Elected	-182 ³	1667	Elected	0	1667	Elected
Candidate C	50		585 ⁴ (from A)	633		98 ⁵ (from B)	731		1009	1740	Elected
Candidate D	30		0	30		83 ⁶ (from B)	113		-113 (to C)		Eliminated
Candidate E	20		0	20		0	20		-20 (to C)		Eliminated
Party 2											
Candidate F	3000	Elected	-1333 ⁷	1667	Elected	0	1667	Elected	0	1667	Elected
Candidate G	100		444 ⁸ (from F)	544		0	544		-544 (to C)		Eliminated
Candidate H	50		0	50		0	50		-50 (to C)		Eliminated
Candidate I	30		0	30		0	30		-30 (to C)		Eliminated
Candidate J	20		0	20		0	20		-20 (to C)		Eliminated
Ungrouped											
Candidate X	2000	Elected	-333 ⁹	1667	Elected	0	1667	Elected	0	1667	Elected
Candidate Y	500		888 ¹⁰ (from F)			0	1588		0	1588	
			200 ¹¹ (from X)	1588							
Candidate Z	100		132 ¹² (from X)	232		0	232		-232 (to C)		Eliminated
TOTAL	10,000										

Quota = 10,000/(5+1) + 1 = 1667¹³

¹ Transfer value 2333/4000 = 0.58325

² 3000 x 0.58325 = 1749

³ Transfer value 182/1849 = 0.098

⁴ 1000 x 0.58325 = 583

⁵ 1000 x 0.098 = 98

⁶ 849 x 0.098 = 83

⁷ Transfer value 1333/3000 = 0.444

⁸ 1000 x 0.444 = 444

⁹ Transfer value 333/2000 = 0.166

¹⁰ 2000 x 0.444 = 888

¹¹ 1205 x 0.166 = 200

¹² 795 x 0.166 = 132

¹³ In calculating these matters, fractions are disregarded, rather than rounded up or down.