

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Wednesday, 8 February 2006
(Extract from book 1)**

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By authority of the Victorian Government Printer

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(*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

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Education and Training Committee — (*Council*): The Honourables H. E. Buckingham and P. R. Hall.
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Environment and Natural Resources Committee — (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell. (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz.

Family and Community Development Committee — (*Council*): The Hon. D. McL. Davis and Mr Smith.
(*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson.

House Committee — (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen. (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith.

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Public Accounts and Estimates Committee — (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek. (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino.

Road Safety Committee — (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.
(*Assembly*): Mr Harkness, Mr Langdon, Mr Mulder and Mr Trezise.

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(*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson.

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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The Hon. D. K. DRUM

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Brideson, Hon. Andrew Ronald	Waverley	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
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Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Ms Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip ³	Silvan	Ind Lib
Dalla-Riva, Hon. Richard	East Yarra	LP	Pullen, Mr Noel Francis	Higinbotham	ALP
Darveniza, Hon. Kaye	Melbourne West	ALP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Davis, Hon. David McLean	East Yarra	LP	Romanes, Ms Glenyys Dorothy	Melbourne	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	Nats	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Hadden, Ms Dianne Gladys ²	Ballarat	Ind	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hall, Hon. Peter Ronald	Gippsland	Nats	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy ¹	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

¹ Ind from 17 September 2004
ALP from 10 November 2005

² Ind from 7 April 2005

³ Ind Lib from 30 November 2005

CONTENTS

WEDNESDAY, 8 FEBRUARY 2006

CRIMES (SEXUAL OFFENCES) BILL	
<i>Introduction and first reading</i>	23
GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL	
<i>Introduction and first reading</i>	23
PETITION	
<i>Neighbourhood houses: funding</i>	23
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE	
<i>Legislative framework for independent officers of Parliament</i>	23
PAPERS	24
MEMBERS STATEMENTS	
<i>Western Port Highway—Queens Road, Pearcedale: safety</i>	24
<i>Lorne Community Hospital: opening</i>	25
<i>Rail: V/Line fares</i>	25
<i>Multicultural Arts Law Week</i>	25
<i>Planning: Ferntree Gully development</i>	26
<i>Knox: Australia Day awards</i>	26
<i>Devilbend Reservoir: conservation reserve</i>	26
<i>Aboriginals: Long Walk</i>	27
<i>Energy: photovoltaic panels</i>	27
<i>Union of Australian Women</i>	27
<i>Western suburbs: Australia Day awards</i>	28
<i>Robinvale Aquatic Leisure Centre</i>	28
BUSHFIRES: INQUIRY	28
QUESTIONS WITHOUT NOTICE	
<i>Commonwealth Games: athletes village</i>	54, 56, 59
<i>Commonwealth Games: Melbourne Cricket Ground</i>	55
<i>Commonwealth Games: baton relay</i>	57
<i>Neighbourhood houses: funding</i>	57
<i>Commonwealth Games: Respecting Indigenous Communities strategy</i>	58
<i>Commonwealth Games: Flinders Street overpass</i>	60
<i>Commonwealth Games: volunteers</i>	61
<i>Information and communications technology: My Connected Community program</i>	62
<i>Supplementary questions</i>	
<i>Commonwealth Games: athletes village</i>	54, 56, 60
<i>Neighbourhood houses: funding</i>	58
<i>Commonwealth Games: volunteers</i>	61
QUESTIONS ON NOTICE	
<i>Answers</i>	62
LEGISLATION COMMITTEE	
<i>Establishment</i>	63
PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL	
<i>Introduction and first reading</i>	83
ADJOURNMENT	
<i>Housing: rural and regional</i>	83
<i>Government: free-call numbers</i>	84
<i>Australia Help: funding</i>	84
<i>Prisons: staffing</i>	84
<i>Environment: Deer Park site</i>	85
<i>Commonwealth Games: shooting venue</i>	85
<i>Consumer affairs: Prentice Homes</i>	86
<i>Mining: Mount Egerton licences</i>	86
<i>Responses</i>	87

Wednesday, 8 February 2006

The **PRESIDENT (Hon. M. M. Gould)** took the chair at 9.34 a.m. and read the prayer.

CRIMES (SEXUAL OFFENCES) BILL

Introduction and first reading

Received from Assembly.

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

GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

PETITION

Neighbourhood houses: funding

Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria requesting that the state government commit to appropriate funding and resourcing for neighbourhood houses so that both the hours of operation and programs offered and the remuneration of neighbourhood house coordinators can be increased and expanded (103 signatures).

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Legislative framework for independent officers of Parliament

Hon. BILL FORWOOD (Templestowe) presented report, including appendix, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Hon. BILL FORWOOD (Templestowe) — I move:

That the Council take note of the report.

This is another important piece of work that has been done by the Public Accounts and Estimates Committee (PAEC). It goes back quite some time, the initial inquiry having been started during the last Parliament. However, a key point to note from this particular report is that it recommends that the three officers of the Parliament — that is, the Auditor-General, the Ombudsman and the electoral commissioner — all become responsible to the Parliament and not to the executive. It makes some very interesting recommendations, and again I make the point that they are unanimous, about the way that this should be done.

Recommendation 8 of the report states:

The legislation governing the operations of officers of Parliament explicitly state that Parliament and its parliamentary committees cannot direct these officers ... on operational matters but can request them to undertake specific investigations.

What we are saying is that the work of the particular committees — that is, the audit committee, the electoral commissioner committee and the Ombudsman — have the capacity to be directed by the Parliament itself.

We also make the point in recommendation 7 that each of the oversighting committees for these particular statutory parliamentary officers be given to parliamentary committees. Recommendation 7 states:

- (a) the Public Accounts and Estimates Committee, as the delegate of the Parliament ... responsibility for ... the independence and accountability of the —

audit office. It also refers to the PAEC and the Ombudsman, and states:

... the Electoral Matters Committee ... delegate of the Parliament ... principal responsibility for ... the independence and accountability of the electoral commissioner and his/her office —

and that the selection of these particular people be the responsibility of the Parliament, not the executive. What we are trying to do is say that the position of being an officer of the Parliament is just that — not an officer of the executive. We are trying to enhance the capacity of the Parliament to select, monitor, manage and assess the work of each of these officers of the Parliament.

During the inquiry consideration was given to other positions and whether they should become officers of the Parliament, but in the end the report was quite explicit in saying that the key officers of the Parliament

were the three I have mentioned, and the Director of Public Prosecutions, the public advocate, the children's commissioner or the Surveyor-General and other such positions which display some but not all of the characteristics of officers of the Parliament should be not included in this particular category. The formal linking of these positions with the Parliament is a major advance in transparency and accountability, and in particular in implementing constitutional and parliamentary reform.

As I always do, I wish to thank the secretariat for the outstanding work that it has undertaken on this inquiry, which has been an interesting exercise. We considered a lot of evidence in seeking particular points of view, and I make the point that during the time the inquiry was under way there were significant changes in the officers in charge of these organisations, apart from Wayne Cameron, the Auditor-General. The committee was well served by the information that was submitted to it in the course of its inquiry.

I recommend that honourable members read and consider this report carefully. These days it is easy for the executive to take too much control, and the Parliament needs to be ever vigilant to ensure that its capacity to participate in the democratic process is not undermined. The democratic processes of this place will only be strengthened by having the electoral commissioner, the Ombudsman and the Auditor-General as officers of Parliament and by Parliament having an active role in their selection and activities and the monitoring of them.

I recommend the report to honourable members. I thank the staff of the secretariat and the chair, Christine Campbell, the member for Pascoe Vale in the other place, for their work on this report.

Ms ROMANES (Melbourne) (*By leave*) — I am pleased to have the opportunity to speak further on the report of the Public Accounts and Estimates Committee. I remind members that on election to government in October 1999 the Bracks government acted swiftly to strengthen the powers and independence of the Auditor-General, which had been severely diminished by the previous Kennett government, by making amendments to the Audit Act. At the same time the government gave a reference to the Public Accounts and Estimates Committee of the 54th Parliament to look at an appropriate legislative framework for independent officers of Parliament to recognise the special position of those officers vis-a-vis their relationship with the Parliament and to ensure greater autonomy and clearer accountability.

The Public Accounts and Estimates Committee took up that reference with enthusiasm, looked at other jurisdictions and developed principles to guide Parliament and government in the appointment of further officers of Parliament. It has agreed with the government's position, which was outlined in the reforms to the Constitution Act in April 2003, that currently there should be three independent officers of Parliament: the Auditor-General, the electoral commissioner and the Ombudsman. The Public Accounts and Estimates Committee has made suggestions to the government on how consistency can be achieved in the arrangements and operations of those three independent officers of Parliament.

As Mr Forwood said, in the future the Parliament will play a much bigger role in overseeing the work of all three independent officers, whereas until now Parliament has played that role only in relation to the Auditor-General. The recommendations and proposals strengthen democracy through strengthening the independence and accountability of the three independent officers of Parliament.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2005.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 4.

Victorian Law Reform Commission —

Final Report on Uniform Evidence Law.

Report on Implementing the Uniform Evidence Act.

MEMBERS STATEMENTS

Western Port Highway—Queens Road, Pearcedale: safety

Hon. R. H. BOWDEN (South Eastern) — The more aware members of this chamber will know that I take an interest in roads as they affect my electorate. I suggest that the continuing deterioration of the Monash Freeway is disgraceful. The absolutely absurd installation of a set of traffic lights at Morton Bay Drive at Lyndhurst is a disgrace and the failure to improve traffic at Thompsons Road is awful. But I think VicRoads has excelled itself this time.

VicRoads has made a terrible mistake in addressing a complaint made by several people in relation to Queens Road at Pearcedale, where Queens Road intersects the Western Port Highway. Recently we have seen the installation of no-right-turn signs at that intersection.

The most dangerous aspect of Queens Road is when you are driving south on it and arrive at the intersection where southbound traffic is on the Western Port Highway. VicRoads and the council have done nothing whatsoever about that, but they have taken a quick fix, smart alec approach. They have blocked off a right turn for northbound traffic heading into Queens Road from the Western Port Highway. I think that is an unprofessional move and is very poor traffic engineering. It does not at all address the real safety issue at the intersection of Queens Road and Western Port Highway where southbound traffic on the Western Port Highway and Queens Road is affected.

It is a disgrace. It is a further example of a quick fix and a very poor performance by VicRoads. I want that fixed, those no-right-turn signs removed and proper engineering done.

Lorne Community Hospital: opening

Ms CARBINES (Geelong) — On Saturday I was delighted to accompany the Premier and the Minister for Health to the official opening of the new Lorne Community Hospital. The Bracks government has invested \$10.3 million in this new facility which includes 20 high-care nursing home beds and an expanded 24-hour urgent care unit to service the growing Lorne community.

It was wonderful to join Premier Bracks and Minister Pike from the other place on a tour of the hospital which not only provides state-of-the-art medical equipment and accommodation but is designed to aid recovery and recuperation. And with its prized Lorne hilltop location, it has million-dollar views over the ocean. Wards for acute and aged care and other patients are located on the top floor and have balconies so patients may avail themselves of the beautiful views. The lower level provides facilities for primary health care including rooms for visiting specialists and administration.

I would like to congratulate Mr Russell Hansen, chair of the Lorne Community Hospital board, and all its members; Mr Ross Waddington, chief executive officer; members of the ladies auxiliary; the hospital staff, and indeed the Lorne community for their tireless work to have built a new hospital in Lorne. The Bracks

government is proud to make the community vision for a new hospital in Lorne a reality.

Rail: V/Line fares

Hon. DAVID KOCH (Western) — The government continues to demonstrate its arrogance towards remote country communities many of which have struggled for years with below-average incomes. The ever-increasing rise in government fees and charges is making it even more difficult for families on low incomes.

From 1 January this year residents of Kaniva in the far west were hit with a 9.2 per cent increase in the cost of a V/Line trip to Melbourne; the fare rose from \$104.80 to \$114.80 for a return ticket. This community is at a loss to understand the rationale for such an excessive increase, which is well above the state average of 3.1 per cent. They want to know how this steep rise of almost 10 per cent has been justified by V/Line and the Bracks government. An increase of this magnitude clearly discriminates against those who live a long distance from Melbourne.

Kaniva residents have been hit with a double whammy: not only has there been a steep increase in the cost of fares but the current timetabling forces travellers to book a night's accommodation every time they travel to Melbourne. The need to pay for accommodation and the higher cost of V/Line tickets is a strong disincentive for country people to use the network. This government continues to promise better and improved services to country Victorians but at what cost? Unjustified fare increases are yet another slap in the face for those distant smaller communities in Victoria.

Multicultural Arts Law Week

Ms MIKAKOS (Jika Jika) — On Monday I had the privilege of opening Multicultural Arts Law Week, which is being run by the Arts Law Centre of Australia.

Supported by the Victorian Multicultural Commission, Multicultural Arts Victoria and the City of Yarra, the week provides free workshops, seminars and advice to artists, performers and organisers who do so much to enrich our society. The week's activities will go towards empowering these groups with an understanding of their legal rights and responsibilities in the field of multicultural arts. Seminars cover a broad range of topics relating to employment matters, contracts, intellectual property, financial matters such as taxation, superannuation, occupational health and safety and regulatory issues such as liquor licensing.

At the launch I had the pleasure of handing a cheque for \$15 400 from the Victorian Multicultural Commission's arts and heritage grants program to Multicultural Arts Victoria. The money will support a range of groups and performances that enhance and support Victoria's multicultural heritage. The grants will go to Black Harmony, the Refuge and Asylum Seekers Festival, Rhythms of Games Indian dance performance, South Sudan musical dance party, the Monkey King concert, the remounting of *Opposite My House is a Funeral Parlour* and the Somali poetry evening.

Now in its second year, Multicultural Arts Law Week is well on its way to becoming a signature event in Melbourne's evolving artistic community. I commend all those involved.

Planning: Ferntree Gully development

Hon. B. N. ATKINSON (Koonung) — I wish to draw the house's attention today to a concern of the City of Knox in regard to a Victorian Civil and Administrative Tribunal decision. Whilst it is recognised that the normal process is for appeals from VCAT decisions to go to court if there is a matter of legal substance, in this case the City of Knox asks that the Minister for Planning in another place, Rob Hulls, who is also Attorney-General, examine this decision of the president of VCAT, Justice Stuart Morris.

The concern the City of Knox and I have with this matter is that VCAT allowed a change in the classification of a property at 1 Station Street, Ferntree Gully, which is essentially a retirement village. The effect of the change and the decision by Justice Morris is a reduction in the fire safety and accessibility requirements of this building. The City of Knox is concerned, I believe rightly, about the precedent this has created. It asks that the minister look at whether or not it was appropriate for this decision to have been reached by VCAT and to ensure it does not establish a precedent that would see further changes to building classifications that would affect requirements such as those under the fire safety regulations. This matter is obviously of great concern to the council and the community.

Knox: Australia Day awards

Hon. H. E. BUCKINGHAM (Koonung) — I am delighted to have this opportunity to congratulate the winners of the City of Knox Australia Day awards. Bill Ireland has been awarded Citizen of the Year for his outstanding contribution to the City of Knox as an avid local historian and long-time member of the Boronia

Country Fire Authority brigade. Bill has spent many years documenting local history with the Knox Historical Society and, after 30 years as an active firefighter, has been able to combine his passion for history and his passion for the fire brigade by documenting the brigade's history and assisting with two publications.

The Knox Young Citizen of the Year is Carly Brewster, a compassionate and dedicated volunteer with Interchange, which provides assistance to children with disabilities. She has a great concern for children with disabilities and has attended 15 different camps and day activities. She has also been involved with a number of other community and charitable organisations and has been an active Guide. She has edited the Guides state magazine and been a member of the Guides Youth Consultative Committee.

Knox City Council also presented a Volunteer of the Year award to Joanne Goodman for her contribution to Bayswater Primary School, Koolyangarra preschool, Bayswater market and Bayswater RSL, and as a grief counsellor with the sudden infant death syndrome foundation.

Knox's Local Hero award was presented to an amazing young woman called Caroline Bartasek, a former Australian tae kwon do champion and a member of the 2004 Athens Olympic team. She was on holiday in Thailand in 2005 and was in Phuket when the tsunami hit. She stayed to assist victims in the hospital. Caroline is also frequently involved in the Knox community and is a deserving recipient of this award.

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

Devilbend Reservoir: conservation reserve

Hon. D. McL. DAVIS (East Yarra) — My matter today concerns the planned conservation park at Devilbend Reservoir on the Mornington Peninsula. I was pleased on 17 January to join colleagues Neil Burgess and David Morris, the local lower house members for Nepean and Mornington, Martin Dixon and Robin Cooper, and a number of important local environment groups, including the Western Port and Peninsula Protection Council, the biosphere group represented by the Mornington Peninsula Roundtable and other groups, to announce the Liberal Party's plan to create a 1057-hectare conservation park on the peninsula.

The Liberal Party sought to take this very important step to protect biodiversity values on the peninsula, but

it was persuaded in particular that this was an important section of public land surrounded by important habitat — the home of at least 128 different bird species and a range of animals. I was proud to make the announcement with my colleagues and environment groups on 17 January, and in doing so to commit to retaining the full 1057 hectares in public ownership. I was disappointed when, two days later, the Bracks government announced through the Minister for Environment, John Thwaites, that the government would sell 40 hectares of the land. This disappointing position of the government can be turned around if it thinks carefully about the task of protecting the peninsula's vibrant — —

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

Aboriginals: Long Walk

Ms ROMANES (Melbourne) — I would like to report on the Long Walk, which took place at Princes Park, Carlton, on 4 December last year after the final sitting week of Parliament in 2005. Organised by former Australian Football League footballer Michael Long and other Aboriginal leaders, the Long Walk brought together thousands of indigenous and non-indigenous Victorians in a display of solidarity and friendship. It was a very moving event and a clear and symbolic way to express and progress the reconciliation process. As well the Long Walk raised money for the Sir Douglas Nicholls leadership award, which supports and encourages indigenous leadership in Victoria. The award is currently held by Paul Briggs, who is a respected leader across Victoria and who does an outstanding job.

At one point walkers completely ringed Princes Park; that was a great sight to see. The Long Walk was a great day out. It is an important initiative of indigenous people and is destined to become an annual and increasingly significant event. Put it in your diaries for December 2006.

Energy: photovoltaic panels

Hon. D. K. DRUM (North Western) — On Monday this week the Environment and Natural Resources Committee met in Bendigo for a regional hearing as part of their inquiry into the energy services industry. As a local member I was delighted to be able to take the ENRC to the Mundy Street home of Simon and Shelley Perrin where they have installed photovoltaic panels on their roof. In 2002 the Perrins decided to install the photovoltaic panels on their residence at a cost of approximately \$20 000. They received a rebate in the

form of a government grant to reduce this amount to \$13 000 or \$14 000, which was their actual spend. The rebate has since been reduced dramatically.

The panels that the Perrins have installed effectively generate enough power to account for 25 per cent of their electricity needs. In low-use periods the power generated is fed back into the grid and the electricity companies rebate the Perrins for that power. The Perrins need to be congratulated for their actions as they really have invested their money to back up their environmental responsibility philosophies.

Solar power may well be the answer to Victoria's long-term electricity needs. I am concerned that the Bracks government seems to have put all its renewable energy eggs into the basket of wind farms. The government needs to look at ways of reducing the 30 to 40 year payback time line that currently exists with photovoltaic panels and encourage more people to act as responsibly as the Perrins have. If it is looking to sustainable action, then maybe photovoltaic panels on a whole range of residences and small businesses — —

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

Union of Australian Women

Hon. C. D. HIRSH (Silvan) — Today I want to pay tribute to an organisation that has been going for over 50 years — that is, the Union of Australian Women of which I am a very proud member. In this month's newsletter Anne Sgro speaks about Allison Dickie who was the first president in 1950. Allison was born in June 1906 and died in January this year. She was a committed Christian and joined with communists, ALP supporters and independent radical women to form the organisation in 1950. It does a wonderful job in promoting women's issues right throughout the community.

I also pay tribute to Molly Hadfield, who received in the Australia Day honours a Medal of the Order of Australia for service to the community in the area of support for aged care, community health and youth. I worked with Molly for many years in the area of housing for low-income people, particularly women who 20 years ago still were suffering from less-than-suitable housing. The Union of Australian Women needs members and I recommend it strongly to anyone who wants to join. A number of its members are ageing, and its work needs to continue.

Western suburbs: Australia Day awards

Hon. S. M. NGUYEN (Melbourne West) — I would like to take this opportunity to congratulate the recipients of Australia Day awards. I especially congratulate the residents and hard workers in the western suburb municipalities of Brimbank, Maribyrnong, Hobsons Bay and Wyndham who were recognised by the awards. Our community has benefited greatly from their efforts, and each recipient well deserves the recognition they have been given.

I am fully aware that their hard work and dedication has not been so they would be recognised in this way, and that many of them would prefer to get on with the job with little fuss. However, the awards are not given lightly; therefore every recipient thoroughly deserves the recognition. Congratulations again to all awardees, and I thank them for their efforts.

Robinvale Aquatic Leisure Centre

Hon. KAYE DARVENIZA (Melbourne West) — I was delighted to have the opportunity to open the Robinvale Aquatic Leisure Centre on 30 January. I was there with parliamentary colleagues in the other place — the member for Swan Hill, Peter Walsh, and the member for Mildura, Russell Savage — and the federal member for Mallee, John Foster. The apologies of my parliamentary colleague in this house Barry Bishop were noted, and I know he was disappointed he was unable to attend the function.

Robinvale now has a terrific aquatic leisure centre because of a partnership between the Victorian government, which has invested \$2.1 million in the upgrade of the centre through its Better Pools grants program; the Swan Hill Rural City Council, which gave a very substantial contribution of \$1.6 million; and the federal government, which pitched in \$450 000. Most importantly I was really impressed that \$100 000 was raised by that very small Robinvale community.

I congratulate the Swan Hill Rural City Council, its mayor Bruce Jones, and Cr John Katis, and of course the community for this terrific effort. It is a beautiful aquatic and leisure centre, and I know it will be well utilised by the community of Robinvale.

BUSHFIRES: INQUIRY

Hon. PHILIP DAVIS (Gippsland) — I move:

That —

- (1) A select committee of six members be appointed to inquire into and report on all the factors that led to the

2006 bushfires in Victoria, and in particular those in the Grampians and at Moondarra, to determine the level of severity of those fires and all counter measures that were taken to minimise the damage resulting from those bushfires and to recommend appropriate measures to be taken in the future regarding fire precautions, fire response and fire recovery, and in particular —

- (a) the adequacy of forest and park management and fire prevention practices;
 - (b) the adequacy of fire mitigation and suppression practices with particular reference to the effectiveness of fuel reduction burning of the forested areas of the state in reducing the intensity of bushfires;
 - (c) the impact of intense bushfires on the forest environment;
 - (d) the maintenance of the diverse ecology of Victoria’s forests and national parks;
 - (e) fire management and response by the Department of Sustainability and Environment and the Country Fire Authority and any other government or non-government agencies or organisations;
 - (f) the effectiveness of communication systems, the adequacy of field communication between the control centre and the fire front and the adequacy of early warning systems;
 - (g) an analysis of the coordination between and logistic support of all organisations involved;
 - (h) the adequacy and appropriateness of the physical resources available to the agencies and organisations involved;
 - (i) the timeliness and adequacy of the immediate response to the fires;
 - (j) the impact of the fires on the age distribution of vegetation species in the hardwood forest areas with particular reference to future management of forests and national parks; and
 - (k) appropriate relief and recovery measures.
- (2) The chair shall have a deliberative vote and, in the event of an equality of votes, a casting vote.
 - (3) Four members of the committee shall constitute a quorum of the committee.
 - (4) The committee shall advertise its terms of reference and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.
 - (5) The committee shall on request make available to any member of the public a copy of any public submission or record of evidence.
 - (6) The committee may commission persons to investigate and report to the committee on any aspects of its inquiry.

- (7) The presentation of a report or interim report of the committee shall not be deemed to terminate the committee's appointment, powers or functions.
- (8) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders and sessional orders or practices of the Council, shall have effect notwithstanding anything contained in the standing or sessional orders or practices of the Council.

Before I turn to the motion and make some fairly general remarks about bushfires in Victoria, it is important for me to reflect on, and for the house to consider, the sadness associated with the bushfires over recent weeks.

I formally express sorrow at the death of volunteer Country Fire Authority (CFA) firefighter Captain Trevor Day, who died near Yea on 23 January this year. I also extend my condolences to his family, friends and colleagues.

It is also important to observe the death of Malcolm Wilson and his 12-year-old son, Zeke, who were caught in the Grampians fire. Theirs was an accidental death of great moment. The stark tragedy of people falling victim to bushfires reminds us all how precious life is. Therefore I extend my condolences to the family and friends of Mr Wilson and young Zeke.

I am concerned to ensure that we do not ignore the tragedy associated with bushfire — both the loss of life and the much less but significant loss of property associated with wildfire in Australia generally, particularly in Victoria. As we know south-east Australia is one of the most bushfire-prone areas in the world.

The devastation caused to communities and particularly to individuals by these events cannot be understood by those who have not experienced it. I suspect that the great majority of people who live in our concrete jungles, our urban communities, who have never sighted either a bushfire or the aftermath of a bushfire can have no intelligent conception of what these events mean for rural communities. Nevertheless, I know many people in the cities who see the vision of these events on television for a moment at least reflect on the power of nature. Unfortunately that does not translate through a proper public policy process to ensuring we have the commitment in government and in government agencies required to minimise the impact of what are in most cases natural events.

Of course many fires start as a result of man's intervention — that is, through neglect in terms of maintenance in regard to electricity connections; fires started by mechanical devices, such as cars, trucks or

other equipment; or far worse, the deliberate starting of a fire either through ignorance because people are simply uninformed about when and where to light a fire, or worse still again is the deliberate, premeditated evil associated with the fire bugs who are from time to time identified as having been the cause of starting bushfires.

Today I want to speak specifically about the Grampians fire which has attracted a great deal of public interest, but also generally about the fact that over the summer period so far we have had literally hundreds of fire incidents throughout country Victoria. Only three of those fires have gained a popular notoriety, and they are the fire in Gippsland at Moondarra, the central Victorian fire at Kinglake and the Grampians fire. Unfortunately many people would assume, not having heard about the other several hundred fires which have been identified, located and dealt with, that the whole effort of bushfire response has been dedicated to only three fires. The fact is that over many weeks our tireless volunteer firefighters in Victoria have been dealing with the continuing threat of bushfire to rural communities. So too have the professional firefighting staff of the Department of Sustainability and Environment (DSE) and some of the fire crews who are employed specifically to increase the available manpower during the fire season.

I congratulate all those people who have been involved in direct fire combat and all of those who, like the military, are in the background and backroom managing the logistics. It is quite an incredible feat to maintain the effort in fire suppression as there are many events occurring at any one time. For an effective fire response we know there has to be an incident control centre to manage each fire. Today we have streamlined arrangements which mean that the Department of Sustainability and Environment and the Country Fire Authority work in harmony. Those incident control centres are joint operations with the interweaving of personnel from both agencies, and all the other agencies, including Victoria Police, that need to be involved in the management of those particular incidents. Each of the CFA and DSE has its own emergency coordination centres.

I was pleased to have the opportunity very recently, with my colleagues the shadow Minister for Environment, the Honourable David Davis, and the shadow Minister for Police and Emergency Services in the other place, Mr Kim Wells, to be briefed by the secretary of the department at a morning briefing of the DSE Emergency Coordination Centre. It is interesting particularly to note the amount of work required at that senior departmental bureaucratic level, if you like, to

maintain the functionality during the fire season of the 3000 staff in the department who are committed to providing support for responding to fire emergencies. As I said, the efforts and commitment of those people in responding to those fire incidents is without question something to be extremely proud of. However, there are issues relating to the management of fire which this debate today will undoubtedly tease out. I will go to one in particular and talk specifically about fuel reduction burning. I will come to that momentarily.

I should note that the fire in the Grampians commenced on Friday, 20 January and burnt fiercely. I have been advised by people on the ground in the Grampians who were affected by the fire that as a result not only was a substantial area of the park burnt — I understand the total area of the fire was 130 000 hectares, which includes national park, state forest and private land — but also a total of 41 000 hectares of private land. The damage included something in the order of 240 individual properties being affected, of which 131 were commercial enterprises. In all 40 dwellings, 25 woolsheds, 21 haysheds, 26 machinery sheds and 150 other buildings were lost. As I understand it, 98 of those enterprises had livestock losses, with the numbers being in the order of 65 000 sheep and about 600 cattle. There were 195 hectares of plantations, over 10 000 tonnes of hay and more than 35 000 hectares of pastures lost. Those are very significant losses in their own right, but can one imagine the devastating impact to the individual lives, livelihood and wellbeing of the individuals and communities where those losses have occurred?

It is very easy to focus on the effect on private land because those land-holders are, of course, able to speak for themselves. What is not heard of as readily is the impact on the national park and state forest — that is, the Grampians as a whole — where, clearly as a consequence of the fallout from the media coverage of the fire, there has been the immediate virtual shutdown of tourism in the region. Indeed, when I visited the Grampians on Friday, 3 February, I was advised that 30 jobs had already been lost in tourism at Halls Gap. I think about the sad consequence of that for those individuals and families. I think about not only but also the devastation to our natural estate — whether it is defined as park or forest is immaterial to me — including the tens of thousands and perhaps hundreds of thousands of animals incinerated in that fire. The cruelty of fire in its effect on all forms of livestock, whether they be wild or domestic stock, is very significant.

I had the opportunity to have a significant number of meetings with individuals affected by the fires, and I

attended a couple of community briefings organised by the Rural City of Ararat as part of the fire recovery process. I visited the community meeting at Moyston and at Pomonal. The clear message coming through was that people were not interested in directing blame for their situation. They were interested in how they could be assisted with the recovery process.

Frankly, I found remarkable the naivety of some who were genuinely trying to help. I will not name the person because I do not think it would be fair to do so in this environment, but members will get a sense of what I am talking about. At one of these meetings of people who had been affected by the fires a very smart, well-motivated young woman who was a Landcare coordinator said to a roomful of people, 'Wow, great to see a full hall'. She then went on to talk about conservation programs and to suggest that the primary task should be to hand feed wildlife which may not have appropriate nutrition. Any of us from country Victoria who have experienced a bushfire, or members of Parliament who have worked with communities in recovery, would share the view that the people would not have been overjoyed to be welcomed to talk about the fact that they had been burnt out. There is an extraordinary naivety about the impact. This is not about bureaucratic process; this is not about delivering outcomes that can be measured as outputs in a performance report; this is about the terrible impact in terms of personal devastation.

The response, certainly in the Grampians, has been remarkable. The week before I was at the Grampians, when the fires were coming under control, the Leader of the Opposition of the other place, Robert Doyle; the shadow Minister for Police and Emergency Services in the other place, Kim Wells; with my colleagues in this house, the Honourable David Koch and the Honourable John Vogels, visited and had a thorough briefing. As a result of further visits by the shadow Minister for Agriculture in the other place, Denis Napthine, and the shadow Minister for Environment, the Honourable David Davis, the opposition formed a clear view about the fire. It is clearly in sync with our earlier experience and the debates that we have had in this place about fire management — that is, no matter what the fire suppression response and how committed and dedicated the staff of DSE and volunteers of CFA are, the reality is that the fix is in before you get to the fire. If there has been inadequate fuel reduction burning, then the fire will be too hot to handle. That is clearly the case in the Grampians.

Today in the *Weekly Times* Monash University research fellow and former CSIRO bushfire researcher David Packham is quoted as saying:

The fuel load in the Grampians was 30 tonnes to the hectare ... Once the fire has established and is running, it will just over-run any firefighting capability you have got.

The article goes on to say:

He said fuel reduction burning could have reduced the fuel load to 6 tonnes a hectare. The intensity of the fire would have been substantially reduced so firefighters could easily cope with it.

'What we have now is a strange thing — we seem to have Parks Victoria fuel management by bushfires', he said.

That is timely because I was going to refer to a whole lot of reports which were written in the aftermath of the Alpine fires in 2003. The common thread in terms of these major fires which so affect our rural communities is that increasingly in contemporary times we are seeing evidence of the failure of the principal government agencies responsible for meeting objectives in fuel reduction burning.

The House of Representatives Select Committee report of 23 October 2003 entitled *A Nation Charred — Report on the Inquiry into Bushfires*, makes the following point on page 18 at paragraph 2.15:

Much of the evidence on the inadequacy of current land management practices in providing effective mitigation of the severity of recent bushfires cited increased fuel loads in national parks as a significant, if not the primary, contributing factor. These increased fuel loads were said to be the result of a decline of implementation of fuel reduction programs.

That report is interesting. Lest there be a view that such a report carries the weight of some partisanship, I refer to the Victorian government initiated *Report of the Inquiry into the 2002–2003 Victorian Bushfires*, which was conducted by the committee comprising Bruce Esplin, the Victorian emergency services commissioner, Dr Malcolm Gill and Professor Neal Enright. That report goes to this issue as well.

I quote in part the letter of transmission to the Premier at the front of the report, which states:

Public land management practice will benefit by a greater emphasis on prevention/mitigation, and more research into fuel reduction burning.

I think that is a pretty fair statement, and I will go on to quote this aspect:

Our conclusion can be summarised as recommending both the development of procedures to maximise the ability to achieve the strategic fuel reduction targets objectively established and processes to measure and ensure that such programs are effective in mitigating the risk of unplanned fires.

That also is a pretty fair statement. The letter also states:

We also take the opportunity to acknowledge the May 2003 report of the Auditor-General of Victoria. The report, *Fire Prevention and Preparedness*, investigated and researched many issues directly relevant to our inquiry. We reviewed the report of the Auditor-General in detail and support the recommendations made.

That is a very comprehensive report, and I remind members — because, again, we have discussed this matter at a previous time — that one of the clear conclusions from this report also appears at page 6 of the Auditor-General's May 2003 report, *Fire Prevention and Preparedness*:

... there has been a consistent failure to achieve hazard reduction targets.

That is a general statement, but what does it mean? I want to be quite specific about this. The figures which I extracted from the Esplin report at page 101 show starkly the poor performance over time with regard to fuel reduction burning.

If we are to accept that this is a major issue in terms of the ability of our immediate fire suppression response — that is, the capacity of the firefighting crews to deal with the fire because of the fuel load — then let us have a look to see what the performance has been. For example, the evidence incorporated in the Esplin report shows that the total area of public land in fuel management zones in the Gippsland region was 2 576 835 hectares. The total area which was burnt for fuel management purposes, which is shown in table 10.4 on page 101, was 18 516 hectares. To take that figure alone, it is equivalent to 0.7 per cent of the region — that is, the region that is required to be controlled in terms of fuel. Any practical person with any commonsense would understand that this is an inadequate performance.

I am sure advice from the government will follow, which will say, 'That is only one year', but the reality is that over time the trend has been to a significant decline in fuel reduction performance, and indeed that is the conclusion found in the Auditor-General's report — that is, that there has been a declining ability to meet the targets for fuel reduction burning, and that that matter must be dealt with.

As a consequence of the inquiries and recommendations from the various inquiries which followed the alpine fires, the government admittedly made bold statements about increasing the effort through the Department of Sustainability and Environment and indeed provided additional resources. However, the reality is as we know — for example, in

the Grampians — that that has not made any appreciable difference to the fact.

The fact is that the fuel loads are so significantly higher than would be prudent for good direct fire suppression activity to have a significant impact that once the Mount Lubra fire started on 20 January it was too hot and too strong for any effective suppression activity to get it under control. I am also advised in relation to the fire, which I understand to have been caused by lightning strike, that the ground crews who went in initially to try and identify it as a result of smoke reports from both the Country Fire Authority and DSE could not get to it. The only ability to deal with the fire initially was by air, because it was in very difficult and challenging country where access was effectively denied. I am not even sure that the access tracks were up to scratch, but that is a separate issue I might come to shortly.

I am conscious that many members of his house wish to speak in this debate, therefore I will curtail many of my remarks. However, I want to emphasise that if it is the case that the Parliament, the government and the DSE believe there is an obligation and a public duty to minimise the impact of these fires that occur on such a regular basis in the community, then a great deal of effort will have to be made to deal with this issue.

Contrary to some of the commentary which has been made about the fires this year, I personally believe we have seen some improvement over the last three years in the interface activities of the CFA and DSE. I certainly have not heard the level of criticism about that aspect that I heard during the alpine fires, although it is early days. It may well warrant further examination. However, the motion I have moved to establish an inquiry by this house alone is designed to give us the opportunity to tease out all of the issues about which comments have been made. There certainly have been comments that the responses to fires were slow or inadequate, and my view is that those propositions ought to be tested.

We need to re-examine our communications to determine whether or not we can improve the interface between agencies, even though it is my opinion that things have improved to some degree over the last three years. Clearly it is not good enough simply to say, 'We are doing the best we can'. There has been extensive loss of property and, importantly, loss of life, but more important in my view than anything else is the risk that these events will occur and recur and cause the same or greater levels of distress as the fires of this summer have so far caused.

I am reminded that today is a day of total fire ban in the whole of Victoria except Gippsland. Today is a 35-degree day, and I have absolutely no doubt that further fires will be reported. Indeed I understand that the Moondarra fire, for example, which has burnt over 15 000 hectares, including forests, plantations and grasslands and is contained, is still alive and burning within a perimeter of control lines. However, we need to be alert because of today's weather conditions. If there are further significant fires this summer, I have no doubt that we will revisit the issue that we are considering today in a formal sense in the house, but I would rather that that consideration was able to be dealt with in a proper process by way of taking evidence and considering all aspects of fire mitigation and suppression in a constructive way.

A couple of quick acknowledgments should be made. Firstly, a number of volunteers assist on the ground with recovery tasks, and as the weeks go by there will be a great many more involved, including the volunteers who assist with reconstruction of fencing.

As I mentioned earlier, while there has been a lot of property loss, one of the biggest losses is the capacity to contain livestock on the farms, and about 1800 kilometres of fences were lost because of the proximity to properties to the Grampians. On that point, one of the frustrations of private land-holders is that in some cases their farms have been used as firebreaks and there is a lack of clarity from government agencies as to what restitution there will be. Significant areas of private land have been affected by back-burning and where firebreaks have been pushed through by bulldozers, and there will be significant costs involved in rehabilitating that land. For many the fact that they are in the bush proximate to the Grampians and where the fire came from means they are in a position of having to replace not only their own assets that were destroyed but also boundary fences.

I remind the house that the opposition has made an election commitment on this issue, as we have done previously on several occasions because we would like to see this issue dealt with once and for all, that when adjoining boundary fences are lost in the course of a fire that occurs on Crown land they will be replaced with assistance from the state. We believe the state should contribute 50 per cent of the cost of replacing boundary fences in those circumstances. Clearly the government needs to make a clear statement, as we have certainly done recently, that in the event of property loss as a result of fire suppression activity such as back-burning there should be absolutely no doubt in the minds of land-holders that the government will provide the necessary restitution. I find it surprising

there is any question about that in the minds of land-holders adjacent to the Grampians. That was one of the significant issues stressed by people who spoke to me on my visit to the Grampians on 3 February.

The Victorian Farmers Federation is doing a mighty job in coordinating donated fodder to keep stock going and organising crews to help with refencing. I particularly compliment Charlie de Fegely, who has done a herculean job as a VFF leader and as a group captain during the fires. He gave me not only valuable assistance in dealing with some of the issues on that visit but also some other advice. The VFF has raised issues concerning a range of matters which it would like to have addressed, not the least of which is controlled burning in the Grampians and fuel reduction burning on roadsides. I understand that the VFF is validly concerned about the impact of the fire insurance levy on the commitment of people to either insure or to ensure they have adequate insurance coverage and about the disproportionate impact of that levy on the farming community.

I also understand that the VFF has a whole range of what I describe as recovery issues that I hope will be addressed spontaneously by the government's political task force. I have my doubts, and for that reason the opposition has further committed that rather than having political pressure applied after every one of these disasters and then having a cabinet committee to look into recovery assistance there should be a dedicated unit within the Department of Premier and Cabinet to roll out an assistance package assessment as part of the function of operating in parallel with the fire suppression or flood management tasks which are inevitably required.

I would be delighted to make a longer contribution, but I know I have some anxious colleagues who because of the rules of debate in this place may be time limited. I urge the house to support the motion before it to establish a select committee to examine the way we may in future better respond to events by learning from the past. It seems bizarre to me that three years on from the calamitous alpine fires of 2003, and given the extraordinary effort that was made by the Department of Sustainability and Environment in its own review and report on that issue, the state government inquiry chaired by Bruce Esplin, the federal parliamentary inquiry and all the other contributions that have been made to the debate, that so little has been done to deal with the central cause of our inability to have effective fire suppression — that is, to reduce fuel loads on Crown land. Until that matter is dealt with aggressively I suspect we will be coming back here time and again talking about the loss of life, loss of property and,

frankly, the waste of an enormous amount of the state's resources on these events which would not have such a great impact on the community at large if fuel reduction were better managed.

Ms CARBINES (Geelong) — I am pleased to speak on behalf of the government on the opposition's motion to set up a select committee of this house to inquire into bushfires. I say from the outset that the government will not be supporting that motion, and in my contribution I will be outlining the reasons why.

As all of us are well aware that over the last few months we have experienced an incredibly hot and dry summer with an extremely high fire risk. Today is yet another day of total fire ban across the state, and we all hope and pray that we do not see further outbreaks as a result of this extremely hot day. We had phenomenally high temperatures in the lead-up to New Year and over January and we witnessed the pain of the Stawell community on New Year's Eve and New Year's Day when fire ripped through that community. Then, in the lead-up to Australia Day, fires were breaking out all over the state, many of which were caused by lightning strikes. Over 450 bushfires burning at one time across the state created an incredibly high emergency situation for the communities involved and for the emergency services, including the Country Fire Authority (CFA) volunteers who were fighting across many fronts to try to bring the fires under control.

The most serious fires were in the Grampians, at Anakie in my electorate, at Kinglake and in Gippsland. More than 180 000 hectares of land across our state was burnt. Very sadly 29 homes were destroyed, several hundred buildings were razed, more than 65 000 cattle and sheep were killed and more than 2500 kilometres of fencing was destroyed. None of that compares to the loss of human life, and tragically and sadly the lives of three young Victorians were lost.

We saw at the memorial service conducted for CFA captain Trevor Day the pain felt by his CFA volunteer colleagues, his family and his friends from the community. I know the Premier attended his funeral. We want to pay our respects on behalf of all Victorians for what Captain Trevor Day has contributed and the sad fact that he lost his life defending our community.

We are also aware of the deaths of Malcolm Wilson and his son, Zeke, outside of Stawell. It was a very tragic accident, where they were fleeing the fire and hoping to assist their family. Very sadly they died when their car hit a tree and the fires overtook them. We must remember them all, and I know everyone in this house

would pay their respects to the memory of those three young men who lost their lives.

We must all pay tribute — as some members of this house did yesterday in their 90-second statements and the Honourable Philip Davis did this morning — to the efforts of all who fought the fires on behalf of all of us in this state. Some 10 000 Country Fire Authority volunteers set aside their concerns about their own families — and, many of them, properties — and joined up with their brigades to go to fight the fires across the state. The CFA is a wonderful organisation; yet again it has risen to the challenge of protecting our community, and we all owe its members a great debt.

Similarly some 1400 staff from the Department of Sustainability and Environment (DSE) and Parks Victoria have worked strenuously either in the administration and control centre, the emergency centre at Nicholson Street, or on the ground managing or fighting the fires. I would also like to pay tribute to those men and women. We had the very good fortune to have some 500 interstate firefighters join our crews across the state. We are very grateful to those states that saw fit to release some of their firefighters to join Victorian firefighters. We should also not forget the police and emergency services, whose members play a pivotal role in any emergency situation in our state.

I would like to acknowledge from the Legislative Assembly my colleagues the member for Narracan, Ian Maxfield, and the member for Yan Yean, Danielle Green, who are members of their local CFA brigades. Both Ian and Danielle participated in the fire response effort. I know that they speak very highly of their colleagues in the CFA and were pleased to be able to contribute. In fact, yesterday Ian Maxfield was telling me that when he was out with his crew fighting fires, his brigade captain was fighting fires in another community when his own home was under threat as the fires came to within a kilometre of it. He knew about that threat, but he stayed with his brigade to work with it to assist another community — all, as I said, when his own home was under threat. That pretty much epitomises the culture of the CFA — CFA members are prepared to put others before themselves at all times.

There has been a phenomenal cooperative effort across the state by the CFA, the emergency services, the police, the Metropolitan Fire Brigade, our government departments — staff from the DSE, Department of Primary Industries (DPI) and Parks Victoria — local councils which played an extraordinary role in keeping information up to date for their communities and assisting them wherever they were able, and of course the local communities themselves.

I visited Stawell a couple of weeks after the fire on New Year's Eve and New Year's Day and know very well how that community rose to assist those affected by the fires. I heard incredible stories of great generosity to the victims by members of the Stawell community. Such events bring out the best in many people, and I was pleased to see that. However, we heard of the terrible situation in Gippsland where CFA members had items stolen from a motel by some lowlife who decided to take the opportunity to rob those people. That was disgraceful and we all condemn it; I hope that person ends up getting caught. We have seen a phenomenal effort and we are all very proud of that. That does not mean there are not things that should be learnt from the fires — there are, and I will talk more about that later.

I would also like to pay tribute to radio station 774 ABC Melbourne for its broadcast which took place on that extremely hot day — it was either 19 or 20 January. I can remember listening from my home in Geelong and hearing that fires had started in Anakie and across the state. The coverage from radio 774 throughout the day was gripping, and I acknowledge Lindy Burns, the presenter, who managed to stay cool, calm and collected all day and provide an extraordinary communication service to all Victorians about the fires. The broadcast was gripping, frightening at times, and uplifting when you heard stories from community members who came out and saved their properties or helped others or did their best to help wildlife and stock. It was incredibly informative.

One of the recommendations of the Esplin review of the 2003 fires was to use a public broadcaster in that way, and I have to say that we were extremely well served by radio 774 at that time. I do not think anyone who listened to it will ever forget the experience.

The government, of course, takes the fire situation extremely seriously. As with the 2003 fires, there has been a very swift response to provide aid and assistance to those most in need in the fire-affected communities. With the New Year's Eve and New Year's Day fires near Stawell, 10 emergency grants were given out straightaway, totalling nearly \$7000, and \$75 000 was given to the Northern Grampians shire and to the Grampians Community Health Centre for extra recovery services. I know from going to Stawell in the middle of January that those grants were very well received. Many of the people I met with were satisfied with the government's response and felt that they were being looked after.

An issue raised with me was about the need for some sort of fund whereby agencies can allocate small

amounts of money to victims to buy necessary personal items, such as toiletries. I think that was a very good suggestion, and I have written to the Minister for Environment in the other place about that. If you are a victim of a bushfire, not being able to have a shower and refresh yourself personally adds to the indignity of the loss that you have experienced. As I said, I have taken up that issue with Minister Thwaites.

With the fires across the state later in January there were many more victims, and more than 100 emergency accommodation grants — about \$70 000 in total — were given out, helping more than 250 people purchase food and be provided with shelter and clothing. The government also announced — and I remember Minister Thwaites, who was Acting Premier at the time, making the announcement — after the Stawell fires that there would be made available immediate emergency grants of up to \$900 per family and major personal hardship grants of up to nearly \$22 000 to eligible households.

The government has given \$170 000 to three local government services, including the City of Greater Geelong, the Rural City of Ararat and the Grampians Community Health Centre. Many public information sessions have been held across the state in the bushfire-affected areas, and almost 4000 people have attended those sessions. They have been pivotal in providing information to affected communities and in making sure everyone knows what the situation is — what the fire hazard risk is, when they can return to their homes, what grants are available, and what assistance they are entitled to receive. We have also ensured that concessional loans are made available through the Rural Finance Corporation for those who have suffered a loss as a result of the fires.

I understand \$100 000 has been made available to farmers affected by the fires for the provision of emergency fodder and agistment. We have given \$1 million to the Country Fire Authority, to State Emergency Service units and lifesaving clubs to assist them to recover some of the costs incurred by them as a result of the fires.

The Premier has announced a ministerial task force to be chaired by the Treasurer. Its role will be similar to that of the task force formed after the fires in 2003. The task force comprises key Bracks government ministers including the Deputy Premier, the Minister for Agriculture, the Minister for Police and Emergency Services, the Minister for Gaming and the Minister for Community Services in the other place, and the Minister for Local Government. They have been given

the task of working in consultation with and to develop a package for the fire-affected communities.

The task force is in the process of visiting all the bushfire-affected areas. Minister Brumby visited areas in Gippsland during the Australia Day weekend. The ministers were in Anakie on Monday, and Minister Brumby is heading up to the Grampians today to visit communities affected by the bushfires there.

This ministerial task force has strict terms of reference. I would like to outline those terms of reference for the benefit of members. Its job is to: undertake local assessments to determine the impacts of fires on the economy, environment, infrastructure and communities in country Victoria; work with Tourism Victoria and local operators to identify ways to assist industry; determine whether existing government programs and projects can be fast-tracked to boost confidence in the affected regions; assess the need for any immediate additional short-term programs to assist communities and individuals recover from the fires; recommend to cabinet a range of medium and long-term policy initiatives to restore growth opportunities and local confidence; and liaise and work with business, local government and media organisations to focus the recovery efforts in the region.

As I said, on Monday Ministers Broad, Cameron and Holding visited Anakie. There they met with community members: those who had lost their homes, those who are concerned about the future of the township, the need to restore confidence in people who live there and work with the City of Greater Geelong. On Monday Minister Broad announced some additional assistance in relation to the local neighbourhood house which was a pivotal organisation to the Anakie community at the height of the fires there. She announced that the Anakie and District Community Group neighbourhood house would receive an additional \$4000 grant. She said in her press release on Monday:

This extra funding will be used to reimburse the Anakie and District Community Group neighbourhood house that did so much during the bushfire period, effectively becoming the local emergency relief headquarters.

That is good news, but it does not preclude any further assistance which will come from the ministerial task force.

We have had an incredible situation in our state: there has been an extremely high fire risk and incredibly hot days. On Sunday, 22 January, the temperature rose to about 43 degrees Celsius. It was an absolutely unbearable day across the state. I could see the Anakie

fires from my home in Geelong. All of us felt a sense of foreboding as we saw the great plumes of smoke on the horizon that were starting to engulf or envelop Geelong. The next day we woke up and found ash on our gardens and cars, which was a very stark reminder to the people of suburban Geelong that members of our community had fought very hard against strong fires in the previous 24 hours. It was a chilling reminder for people in urban Geelong.

There was an incredibly focused effort by our emergency services, including the Country Fire Authority, the police, the Metropolitan Fire Brigade, our fantastic departmental staff from the Department of Sustainability and Environment, the Department of Primary Industries and Parks Victoria staff to suppress the fires. Unlike the earlier alpine fires which were horrendous but were in a finite and limited area of this state, this time we had the incredible situation of fires breaking out all over the state. I praise the efforts of everyone involved from our community and government staff and volunteers who worked together to suppress the fires.

There have been many lessons borne from the 2003 alpine fires and the subsequent Victorian bushfire inquiry which was headed by Victoria's emergency services commissioner, Bruce Esplin. The government was very pleased to accept Mr Esplin's recommendations from that inquiry. The response to the January fires shows the benefit of the work undertaken since Mr Esplin conducted his review of the 2003 fires.

I have already mentioned the 774 ABC Melbourne radio broadcast. One of Mr Esplin's recommendations was that the public broadcaster be used to provide information to all communities across the state. I again pay tribute to 774 because it completely abandoned its coverage of the cricket and other elite sporting activities that were going on that day because by comparison, they were not important. What was important was the fact that our state was in a cindery situation. It utilised its service for public benefit. I congratulate it for that.

Over the last three years, since the alpine fires, the government has allocated extra resources to its firefighting services. DSE has been allocated \$168 million extra over four years to boost and augment its capability to attack fires when they occur.

We have an extra 90 full-time permanent firefighters on staff already, and by 2007, next year, we will have in place an additional 200 permanent firefighters. We are making sure that we have the capacity staff wise to respond appropriately to any fire event. Over \$7 million

of new firefighting equipment has been given to the Department of Sustainability and Environment, and an extra \$10 million has been allocated to upgrade high priority fire access tracks across the state. Over \$1.5 million extra has been allocated for maintenance of those tracks.

This morning we heard the opposition, through the contribution of the Leader of the Opposition, the Honourable Philip Davis, raise questions in relation to fuel reduction burning. I listened very carefully to what Mr Davis had to say. He pretty much based his argument around the premise — the false premise, I might add — that not enough fuel reduction burning has been taking place.

One of the recommendations of the Esplin review was that more fuel reduction burning needs to take place across the state. The government has taken that recommendation extremely seriously and has implemented it. Significant levels of fuel reduction burning have taken place across our state over the last three years.

Last year we increased the number of controlled burns across the state to more than 127 000 hectares. The opposition chose to point out at the time that it was very much a fuel reduction burn that got out of control and caused the fire at Wilsons Prom, so wherever possible we have been doing as much as we can to dramatically reduce vegetation through the process of fuel reduction burns. More controlled burning took place in both 2004 and 2005 than in any of the previous seven years, so we have dramatically increased the number of fuel reduction burns that have taken place.

There has been a rise of 158 per cent in the hectares covered by fuel reduction burns by DSE. In 2002–03 about 50 000 hectares were burnt in controlled burns by DSE. In the 2004–05 year that rose to 118 000 hectares, so whenever we can we have been conducting fuel reduction burns systemically across the state.

Of course you cannot fuel reduction burn every day of the year, and it is ridiculous to suggest that you can. We have to make sure that we manage the risk. We cannot conduct a fuel reduction burn if there is a chance of a fuel reduction burn getting out of control. We like to as much as possible make sure that the conditions are optimal for a fuel reduction burn. Fuel reduction burns can only take place when the weather conditions are appropriate — when it is not going to be a day of high temperatures and when there are not going to be high winds. We obviously cannot conduct them if it is raining, so much of winter is out, and we must make

sure that the fuel characteristics combine to create suitable conditions.

Yesterday I had the unpleasant experience of hearing Mr Davis on ABC radio beating the drum, trying to make out that fuel reduction burns were not taking place. I love the odd adage, 'Don't ruin a good story with the truth', but Mr Davis ought to look at the evidence. More fuel reduction burns have taken place in the last two years than in the previous seven years. The rise in fuel reduction burning has been 158 per cent. I had much pleasure in responding to Mr Davis on radio yesterday and refuting the political stunt he was trying to generate some interest in across the state.

An honourable member interjected.

Ms CARBINES — It is not that Mr Davis. It is the other one. It is brown Mr Davis I am talking about.

An honourable member interjected.

Ms CARBINES — You will not get an argument from me about that. It is inappropriate for Mr Davis to criticise — let us be careful here, because we have had an emergency situation in the state where people have lost their lives, homes have been lost, an incredible head of stock has been lost and fencing has been lost — to be out there trying to score cheap political shots when he has not looked at the facts, because any examination of the facts will show there have been plenty of fuel reduction burns taking place. We cannot allow fuel reduction burns to take place if there is a high risk of a burn getting out. We know what happens when the burn gets out. We saw that last year at Wilsons Promontory, so we are doing everything we can to systematically increase the level of fuel reduction burn across the state. The statistics bear evidence to that.

We took on board the fuel reduction burn argument from Commissioner Esplin's recommendations, and we have systematically increased the number of fuel reduction burns across the state. We have targets that we aim to meet, but sometimes it is not possible to meet those targets because of the weather conditions. I have already explained that you cannot conduct fuel reduction burns if it is a hot day, if it is a windy day or if it is raining.

Hon. J. A. Vogels interjected.

Ms CARBINES — Mr Vogels might not understand that, but there is not much point starting it if it is raining, so there is a problem there. Let us make sure we stick to the facts and not use an emergency situation in our state, where people have tragically lost

their lives, as an opportunity to make cheap political shots and to put on political stunts as Mr Davis tried to do yesterday.

I was a little disappointed to hear my good friend Mr Vogels on radio as well, making accusations about the Grampians fire. I heard reference made to Mr Vogels last week on the Jon Faine show. He had apparently rung in with some accusations. Again, it would be really good if he had checked the facts before he leapt to the wrong conclusion. I know that Mr Vogels really wants to do the right thing and I know he works well in his community — and I respect that; I have seen him in action — but I think he needs to make sure that he checks the facts before he makes accusations about there being some sort of demarcation dispute about who can put out a fire in a national park. That is not true. Whoever gets to the fire first can put the fire out. There is no demarcation dispute there. Mr Vogels claimed that there was an incredible delay in the response to the Grampians fire when indeed DSE sent firefighters and equipment to that fire 15 minutes after the fire was reported.

Hon. J. A. Vogels interjected.

Ms CARBINES — Mr Vogels, you have to stick to the facts and try not to embarrass yourself like that again.

The ACTING PRESIDENT (Mr Smith) — Order! Through the Chair.

Ms CARBINES — It is an attempt to stir up a bit of trouble amongst communities that are grieving, and it is sad to see the opposition use grieving, fire-affected communities in a terribly sad attempt to promote itself. I am sure that if Mr Vogels thinks about it, he will think better about it next time. We have seen the opposition out there in the community attempting to play politics during a very sad time in our state where many communities have been affected by the fire, and it reflects badly on it.

This morning we have before us a motion which seeks to set up a select committee of this house to inquire into the bushfires. The government will not be supporting the motion, as I outlined right from the start. The usual practice will apply here. There is a standard internal review process which is undertaken by the Department of Sustainability and Environment and the Country Fire Authority after each fire. They do this to establish what lessons can be learnt and every opportunity that can be taken for improvement next time. This internal review process will take place inside the DSE and CFA following these fires.

I can remember the opposition putting up a motion up like this after the alpine fires three years ago. At least this time it had the courtesy to wait until the fires had finished before bringing the motion to the house. I remember that last time the fires were still raging and the opposition was attempting to denigrate the contribution our firefighters and volunteers had made by claiming they were not good enough or not up to it. At least it had the courtesy this time to wait until the fires were over. It is interesting, because a group of Liberal Party members of Parliament think they know more about fire response than the experts do. They think they can get to the bottom of what went on better than the experts.

Hon. J. M. Madden — They should put out their own bushfires.

Ms CARBINES — The minister makes an interesting point. There are more bushfires on the opposition backbench than out in the community.

We have gone to the expert, to the emergency services commissioner, Mr Bruce Esplin, who has advised that there is no need for a formal public review as is being proposed by the opposition this morning. Mr Esplin has committed to personally reviewing the responses of both the DSE and the CFA to the fires that have taken place so far this year. Mr Esplin, as all members know, is the emergency services commissioner in this state. He is held in extremely high regard. He is an expert in his field and is renowned internationally. He says there is no need for a formal public review of these fires. He will undertake a personal review of the response of both the DSE and the CFA. We have an international expert giving that advice, and we have the opposition saying it knows more than he does — that they are a bunch of members of Parliament who know a lot more about it and want to get to the bottom of it. How ridiculous! That is why we are rejecting this motion.

Mr Esplin has advised there is no need for a formal public review. He will take responsibility for reviewing the responses of the DSE and CFA. Normal internal and multi-agency debriefs will be utilised to establish what lessons can be learnt and what opportunities exist for improvement, and to assess the impact of changes since the Victorian bushfire inquiry took place. We have received expert advice that no formal public inquiry is needed. We are taking Mr Esplin's advice and not that of the opposition this morning, which really wants to utilise the bushfires — sadly we have seen this already in our community over the last few weeks — as an opportunity to promote itself across the state. That is a sad reflection on the opposition. We are not supporting the motion before us.

In the last month or so our state has experienced extremely high temperatures. An incendiary situation has existed across the state. We have seen 450 bushfires burning at one time. It has been an incredibly difficult situation for our emergency services, including our CFA volunteers, to be in, yet again they have risen to the occasion and put their own lives at risk. Let us not forget that every one of them has put their own life at risk to help the community. We know there has been an incredible improvement in communication and a coordinated response, which was a recommendation of the Esplin inquiry, and we have been pleased to see that in place. I was pleased to hear even the Honourable Philip Davis acknowledge that this morning. There has been an incredible response and as the government we are now responding to the needs of the communities that have been affected. We did that immediately. In January the then Acting Premier, Mr Thwaites, and many other ministers visited the fire-affected communities.

The Premier has now announced a ministerial task force under the leadership of the Treasurer and the Minister for State and Regional Development, the Honourable John Brumby, which is out visiting all of the fire-affected communities and has a charter of looking at ways in which we can help each and every one of those communities and the individuals in them to get back on their feet. I look forward to the outcome of Mr Brumby's task force. Some of his highly esteemed colleagues are on that task force, and I know they will do an excellent job. The opposition wants to set up a tin-pot inquiry conducted by itself, contrary to the advice of the state's emergency services commissioner, Mr Bruce Esplin, who says there is no need for such an inquiry.

I am pleased to have spoken this morning on behalf of the government. I pay tribute once again to every member of the Country Fire Authority, our other emergency services and the staff of the Department of Primary Industries and the Department of Sustainability and Environment, who have worked so hard to fight these fires. I pay tribute to the those who have looked after the members of their community who have been tragically affected, and I pay tribute to the three young men who lost their lives as a result of this fire. I look forward to hearing the contributions of other members of the house in this debate.

Hon. P. R. HALL (Gippsland) — The Nationals welcome the opportunity to participate in the debate on such an important issue. It is our view that this debate will serve essentially three purposes. The first is to express our condolences to those families who have lost members in the fires. It will also serve as an opportunity

to acknowledge the excellent work undertaken by those who have prepared for and responded to the fires. It will give us an opportunity to put in place a bipartisan process to independently review the fires of January 2006 and determine what lessons have been learnt from them.

I will talk a little more about the review process later in my contribution and particularly respond to some of the comments of Ms Carbines, who in her final comments described this as a tin-pot review exercise. I suggest this is far from that. Certainly the Liberals and The Nationals are serious in their intent to determine the best outcomes and best lessons we can learn from the horrific experiences parts of country Victoria have endured during January 2006.

The first purpose is to express our condolences to the families of those who have lost family members in the fires. I particularly refer to Country Fire Authority (CFA) captain Trevor Day of the Campbells Creek brigade, who tragically lost his life fighting the Kinglake fire. I know Trevor Day's family personally, having been born and having grown up in Castlemaine. Trevor was highly respected in that community, as is his family. It was no surprise to see such a magnificent turn-out to acknowledge Trevor's contribution to his community, particularly the CFA, and to share with his family their sorrow at the loss of his life. The Nationals extend sincere condolences to his family. We also extend sincere condolences to the family of Malcolm Wilson and his 12-year-old son, Zeke, who were tragically lost trying to flee the fire. It is pretty tough for that family and their community, but they are in the hearts of Nationals members.

Let me move to the second purpose of this motion — that is, an opportunity to acknowledge the excellent work undertaken by those who were responding to the fires. In particular I wish to comment on the Moondarra fire that occurred in part of my electorate. Much has been made of the Grampians fires by the Leader of the Opposition and the lead government speaker. I want to put on the record some facts about the second-biggest fire which occurred during January and the early part of February, the Moondarra fire.

The Moondarra fire started on the evening of Thursday, 19 January, and continued for almost two weeks until it was officially declared contained on Wednesday, 1 February. However, as the Honourable Philip Davis has already indicated, the fire is not out. Even after that period of time there is a potential danger of the fire reigniting. It is still smouldering, and in some of the more remote areas there is still a significant danger of reignition, particularly on days of high fire danger such

as we are experiencing today, so vigilance is still being exercised. It has been determined that this fire was deliberately lit. Although the culprits have not been caught it has been suggested that they could well have been disenchanting campers who were asked to leave where they were camping in the Moondarra State Park on Thursday, 19 January.

From a Gippslander's point of view it is hard to think of a worse crime than the deliberate lighting of a major bushfire which has such an impact on so many people and potentially puts so many lives at risk. People are demanding strong action, and rightly so. Parliament should consider whether the penalties for those who deliberately light fires are adequate. My colleague the Honourable Bill Baxter has suggested that on days of high fire danger we should take extra precautions to make sure fires are not spread and that a ban on smoking outdoors on total fire ban days might be considered. That is not a silly suggestion by any means. I think that is a worthwhile debate that we need to have in our community. We need to take the utmost care to ensure that fires are not caused, particularly on days of total fire bans.

The fire was deliberately lit and burnt, as did the Grampians fire, on some days when the conditions were horrific. On Sunday, 22 January, we experienced temperatures in the order of 42 to 43 degrees right across the state. On Australia Day, 26 January, we had temperatures in excess of 40 degrees accompanied by very strong northerly winds. The Moondarra fire burnt 15 211 hectares, the majority being public land. As I said yesterday in my members statement, thankfully it was able to be contained largely to public land. There was some private land around its margins and some private plantations were damaged, but in the greater part it was contained on public land, so the amount of personal loss was nowhere near as severe as that experienced in some of the other fires around the state, particularly the Grampians fire.

The resources used in fighting the Moondarra fire included, at its peak, 500 personnel on site involved in direct fire suppression work. There were at times 8 aircraft in use — a mix of fixed-wing and rotary aircraft — and 20 bulldozers, some of which were owned by the department and some of which were seconded from the timber industry. I point out that part of the condition of the former timber licences was that timber contractors were required to make available their machinery to assist with fighting fires. They do so willingly, and it is not acknowledged often enough that there are people other than the Country Fire Authority volunteers, such as those from the timber industry, who put their lives at risk in combating fires.

While visiting the incident control centre I heard of an incident where the fire had gone over the top of a bulldozer operator. He was very critical of the fact that he had not been given sufficient warning. As it happened there was no damage, but he certainly fled his vehicle. To have a fire roar over the top of you when you are in a bulldozer, which is a piece of machinery that does not move very quickly, must be an horrific experience. People like that put their lives at risk and willingly use their machinery to the betterment of the firefighting effort.

Seventy-five firefighting appliances were in use at any one time in fighting the fire. As well as local volunteers and the professional firefighters of the Department of Sustainability and Environment (DSE) and Parks Victoria, 60 people come down from New South Wales to assist. We also had a similar number from Tasmania, along with some vehicles, who assisted in fighting the fires. That was most appreciated.

Throughout the time of the fire in the order of 30 community meetings were held. They were well received and provided some timely advice to people in the local community about the dangers of the fire, what the prospects were, what the thoughts and the plans were, and what they needed to be prepared for. Again, I think the department did a great job in organising those community meetings.

I also mention that at various times the incident controllers at each of the fires readily made themselves available to the media. I will talk a bit about the role of the media shortly, but suffice it to say that the fact that the incident controller was able to make himself available to the media virtually on the hour was a godsend to those people living in the path of the fire. They were able to be kept abreast, straight from horse's mouth, if you like, as to exactly what was happening in terms of the fire.

I also point out, as has been mentioned by others, that in Gippsland we had a lot of other fires besides the Moondarra fire during that period, particularly on Friday, 27 January, when we had severe outbreaks at places like Cann River and around other parts of East Gippsland. Lightning strikes caused a number of other fires. Despite the fact that the department and the volunteers were heavily involved in combating the Moondarra fire, they were still able to do a magnificent job and suppress those fires in East Gippsland. Their first attack was magnificent, and it prevented those fires from extending. There was a lot of pressure during that two-week period and overall the efforts to combat those fires have been excellent.

The last thing is that although all the statistics have not been compiled, the Moondarra fire was limited in the amount of personal property damage caused. It is expected that there was in the order of 20 kilometres of fencing, some private plantations and a few outbuildings lost, but that does not compare with the enormous loss of personal property and stock losses incurred by others in other parts of the state, particularly in the Grampians.

I report that the communities of Moondarra, Erica, Rawson, and Yallourn North were most at risk. For that two-week period there were consistent warnings given to those communities that were under frequent ember attacks on different days. The good work of property owners played a most significant role in ensuring there was no major public property loss. The communities of Tyers, Tanjil South, Walhalla, Glengarry and Toongabbie were also under threat at various times during the course of the fire, and public community meetings were held in those towns throughout the fire period.

I mention the work of the incident control centre. It was originally at Rawson but very quickly moved to Traralgon when it was seen that having an incident control centre in such close proximity to the fire was not appropriate. I visited the incident control centre on two occasions and on a third occasion I sat through a planning meeting. It was insightful for me to learn what was being done.

I also make the observation that a lot of lessons were learnt from the 2003 inquiry conducted by Bruce Esplin, the emergency services commissioner. The various authorities worked together better, it was a much smoother transition, and local knowledge was employed in fighting this fire. A number of lessons from the 2003 fires assisted the response to the Moondarra fires. To see about 30 or so people from various agencies — from the Department of Sustainability and Environment, Parks Victoria, the Country Fire Authority, Victoria Police, VicRoads, ambulance services, the State Emergency Service and others — in an incident control centre was very helpful to me in understanding the tremendous logistical effort it takes to actually combat a fire.

Late one Friday afternoon I also sat through a planning session where the fire controllers worked out the plans for the weekend. In a room they put their ideas on a table, looked at the latest weather forecasts, received reports from the fire front as to what was being controlled and what efforts were being made, and then made decisions for the weekend ahead. Full credit to those men who were involved in the planning session. I

was most impressed with the professional decision-making ability they exercised during that meeting. I thank them for giving me the opportunity to sit in on that planning meeting.

On a number of occasions I have also visited the municipal emergency coordination centre. One of those was established in Traralgon where it undertook some logistical tasks such as getting meals out to people and providing shopping opportunities for people who were caught in the fire area because it was not safe to travel between their main shopping centres and their location. The municipal emergency coordination centre was very helpful in assisting with some of those tasks. A refuge centre was also established in Newborough where at times people sought refuge when they decided to leave their properties.

The turning point for this fire was on 27 January when we had a dump of rain on that Friday evening, which was a godsend. It was preceded by some fairly strong winds which concerned me. The wind was strong enough that at one stage I actually witnessed a boom railway crossing being blown over in Trafalgar, not far from the fires. My heart went to my mouth knowing that these winds were heading in the direction of the Moondarra fire. Fortunately that wind was brief, it was followed by some very solid rain which, as I said, was the turning point. It enabled firefighters to gain some level of control over parts of the fire. Cooler weather over the weekend and some lesser rain also helped to control that fire.

By Tuesday, 31 January, I could safely visit that area, which I did. I took the opportunity to visit a number of people who had had fires burn all around them. I know the Treasurer, John Brumby, had been there on Sunday. Those roads were not publicly open. I did not want to make a nuisance of myself by asking for a particular escort to go into the fire area, but I understand and respect the role of the Treasurer. That was appropriate, but it was not appropriate for me to be there until it was safe for me to travel on some of those major roads. On 31 January I travelled from Moe to Erica, on to Rawson and then down to Tyers. I met with people, inspected their properties and I also met with the department's people at Rawson.

As I said yesterday, I congratulate private property owners for the way in which they prepared themselves for the fire. On some of the properties I visited the preparation was immaculate. I cite for example Laurie and Bob Shearer, who have about 60 acres on the Tyers River where they grow hazelnuts on the river flat. Their property is surrounded on all sides by state forest. To get into their property you had to go through tracks that

had been burnt out by fires. Trees that had fallen across the road had subsequently been cleared. You could see that the fire had stopped right on the boundary of their property — trees had fallen over the road into their property — but because, as the experts would tell them, they had kept the grass mowed and green on their side of the fence, the fire did not damage a single hazelnut tree in their various orchards, their house or the outbuildings. It was a credit to them.

They had well established years ago a sprinkler system which was set up to keep the grass green, and they also had a sprinkler system on the roof of their house et cetera and had cleared away rubbish. Therefore, to their great credit, their preparation proved to be successful, and they did not suffer any property loss. Over the two-week period there was a lot of anxiety, which affects people's health, but they did not suffer any property loss. One of the things that Laurie Shearer said to me was, 'This is what enabled us to survive. Here, you take it and tell them that this is what people need to read and do'. She handed me a booklet published by the CFA, entitled *Living in the Bush*. It is a workbook for establishing your bushfire survival plan. She made the comment to me, 'If the government used this book to prepare its property for fire in the same way we do, then we probably wouldn't have these fires in the first place'. She is probably right there.

The government says it is fine and gloats about how well we can respond to fires, but the key to success is preparation. It is easier to prepare to prevent fires than allow them to occur and have to respond to them. That is in part what this motion is all about: ensuring that preparation for the fire is done. We can have as many resources as we can have to respond to fires but invariably that will be a difficult task. Preparation is the key to limiting property and ecological damage from fires. That is what this motion refers to. That was an insightful comment from both Laurie and Bob, and I thank them for allowing me to visit their property.

I also spent some time with Ted Elswyk, who runs the general store at Erica, where he has a post office and bakery. That was a pretty popular spot on Tuesday morning too. I spent probably an hour there, talking to various people and listening to their comments as they came to collect their mail or provisions. Again, in their comments they were grateful for the work of the volunteers and the department in assisting them in protecting their properties, but there were some scathing comments about preparation, lack of fuel reduction burning and lack of track maintenance, which is something that has not been mentioned. I know that that was a significant impediment to fighting those fires, particularly, I read, in the Grampians — that

tracks had not been maintained and that inhibited the firefighters in getting access to fight the fires. Preparation does not involve just fuel reduction burning but a whole range of other things including track maintenance.

One of the things mentioned to me by both Ted Elswyk and the local publican who came up to me and had a good chat was that they consider that Erica is likely to miss out on part of the fire recovery process. They made that observation because it was on the Sunday, only two days prior, that Treasurer Brumby, as chair of the ministerial task force, visited the area and would not allow one representative of the Erica community into the meeting. Representatives from Walhalla were there talking about the necessity of providing dollars to promote tourism to come back to the Walhalla area after the fire, which is important, but the Erica representatives wanted to make sure that Erica will not miss out. It should equally benefit from any promotional funds to assist with increasing tourism.

The Erica representatives were very disappointed that they were not allowed to be part of the group of people who spoke to the Treasurer when he was there on Sunday. Obviously the Treasurer had a busy day and could not speak to everyone, but I consider that an oversight. I am pleased that it was mentioned to the lower house member for Narracan, Ian Maxfield, in my presence at the general store, so I am sure that message will get through.

It was suggested that one way the government could really help the Erica community would be to upgrade the local caravan park, which is on state government land and is managed by the Baw Baw shire. That would be a tangible way the state government could assist the Erica community. I thank all those people who spoke to me at the store, and I particularly thank Ted Elswyk for having a chat there. As people were being asked to do, I spent my \$10 on buying coffees and buns, trying to get the local community going by putting in a few dollars to refresh myself and patronise the businesses there.

After that I met with Department of Sustainability and Environment staff at Rawson. Only earlier that morning, when I checked with DSE whether it was safe for me to travel in that area, I learnt that they had organised a bus trip in the area for various people. They included local government officials, members of the West Gippsland Catchment Management Authority, Gippsland Water and a number of others. It is disappointing that no notice was given to opposition MPs that that was to take place, because certainly when I rang DSE officers early in the morning they said, 'We've got a bus leaving Traralgon at 9.30; you're

more than welcome to come and join us'. I wish they had told me the day before. That is typical of this government, which seems not to mention to opposition MPs that such things are happening. I do not put any blame on the local departmental people, they are very courteous and most accommodating. The government should make sure that opposition MPs are included. The local MP, Ian Maxfield, did know about it and joined the party at Rawson, but because of other commitments I was unable to do so.

As I said yesterday, I thank local residents and congratulate them on their preparedness. I also thank the staff of DSE and Parks Victoria for their effort — I have said that in passing in my comments today. I particularly thank the CFA volunteers. Members must remember that they are the people who are not paid any money to do that. They leave their work to help out their fellow man in times of need, and they did so magnificently in the Moondarra exercise. Not only local CFA brigades but brigades from all over Gippsland — the Mornington Peninsula, South Gippsland and East Gippsland — all came with the aim of assisting with the Moondarra fire.

There is no greater sight than to see coming down the highway a stream of CFA vehicles with their lights flashing, rushing down to help in a time of need. I thank them sincerely for that. I noticed a report in the *Latrobe Valley Express* of last Thursday, 2 February, that volunteers were overwhelmed by support. There was also a large number of letters from people thanking volunteers. One volunteer from Bruthen in East Gippsland, Geoff Stanton, wrote how encouraging it was to see the local people out there cheering them on as they raced to the fire and putting up signs saying, 'Thanks for your help', as they went to the fire. That shows an expression of the gratitude felt by people to others coming to assist them in their time of need.

I have mentioned the interstate firefighters, who were terrific. The timber industry provided a lot of resources which are essential in fighting fires. Organisations like VicRoads, the State Emergency Service, Red Cross, police, councils, Rural Ambulance Victoria and even St John Ambulance also assisted. Sometimes we do not understand the full extent of volunteering, but even St John Ambulance people were there helping. I noted, again in the *Latrobe Valley Express*, that St John Ambulance outlined its contribution to fighting the fires. It had officers and a vehicle at the assembly mustering points for both the CFA and emergency services personnel, and they attended 103 separate incidents of assisting people who had damage, injuries or burns from the fire. They also play a significant role but sometimes they are not mentioned.

Finally on my list of thank-yous is the ABC. I endorse the remarks that have been made by both the Leader of the Opposition and Ms Carbines. It was a recommendation from the Esplin inquiry in 2003 that the ABC become the official communicator. I point out and put on the record that the then National Party's submission to that inquiry made that recommendation — I am sure others did too. Before the government was thinking of it we said that that was the way it should go. We were particularly persuaded to that point of view by the excellent effort by the local ABC during the Gippsland and north-east fires in 2003.

While 774 did not provide any direct commentary — it had news broadcasts — throughout the 2003 fires local radio, Gippsland ABC 828 and, in the north-east, 106.5, provided live continuous commentary and the important message service to the people who were affected by those fires. In other words, local regional ABC has been doing that for some time. I am pleased that 774 has come on board. Like Ms Carbines I listened through Sunday, 22 January, and was captured by the news reports about what was going on. I am pleased that it forsook the international cricket and Australian Open tennis that evening to provide continuous coverage of the situation with the fires across Victoria. It did an excellent job and should be encouraged to continue in that role.

I have spoken about the incident control centres and their importance in the fires; I need not go through that again.

Overall there will always be some criticism, but it is my view that the response to the Moondarra fire in particular was exceptional. But there are always things that could be improved, and no doubt people out there will have some thoughts, views and experiences they will want to express. They must be given the opportunity to do so. Of course the Department of Sustainability and Environment will have its own review of the fire, and I commend it for that. I have learnt from my local officers that they intend to get out as soon as possible and go back to community meetings, to talk about the experience and learn about ways in which their response could be improved.

But a lot of people out there still want some independence in the review process. Yes, to some extent the emergency services commissioner provides that, but still I think people want someone independent to conduct that review. I think the Parliament is an appropriate body. Ms Carbines says that would be inappropriate because she says MPs believe they know more than the experts. But that is not the case. I do not think any of us sit here and suggest we know more than

the experts. It is the same as sitting on a parliamentary committee. I am on the Education and Training Committee but I am no expert on it. The same thing applies to members of the Environment and Natural Resources Committee or the Public Accounts and Estimates Committee. We are not all experts — we are not all accountants or economic gurus — but we can still provide important and valuable advice to the Parliament and the government of the day.

The government accepts parliamentary reports have some credibility. Equally you can accept that a select committee report will have the same credibility because members of Parliament are the facilitators and on a select committee they would provide a channel for people and experts to express views and make recommendations to the government. It would be far from a tin-pot inquiry. I know the people from the Grampians in particular are calling for an independent inquiry. In some quarters a judicial inquiry has been suggested, and that would be fine too, but obviously the opposition benches do not have the resources to command a judicial inquiry.

The next best thing is a parliamentary inquiry. That is possible and that is what this motion calls for. Certainly The Nationals are prepared to support that. I think it is inadequate for the government to suggest that it will not even entertain serious thoughts of it and rely totally on a DSE review. We could have a very substantial, important and worthwhile inquiry if this motion were agreed to. So many issues were raised out of the Moondarra fires, and even though the response was good minor issues, such as food regulations, frustrated people who had gone to a lot of effort to bake trays of cakes and so on for firefighters. They were told that the food could not be accepted because of new food regulations, and that food was wasted.

People were concerned that properties were left undefended by firefighting units and they want to know why; they want to express a view about that. Again I think it is important that they have that opportunity.

There is real concern about the bulldozing of fire breaks on private property. Also concern has been expressed that the fuel control lines in the Grampians had to be established on private property, and that some of the back-burning was undertaken on private property rather than in the park itself, apparently because of native vegetation reasons, which was also the excuse given for not clearing roadsides. These are ridiculous propositions and need to be examined thoroughly.

The equitable sharing of recovery efforts is another concern expressed by some of my constituents in Erica.

These are some matters that have already risen out of the Moondarra fire. I am sure many other issues will be raised about that and other fires.

I acknowledge the efforts of members of Parliament who represent those areas in doing what they could to assist. Regarding the Moondarra fire, I have spent as much time as I can communicating with people and the authorities, to do what I can in a limited way. I know that members representing the Grampians area in the upper house — the Honourable John Vogels and the Honourable David Koch — have done what they can, and I know my colleague in the lower house Hugh Delahunty has gone to extraordinary lengths to assist the people of his electorate of Lowan in responding to the fires. He has attended a number of community meetings and has already heard views expressed and had issues raised that need to be examined; he is forwarding those matters to the government. I am grateful for Hugh Delahunty's contribution in helping people in the Western District, as I am grateful for the work of upper house members I have mentioned.

I will conclude my comments by saying that the fire season is far from over. Just because we have had a few major fires in Victoria does not mean that we need to drop our guard. Today is only 8 February and there is a lot of summer left. The driest part is left and there is every possibility that parts of the state could be again ravaged by fires if we are not careful. The need for vigilance is ever paramount, and I urge everybody in this state to think carefully about the dangers of bushfire and to do everything they possibly can to prevent them occurring.

Again I welcome the opportunity to speak on this motion. Bushfires are an important topic that should be considered. The Nationals want to be part of the proposed inquiry, but we are very disappointed that the Labor Party is not coming on board. The people of country Victoria deserve greater respect.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to rise and make a contribution to this important debate and to oppose the motion moved by the opposition. Like previous speakers, I would like to take the opportunity to pass on my condolences to the families of the three individuals who died so tragically during the recent fires: Country Fire Authority (CFA) captain Trevor Day's family and the Wilson family for the tragic loss of a father and son, Malcolm and Zeke Wilson.

As previous speakers have done, including the Ms Carbines from the government and opposition members, I too take this opportunity to congratulate

those who fought the fires on having done a fantastic job. More than 10 000 CFA volunteers fought the bushfires in January. I also acknowledge two of my parliamentary colleagues in another place: the member for Narracan, Ian Maxfield, and the member for Yan Yean, Danielle Green. Both are members of their local CFA brigades and were part of the 10 000 CFA volunteers who fought the fires in their areas.

At the peak of the fires on 27 January more than 1600 employees fought the bushfires. That number included some 1379 firefighters from the Department of Sustainability and Environment (DSE) and Parks Victoria, and 297 interstate volunteers as well as additional staff from the CFA and the Department of Primary Industries. Firefighters from the Metropolitan Fire Brigade assisted by freeing up CFA firefighters to fight the fires. I congratulate all of them and acknowledge their magnificent contribution.

In terms of the equipment utilised to fight the fires, on 26 January in addition to the CFA resources as part of the firefighting effort DSE used 17 tankers, 89 slip-on units, 9 bulldozers and 37 tactical aircraft. This equipment was used to fight major fires, so it was a major effort.

There was a great deal of loss during the fires, and we certainly acknowledge that loss. We can talk about loss in terms of houses, livestock, fences and crops, but we can sometimes lose sight of what can be tragic and great loss in human terms. To lose your home and all your belongings is a dreadful tragedy for people to have to go through; it is not something you get over quickly, and that loss takes a long time to come to terms with.

We should also remember the loss of livelihood and income for farmers who lose their crops. They often face the terrible task of having to sort livestock to decide which ones need to be put down immediately and which ones need to be put aside for a few days before then deciding whether they should be killed. Dealing with sick and injured livestock carries with it a terrible human cost. People on the land are put in a dreadful position. More than 40 houses and 300 buildings were lost during the fires, and over 180 000 hectares burnt; more than 65 000 head of stock were killed and 2600 kilometres of fencing destroyed. Large numbers of wildlife were killed or injured during the fires. The community has to come to terms with those enormous losses.

I also take this opportunity briefly to congratulate and acknowledge the contribution made by Aradio station 774 ABC Melbourne towards keeping the community informed about what was going on. People in areas

affected by or under threat from bushfires were glued to their radios to ensure that they had the most up-to-date information. Information provided by radio was often used to determine whether or not people would leave their homes and what measures they needed to put in place if they were determined to stay and fight the fires.

Even more than that, the radio broadcasts kept the rest of the community informed about what was going on. The whole community knew in detail where the fires were at and how they were affecting various communities. That was very good because all of us were aware of the anxiety, tragedy and trauma that people were going through, and we were able to share, assist and support people as best we could during that time.

I lived for quite a long time in Toolangi, which is between Kinglake and Healesville. Kinglake was one of the areas affected by the fires. During the years my children attended the Kinglake kindergarten there were fires in the area; the kindergarten had to be evacuated and was under threat of being destroyed along with many other assets in the community. I was very much aware of people I knew well in the Kinglake, Toolangi and Glenburn area who were faced with deciding whether to leave their homes or stay and fight the fires. Bushfires are very traumatic events.

However, the Bracks government is ensuring that we give the necessary support to people who go through this very difficult time. In fact, to assist people we have put in place a whole range of things such as low-interest loans at concessional rates through the Rural Finance Corporation for primary producers and small businesses that have suffered loss or damage; an extra \$1 million for community safety emergency support programs, which will assist a whole range of groups; \$170 000 of emergency grants to local government and community health agencies; immediate emergency grants of up to \$900 per family, and personal hardship grants of up to \$21 000. We have also provided \$100 000 for transport costs associated with the provision of emergency fodder and other necessities to farmers affected by the fires.

This government has put in place a task force headed by the Treasurer. The task force comprises senior ministers who are going out and talking to people about their needs, so that those needs can be addressed. We want to ensure that people are looked after and supported following those tragic fires. We want to make sure they have the opportunity to come to the government and let it know what will best assist them. We will then be able to decide how to best go about providing them with the support and the assistance that

they might need — not only in the short term but also in the longer term.

On 30 July last year the Premier announced the establishment of the bushfire recovery ministerial task force. Members of this chamber have talked about forming a parliamentary committee, but the ministerial task force is made up of cabinet ministers including, as I said, the Treasurer who is also the Minister for State and Regional Development and who will chair the task force.

Other task force members include, from the other place, the Minister for Agriculture, Bob Cameron; the Minister for Police and Emergency Services, Tim Holding; the Minister for Tourism, John Pandazopoulos; the Minister for Environment, John Thwaites, and the Minister for Community Services, Sherryl Garbutt; and from this house, the Minister for Local Government, Ms Broad.

The ministerial task force is up and running and has been visiting bushfire-affected areas. The southern Grampians, the Kinglake area, Anakie and South Gippsland have already been visited. The task force has already held a range of meetings and forums. The plan is that it will report back quickly after its members have spoken to people. This initiative gives people an opportunity to speak to the most senior level of government about the impacts the bushfires have had on them, their businesses and their farms. The task force will look at ways that will best assist individuals, businesses and the community as a whole to deal with the aftermath of these bushfires. The government wants the best possible strategies for the future.

The government has provided extra resources to enable firefighting services to work well. In 2004 the government provided an extra \$168 million over four years to the Department of Sustainability and Environment (DSE). Protective burns have increased to over 127 000 hectares last year with more protective burning taking place in both 2004 and 2005 than in the previous seven years. Some criticism has been levelled about protective burning, but it has been increased to a significant level. DSE has employed an extra 90 permanent full-time firefighters, and this will increase to an extra 200 by June 2007. DSE has gained over \$7.5 million in new equipment, including many bulldozers and aviation and communications equipment. That is a very significant increase in funding.

I take up the issue raised by Mr Hall about fire access tracks. An extra \$10 million is being spent between 2004 and 2007 to upgrade high-priority fire access

tracks, plus \$1.6 million extra each year on the ongoing maintenance of those tracks. The government has been working on this. It has improved the situation significantly and intends to improve it even more in the future.

In closing I again congratulate all those involved in the firefighting effort. It was a mammoth effort, and they all did a terrific job. I again congratulate and acknowledge the job done by radio station 774 ABC Melbourne in assisting not only the community generally but specifically those people in the fire-affected areas. The motion moved by the opposition is not a good motion and does not deserve the support of this chamber. I will be opposing it, and I urge my parliamentary colleagues to join with me in supporting what the government is doing, particularly in relation to the task force, and not supporting the motion.

Hon. J. A. VOGELS (Western) — I support the motion moved by the Honourable Philip Davis calling for a select committee of six members to inquire into and report on all factors that led to the 2006 bushfires in Victoria. The government should support the motion, if it has nothing to fear. I am sure the Department of Sustainability and Environment (DSE) and Parks Victoria would support the motion because they would also like to have an independent inquiry, not a closed-shop inquiry, so that anybody could raise issues.

I made statements about my bushfire observations. As soon as they were made public I was under ember attack, firstly, by the Premier on the ABC program with Jon Faine. Ms Carbines said that I rang Jon Faine. I did not ring Jon Faine. He rang me and asked me to comment on what I had said. I knew then I was under ember attack. Soon after the Premier had finished commenting on the Jon Faine show the department heads of DSE and Parks Victoria gave me a clip around the ears, I suppose you could call it, but I can handle that because I am a big boy and it does not worry me.

However, I take offence at the comments of the Minister for Local Government yesterday and Ms Carbines today saying that I did not support the volunteer firefighters. It is outrageous for either of them to say that because I have done no such thing. I have applauded the volunteers. I live in country Victoria and know how dangerous it can be when there is a bushfire. I fully support them. In my observations I said that in very difficult circumstances DSE and Parks Victoria personnel also do an excellent job but that they are hamstrung by the red tape and regulation imposed upon them by the Bracks government. To say that I was attacking the volunteer firefighters, DSE and Parks

Victoria is outrageous. The people in western Victoria will not accept that either.

I first want to talk about the Stawell fire. Mr Koch, the member for South-West Coast in the other place, Denis Napthine, the next member for Ripon, Vic Dunn, and I visited the Stawell fires that occurred on New Year's Eve. Those fires devastated about 7500 hectares and were very well handled by personnel from the emergency services, DSE, Parks Victoria and local government. There was very little criticism about the Stawell fire. It was very well fought on a hot 40 degree day. The only criticism we heard was when the Deputy Premier, John Thwaites, flew in — or blew in — and promised \$21 000 to anyone who lost a house and \$900 per adult and \$450 per child or something similar. Stawell people were very angry when they found out that it did not mean you got \$21 000 at all; it meant that if you were not insured or were on the dole you got \$21 000 and if your house was insured or underinsured you were not eligible. Of the owners of all the houses lost at Stawell only a few people were eligible. The people who lost houses were disappointed, and rightly so.

Next I wish to talk about the Tyrendarra fire, which started on 19 January. I do not intend to spend my time on what Parks Victoria or DSE told me, because the local volunteers, local farmers and others told me what really happened. The Tyrendarra fire started on 19 January at about 6 00 p.m. as the result of a lightning strike. I want to give the reports I will mention to the emergency services commissioner, Bruce Esplin. I do not want to name the people who rang my office and told me what happened because a few of them have said they fear retribution if I name names. I hope that Bruce Esplin will talk to these people to verify that what they have said is accurate or not accurate. The only way to do it is through an independent inquiry.

The Tyrendarra fire started on Thursday, 19 January. Lightning struck on the property of a neighbour of the person who rang me. He said:

This fire got away because DSE (parks) would not allow graders in to move stones.

If you know that area you will know it is very rocky and stony. The fire was very well contained. By 11.00 p.m. on the Thursday night the fire was basically out and was under control. Bulldozers were brought in to form a containment line around where the fire had burnt so that if the hot weather that was predicted to come through on the weekend did eventuate, the fire would be controlled. That is what these people tell me. It is not just one person, it is people who have lived there forever and who are very well known. The

volunteers on the fire brigade said to me that, first of all, the driver of the bulldozer that was brought in was told, 'Yes, we are going to start a containment line'.

But members should remember that this is very rocky terrain. You have a rock sitting on top of another rock and you cannot touch it because it is a heritage rock. They had to have five Kooris walking in front of the bulldozer. I do not have an issue with that, but although this was a total fire ban day there had to be a Koori observer for every fire truck. On many occasions I would say, 'So what, let us go along with all that', but that is eventually what cost the Tyrendarra fire effort. They were not allowed to put in a containment line to suppress the fire. The fire was basically out and fully controlled, and the people who were fighting it are fuming because after 11 hours, at 10 o'clock the next morning, it broke out again. It got away and then roared across the Princes Highway. It went through Tyrendarra and would have burnt another 3 miles out to sea! That is absolutely ludicrous. These are the things I want Bruce Esplin to look at. It is not what the Department of Sustainability and Environment or Parks Victoria down there are telling me that I want investigated, it is what the local volunteers are telling me.

I now turn to the Grampians fire. The Honourable David Koch, the Leader of the Opposition in the other place, Robert Doyle; the member for Scoresby in the other place, Kim Wells; the Liberal candidate for Ripon, Vic Dunn and I went to the Grampians region. We received briefings from Ararat Rural City Council and the Northern Grampians Shire Council. We went to the municipal emergency coordinator centre, which is brilliantly run by Matt Wood, a police officer in Ararat, and met with personnel from DSE, the Country Fire Authority (CFA), and the Victorian Farmers Federation (VFF). We also went to the incident control centre at Hall's Gap and again spoke to many property owners. We were told — the department denies this now and says I do not know what I am talking about — by the group officer for the CFA in charge of that area that there was a lightning strike in the Grampians at 1.30 p.m. on the Thursday. We were told that it is reported in the incident control log book or whatever the CFA uses, but he said, 'I cannot give it to you; you will have to seek it under freedom of information'. We know that will take months.

I have since spoken to Graeme Boatman, who runs Stawell Aviation and is a spotter over the area. He said so me, 'John, I was up there for 2½ hours on the Thursday and I can tell you that I did not see or report a lightning strike on any tree in the Grampians at that stage'. I believe what he said, but there is another report which says there was. Perhaps someone was flying

along in a private plane and reported a lightning strike. I do not know. How do we get to the bottom of it? I do not know. I would like to get to the bottom of it.

Hon. David Koch — Through an inquiry.

Hon. J. A. VOGELS — Through an inquiry! We also know that on the Thursday evening there were 20 lightning strikes — that is what is recorded — in the Grampians. The DSE told me that the first report it got was at 7.30 a.m. on the Friday morning and that it instantly flew into action. Then I got other information. I have a copy of a DSE report, which probably fell off the back of a truck — I do not know, but I have one — which says:

A DSE crew of six firefighters, a tanker and two slip-ons —
four-wheel-drives —

... were dispatched within 15 minutes —

of the fire being reported. In a newspaper article Mr Voigt from the DSE basically said that the times were the same and that within 15 minutes they had six fire tankers and a considerable team of people going up to fight the fire. Now there is a fair bit of difference between six firefighters and six tankers et cetera. They found it very hard to get to the seat of the fire, which I can completely understand because of the dense bushland and so on, and one of the reasons is that we do not keep up maintenance on our fire access tracks.

What I now need to say about the Grampians fire is outrageous. I want to repeat this story. A person was called in with a tanker to spray water at the Victoria Valley airstrip when the planes came in to fight the fires. He said to me that he arrived at 1.00 p.m. with his truck of water to suppress dust for the planes that were coming in to help fight the fires on the Friday. There was a plane there at 1.00 p.m., but the pilot took an hour for lunch. Instead of flying over the fires — which, as you can imagine, were out of control — he had an hour for lunch. Then he filled up with retardant and took off. Then two helicopters arrived. The pilots refused to fly because they had to refuel with hand pumps. They refused to fly unless a tanker was brought in with a proper pump to fill up their helicopters so they did not have to pump by hand, which probably takes 5 minutes. These things need to be investigated. The same person told me that on the afternoon of the Friday before the hot weekend planes sat on the Victoria Valley airfield for 6 hours not flying. I want these things verified. I could go on. I have a list here as long as my arm.

Another person I really want to mention is a guy who has been a CFA firefighter for 50 years and is a group captain. He said to me that the Mount Lubra fires, which finished up causing all the damage, could have been put out on the Friday if they had been allowed in with the bulldozer to put in containment tracks, but they were not allowed to do that. This guy, who is a divisional commander, has been in the CFA for 50 years and knows the area backwards. The DSE was told that when the fire came out of the Grampians it would come through the Victoria Gap, but because of reports it had from the weather bureau that the winds were going to turn this way or that way it said, 'No, it will not come, it will come out over there'. It put all its efforts somewhere else, and of course the fire came through Victoria Gap because of the topography of that country.

Those are the issues that I want investigated. These things will not be found out through an in-house committee of the Bracks government. We want an independent inquiry made up of members of this house to really suss this out. I will send off all of these call sheets I have to Bruce Esplin, which I hope he will take up and investigate. I have many call sheets, and I would like him to speak to all these people involved individually to verify what they have told me. I support the motion before the house.

Hon. DAVID KOCH (Western) — I certainly want to make a contribution. The motion before the Chair is terribly important, and I enthusiastically recommend that all in this house support it.

I believe a bipartisan select committee should be given the opportunity to investigate the issues which have been raised this morning. Many of the matters which have been raised with my colleague Mr Vogels have certainly been raised with me. In my opinion those matters are grounds enough for some sort of an inquiry, preferably a bipartisan parliamentary select committee, which would give us the opportunity to investigate further some of the situations related to fire that we believe may be improved before the next emergency situation.

I would like to share in and support the condolences that have been expressed in the house this morning, especially to the family of Trevor Day, the captain of the Country Fire Authority at Campbells Creek, and the family and relatives of Malcolm Wilson and his 12-year-old son, Zeke, who regrettably lost their lives during these fires in that week in January. Over the 25-day period from New Years Eve 2005 through to the third week of January, Western Province probably

received a bigger battering than anywhere else in the state.

The Stawell fire has been well recounted here this morning. It was a terribly fast-moving fire. It moved through country areas taking out nine houses, many farm sheds, livestock, beehives and kilometres of fencing. That fire, which started north of the Western Highway, went across to Halls Gap Road in Stawell, then to Pomonal Road in Stawell, then into the Black Ranges when a wind change threatened the likes of Great Western, Armstrong and possibly Ararat in the aftermath. Fortunately that did not come to pass. The area received 40 millimetres of rain on New Year's Day which gave firefighters some relief and a chance to get on top of the fire.

Not only were the councils of Northern Grampians Shire and the Rural City of Ararat and all other agencies very effective in moving quickly with this fire, but the Ararat shire was confronted with the brunt of the storm which took place in the second week of January. People in Ararat lost house roofs during the storm in which hail the size of golf balls fell. Little did the people in the shire know that some 30 kilometres or 30 minutes south of Ararat at Lake Bolac the storm, which was a tornado at that stage, had cut a 200 metre swathe through that town and taken everything in its path. A new grain storage facility was absolutely flattened and there was \$1.5 million worth of damage. Many 80 to 100-year-old trees were uprooted and there was much damage suffered by the community at Lake Bolac. Little did the community know that there was an outbreak of fire in the Grampians at the same time as the council was cleaning up — and doing a wonderful job. Once the fire burnt out of the national park and Crown land it burnt through land belonging to ratepayers from the Ararat shire and to a lesser degree the Northern Grampians shire.

It could be said that the rural city of Ararat bore the brunt of this fire. The community had to come to grips with the significant load which was placed on it. I have no doubt whatsoever that those who are managing this situation not only have a serious workload in front of them which has to be completed with a small work force and with the assistance of outside contractors, but also they will need greater resources than this shire has the capacity to raise amongst its own rate base. I appreciate the government has sent a cheque for some \$55 000 to this municipality alone. To the best of my knowledge the Northern Grampians Shire Council has not been a recipient. Greater resources will be required as time goes on.

Importantly community recovery meetings have taken place across these fire areas, and I particularly speak of areas in my province. It was important for us to be represented amongst our community to assist wherever we could. In saying that, I was amazed by the people who approached me after these meetings on several occasions expressing their concern about fuel reduction, which in their eyes had not been taking place as it had historically. The strategic planning undertaken is no longer available. Historically there has been mosaic burning, when on an annual basis one burn would support another and over a 10 or 15-year period much of it was kept under control.

Another major concern was raised by local people. I received a letter from Lyn Harrison. The Harrison family members are long-time residents of Pomonal. Their orchard business there is no longer a viable situation because people are not able to get in and out. The family has done its harvest and has their goods for sale. Mrs Harrison left me in absolutely no doubt about her concerns about what has taken place with fuel reduction burning and, more particularly, fire tracks. I was interested to hear Ms Darveniza say that at the from 2004-05 the government was going to put much effort and resources into the management of these tracks and to further improve the opportunity to manage fire burns and give access. I have Mrs Harrison's correspondence, and I have other correspondence from in the newspapers, which other members would have read.

I have an article in which is published a letter from Bronwen Thomas of Glenburn entitled 'Authorities need to be responsible'. I do not have time to read this correspondence into *Hansard*. I have another article from the *Portland Observer* entitled 'Calls for fire tracks'. It is a story written by Jason Wallace. These people say openly that tracks are being deliberately closed. The tracks have had posts erected at the end of them or the agencies have seen fit to drop trees across them to restrict access.

I strongly believe it is important that some of these matters, including those two issues, must be attended to and corrected. The government must look at the fire insurance situation. Many land-holders, business owners and others have expressed concern at the way levies are added at the back of fire premium notices. The government would be remiss were it not to examine the situation and offer some relief to those who have been so badly affected during the recent fires and to reassure those who may well be affected the next time we have fires.

In closing, I was concerned about a lot of the comments made by Ms Carbines this morning. At this stage she, as Parliamentary Secretary for Environment, has not visited the Grampians, which is remiss of her. I assure members that Ms Carbines and her colleagues were not brave enough to go to the public recovery meeting at Anakie where people certainly sought support from the government, knowing full well that every seat in that area is held by the government, yet not one government member went down there and supported their communities — even the aspiring member for Lara, Mr Uren, did not attend that meeting when people affected by the fires sought support from their local members.

I applaud this motion. It is terribly important that an inquiry takes place, and I would urge members on the other side of the house and our national party colleagues to fully support the motion before the house.

Hon. S. M. NGUYEN (Melbourne West) — I would like to congratulate the government which has done good work in helping people who live in country Victoria. The government has done a lot to help the many people who suffered from not only the recent bushfires but those that occurred in the past.

This year has been difficult because the weather has been so hot, with temperatures of up to 46 degrees Celsius. As members know, it is easy to cause a fire on extremely hot days. The Victorian government has been working with the community and volunteers to make sure everyone is safe. It has tried to save as many houses as possible, with community support, which is why firefighters were successful in their battle against the fires. I congratulate all the volunteers, including members of the other place who as members of the community fought the recent fires.

Now that the fires are over we are talking about recovery and about helping those who suffered; we are looking to the future and helping the community get back to business. The government is committed to this. It has a program. We have many things to offer to the public.

The government has invited people to write to it about their problems. It is also, importantly, working with municipal councils to identify problems and allocate funding. For example, today a media release from the Acting Minister for Victorian Communities states that 21 small communities in the bushfire-affected areas of the Grampians, Kinglake and the Latrobe Valley have received a \$10 million allocation for community renewal and economic recovery. That is an example of the work being done by the government.

We have also announced support for a total of 19 community renewal projects across 102 small towns that will help people play a role in the revival of the communities. That funding will help the residents of those 102 small towns. We are also talking about four years of community funding initiatives for local project development, project delivery and staffing.

This funding is coming from A Fairer Victoria, the government's four-year plan to address disadvantage and create jobs and enhance life opportunities. That is important, because we are talking about recovery, about jobs and about life opportunities for the long-term good of the community. We do care.

Other projects will help communities in the Grampians, Kinglake and the Latrobe Valley — the three areas hardest hit or most strongly affected — rebuild following the recent bushfires. The government is also talking about, for example, building community centres and playgrounds. This funding will help small towns that were affected in the bushfires. It is also talking about \$3 million in funding for 19 projects focused around Terang, Mount Rouse, Portarlington, Lorne, Grantville, Bunyip, Orbost, the Latrobe Valley, Meredith, the Wimmera, Cobram, Kinglake, Buloke, Kerang, Inglewood, Whittlesea, Tooradin, Warburton and six small towns in the Alpine shire.

We are helping small towns recover. Those places are very attractive during winter as well as summer, and those communities are eager to invite people to visit the great parkland resources in those areas. These grants will help get business back to normal and help the life of the community go on so that people can get back to normal. That is what we are aiming for.

We will work in partnership with the small communities at the 19 principal locations to extend community renewal initiatives to 102 small towns. Each project will receive \$110 000 to \$380 000 over two years to involve many community members, and then another \$7 million in funding will be available for practical projects once they have been developed and for further facilitator costs. We are working with everyone, from young people to older people, talking about economic opportunities, skills development and better coordination. They are the projects. The government is committed and wants to bring communities together. We want to rebuild things lost and things that people consider are important for them.

Funding of \$3 million was allocated in the past to certain projects. That shows that the government cares. I believe we have done what we can to build the confidence of the people in small towns, especially

those affected by the bushfires. I would also like to congratulate all the volunteers for their help during the bushfires.

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

Hon. D. McL. DAVIS (East Yarra) — I am pleased to rise to make a contribution to this motion of the Honourable Philip Davis that seeks to establish a select committee to inquire into and report on all the factors that led to the 2006 bushfires in Victoria, in particular those in the Grampians and at Moondarra, to determine the level of severity of those fires and the countermeasures taken. This comprehensive motion seeks to establish a select committee that will get to the facts and issues that surround the government response to these terrible fires that have done so much damage to country Victoria and country Victorians.

I make the point at the outset that these fires have had a tremendous impact and we should not forget for one moment that lives have been lost, that property has been destroyed, that family livelihoods have been threatened. It is a very important task of the upper house of the Parliament of Victoria to get to the bottom of these issues and the facts of what has occurred. My heart goes out, as do the hearts of most Victorians, to those who have been directly affected. I can only indicate that this Parliament, and I would hope the Victorian government, will take every step as swiftly as possible to redress what can be redressed and assist where assistance can be provided quickly and practically.

My colleague the Honourable Philip Davis has outlined many of the issues; it is not my proposal at this point to run over them. I want to place on record the work undertaken by the thousands of Country Fire Authority volunteers and professionals and those people from the Department of Sustainability and Environment and Parks Victoria who have put their own lives on the line. The Country Fire Authority in particular is of great importance to country Victoria and it is important to mark in this contribution today the work volunteers have done across the state. Country Victoria has come together as one to try to manage the impact and big reconstruction process. What I saw in country Victoria in a number of locations, not just the Grampians but also at Kinglake, is indicative of that community spirit and determination of country people to fight back.

The cohesion of the response by media outlets is also important. The ABC made a huge contribution in keeping people informed and building that important community spirit. I also pay tribute to Geoff Handbury

and his team at Ace radio which had a very extensive coverage of the bushfires across country Victoria. They deserve great respect for the work they put in.

In the short time I have remaining in which to make this contribution, I want to place on record a couple of points. There is a history to this. The Auditor-General made significant recommendations in 2003. The Esplin inquiry that followed the 2003 fires also made important recommendations as to how fires ought to be handled and managed in Victoria and how preparatory work should be undertaken to prevent fires wherever possible. I am not sure the government and its agencies have fully heeded those important warnings from the opposition and community groups and from those significant inquiries which have grounded their recommendations in facts and powerful evidence.

In making these comments it is also important to put on record that fire has a long history in Victoria. We should not believe for one moment that we will forever banish through management the risks of fire and the impact on the community. The aim more is to mitigate, manage and ensure that the impacts on country communities are minimised, as well as the impacts on parks and on our great vegetation and animals. One aspect of this inquiry which is very important is to get to the bottom of the effectiveness of management in our great national parks. I thank the minister and Parks Victoria staff who made our briefing and examination of the fire zone in the Grampians possible. I am very thankful because it provided me with significant evidence to understand my new portfolio. It left me with the impression that whilst much was done, there may well have been more that could have been done. This inquiry would get to the bottom of those matters. Upper house members on an all-party basis would be able to get to the facts of the issues in an honest, open and transparent way.

I also wish to make some other points. The presence of fire is a longstanding issue. Indeed there are colonial reports from the 1850s of great fires across country Victoria. We need not imagine that these things have not been there before. But there does seem to be a quickening of the pace. I draw the house's attention to the need to examine amongst other things the impact of the greenhouse effect on temperatures in Victoria. I draw the house's attention to the data released in January by the Honourable Greg Hunt, the federal Parliamentary Secretary for the Environment and Heritage, which shows a significant rise in temperatures across Australia over this century. It is a significant rise that fits much too comfortably and perhaps frighteningly with the issues that surround the greenhouse effect. One thing this inquiry could look at

is an understanding of that lift in temperatures and the change in rainfall patterns and the impact that is likely to have across country Victoria in the future.

I place on record the fact that we need to begin to seriously grapple with those greenhouse issues in Victoria. I do not believe this government has done that as yet. Indeed I believe it has made some seriously retrograde decisions in recent times that cause me great concern. That is just one aspect of those. The deeper aspects this inquiry could get to are those issues of appropriate prior management and burning in the parks. This government has not managed parks in the way it should have. It has not put the resources and financial wherewithal behind Parks Victoria in the way it should have. I know that is a significant issue for many in the environment movement and many in country Victoria — those with properties that abut parks and those who use parks. This inquiry would be one step to redress those issues.

Hon. D. K. DRUM (North Western) — I take this opportunity to join with my upper house colleagues in passing on my condolences to the families of those who have lost loved ones in the fires. I know the Campbells Creek community was shocked and rocked by the death of Trevor Day. He was well supported by the community as seen by fact that over 1000 people gathered in the Campbells Creek community centre to attend his funeral. They spoke glowingly of a man who was truly committed not only to his family but also to his community. Unlike the Honourable Peter Hall, who knows the family, I do not know the family, but I truly hope his children grow up to understand that their father died while in fact serving the people of Victoria. The vast majority of Victorians look on our Country Fire Authority (CFA) volunteers as true heroes in the way they go about looking after other peoples' property. I pass on my sympathy and condolences to that family.

We must also remember the Wilson family who lost Malcolm and Zeke in the Grampians fire. I share with my colleagues in expressing my thoughts to those two families.

The fires that have raged through the state this year have dredged up an awful lot of memories from two and a half to three years ago. We really need to look at the processes that are put in place. We understand that Parks Victoria and the Department of Sustainability and Environment (DSE) look after the public land fires and have jurisdiction over fires that originate on those properties. The private land fires are serviced by the CFA and everyone in the chamber acknowledges what

a tremendous job it does. Its members really are our true heroes when it comes to fighting fires.

We understand that with this set of fires the communication between the Department of Sustainability and Environment and the Country Fire Authority has improved, particularly among the people who represent the CFA on the ground, the guys fighting the fires at the fire front. While their relationship and communication with their superiors and the people representing the DSE has improved, I still believe from the correspondence we have had and from talking to people that this is still the area where the greatest level of improvement could take place. While we are trying to go over the issues and debrief each other about the firefighting efforts, this is the area in which the greatest level of improvement is needed — in the coordination of the firefighting. There is a genuine belief out there that the DSE is not able to — —

Hon. E. G. Stoney — On a point of order, President, I notice Mr Drum is struggling to make his contribution. I know he is short of time, and I think the house should show more respect.

The PRESIDENT — Order! There is no point of order, but I ask members to desist from conversation.

Hon. D. K. DRUM — It is off-putting when people do not care about the point in question.

There is a genuine belief in the community and not just within the CFA or among the people who had to fight the fires that the DSE was unable to carry out enough fuel reduction burns or cool burning. The reason is, as Ms Carbines mentioned in her contribution, that the window of opportunity that exists is extremely narrow before the winter rains make everything too damp to burn. What the government has to do, and this is where it fails us all terribly, is increase resources for that small window of opportunity. Year after year we hear that the DSE is reaching only a very small percentage of its target area of fuel reduction and cool burns.

Only last year did the DSE come anywhere near its target. That occurred not through the improvement of management processes, better techniques, better resources, a more aggressive campaign or anything like that. It was simply lucky with there being a long break before the winter rains came. Effectively last year instead of the department having two weeks to do fuel reduction burns it had about six weeks where there was no longer a serious fire threat. Winter had set in but the rains had not come and therefore the department was able to continue with its fuel reduction burns for about

six weeks. The government needs to understand that if it is going to make a difference with its practices it will have to dramatically increase the resources it puts into the forests and public land in a very small window of opportunity. Sometimes it is only two weeks and the government has to make every post a winner in that short time if it is not to increase the risk to our CFA firefighters and its own people in the DSE. If it is going to diminish the risk in fighting fires it has to increase its effort on the fuel reduction burns in autumn and spring.

We talked to the landowners and the others affected by losses associated with the bushfires. Whilst they had some concerns about the way the fires had been fought, their main concerns were purely about what the practice had been before the fires and what the actions of the government would be to look after the people by offering some relief and putting recovery measures in place. It is on that issue that the government will be judged in relation to these fires. Is it able to back up its talk — the spin — that it cares about what is going on and deliver assistance packages to people who have lost their fencing and stock and are underinsured? Is it going out there to actively seek to help people or is it simply going to put it out there while it is a topical issue and then let it slip by? That is what happened after the 2002–03 fires. The government said an enormous amount about what it would do but effectively the vast majority of the relief money that was announced was left unspent. The government made it so hard for people to qualify for assistance that a large proportion of those funds did not get out to the people they were meant for.

Obviously the government has learnt from its pathetic efforts after the 2002–03 fires, because this year it was much more visible. After the previous fires the government was practically invisible, and we had heard nothing from the ministers while the fires were raging. There was a half-hearted attempt to put some recovery and assistance packages together, and we were quite critical of the government. After the fires of 2002–03 we were hoping that the government would acknowledge that it got a few things wrong, that it was distant and did not have a handle on the respective agencies and how they coordinated with each other. We expected the government to acknowledge that there were some shortcomings in the way it approached the fighting of the fires and the provision of relief packages, that it had not quite thought about how it was going to deal with the numbers of farmers whose properties bordered public land and were therefore facing fencing damage and so forth. But we got none of that from the government. The government did not accept that it needed to improve at all. It just came out

and stonewalled every attempt to put things in place so that it would not happen again.

While I am on this theme of the government acknowledging its shortcomings and putting in place some measures to improve future firefighting efforts, a Mr Edgar Didjurgies from Traralgon has referred me to an article published in a March 2003 edition of the *Herald Sun*. It is about a plan to use a water-bombing plane that is capable of dropping 40 000 litres in 15 seconds. That Russian-built plane has had enormous success in fighting fires overseas. Victoria could lease that plane for \$1.6 million for three months. When you consider that the cost of fighting a fire in Victoria is in the vicinity of \$2 million a day, yet the Russian plane's water-bombing capacity is hundreds of times more efficient than Elvis, the helicopter Victoria brings from overseas and uses here, this plane could make a significant difference to our fighting of bushfires for a relatively small amount of money.

This proposal was flagged after the 2002–03 fires. The question that needs to be asked by this chamber is: 'What happened to the plan?'. What happened to the idea of bringing in a giant fire bomber that could practically extinguish a lot of fires before they even took grip? From conversations we have heard about, and following the contributions from the Honourables John Vogels and David Koch, who talked about the delay in getting the first firefighting forces into the Grampians fire, there is evidence to suggest that maybe with the help of the Russian-built giant water-bombing plane those delays could have been reduced and that possibly the fire may well have been extinguished right from the start.

It is understood that the government has learnt from experience and hopefully it will improve its response. The motion calling for an independent body to look into the investigation is sound and extremely fair. The government again shows it is not prepared to be open, accountable and honest. It is not prepared to have independent auditors go through its operations to see whether it did everything it possibly could and whether our preparation for firefighting and for the fire season is as good as it can possibly be.

This government will be judged in the aftermath of these fires by how genuine it is in its attempts to offer assistance. Whilst its reactions and assistance packages after the last fires were very poor, we certainly hope it has learnt its lesson and will try to assist those people who genuinely need it.

Hon. PHILIP DAVIS (Gippsland) — I will be brief and simply ask that honourable members support the

opposition's motion to establish a select committee to inquire into the 2006 bushfires. I will not reiterate in substance any of the points that have been made other than to summarise, and say I think there has been a measure of goodwill in the chamber in acknowledging the best endeavours of the individuals involved in fire suppression over the summer months. There is agreement across the parties about what a tragedy these events have been.

I am disappointed enormously in the attitude of the government, in particular the Parliamentary Secretary for Environment who expressed such a negative view about the need for an open and transparent inquiry process. As usual, the member spent her time attempting to vilify the opposition, rather than addressing the question. The reality is that the opposition is here to represent the people of Victoria in the same way as government members are — to ensure there are proper policy outcomes and importantly, that those policy outcomes are delivered by a competent administration.

A parliamentary secretary as a responsible person in the administration of government in this state has a serious duty to observe reality. If the person I am referring to thinks it is reasonable to come in here and essentially slag off at members of the opposition and the endeavours of the opposition to raise an important issue, and in fact politicise something that should be well above politics — —

Honourable members interjecting.

Hon. PHILIP DAVIS — People have died, property has been lost and the behaviour of the Parliamentary Secretary for Environment is consistent with the disgraceful behaviour she shows on nearly every occasion. I ask members of the house to reconsider their positions and not follow the lead of somebody who has abrogated the duty and responsibility of her high office to protect the interests of Victorian community members. Fire is a serious business, and I do not believe the parliamentary secretary takes it seriously at all.

Further to the point, I would be surprised if anybody thinks a closed-door inquiry by politicians who happen to be members of the government cabinet task force would be objective or is going to produce anything but media spin consistent with the approach we have seen, including the shamefully wasteful expenditure of taxpayer funds in public advertising over recent months. We know that, consistent with the review done by Bruce Esplin, the review done by the federal parliamentary House of Representatives committee and

the Department of Sustainability and Environment's own inquiries following the 2003 fires, there is a consistent pattern of failure on the part of the government and its agencies to properly discharge obligations in regard to fuel reduction burning, as was evidenced in the 2003 report of the Auditor-General.

There is absolutely no question that issues raised by most of the members who spoke in this debate, in particular those on the opposition side of the house — and I include The Nationals — require further investigation. The next death by fire in country Victoria will not be excused by the failure of this house to investigate properly further measures to remedy the risks there are in relation to bushfires in Victoria. I suggest Ms Carbines should understand that she will be held to account, just as the rest of the government will be held to account in the future.

House divided on motion:

Ayes, 20

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

Noes, 22

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

Motion negated.

Sitting suspended 1.13 p.m. until 2.14 p.m.

QUESTIONS WITHOUT NOTICE

Commonwealth Games: athletes village

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Commonwealth Games. On 4 November 2004 the minister answered a question without notice about cost overruns on the Commonwealth Games village. In answering that

question the minister indicated that the only variations related to minor soil contamination works. Why did the minister fail to disclose that he had just signed off variations to the village which cost an extra \$52 million?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's interest in all things Commonwealth Games and in particular the village, because it is one of the hallmark facilities for the games. I was there this morning, and it looks absolutely magnificent. Those members of the chamber who visited the village recently — as recently as this week — would appreciate what a spectacular facility it is.

We have always said that we have had to upgrade the facility to bring it up to scratch, but as I have always said, the additional costs for the village were the \$4 million that we allocated for site contamination works. It is worth appreciating that the revaluation of the land has allowed us to invest in that facility and provide the best facilities of any Commonwealth Games ever. I am pleased that this will be the best athletes village of any Commonwealth Games — and I believe of any Olympic Games as well. I am sure the athletes will endorse that.

I would like to compliment all the workers involved in delivering such a spectacular facility that will do us all proud. This has delivered not only 150 new dwellings, not only 40 per cent of additional open space that will be available to the public, not only a wetlands area, not only social housing, but also a refurbishment of the Queen Anne period buildings which were part of the former psychiatric centre. This is a spectacular outcome no matter which way you look at it.

I remind the opposition that the bid document, which the opposition was part of signing off and submitting to the Commonwealth Games Federation, would have seen the entire site cleared and single-storey dwellings built across it. We would not have had this spectacular result, the spectacular outcome that we were seeing in the village, delivered on time and on target in every possible way. I am pleased to stand up here and continue to endorse not only the village but also all those people who have delivered it. We see a world-class performance in every aspect of the Commonwealth Games.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I take the minister back to the question of the budget and ask why he provided documents to the Public

Accounts and Estimates Committee on 25 July 2005 indicating that the budget for the village had not changed from 2002 when in October 2004 he authorised increased expenditure of \$52.8 million.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — It is interesting that Mr Rich-Phillips should finally want to ask questions of this nature so late in the process. Mr Rich-Phillips has been on the Public Accounts and Estimates Committee for a long, long time. If he had scrutinised the paperwork and the revaluation of the land, he would have appreciated that the revaluation of the land has been publicly available on the state's books for more than two years. It has only come to his attention because he decided to read about it in the *Age* just before Christmas. All those answers were in line with the revaluation of the land. We would adhere to the budget, and because the land was revalued, that has been of great benefit to us. I suggest that it is very late in the process for the Honourable Gordon Rich-Phillips to finally decide that he is not happy with the village.

Commonwealth Games: Melbourne Cricket Ground

Mr SMITH (Chelsea) — My question is to the Minister for Commonwealth Games. Yesterday the minister provided the house with an update on the Melbourne Sports and Aquatic Centre and the athletes village. I congratulate him on the successful completion of those outstanding projects, and I am confident that athletes and spectators alike will be impressed. Given that the Melbourne Cricket Ground will be central to the successful delivery of the games as the venue for the opening and closing ceremonies, as well as the athletics events, I ask the minister to provide the house with an update of the preparedness of the MCG for the Commonwealth Games in March.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome Mr Smith's question, and I also note Mr Smith's great delight in attending sporting events, particularly those at the Melbourne Cricket Ground when his old Richmond Tigers can win an occasional game here and there!

The MCG is the pre-eminent stadium for sport in this country. Although I will not, one could even go so far as to say that it is probably the pre-eminent stadium in the world. Very few cities have such a fantastic stadium close to their hearts, particularly one that can hold 100 000 people.

This \$430 million project has been achieved because of the \$77 million contribution by the state government.

That money was needed to bridge the project and bring it all together. I also remind people that when we came to office the Melbourne Cricket Club, the Melbourne Cricket Ground Trust and the Australian Football League could not resolve the issues around bringing this funding together for the redevelopment of the MCG. As the minister I am very proud of having been able to get them around the table, put it out and bring the money together to deliver this project — and that includes the money this government has contributed to the project.

This spectacular stadium — the people's ground — not only will have been built for the Commonwealth Games, which is the biggest cultural and sporting spectacular in this country, but also it will have been built for Victorians to use well into the future. The people's ground will have been redeveloped to such an extent that the people will be able to enjoy it for the next 50 years.

It is worth appreciating that the stadium will hold in the order of 85 000 people during the Commonwealth Games but will hold 100 000 people when it is reconfigured after the games. When those people sit in that stadium at its peak capacity enjoying their football and cricket I hope they appreciate the fact that the entire stadium has been delivered by Labor governments. It is worth reminding the opposition of that: whether it is the Great Southern Stand, the light towers or the Great Northern Stand, every bit of the stadium has been delivered by Labor governments.

Given that it is coming together so beautifully, that the track looks absolutely magnificent and that the workers who have delivered it have done a spectacular job, I am looking forward not only to the day of the opening ceremony, when we will see a spectacular event delivered in the new stadium, but also the first day of the athletics — the first time athletics has returned to the MCG for a Commonwealth Games. When the stadium is at capacity on the Sunday when the first marathon runner enters the stadium, after having run around the city — —

Hon. D. K. Drum interjected.

Hon. J. M. MADDEN — I know Mr Drum has run a few marathons in his time. When the capacity crowd of 85 000 stands and gives an ovation to the leading marathon runner when he enters the stadium, the Labor members from this side of the chamber, no matter where they are watching the marathon — most likely at home on television — —

An honourable member interjected.

Hon. J. M. MADDEN — It is very likely they will be there.

The PRESIDENT — Order! The minister's time has expired.

Commonwealth Games: athletes village

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Commonwealth Games. Figures provided by the Office of Commonwealth Games Coordination to the Auditor-General indicate that the net cost of the games village, excluding social housing, is \$54.3 million. How does the minister reconcile this with his own claim to the Public Accounts and Estimates Committee last July that the cost was only \$35 million?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — The Commonwealth Games village is one of the hallmark facilities for the games, and I am particularly delighted with the way it has been delivered and completed. What is absolutely spectacular is, as I have said, that as well as delivering a village for the games and housing the 6000 athletes and officials at games time, it will deliver a brand-new suburb 4 kilometres from the city in West Parkville. As a component of that it will deliver social housing, restored heritage buildings and a wetlands development that will assist the environment in and around the zoo and parklands in and around that new suburb.

The development will also deliver environmental initiatives in energy-rated housing. These are benchmark issues. In every way that you stack up the Commonwealth Games village, it is a net win-win for the state. But in particular you only have to think of the work force that delivered the village — all those construction jobs and all those suppliers. I was down at the village last week to thank all the commercial providers who have assisted in delivering the village. Everyone had a sense of pride on that occasion, and so they should have been proud. They have done an absolutely spectacular job.

One of the great elements of the village is the fact that we have invested in environmental initiatives and in public housing. It is worth recalling that when in government the opposition's proposal for the site was for single-storey dwellings right across the site. It was going to raze the heritage buildings — that is, it was going to demolish them! It was not going to build a wetlands development into the project.

We have completed every one of those initiatives. Our figures absolutely stack up, and I am very proud that we

have delivered such a spectacular project. I know that opposition members find it very hard to criticise the village. They had a guided tour there early this week. There were compliments all around because it is spectacular, and so it should be. I know that they are only half-hearted when they ask these questions about the Commonwealth Games, because they know already that this will be the biggest and best event in the history of the state.

Hon. G. K. Rich-Phillips — On a point of order, President, relating to relevance and the minister being responsive to the question, the nature of the question related to the difference between figures provided to the Auditor-General and figures provided to the Public Accounts and Estimates Committee by the minister, and the minister has not addressed that issue at all.

The PRESIDENT — Order! When raising a point of order the member does not get to ask the question again. The member's point of order was whether the minister was being responsive to the question. The minister has 1 minute and 18 seconds to go of his allocated time, and I ask him to come to the point.

Hon. J. M. MADDEN — As I said, our figures stack up in every way. We have reported through the Public Accounts and Estimates Committee and the Parliament, and we have also reported, and will continue to do so, through the special purpose report. No matter how you look at them, these figures absolutely stack up. It is an absolutely spectacular result in every sense. I take great pride in it, and I will take great pride when we continue to report on every aspect of the games after the greatest event in Victoria's history.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — On the issue of the games village budget, does the minister stand by his claim that, with the exception of soil contamination expenses, the village is being delivered within the original budget?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I know that the Honourable Gordon Rich-Phillips has been sceptical of the village. If he had his way, we would have no village. We would have two very big boats, probably somewhere out in the South Pacific. They would be floating around and trying to make their way here for the Commonwealth Games. We would be biting our nails, worrying about whether the boats got here on time.

We know the opposition would have preferred a couple of cruisers to come in, moor themselves, put in

\$30 million in trunk infrastructure and then see all the jobs, all the benefits and all the legacy sail off into the sunset into the South Pacific. That is what it would have preferred. The only disappointing element of it is that the opposition was not on board. That is what it would have preferred, and that is what it is not getting.

Commonwealth Games: baton relay

Hon. R. G. MITCHELL (Central Highlands) — The Melbourne 2006 Commonwealth Games Queen's baton relay arrived in Australia last month and is making its way around the nation. I ask the minister to advise the house what action the Bracks government has taken to ensure Victorians have the opportunity to share in the excitement generated by the baton relay.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the member for his interest in the Commonwealth Games Queen's baton relay. I know that Mr Mitchell is very excited about the Commonwealth Games, as no doubt everybody else in the chamber is. The Queen's baton began its epic journey from Buckingham Palace on 14 March 2005 and will have travelled for one year and one day before it arrives at the Melbourne Cricket Ground (MCG). It is worth appreciating that this is the longest and most inclusive relay in any the history of any games. I am informed that even the Olympic torch only travels generally to the cities that have hosted games before. The Commonwealth Games baton has traditionally only travelled to at most half of the commonwealth nations.

This is the first time the baton will have travelled to every one of the 71 nations and territories of the commonwealth. The scenes in every one of those nations and territories, home to one third of the world's population, has been the same — enormous enthusiasm, enormous emotion and enormous goodwill not only for the games but for this country. It has been an outstanding success in the sense of being an ambassador for this country. That goodwill for the games has generated enormous goodwill for this country.

The baton arrived in Australia on 24 January and will visit more than 500 communities and be carried more than 21 500 kilometres by 3500 runners on 45 different modes of transport on its way to the MCG. Today I can inform the chamber that with 35 days to go until the games, the baton is making its way from Darwin to Newman in Western Australia.

One of the great things about the baton relay is that I understand 15 600 people were nominated to Telstra, the

presenting partner for the Queen's baton relay, for the 1925 community running places established by the 36 regional panels that independently assessed those nominations on their respective merits. That is complemented by the arrival of the baton next week close to Mildura as it crosses the South Australian–Victorian border. It is worth appreciating that the baton will travel through every local government area in this state, again showing the inclusiveness of the baton relay not only across the globe and this country but in particular this state. It gives me great pride to know that the baton will not be too far from anybody in this state who wants to see an unsung hero carry it.

The motto of the games is 'United by the moment'. Given the success of the baton relay in the lead-up to the games and its success as it travels through the 71 nations and territories, we will no doubt see its success as it travels through each of the local government areas, many of which are in rural and regional Victoria. I am sure Victorians will feel united by the moment when the baton arrives. As we look forward to the opening ceremony at the MCG, delivered by a Labor government, we can look forward to all being united by the moment.

Neighbourhood houses: funding

Hon. D. K. DRUM (North Western) — My question is directed to the Minister for Housing. There are presently over 30 community houses operating across Victoria that do not receive any recurrent funding for coordination purposes. When can these neighbourhood houses and the volunteers who run them expect the government to recognise them as registered neighbourhood houses so they will attract funding to facilitate their coordination?

Ms BROAD (Minister for Housing) — I welcome the question. It is actually relevant to me in my capacity as Minister for Local Government, the capacity in which I have responsibility for the neighbourhood house coordination funding program. I am very pleased to have that responsibility. I am also happy to respond in my other portfolio capacity.

I want to again take the opportunity to place on the record my thanks for all the terrific work that neighbourhood houses and community centres do across Victoria. I am sure that members on both sides of the house recognise that. It is in recognition of that terrific work that in the A Fairer Victoria package that was funded through the last budget by the Bracks government increased funding was made available to neighbourhood houses to assist with the facilities, equipment and services they provide. It will mean that

through that process funding will be provided to areas that do not currently have a neighbourhood house. I am also dealing with special circumstance applications from areas that have unfunded neighbourhood houses in the locality. Those matters are being examined, and I am sure all of that funding will be taken up.

Beyond that funding, which was allocated through A Fairer Victoria in the last budget by the Bracks government, I expect there will be further calls for funding to neighbourhood houses, particularly from growing communities but also from communities which have, if you like, the opposite set of challenges where they have declining populations. Neighbourhood houses do a terrific job in providing a whole range of supports to communities in meeting those sorts of challenges.

I expect that into the future neighbourhood houses will continue to be a priority for the Bracks government. Since the government was elected there has been a 60 per cent increase in funding to neighbourhood houses and community centres relative to the funding that was provided under the former Liberal-National Party government, and that is funding which was much needed. I recognise there is more to be done. The funding now going through the allocation process from A Fairer Victoria will certainly go some way to meeting the needs of communities and their neighbourhood houses, but I recognise there will be more to be done beyond that. That is a matter I look forward to working on in the future with neighbourhood houses. They have put forward further funding submissions. I know that many members of this house have received their funding submission and been lobbied about it. That is a matter which will be addressed through the normal budget processes.

Supplementary question

Hon. D. K. DRUM (North Western) — I thank the minister for her answer. While the government is sifting through the allocation process and looking at the special circumstances houses, will it be prepared to extend the public liability insurance policy that currently exists for the other 338 registered neighbourhood houses to the 30 that are not recognised, because that is the overarching expense that is making those neighbourhood houses drop services and courses and putting them under extreme financial distress?

Ms BROAD (Minister for Housing) — I am certainly aware that the matter of public liability insurance has been the subject of work between my department, the association and individual neighbourhood houses. I will examine where that work

is up to in terms of seeing how those matters have been addressed and resolved. But certainly my department has been very active in assisting neighbourhood houses, whatever their funding sources, to work through their public liability insurance issues.

Commonwealth Games: Respecting Indigenous Communities strategy

Hon. C. D. HIRSH (Silvan) — I have a question for the Minister for Aboriginal Affairs on a very important matter. Could the minister advise the house of any events planned for the Commonwealth Games that will showcase the many and varied talents of Victoria's indigenous communities during the biggest event in Victoria?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank Ms Hirsh for her question and obviously her knowledge of the many and varied attributes and talents of Victorian Aboriginal people, and for being keen to hear about the opportunities for those attributes to be showcased for all the visitors to the Commonwealth Games to see in all their glory.

I am pleased to say that my colleague the Minister for Commonwealth Games, the previous and current ministers for small business and I have embarked upon supporting a strategy chaired ably by Paralympian Kevin Coombs. He has chaired that great work, the Respecting Indigenous Communities strategy. It will culminate in the opening event with a fantastic contribution by members of the Victorian Aboriginal community, the first citizens of this state, as full participants.

But that is not the only demonstration of the connection of Aboriginal people to the games. A whole range of activities is coordinated under that strategy which will build on the business capacity of Aboriginal entrepreneurs and Aboriginal organisations to develop their products, their expertise, and their capacity to market products in years to come. There will be ongoing training opportunities that will be pitched to support that work. There will be a showcasing of Aboriginal art products, including bush tucker, and performances will take place in a prime venue. The Atrium at Federation Square will be dedicated to showcasing Aboriginal talent and products during the course of the games.

Through the entire period there will be a very strong showcase of Aboriginal capacity, talents and commercial entrepreneurialism within the state of Victoria. That will be accompanied by a range of performances which will take place at that venue and at

six other venues throughout the metropolitan area. The highlight of those will be free concerts by Aboriginal performers at the BMW Edge Theatre at Federation Square, which will showcase such great talents as Richard Frankland, Liz Cavanagh and the One Fire Dance Troup. A number of other performances will take place. There will be theatre performances, which will include Lou Bennett, rap artist Marikki Hood, the Maza sisters and Martin Pascoe. That is just an example of the great talent and great quality of artistic endeavour of Aboriginal people, and that will be showcased for all the visitors to the Commonwealth Games.

Many members of the Victorian community and businesses right throughout Australia will know of those great talents, and connections will be made to make sure that we build on a lasting legacy of the games to provide for the ongoing expression of artistic endeavour, but very importantly the business acumen and support for viable Aboriginal businesses in years to come. I think the whole Victorian community would unite to see a better economic future for Aboriginal people. The games will be an excellent opportunity to showcase that talent.

I congratulate those who have been involved in the Respecting Indigenous Communities strategy and look forward to the showcase and to the glory of the Aboriginal first citizens of Victoria coming into the opening ceremony. I hope that all Victorians can celebrate our rich cultural heritage as part of the games.

Commonwealth Games: athletes village

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Finance. In June 2004 the Department of Human Services (DHS) transferred the Commonwealth Games village site — —

Honourable members interjecting.

The PRESIDENT — Order! I am having difficulty hearing the question from the member. I ask members to desist — —

Hon. R. G. Mitchell interjected.

The PRESIDENT — Order! I ask Mr Mitchell to be quiet. Mr Rich-Phillips, to continue.

Hon. G. K. RICH-PHILLIPS — In June 2004 the Department of Human Services transferred the Commonwealth Games village site to the Department for Victorian Communities (DVC) for \$16.8 million, despite the Valuer-General valuing the site at \$46.6 million. The majority of this site was

subsequently transferred to the village developer at an impaired value of only \$11.8 million. These transfer valuations are inconsistent with the government's own revaluation of non-current physical assets policy of May 2002 which applied at the time. Did the Minister for Finance give an exemption to DHS and DVC to allow for these irregular valuations to be used?

Mr LENDERS (Minister for Finance) — I thank Mr Rich-Phillips for his question. I welcome his elevation to the opposition front bench and look forward to having an ongoing dialogue — —

An honourable member — He came down, actually.

Mr LENDERS — Whatever the term is, he has moved to the opposition front bench, and I look forward to an ongoing dialogue, hopefully in a more sophisticated manner than some of the previous dialogues we have had. I certainly hope he has got over his Commonwealth Securities fetish as well, which we have discussed in this chamber previously.

But on the issue of valuations and the Commonwealth Games village, I would have hoped that he would have listened a bit more to my colleague Mr Madden's response to this. As we well know, the Commonwealth Games is a fantastic team arrangement in which partnerships between the Victorian government, the Victorian community and businesses within government are being developed to get a fantastic outcome for this event. It will be the largest event in the history of this state and will be happening in Melbourne and the rest of Victoria in just 35 days. It is something that we will all cherish and remember, and enjoy participating in in various forms.

Mr Rich-Phillips asked some specific questions about valuations of the land and referred to a series of documents. I would certainly draw Mr Rich-Phillips's attention to the fact that the Auditor-General has looked at these matters and that they have been on the public record. I am absolutely confident and stand by the decisions of this government that we are optimising arrangements for a great partnership to deliver a village that will not only house athletes but will be an ongoing legacy — in Ms Romanes and Mr Jennings's electorate — for the community, and one that we can actually be proud of.

Quite frankly it is a far greater legacy than the wacky ships arrangement that Mr Rich-Phillips was attempting to pilot some time ago. All I can say about Mr Rich-Phillips's ships arrangement is that perhaps when Senator McGauran made that gesture — which

people erroneously thought was to the Labor Party but really was to his own colleagues in the federal Parliament — some time ago, he was responding to this policy proposal.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — It is always worth noting when the Minister for Finance avoids a question. The supplementary question is: will the minister assure the house that these transactions are consistent with his own directions to departments?

Mr LENDERS (Minister for Finance) — I would certainly think as a member of a government that empowered the Auditor-General to comment on government transactions and that made itself the most open and transparent government in the history of this state — to the extent that the *Australian Financial Review* of 16 January 2003 accused us of being too transparent — that Mr Rich-Phillips would take confidence from the Auditor-General's report and feel confident that the Public Accounts and Estimates Committee, on which he sits as a member, is under a much more independent stewardship than in the days when my good friend Mr Forwood chaired it. He was a member of the executive government beholden to Premier Kennett and was taking his instructions from him. It is a better regime, the Auditor-General has reported on it — and I think that is a very good response.

Commonwealth Games: Flinders Street overpass

Hon. J. G. HILTON (Western Port) — My question is for the Minister for Major Projects, Mr Lenders. Can the minister advise the house of the status of the Flinders Street overpass and the precinct's readiness for the biggest event in Victoria — the Commonwealth Games?

Mr LENDERS (Minister for Major Projects) — I thank Mr Hilton for his question. On this one I do not have a good response from the Auditor-General, but there is a very good response here from government. As Mr Hilton knows and the house knows, in 35 days the athletes will be parading on the Melbourne Cricket Ground for the start of the Commonwealth Games. As part of the preparation for that the Bracks government has chosen a number of major projects that will not only facilitate the games but will also leave a lasting legacy for the state of Victoria, assets this community can use and work on.

One of the outstanding issues we had to face was that very drab Bolte-era bridge known as the Flinders Street overpass. It was an unsightly part of Melbourne. I am sure that when it was designed in the 1960s it was seen as innovative, but clearly community and architectural standards, taste and the use of space have changed considerably since that time. That overpass was right in front of where the aquarium is located, and it was going to be where the athletes in the marathon were going to need to run.

I am sure every marathon athlete is a lot fitter than I am and would not have great trouble going over the Flinders Street overpass, but the fact that it has been removed will give them a clearer run. More significantly, it is a great example of how integrating the Commonwealth Games and the opportunities of the games fit with our vision for that part of the Melbourne central business district and for the state, how we can most appropriately use our physical assets and how we can prepare ourselves as a government and as part of a partnership to do that.

The opposition often runs the line that projects are over time and over budget. It often runs that line.

Hon. B. N. Atkinson — They are!

Mr LENDERS — Mr Atkinson says they are. I suggest Mr Atkinson should forget the forensic attributes of his colleagues, including the Honourable Gordon Rich-Phillips and others, and look at the Flinders Street overpass site. He will find that project is on time and on budget. When the athletes in the marathon run down that road, they will be fine.

The opposition also often mocks major projects. It forgets that on something like this — —

Hon. B. N. Atkinson interjected.

Mr LENDERS — I will happily engage Mr Atkinson by telling him about this particular project. It is but an example of what an active government can do in partnership with the community and by seizing opportunities.

I had delight in attending at the site with the Lord Mayor of Melbourne, John So, and Peter O'Brien, the managing director of the Melbourne Aquarium, when the overpass was finally torn down and the road opened up. Anybody who has not actually stood at the intersection should stand there and see the natural light coming in. They will also now see the opportunities for the aquarium to expand. The aquarium can now expand right to the edge of Flinders Street.

Hon. B. N. Atkinson interjected.

Mr LENDERS — Mr Atkinson likes talking the state down and does not wear his Victoria badge, but what he would find is that this is actually doing amazing things. The construction of an extra 2500 square metres after the Commonwealth Games will provide an extra 500 jobs at the time of construction — that is, 500 Victorians will get jobs from that project. Not only that, the extra 2500 square metres and expansion of the aquarium will mean a further 150 ongoing jobs.

This Labor government believes in collaboration with private sector partners. By using public sector leverage we can actually create jobs in Victoria. If we are serious about making this state a better place for our kids to live and a better place of opportunity, there is nothing better or more important to a Labor government than jobs and the opportunities their creation brings to people. That project has improved the city and our tourism opportunities, it has removed an eyesore, it will assist the staging of the Commonwealth Games and it will deliver more jobs. This revitalisation is a perfect example of the Bracks government's commitment to making Victoria a better place.

It is great having the Commonwealth Games in Melbourne. I greatly appreciate the support of my colleague Minister Madden in putting what will be a great Commonwealth Games in place and letting this project move ahead.

Commonwealth Games: volunteers

Hon. DAVID KOCH (Western) — I direct my question without notice to the Minister for Commonwealth Games. I refer to his recent announcement indicating that unsold Commonwealth Games tickets are now being made available to the 15 000 games volunteers free of charge. My question is: will the minister extend this offer and provide free unsold Commonwealth Games tickets to victims of the recent fires and the volunteers who courageously fought those disastrous fires?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the Honourable David Koch's question. I also appreciate the sentiment with which he asked the question in relation to the outstanding contribution made by volunteers in fighting the fires and on his sympathy shared for those who may have experienced the fires, lost property, had their property damaged and even experienced the loss of life.

Can I just reinforce that there are no free tickets to the games. I reinforce that: there are no free tickets. Any tickets that are made available in any particular way or in any complimentary form to volunteers come at an operational cost to Melbourne 2006. It is forgone revenue. It is worth appreciating that there are no free tickets. Let me reinforce that. Any of the hospitality that is part of the business program or used to entertain VIPs from overseas is about working to improve business in Victoria. I reinforce that there are no free tickets.

In line with similar practices at the Manchester games and the Sydney Olympic Games, where the opportunity presents itself we would be eager to allow volunteers to obtain complimentary tickets so we can reward them for their hard work. I also compliment my colleague, the Leader of the Government, Mr Lenders, because I know he has volunteered and is rostered on for a number of days at the games. I look forward to seeing him looking absolutely resplendent in his volunteer uniform. He might even be allowed by the President to wear it into the chamber in the lead-up to the Games.

Many of the volunteers who will work behind the scenes at the games may not see much of the action. They will be doing the hard work. They will be doing work in the depths of stadiums, around the car parks and on the streets. I have no doubt they will gain a lot of enjoyment when assisting Victorians, interstate and overseas visitors in giving them directions to the games.

That will be a hard task and sometimes it will be a thankless task. We would like to thank them by giving them the opportunity to access the athletics events — when the opportunity presents itself — or perhaps some of the games' activities by providing them with complimentary tickets. But I reinforce that there are no free tickets.

There are still opportunities for us to consider how we might formulate proposals regarding volunteers in any other fashion. No doubt we will give that consideration. We look forward to everyone being involved in the Commonwealth Games and acknowledge what will be an outstanding contribution by games volunteers, which will also reflect on the outstanding contribution of volunteers right across the community.

Supplementary question

Hon. DAVID KOCH (Western) — Given that there are more than 400 000 tickets remaining available, why will the minister not recognise the courage and efforts of volunteers who risk their lives to protect the homes and land and of Victorians and protect the environment by issuing more complimentary tickets to those people?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank Mr Koch for giving me another 30 seconds to talk on this question. It is worth appreciating that this is going to be a spectacular event, not just for Melbourne but for the entire state. As I mentioned before, the baton will travel through every local government area. We will see local community celebrations right across every local government area through Getting Involved activities. We have already had Warming Up for the Games Day. We will see sport in regional cities — games sport, games life sites and games cultural activities. This is good news right across the state.

We want to continue to encourage people to be involved by providing free public transport in the metropolitan area to relieve traffic and transport snarls and subsidised ticketing for V/Line users so they can come to the games for \$10 on any given day. We want to make this an event for all Victorians. We want to unite the state — the motto says ‘United by the moment’ — and we will continue to work at every opportunity to do that.

**Information and communications technology:
My Connected Community program**

Hon. S. M. NGUYEN (Melbourne West) — I refer my question to the Minister for Information and Communication Technology. Can the minister advise how the Bracks government is getting on with the job of connecting Victorian communities through improved access to the Internet, especially those disadvantaged Victorians who face difficulty in accessing and using it?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the member for his question. Technology and the Internet are certainly opening the world to everyone, but unfortunately if the issue of access is not addressed it will mean that not everyone will have that access. It took the Bracks Labor government to realise the need to ensure we have programs available to reach those who are most disadvantaged for any number of reasons, whether it be distance, disability or illness. We need to ensure not only that they have access to the Internet but that they know how to use it and, more importantly, that we are able to connect those communities. The program that we have in place to do that is My Connected Community.

At a time when the federal government has stopped funding programs around the digital divide the Victorian government has reiterated its commitment to meeting community needs to access the Internet. We are pleased to be able to be part of the *A Fairer Victoria*

statement, which recognises that this community cannot afford to have yet another dividing factor between the haves and the have-nots. I am pleased that we have been able to announce the fifth round of funding for the My Connected Community program. It is a very important ingredient in sustaining these communities.

The Deaf-Blind Association is actually using the Internet to provide support for its communities so they can converse and to provide them with the organisational ability to organise events to bring them together. I was very pleased to be present at the Deaf-Blind Association to announce that funding and to hear from them directly how having access to the Internet and access to each other as a shared community is so vitally important to them and their connectedness to the rest of society.

I believe it is very important to understand that this is not just about technology, it is about connecting communities. It is a great program, and it is giving the opportunity to over 3200 online groups through Victoria to connect to one another to make their lives more relevant and to support one another in times of need.

There are over 49 000 users under the My Connected Community program. Let me stress that this is really about accepting that new technology and the Internet are wonderful tools but that they can only be used by people who can afford them or who have the education and confidence to use them unless governments bridge the gap and are prepared to accept their responsibilities by making sure people have access. As I said at the beginning, it is a shame that the federal government has chosen to defund its digital divide programs and that it is no longer providing programs for those who are not able to access the Internet or, more importantly, who do not have the confidence to access the Internet.

We are proud to be one of those governments that have a commitment to a whole program based around technology, whether it be industry development, investment attraction or community access. We are providing a whole solution to the needs of our communities. I am very proud to have announced the recipients of round 5 funding under the My Connected Community program.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 5300,

5379, 5385, 5388–90, 5392–94, 5397, 5400, 5410, 5411, 5419–21, 5423, 5424, 5427, 5431, 5438, 5441, 5493–95, 5501, 5510, 5513, 5514, 5516, 5517, 5519–23, 5525, 5527, 5605–07, 5660, 5663, 5669, 5672–74, 5676–78, 5681, 5722, 5728, 5729, 5738, 5741, 5744, 5745, 5747, 5751, 5753, 5755, 5899–5901, 5903–05, 5907, 5908, 5916, 5919–29, 5960–62, 5964–69, 5977, 5980, 5984, 5986–88, 5992, 5994–6003, 6078, 6147, 6150, 6152, 6156, 6159–61, 6164, 6165, 6168–80, 6182, 6209–12, 6217, 6218, 6227, 6230–44.

LEGISLATION COMMITTEE

Establishment

Mr LENDERS (Minister for Finance) — I move:

That the sessional orders of the Council, adopted on 26 February 2003 and amended on 31 March 2004 and 22 March 2005, be further amended as follows:

1. After sessional order 41 insert:

LEGISLATION COMMITTEE

Establishment

42. The Council will appoint a Legislation Committee.

Function

43. The function of the committee is to consider in detail a bill or series of related bills referred to the committee by the Council and to report to the Council on the committee's consideration of the bill, which may include any recommendations for amendments to the bill(s).

Membership

44. (1) The committee will consist of six members, not being ministers, appointed by resolution of the Council. The membership of the committee must, so far as reasonably practicable, be proportional to party, minority group or independent membership in the Council.
- (2) A vacancy is to be filled —
 - (a) by an appointment under subclause (1) within two sitting days of the day on which the Council is made aware of the vacancy; or
 - (b) by an appointment made by the President when a vacancy occurs during a prorogation or adjournment of at least 12 days.

Chair and deputy chair to be elected

45. (1) Prior to the commencement of any other business, the committee will elect one of its

members to be the chair of the committee and one of its members to be deputy chair.

- (2) If the committee is unable to appoint a chair or deputy chair the committee will report that fact to the Council on the next sitting day for resolution by the Council.

Substitute members

46. (1) A member of the committee may be substituted by another member by leave of the committee.
- (2) The substitute member is a member of the committee for all purposes.
- (3) A substitution must be for the purpose of consideration of all or part of a specific bill or related bills, but a substitute member, by further leave, may be a substitute member in relation to one or more bills at the same time.
- (4) All members of the Council will be notified of a substitution.

Referral

47. At any time after the second reading and before the third reading stage the Council may, on motion without notice of any member, resolve that all or part of a bill or a series of related bills be referred to the committee. The time allowed for debate on such motion is as prescribed for procedural motions by sessional order 33(b).

Meetings

48. (1) The committee can meet during the sittings and adjournment of the Council.
- (2) Meetings of the committee at which a bill is considered will be open to the public as if the proceedings were a meeting of the Council.
- (3) All members of the Council will be notified of the days and times that the committee will meet to consider a bill.
- (4) Members of the Council who are not members of the committee may participate in the public proceedings of the committee, but will not vote, move any motion, or be counted for the purpose of a quorum.

Quorum

49. At any meeting three members of the committee will constitute a quorum and at least one government and one opposition member must be present.

Record of proceedings of committee

50. Minutes of proceedings must be taken of each meeting of the committee and must record the following:

- (a) the names of the members who attended each meeting;
- (b) every motion or amendment proposed and the name of its mover; and
- (c) the divisions and the names of the members voting for each side on a question, which must also be included in the committee's report to the Council.

Quorum or division in Council

51. If a quorum or division is called for in the Council while the committee is sitting, the meeting will be suspended until the quorum is formed or the division has concluded and members have had an opportunity to return to the meeting.

Procedure for consideration of a bill

52. (1) The committee must consider each bill in the following order:
- (a) clauses separately and in numerical order;
 - (b) proposed new clauses;
 - (c) the schedules separately and in numerical order;
 - (d) proposed new schedules;
 - (e) the preamble (if any);
 - (f) long title;
 - (g) short title.
- (2) The provisions of standing orders 12.14, 12.15, 12.18 and 12.21 apply to the committee's consideration of a bill.
- (3) The minister, minister representing or such other persons nominated by the minister or member in charge of the bill may give evidence to the committee.
- (4) The committee may only call other persons, or send for documents and other things if authorised by the Council.
- (5) The committee's proceedings when considering the bill will be recorded by Hansard.

Amendments

53. (1) Any amendment may be moved during the committee's consideration of the bill, provided it is relevant to the subject matter of the bill or part of the bill being considered.
- (2) When an amendment has been proposed to the bill the question must be put 'That the amendment be agreed to'.

- (3) An amendment may be moved by a member of the committee or a member on behalf of another member of the committee.
- (4) Notwithstanding the provisions of sessional order 44(1), a minister or minister representing or a member in charge of the bill may also move an amendment to the bill.

Questions

54. (1) In the committee all questions will be decided by a majority of members present.
- (2) The chair will have a deliberative vote and, in the case of an equality of votes, will give a casting vote.
- (3) The deputy chair will have a deliberative vote only.

Time for reporting

55. (1) Unless otherwise resolved by the Council at any time, the committee will present its final report to the Council no later than the first sitting day that occurs after two sitting weeks or four calendar weeks following the referral of the bill or related bills, whichever is the shorter period.
- (2) The committee may resolve to request an extension to the time for reporting by letter to the President, who will then advise the Council at the earliest opportunity.
- (3) If the committee has not reported to the Council at the appointed time, the bill will be considered in committee of the whole Council unless leave is given for the bill to proceed immediately to the third reading.

Form of report

56. (1) The report of the committee will comprise—
- (a) a schedule of amendments recommended;
 - (b) the minutes of the committee's consideration of the bill, including all questions put and decisions of the committee dealt with pursuant to sessional order 52, and any amendments moved; and
 - (c) the transcript of the committee's consideration of the bill, including any evidence from witnesses.
- (2) The committee may, if considered necessary, include in its report a narrative explanation of the committee's recommendations.

Presentation of report

57. (1) The report of the committee will be presented to the Council by the chair or another member of the committee during formal business.

- (2) No debate will be permitted at the time of the presentation of the report.

Consideration and adoption of report

58. (1) The order of the day for the consideration of the committee's report on the bill will be set down for two sitting days after the presentation of the report to the Council unless leave of the Council is granted to consider the report earlier.
- (2) When the order of the day for the consideration of the report is called a motion that the Council adopt the report of the committee will be moved.
- (3) If the motion to adopt the report is agreed to, any amendments recommended by the committee will be deemed to have been made to the bill.
- (4) If the motion to adopt the report is not agreed to or not moved, the bill will be considered in committee of the whole Council unless leave is granted to proceed to the third reading.

Procedure when bill reported with no recommended amendments and no amendments proposed

59. Where a report from the committee containing no recommendations to amend the bill has been adopted pursuant to sessional order 58 and no amendments are proposed, the bill will be considered in committee of the whole Council unless leave is given to proceed to the third reading.

Procedure when bill reported with recommended amendments and no other amendments proposed

60. Where a report from the committee containing recommendations to amend the bill has been adopted pursuant to sessional order 58 and no other amendments are proposed, the bill as amended will be considered in committee of the whole Council unless leave is given to proceed to the third reading.

Procedure when bill reported and amendments proposed

61. Where a report from the committee has been adopted pursuant to sessional order 58 and further amendments are proposed the bill will be considered in committee of the whole Council.

Consideration of certain clauses only

62. Notwithstanding the provisions of sessional orders 59, 60 and 61, the Council may grant leave for the consideration in committee of the whole Council of certain clauses only and the committee's recommendations in relation to all other clauses will be deemed to have been agreed to by the Council.

Application of provisions relating to procedural motions

63. (1) Any motion proposed pursuant to sessional orders 58 to 61 will be dealt with as a procedural motion pursuant to sessional order 33(b).
2. In sessional order 42, omit "42" and insert "64".

This motion arises out of work done by the Standing Orders Committee of this Council. This committee, as members will be aware, has been doing some ongoing work on a review of the standing orders. That work is not complete. A provisional report was brought down in this house on the last sitting day of last year. The committee thought, to my recollection unanimously, that we should put forward a proposal for a trial. One of the issues proposed by the committee was that rather than have the normal process of the committee as a whole giving detailed consideration of legislation in this place we should explore for a trial period that process being carried out by a Legislation Committee so that a smaller group of members could look at legislation clause by clause.

Without spending a long time on this, it is worth noting that there have been some occasions in this place where a number of members have had an intense interest in pieces of legislation in which other members have less interest. An example might be the occasion on which we had three days debate on the Occupational Health and Safety Bill. Leaving aside the obvious political argument over whether or not debate was curtailed unnecessarily — I am not seeking to go into that or score points — I make the point that there was a lot of intense work on that and Mr Forwood, in particular, and to a lesser extent Mr Baxter were quite keen to follow it through clause by clause. However, after three days of debate this house voted that sufficient time had been spent on it. This vehicle would offer the opportunity of having a smaller committee spend a lot more time going through the details of a bill like that and reporting back to the full house. This motion essentially proposes a trial so that the house can see how this would work and make an informed decision on it when the Standing Orders Committee presents its final report to the house later this year.

I would say two things about it in conclusion. What we propose is a dual stream approach so that it will always be in the hands of the Legislative Council itself at the conclusion of a second-reading debate whether to refer the detailed consideration to a committee of the whole or to the Legislation Committee. Firstly, it will always be up to the house itself to choose how it deals with that. Secondly, when the Legislation Committee reports back to the house, it will still be in the hands of the

house itself as to whether it wants to have a more detailed debate. I envisage it would be a short debate because most of the technical issues would have been fleshed out in the Legislation Committee, but that will be in the hands of the house itself.

As to the rights of members who are not on the committee, the proposal that has been crafted by the Standing Orders Committee is this: that six members of the house would be on the committee and that they would report; that any other member of the house could at any time attend that Legislation Committee and participate in the debate but would not be counted for the purposes of forming a quorum. Also, any member of the Legislation Committee could by the leave of the committee actually substitute another member of the house in their place.

It is a worthwhile trial, and that is what it is — a trial. It will let this house experiment with an innovative proposal to give greater scrutiny in the house of review. If the house itself in three months time thinks this effort has been a waste of time or energy and has not achieved any outcomes, then obviously at the end of that period the Standing Orders Committee can make an assessment when it makes its final report.

I urge the trial; I urge the house to adopt it. It is a worthwhile thing for us to try. It is a trial rather than something imposed by government. It is a worthwhile exploration of how this house can operate more effectively as a house of review.

Hon. PHILIP DAVIS (Gippsland) — I indicate support for the motion before the Chair, which will amend the sessional orders consistent with the recommendation in the initial report of the Standing Orders Committee. I will not reflect upon the Leader of the Government's comments other than to say this clearly is an initiative which has come out of discussions of goodwill about how to resolve some issues not just in this Parliament but for the next Parliament. It needs to be understood in that context.

Before leading into that discussion I should say all members of the Standing Orders Committee have worked together most cooperatively. Indeed I have enjoyed my closer contact with various members of the government and have even learnt that Mr Viney shares some of the values that members of the opposition hold dear about the traditions of this house. I would like to see him demonstrate that more actively in the chamber from time to time.

I should also observe that the President, as the chair of that committee, has done an outstanding job. I wish to

congratulate her on ensuring that the committee proceeds harmoniously but also understanding that the principle which is being addressed is to protect the rights of members of this place and ensure that in no way do any amendments to the standing orders diminish any of the individual rights of any member or the chamber as a whole.

That needs to be on the record because it was that leadership in the Standing Orders Committee that enabled us to get to this point, which is to accept the government's proposal that there needs to be a recognition that in the Parliament beyond this there will be a different dynamic, notwithstanding that some of us on this side of the house would have preferred that the constitutional and electoral changes the government initiated and which were adopted by the Parliament in 2003 had not happened. In fact I remind the house how bitterly that debate was pursued and with great vigour the Liberal Party and The Nationals opposed those changes.

The reality is that today, in 2006, we are less than a year away from those changes taking effect so far as the Parliament is concerned and dealing with a new house which will have a different dynamic. One of the issues that clearly comes out of the changes to the Victorian Legislative Council will be the inevitability of a greater legislative scrutiny function by of the Council. Indeed while I would not be so assertive as to suggest that in years to come the Legislative Council will mirror the functions of the Senate in many respects —

Hon. Bill Forwood — Barnaby Joyce? Julian McGauran?

Hon. PHILIP DAVIS — Mr Forwood, I do not need any help.

The future role in relation to legislation will certainly be a role in which we as parliamentarians will have a great deal more expectation of detailed involvement in legislative debate and the detail of legislation than perhaps we have to now. The reality of that is simply the fact that there will be a wider range of stakeholders — I should say 'representatives' — in this chamber, because the numbers will be less but the political views will be broader than perhaps they have been. That is certainly the aspiration of the government as I understand it, and that is why it has adopted the constitutional model it has.

Anyway, I am a realist, as opposed as I am to the diminution of representation as a result of these changes to the upper house — the capacity of members of the upper house to represent their local communities in

extremely large electorates. They will be unbelievably difficult to service for any reasonable human being. There may be supermen and superwomen who could actually represent the electorate of Northern Victoria Region, which covers 47.5 per cent of the state, but I cannot see in respect of, for example, my good friends Mr Hall, who has an intimate knowledge of Gippsland, Mr Baxter of north-east Victoria, Mr Stoney of Victoria's Central Highlands, and Mr Vogels and Mr Koch of western Victoria any possibility of their representational role remaining as it has been and as our constituents have expected it to be.

No matter what we think, there will be a shift simply because of the contest within the Parliament and an inevitable wider diversity of political interests. The legislative process will be much more, I guess, detailed in terms of those discussions than the way we have operated until now. It is a fact that with, in effect, three parties being represented in this place, over time the majority of the issues have essentially played out in the second-reading debates. From time to time it has been necessary to have very detailed scrutiny through a committee stage, but essentially the points of principle have largely been resolved in the second-reading debates.

In the future I can see there will be a greater need for compromise, otherwise the legislative program of the government and initiatives sponsored by some of the parties in this place, indeed perhaps even by Independents, will struggle to achieve a majority of support. Whoever sits on the government benches will have the same need — that is, to negotiate with the house the passage of legislation, and part of that process will require a proper forum for those detailed discussions to occur.

One could argue, and it is a reasonable argument and an argument we had in considering this proposal before the house, that these discussions could and ought to occur in a committee of the whole. They can occur there; there is no hindrance to that detailed consideration by a committee of the whole whether or not this measure to create a special Legislation Committee is adopted.

The Leader of the Government has indicated that this is a trial. It is a trial clearly until the Standing Orders Committee brings in its final report this year and recommends frankly whether to continue with this model, to delete it or to do something else entirely. But in no way does it limit any of the rights or opportunities of the house. Importantly it will inform us whether or not this is a sensible measure to adopt going into the next Parliament when, as I have said, the ability of the

government to deal with its legislative program will be in some sense constrained by the reality of the change in the political balance in this place. That is something we will all have to learn to adjust to.

I will also say that because of the government's model of the Legislative Council electoral system it is a certainty that many of the members who come into this place after this Parliament will have an expectation that their role will be much more like that of a senator, with a great deal more opportunity to examine in detail government legislative proposals. Looking at *Odgers' Australian Senate Practice*, 11th edition, 2004 — —

Mr Lenders — Mr Viney has had an influence on you!

Hon. PHILIP DAVIS — You don't know what I read in bed at night!

Mr Lenders — But it's not *Odgers*!

Hon. PHILIP DAVIS — The point is well made, and I refer the member to chapter 16 of *Odgers*, which deals with committees. In particular the point is made that in the Senate there are eight pairs of committees, not one. We are proposing one committee to deal in the next several months with bills of a complex and detailed nature of which there is a need to have some detailed scrutiny, but frankly it may not be useful for a committee of the whole to examine those matters in detail. It may encourage, in fact, further detailed scrutiny of matters that may otherwise receive superficial treatment. A light-hearted but realistic example is that some of us have not been particularly entertained by the detailed exchanges across the chamber between the Honourable Bill Forwood and the Leader of the Government when discussing the detail of the technical drafting of a WorkCover bill. It is very important that these matters be properly considered but I believe that such a Legislation Committee would encourage that detailed consideration further.

If we get this wrong I am not too fussed about it because it simply means that every bill can come back to a committee of the whole irrespective of the Legislation Committee. Separately the Standing Orders Committee has it within its gift to deal with the recommendation to change the proposal that is before us for consideration and move to a different model or indeed abandon it entirely. Importantly we are dealing with sessional orders at this point. This is not an amendment to the standing orders; this is an amendment to the sessional orders which expire on or before 25 November this year, so that these sessional orders will have no effect in the next Parliament. In my

view, candidly, it would be disappointing if this trial were not given reasonable consideration. Therefore, while I firmly indicate that the Liberal Party absolutely opposes the changes that the government has forced upon the upper house in terms of the constitutional and electoral arrangements, the fact is that the world has changed and it is time for the house itself to accept the reality and that we cannot undo it or unscramble the omelette.

For my part, it is important for us to ensure that the house and the next Parliament is able to function effectively. Obviously, whatever we say here and now will be irrelevant come the election on 25 November, because it will not be in our collective hands but in the hands of whoever is elected to this house at that time. I am sure there will be views as to how the house should operate beyond 25 November this year, but for the time being this is a worthwhile proposition to be given a short trial, and if it is unsuccessful it can be dealt with. I urge the house to support the motion.

Hon. P. R. HALL (Gippsland) — The Nationals are not against change. We have shown that we are prepared to adopt change where it will bring benefits to the operation of this house, but what we have consistently opposed and what we continue to oppose today is change that diminishes the rights of and the opportunities for elected members of Parliament to raise matters in this Parliament and to do the job they were elected to do. For the reasons I am about to outline, we believe that these proposed sessional orders — even though we acknowledge that it is only going to be for a trial period — will set a precedent that will see a diminution in the opportunities for elected members of Parliament to participate fully in parliamentary debates, which is why The Nationals will oppose the motion.

The Leader of the Opposition has indicated that under this government we have seen a diminution in the ability of members to fully participate and do the job we were elected to do. In particular something like the opportunity to consistently raise matters on the adjournment debate has now been limited to once per week. Moreover now ministers do not come into the chamber to directly respond to adjournment debate matters, which means a lessening of accountability of ministers to the chamber. Time limits have been imposed on speeches so that many members on many occasions are not able to express fully the views they want to.

The system with questions on notice has been abused. The fact is that we have not got timely answers to questions on notice. A standing order requires a

response in 30 days, yet from my experience that has rarely been met. I have one question on notice outstanding from 7 September, which is 150 days ago, and I would not have put more than five questions on notice during the whole session, but I still cannot get an answer in the timely way the house says that I should.

We have seen examples where the government has used its numbers to push through legislation at a speed and in a haste that is not completely necessary, and where it has used its numbers to get through legislation. We have also seen the wholesale changes that will occur to the way in which future Legislative Council members will be elected. As my colleague the Leader of the Opposition has said, it will drastically change the role that members of the Legislative Council play. No longer will we, as members, be able to do what we want to do.

In all the consideration of those changes of responsibilities it still means 40 people are to be elected by electorates to sit in this chamber. For as long as I am elected to this chamber I feel I will have a role to represent the people who elect me. I already feel inadequate, with the size of my current electorate, in representing those people as fully and as comprehensively as I would like. It is going to be three times harder under the new system to fulfil that role. That is why we in The Nationals remain violently opposed to the new electoral system which will be put in place at the next election.

We intend to oppose the motion, and in a minute I will go through some of the components which cause us particular concern. To start with, this is a matter of principle. I am proud of the record that stands for the four members of The Nationals in this place on our participation in debates here. We speak on every piece of legislation that goes through, we participate to the fullest extent we can on members statements and adjournment debates.

One only has to look at the index of members' contributions last year and at the average of the four of us in The Nationals compared with the average of those in other political parties — we win hands down every time. That is because being a small party, our commitment to participate fully in debates requires us to be on our feet more often on an average basis than perhaps members of the other two larger parties in this chamber. Nevertheless, we take our responsibility to participate in debates very seriously, and we stand proud of that record of participation.

The proposed new system of having a Legislation Committee means members will not be able to be in

two places at once. Whilst the normal business of the house is proceeding through this chamber, probably upstairs there will be another process of the Legislative Council participating; simply put, members cannot be in both of those places at the same time. Moreover it is difficult for small numbers of people to cover debates in two chambers. Sometimes it is difficult for us now but we do it. It will be twice as difficult for us to fully participate in a process that is happening at another venue as well.

We say this is going to make it harder for not only The Nationals but small parties to participate. It might be the Greens next time around. People expect them as a party to have representation in this chamber. The same for the Independents who cannot be in two places at the one time. The new system will make it harder for small parties and Independents to participate.

I want to talk about some of the particulars of these sessional orders. Clause 44(1) of the motion concerns membership. It says the committee will comprise six members. It further says:

The membership of the committee must, so far as reasonably practicable, be proportional to party, minority group or Independent membership in the Council.

Even during the trial period involving the 44 members of this chamber, 6 are to be elected. That simply means that one for every 7.3 members of a party will be entitled to a seat on the 6-person committee. I do not see in these proposed sessional orders any guarantee that the third official party in this chamber — The Nationals — will win 1 of those 6 seats. If it is done proportionately, as I said, it would be 1 seat for every 7.3 members. We do not have 7.3 members. Even under the new system, when there will be 40 members of this chamber —

Hon. Bill Forwood — Is the member lobbying for a commitment to have a member of his party on the committee?

Hon. P. R. HALL — No, I am not, Mr Forwood, but I am just saying I am looking at the difficulties and the concerns that we have as a party and as a small party in this chamber in participating in this committee. Has the member got a problem with people having a view different to his view?

Hon. Bill Forwood — No — never, ever!

Hon. P. R. HALL — I am expressing my view. It will be the same with the 40 members to be elected in the 2006 election — it might be The Nationals, it might be the Greens, it might be Country Alliance or the

Democrats, or any other political party in here — there is no guarantee those smaller political parties will have representation on the committee.

I was also listening closely to the comments of the Leader of the Opposition and the Leader of the Government in order to better understand what I am terming the substitution system of the committee. I understand the six members of the Legislation Committee will be appointed by the Council as a whole — we will appoint those through the Chair — but from what I then heard, I think from the Leader of the Opposition, members will be able to substitute for other members once they are upstairs, and the Legislation Committee itself can authorise the substitution. Is that correct?

Mr Lenders — Yes.

Hon. P. R. HALL — It is an interesting proposition in that the Council appoints six but the voting six upstairs could conceivably be a completely different set of six people. It does not allow for continuity. Now in the committee structure we can have continuity in our contribution, questioning and answering. If Mr Baxter wants to ask a question on a clause, he does so. If I want to ask a question on the same clause, I do so. Now it seems that if we wish to participate in the proposed Legislation Committee system we will have to go through the process of calling for a substitute each time somebody wants to ask a question on a particular clause. We see some practical difficulties in respect of that.

I am very interested to know too whether substitutions can be made between parties. For example, if the Labor Party has a representative on the committee and The Nationals — or the Greens, in the future — do not, will it be possible for a particular member from the Labor Party to be substituted with a member from The Nationals or the Greens?

Mr Viney interjected.

Hon. P. R. HALL — They have not been explained.

Mr Viney interjected.

Hon. P. R. HALL — Yes, we are learning about this process. That does not deny my principal argument that it will be harder for members of small parties to participate, particularly when there is a concurrent process. Legislation might be being considered down here that the four of us are interested in and there might be a bill being considered upstairs that we are also

interested in. It is certainly not possible for us to be in two places at the same time.

We are concerned also with the ability of the house to make referrals of legislation to the Legislation Committee in that it takes away the focus from some of the important business of the chamber. Call us cynics if you like but we can see majority governments on either side, Labor or Liberal, using this as a mechanism to deflect attention from some controversial legislation that may be being debated at the time. Obviously when people come to Parliament the focus is the chamber but if a committee of six people is operating somewhere else we consider there is a potential for a major political party to take a controversial matter away from the rightful attention of the public.

We also believe it will take away some scrutiny of the minister in charge. The proposal clearly says that:

The minister, minister representing or such other persons nominated by the minister or member in charge of the bill may give evidence to the committee.

Instead of going through our current committee stage where we question the minister representing the government on its view on aspects of the bill, we will see perhaps the head of a department or a ministerial adviser brought to the table. We consider that is not as rigorous as the current process in which ministers are made accountable for what they say. It will be interesting to see in years to come what courts of law will say when it has not been a minister who has explained a particular clause but a paid employee of a department who has interpreted it following a question. As members all know, now the courts take into account explanations given by ministers as representatives of the government. Under the proposal it may well be someone other than an elected member of Parliament who explains something in response to a question.

Mr Viney interjected.

Hon. P. R. HALL — They can, but this is law that we are making. Committees normally deal with investigations into matters of interest; they do not deal with the law. It is the Parliament that deals with the law. We set the statute law and to a large degree the interpretation of that statute law is given by ministers' explanation. We have some concerns that that will not best serve the processes we follow in making legislation.

We are interested also in proposed new sessional order 52(4) which is:

The committee may only call other persons, or send for documents and other things if authorised by the Council.

If we want to consult with some expert witness, then it is conceivably possible that the government of the day would not allow the committee to do so because only the Council can allow people other than the minister or a person representing the minister to appear before the committee.

I would also appreciate some explanation on what is meant by 'member in charge of the bill'. Does that term apply to a private member's bill, where a member is in charge of the bill, or does it apply to a parliamentary secretary or somebody else appointed by the government to carry through the passage of the legislation? Those are some of the concerns that we have with the process described in the proposed changes to sessional orders.

I listened carefully to the points of clarification about what members can do once a report is brought back to the Council. It appears from the comments I have heard from the Leader of the Government and the Leader of the Opposition that members will still be able to consider a bill as a committee of the whole Council. It is proposed that any member of the Council can make further amendments to a bill.

I also wonder — and I am not sure about this — whether an amendment moved in committee of the whole Council can seek to rescind an amendment made by the Legislation Committee. I am not sure about that because we cannot do it if we go through the usual committee stage. Once we have dealt with a clause of a bill and an amendment has been made we do not get the opportunity to come back to it. I just wonder whether a committee of the whole Council can seek to rescind an amendment made by the committee of six members. Again, that is not explained. We cannot do it under the current system so I am not sure what will apply in the proposed new system.

I am also not sure that the wording accurately reflects the intent of the explanation given of the proposed sessional orders that members can consider aspects of a bill once it comes back to a committee of the whole Council only by leave of the Council. I am looking at proposed sessional order 62, where it says 'consideration ... of certain clauses only'. The explanation given so far in this debate is that the intent is that members will be able to discuss any clause. The proposed sessional order says:

... the Council may grant leave for the consideration in Committee of the whole Council of certain clauses only ...

Once again I ask: will it require the consent of the government of the day for the Council to consider those clauses? Those doubts exist in my mind.

I conclude my remarks with this: the greatest concern that we have as a party is that the proposal will severely limit the opportunities for members of small political parties or Independents to participate fully in the process which we are elected to serve — that is, the Parliament. A person cannot be in two places at the same time. Many times I have wished I could be. With a formal process going on in this chamber and another going on upstairs, that would limit my ability to participate. Now I participate as much as I can but it will be made more difficult for me to do so under the proposed new structure. I acknowledge that the proposal is for only a trial, but it sets an important precedent that people will tend to pick up in the future. Therefore as a party we are opposed to the proposal.

In doing so I acknowledge the great work that Mr Bishop has done as a member of the Standing Orders Committee, which considered the proposal. I know that at times he has found it difficult to cope with the extent and explanation of change that has been gone through. He has done an admirable job. Nevertheless, when we have talked through the issues and understood the implications further, as a party we are left with no choice but to oppose the proposal.

Ms ROMANES (Melbourne) — I am pleased to have the opportunity to rise and speak this afternoon in support of the proposed amendments to sessional orders to put in place a trial of a Legislation Committee as part of the processes of the Legislative Council. I have appreciated the opportunity to be involved once again in the work of the Standing Orders Committee of this house. I have also appreciated the cooperative and collaborative atmosphere of that committee, as we have all grappled with what may be the implications of changes to the upper house as a result of the impending restructure of the chamber and the opportunities that has given us for enhancing the review function of the upper house.

I take issue with the Leader of the Opposition, who put the view that the restructure of the upper house in Victoria will lead to a diminution of representation. I do not agree with that position. The whole purpose of the proportional representation electoral system that the government has proposed for the 25 November election and thereafter allows for a greater diversity of viewpoints to be represented in this chamber and representation of minority groups and broader views.

That is what we expect the outcome to be, and it is consistent with the government's objective to provide for a more rigorous and vibrant house of review in the Victorian Parliament. The recommendations that the Standing Orders Committee has put before the house

this afternoon to trial a Legislation Committee aim to increase the scrutiny of legislation going through the Parliament and allow a forum for different views in consideration of the detail of the legislation. I emphasise that any member of the Legislative Council will be able to attend and participate in that process, just as any member can participate in a committee of the whole within the chamber. But the most important thing to emphasise to Mr Hall, who I notice is not here — —

Hon. W. R. Baxter — He is briefly absent.

Ms ROMANES — He is briefly absent, but I am sure he will come back and he will read *Hansard* tomorrow to see what the rest of us have said in response to his comments. The important objective of the trial of the Legislation Committee is to provide for a much deeper level of probing of the proponents of the bill. That may be the minister who has carriage of the bill in this house or the minister in this house representing a minister from the other house, or a parliamentary secretary or departmental staff member or those who are proponents of the bill that the Parliament is considering.

The Legislation Committee will have the capacity to call witnesses, to hear them in public, to explore particular concerns of stakeholders and to provide a forum in which individual MPs from this chamber can explore in greater depth concerns about details of and the background behind the legislation, and the rationale for different provisions in the bill. In all it is to add value to the legislative process, and ultimately to give the public greater access to the development of legislation in this state.

Let us be clear: we already have a range of mechanisms available in the Victorian Parliament for the scrutiny of legislation and to assist in the development of it. We could take the terrorism bill which is currently going through the Parliament as an example. The terrorism bill was tabled in the lower house before Christmas, and an exposure draft has been circulating for comment throughout the community over the Christmas–New Year period. The Scrutiny of Acts and Regulations Committee last week held a public hearing, called witnesses and provided an opportunity for enhanced scrutiny of that legislation. But this will be the first time in this Parliament that a Legislation Committee will operate and that mechanism for scrutinising legislation will be utilised. In the Standing Orders Committee, in which three parties have been represented, two parties have agreed to the trial. The Nationals have had a change of heart.

Hon. W. R. Baxter — You have to acknowledge that Mr Bishop has been very — —

Ms ROMANES — Mr Bishop has been an active member of the committee and has expressed his views at different times throughout the consideration of the proposals. But it is disappointing that when we thought we had reached agreement and understood the details of what has been put here today, that there has been a deviation from what I thought was going to be agreement of all parties.

There is keenness to explore the potential benefits of a Legislation Committee. The Standing Orders Committee has drawn on practices in the Senate and a number of other state parliaments throughout the country. The Standing Orders Committee is looking to use this trial to prepare for the way the upper house could operate under the new electorate structure during the period of the 56th Parliament — that is, the next Parliament. But the overriding aim is to improve the quality of legislation progressing through the Parliament.

It is critical in light of Mr Hall's contribution to reiterate what other speakers have said — that the Legislation Committee does not replace and does not preclude an MP taking a bill into a committee of the whole. That is still available to members of this chamber. The Legislation Committee adds an additional tool for scrutiny of legislation. I do not share Mr Hall's fears and negative views, nor those of The Nationals on this matter. I do not share his concerns about not being able to be in two places at once because that is the very situation we face every day in the Parliament right now. We all have many responsibilities; we are all on different committees; there are meetings going on all the time — —

Hon. W. R. Baxter — But this is your primary responsibility.

Ms ROMANES — Our prime responsibility is this chamber but we are making choices about where we make our contributions in the Parliament all the time.

Mr Hall expressed a concern that there is no guarantee that smaller parties will have representation. It is my memory that the spirit of the Standing Orders Committee report is that there is no intention not to include smaller parties and there is every intention to make this as inclusive a process as is possible so that everyone in this chamber can feel that once controversial legislation has gone through all the processes — through the Legislation Committee and perhaps a committee of the whole as well — all the

views will have been adequately canvassed and an opportunity given to all those who have some interest in the legislation to have a say. It is hoped that improved legislation will result from that process and will ultimately benefit the people of Victoria.

Substitutions again provide not a means of discontinuity but some flexibility when someone is required to be in the chamber and cannot be in the committee, or when there is someone with expertise in a particular area who wants to sit in on all the deliberations and may wish to be part of that in-depth consideration by the Legislation Committee of an issue like forests, the Otway Ranges or water. That flexibility to have substitution provides for as full participation as possible of all members of all parties or of individuals. The spirit of the Standing Orders Committee report is about inclusion rather than exclusion, about doing the job better and in greater depth. It is not about taking the focus away from the main chamber but about finding ways in which that enhancement of the scrutiny function can add to the work of this chamber and provide a better result.

It is to be a trial, and the answers to Mr Hall's questions will no doubt be revealed by the trial itself. The Standing Orders Committee will be able to come back to answer those questions more fully and to see what other tweaking of procedures or operations might make it work even better if it were to be introduced on a permanent basis and incorporated in standing orders in the future. With those comments, I commend the motion to the house.

Hon. BILL FORWOOD (Templestowe) — I also support the motion and commend the previous speakers who have spoken in favour of the motion for their explanations of what is going on. There is no intention in this motion to in any way diminish the rights of members. Mr Hall spoke about the diminution of rights of members. There is no capacity for the motion to diminish the rights of members. What is happening with this motion is an increase in the capacity of this house to examine legislation. There are a number of ways it occurs, not the least of which is through proposed sessional order 55(1), which states:

Unless otherwise resolved by the Council at any time, the committee will present its final report to the Council no later than the first sitting day that occurs after two sitting weeks or four calendar weeks following the referral ...

If the bill is referred to the Legislation Committee we will get at least two weeks, or maybe four weeks, of further consideration. Would you believe that even after that the bill can come back into this place and be considered by a committee of the whole? I do not see

for the life of me how that can be described as a diminution of the rights of any members or that it can be said that, to use another expression Mr Hall used, this will take away the scrutiny. No it will not; it will enhance the scrutiny of legislation. This is a very positive trial — I emphasise the word ‘trial’ — of a method of producing better legislation in the future. This is not about taking away people’s rights. This is about producing better results.

Mr Hall said he will not be able to be in two places at once. I agree that none of us can be in two places at once, but Mr Hall will have exactly the same capacity in a committee of the whole as he has always had. He will not be able to be in two places at once, but if he wants to come into this place and take the bill in a committee of the whole and scrutinise it here that will be his right. No-one is diminishing his capacity to do that in any way, shape or form. What I hope will happen is that at the time he has available he or others who participate in the Legislation Committee will at least raise issues which are of concern at that forum, or even make a submission, so that when the bill does come back to a committee of the whole people will have given some detailed thought to it and will make some effort to accommodate the issues which Mr Hall may wish to raise in a committee of the whole.

As members of this place know, I have some interest in WorkCover issues. I would hope that even if I am not a member of the Legislation Committee I will be able to be substituted for that particular legislation because I have some knowledge of it and, I hope, some contribution to make. But for heaven’s sake please do not put me on the committee if there is planning legislation to be considered, because it has never been my interest. I would hope that if a planning bill were referred to the Legislation Committee some other member of the chamber who had more interest and more capacity in relation to planning matters would be able to be substituted for me in those circumstances. In that case we would have the right person on the committee at the right time.

Furthermore I would hope that if we had legislation such as the disability legislation, which will come before the house some time in the near future, we would have people who were interested in that topic attending the committee. Even if they were not a voting member of the committee, they could participate fully in the debate, make their suggestions and have their input in an effort to produce a better outcome for the people of Victoria. That is what this is about. This is not something to be scared of.

I accept that The Nationals are not opposed to change, but this is not something to be scared of. This is a trial to see if we can come up with a better way of producing results for the people of Victoria. If in the course of the trial The Nationals discover there is something they do not think is working properly they can bring those issues along and we will accommodate them. We will think about those issues to see if we can make the system better. But I ask Nationals members not to vote against this motion because they think it will make it hard for them to be in two places at once.

I do not care that people have different views from me because I am very used to it. All sorts of people have different views from me. However, I say to Mr Hall that I have never been one to shy away from an argument when he invites it. In these circumstances I invite Mr Hall to reconsider his position, to think that perhaps the best thing to do in this circumstance would be to support the trial in the interests of getting a better outcome for the people of Victoria, and when the committee is in place to contribute fully to the trial so that we can get a better outcome rather than picking up his bat and ball and going home.

Mr VINEY (Chelsea) — It is rare that when I speak in this chamber I agree with Mr Forwood, but it is a pleasure to do so on this occasion. It is interesting to see Mr Forwood sitting up there in the higher echelons of the backbench, and it is a pleasure to be speaking with him in support of the motion.

In fact Mr Forwood’s new seat in the chamber and seeing him sitting up there reminds me of the story of Churchill in which the young backbencher who was sitting next to the Prime Minister said, ‘Prime Minister, it is good sitting here because I can see the enemy across the chamber’, and the Prime Minister replied, ‘No, my son, that is the opposition; the enemy sits behind me’. I think Phil ought to think about that!

In relation to the contribution by the Leader of the Opposition, I felt somewhat verbalised by his paraphrasing of my position when he suggested that I am a big supporter of some of the traditions of the house. I suppose I am a supporter of some of the traditions of the house, but what I actually said was that I am a supporter of some of the procedures of the house because passing laws is a serious business and there ought to be procedures in the house that demonstrate the seriousness with which we need to consider legislation.

That brings me to the point of this debate today, which is about making a proposed temporary change to the sessional orders to put in place a Legislation

Committee. It is important to put it in the context of the general reforms that are taking place. I appreciate that not all members of the chamber agree with the changes this chamber has made to itself for subsequent parliaments. Nevertheless, as the Leader of the Opposition said, the reality is that these changes are being made. It is incumbent upon us in this Parliament to do our best to put in place some processes by which we can manage and handle the consideration of legislation in the context of this becoming a very different chamber after 25 November this year.

In making that comment I want to pick up on some of the comments made by the Leader of The Nationals, who expressed a concern that smaller parties might not get the opportunity to be represented on this committee. It is always possible that the larger parties in the chamber could work together to exclude the minor parties, and that situation exists in this chamber today. But the reality is that in the next Parliament no government — except in the rarest of elections where a government gets a majority in this chamber — will be able to pass legislation without having had detailed discussions with members of other parties, be it the major opposition party of the day, or indeed smaller parties and Independents.

If that is the reality, why would any government want to set up a Legislation Committee that did not include and accommodate the smaller parties and Independents on consideration of legislation? They would not do that, because that is the means by which any government of the day in the future will be able to get its legislative agenda through.

I would like to take this opportunity to go through, and to provide some assurances to The Nationals, what has been proposed by the Standing Orders Committee. The assurance we can give is that there is an absolute intention to include the minor parties in a Legislation Committee. As I said, it is pointless to exclude them if the government of the day wants to get legislation through. What is more, it is important that members of the minor parties are able to fully participate in such consideration in detail of legislation, because by that means the government of the day can enhance the chances of getting agreement on the legislation, whether that involves amendments to or explanations of the legislation. To consider legislation, any Legislation Committee would naturally want to time the committee meetings so that all members of the committee or their substitutes could fully participate in the procedures, discussions and evidence that might be given to the committee.

I believe it is sensible to put in place a three-month trial and to take that trial seriously. In fact, I agree further with Mr Forwood in that I would also call on The Nationals to reconsider their position in this debate today. I do so in the spirit of bipartisanship that has occurred in the Standing Orders Committee which has considered this matter, and in saying that from my discussions with the government there is every intention of making this work so that all members of the committee or their substitutes can fully participate.

We can give the assurance that we will not set times for meetings of that committee that conflict with members' requirements to be in this chamber, and I am sure that if the committee's chair were from the government benches, the government would take the view that if the committee's hearings needed to be suspended for a short time to enable a member to come into this chamber and participate in a debate, absolutely that is what the committee would do. We all agree that this chamber takes priority.

There will be no diminution of members' rights; there will be an enhancement of members' rights in this process because there will be an opportunity for not just a minister representing a minister in the other place but for advisers or other departmental people, at the nomination of a minister responsible for legislation, to come and answer detailed questions by the Legislation Committee. That is a worthwhile innovation.

From the outset I have been a strong advocate of setting up legislation committees. In fact, a couple of years ago I presented a paper in the United Kingdom on this very issue. It is my view that a future Parliament may well decide — in the context of there not being a clear majority of a government of the day in this place — to set up more than one Legislation Committee so that there is a means by which legislation that may be either complex or controversial can be dealt with, amendments can be considered in detail, and detailed discussion can take place around the intentions of clauses and the intentions of a bill overall.

That is the purpose of a Legislation Committee — to provide an opportunity for members of this chamber to explore in detail aspects of legislation which would not be explored in the normal course of consideration of legislation in this chamber under the current procedures. At the same time the members of the Standing Orders Committee have been absolutely adamant that there should be no reduction in the capacity of this house to consider legislation in a committee of the whole.

If members look carefully at the proposed sessional orders, they will see that the procedures will enable consideration in detail by a committee of the whole to occur in exactly the same way that it occurs now — that is, that even if the house adopts a report of the committee, a bill cannot proceed to the third reading without leave being granted. As we all know, it takes only one member to deny leave and we go into committee of the whole. So there is an absolute protection of the role of this house and of the rights of all members. I appreciate that sometimes a change in this sort of form is difficult.

I genuinely appreciate the concern of The Nationals. It is true they have to speak more regularly on legislation than members of other parties because of the sheer fact of numbers. I have had discussions with members of the government and what I want to say on behalf of the government — in terms of whatever rights I have — is that The Nationals have the absolute assurance that it is the government's intention, and I am sure the intention of the opposition, that the committee set up in this trial should operate in such a way as to allow a member of The Nationals nominated as the member of the committee, or any substitute they put in place, to be given the full opportunity to participate in the hearings and consideration of legislation.

It would be my view that if a member needs to come into the chamber and participate in a debate, the committee ought to suspend its consideration. I am sure it is a view shared by opposition members and other government members. If The Nationals are prepared to reconsider their position after hearing those assurances from the government, it would be great if we could move into this trial period with the complete agreement of the house. I urge The Nationals to reconsider the proposal. I urge all members of this chamber to support the motion.

Hon. B. W. BISHOP (North Western) — I was a member of the previous Standing Orders Committee and am a member of the present Standing Orders Committee. It has been said before that the committee discussions have been amicable. That is the way they have worked. The two committees I have served on have had different responsibilities. The first one discussed the issues of modern-day language and outmoded sections in the standing and sessional orders and made them more easily understood and gender neutral, which they were not at the time. But the present committee has a different task.

My point of view is that the committee has been trying to second-guess what the Legislative Council will look like after this November. The debate today — I think it

is great that we have the debate, and I appreciate Mr Viney's comments, which I think were fair and reasonable — is about whether we form a special Legislation Committee. I am a traditionalist, and I am sure Mr Viney would agree that during our time on the committee that came through. What I am going to raise in my contribution today is what I have raised at committee meetings, which will not be a surprise to the other committee members.

An issue I have been mostly concerned about is the fact that this is a small house. It has 44 members at this time. After 25 November the next Parliament will have 40 members in the Legislative Council due to the changes that will come into place. Whilst I can make some comments on those changes, I am not going to do that. I am going to concentrate on what I have to say here today.

I have been concerned that the Standing Orders Committee has been using benchmarks such as organisations like the Senate, the House of Commons or even the Legislative Assembly. Those organisations are far bigger than this house; in many cases they are twice as big. We are looking at a different issue about members having the opportunity to fully involve themselves in the operation of the house.

We could ask ourselves: has the committee of the whole worked well in this house? I think we would probably agree — perhaps not everyone would — that it has not worked as well as it could have, and there are a couple of reasons why. The first reason is that it is difficult for ministers who may not have the full responsibility for the bill but who have the carriage of the bill in this house. At times they struggle with a complex bill. Another reason is there has been less involvement by members of this house in the committee of the whole. I have noticed that over the years. I think that is bad because one of the best things about this house is that anyone can pull us into the committee and we can go through things in a most intimate manner if we wish. It is a bit disappointing that the committee of the whole in this house does not work as well as it could.

Why should we change? There are two issues. Firstly, we can drill down better as a committee — shortly I would like to spend a few moments speaking about that; and secondly, it will save time. I have argued consistently during the committee process that I do not believe it will save time even if the committee hearing is held concurrently — and then we are reducing the involvement of our members.

The first issue is about whether we get a better result. From my point of view, we may well do that. We may be able to call in other people. We might be able to drill down more quickly and get a resolution about a particular issue because the committee will be like a public hearing or any other committee — I suspect that is what it will turn out to be. I must admit I have thought that might be of some advantage, but then I worried about the cost, which I have commented on before during the committee process. If the committee is run at the same time as the house, I concur with the concerns of my leader, Mr Hall, that it will be difficult for small parties and groups. There might be individuals here as well. It is very difficult for those people to be in two places at once. No doubt some would want to be at the committee stage and some would want to be in this house doing something else. I can understand that you can make a choice: you can go to one or the other. But I believe that will reduce a member's opportunity to make a contribution in this house.

I did not want to speak about the complexities of what may or may not be the make-up of this house, but I think every member who spoke on this issue — Mr Viney, Mr Forwood, Ms Romanes, the Leader of the Opposition — all agree that it is going to be different from what it is now. That is why The Nationals have raised these concerns. I perfectly understand that we can go back to a committee of the whole at any time, which was sorted out well by the Standing Orders Committee, but again the issue of time arises. If someone cannot be at the special Legislation Committee and the only time they can have input is in the house, I suspect they will call for the bill to go through a committee of the whole and we may well duplicate the proposed process. I would much prefer — and I suppose you can accuse me of being a traditionalist — to make committees of the whole work far better than they do now rather than trying to do what we are doing, particularly given the fact that the structure of this house will change after the November election.

I want to conclude by referring to what I think are some practical issues which have not been raised in the debate today although, in fairness to the committee, they were raised briefly at the committee stage, one of which is resources. When Parliament sits I think the resources we have as a Parliament are fairly well stretched. If we do establish a special Legislation Committee — and I remind Mr Viney this fact has not been mentioned today either — its meetings will need to be minuted in *Hansard*, as it would have to be anyway to get the true and correct record so that people would know what was going on. That would require, if

you like, a double set of Hansard staff; I believe it would require more resources.

The parliamentary officers certainly cope quite well in the Parliament as it runs today, but it would certainly put added pressure on the parliamentary officers if that committee were in place. Therefore, there would have to be either a restructuring there, I would suspect, or a lift in the resources required to make it work.

My summing up, for what it is, is that it may well, if we have that type of committee, give us the capacity to drill down and get all of the details of some of the more complex bills that come before this house. It might be a bit like a public hearing — it would be less formal and would provide that opportunity. But it does have a cost to it, and the cost is what I have been concerned about. As I say, I have raised it in the committee all the way through.

As to the cost in time, I do not think it will save time. I think it might end up costing us more time. When I try and look forward to what the make-up of the house will be in the future I believe it will make it difficult. If it is a trial, we will be trialling it in the make-up of this house and not in the make-up of the house as it will be after 25 November. I suspect it might be very difficult or tough for small groups and small parties to fulfil their obligations in representing what their constituents might require.

For those reasons — I think it is good that we have had the debate in that it has got a lot of issues out, and certainly there have been some complexities, as always, in the wording of clauses — I join my colleagues in opposing the motion.

Ms HADDEN (Ballarat) — I rise to speak on the motion. It certainly causes me some major concerns. I am not at all happy with the proposed appointment of a Legislation Committee and the amendment of the sessional orders.

I must say at the outset that as an Independent member of this place for the very large rural and regional electorate of Ballarat Province, the Standing Orders Committee did not consult with me; I have had no input whatsoever into its deliberations. I want that on the record for a number of reasons. One is so that the next Parliament, after the November 2006 election, is fully aware that this chamber is not always democratic with its members, is not always inclusive, is not always collaborative and is certainly not always cooperative. That disappoints me enormously. I have had no input into this motion or the proposed amendments to the sessional orders. That is pretty serious because it is

going to impact on me as an Independent for the rest of this year until the end of the 55th Parliament.

I have been ignored. I am treated and have been treated as though I am invisible. I am not invisible. The President knows I am not invisible, and other members around me can see I am not invisible, but I have been treated as though I am invisible. I think this is a warning and a sign to future Independent members of this place that after November 2006 this is how the majority party in this place will treat you. It does not want to know you, and it will not consult. It will not be inclusive, it will not be collaborative and it will treat you as invisible.

There is nothing in the proposed sessional orders proposal that includes an Independent member. Already the government members restrict members of Parliament in this place in relation to representing their constituents. I am restricted in my speaking time, as are other members. As an Independent member I have absolutely no right to make a contribution to the general business or opposition business program on a Wednesday. The only way I can make a contribution on that very important debate each week is by the good grace of the opposition Liberal Party and by the good grace of The Nationals. That means, of course, that one of their members has to give up time or a place for me to speak. As you notice, I will not be speaking on the general business program this week, and I may not always be able to do so in the future, because as an Independent member I may not speak as of right. That causes me a lot of concern, as it should cause future Independent members in this place concern. That should not be the case.

This is a house of review, and it is a very important house of the Parliament. I am elected here as a member of Parliament. I am an Independent. I represent a very large rural and regional electorate, as I have said. My constituents deserve better than lip service from the Bracks Labor government, which has a majority in this place so it calls the shots virtually and solely by its numbers. It is pretty skilled at using its numbers in this place. Majority parties have had over 100 years of using their numbers to ram through legislation in this place. We have seen it time and time again. This is nothing to do with what is right for all Victorians. It only has to do with doing what is right for their preselections and their factions, and they are going through that ordeal at the moment, which is played out publicly every day in the *Age*, the *Herald Sun* and on the radio.

These changes have been proposed by a very cosy little group of, I think, six people which did not include me.

They will restrict my participation in the democratic processes of this Parliament. I do not have the resources, and I am not given the increased resources by the Premier of this state that he gives to the two Independents in the other house — that is, the members for Gippsland East and Mildura. I have been denied an equal right to extra resources. I have only one electorate officer — an equivalent full-time electorate officer. I have no staff down here to assist me.

I have described, and will continue to describe, the conditions in my room downstairs as belonging to the Third World. I would like the Australian Workers Union or the Construction, Forestry, Mining and Energy Union or any of the big unions that look after their Labor mates to come in here and see the conditions I have to work under. Members can forget about occupational health and safety — it has gone out the window here. But I still come in here and work. I participate, and I do my 110 per cent in representing my constituents.

Hon. W. R. Baxter interjected.

Ms HADDEN — In fact, Mr Baxter, I think a room at Barwon or the old Jika Jika would be better. Under the proposed Legislation Committee sessional orders system, an MP will not be able to be in both places at once. I cannot cut myself in half. I do not have other members within my resources to sit in the Legislation Committee room while I am here in this chamber where my constituents expect me to be. They do not expect me to be having a talkfest with a quorum of three in another room in this place which excludes any representation of an Independent.

Ms Romanes — You spend 75 per cent of your time out of the chamber, anyway.

Ms HADDEN — I will just pick up that interjection by Ms Romanes saying that I spend 75 per cent of my time out of the chamber now. I consider that to be totally inappropriate. When I am not in this chamber I am in my room, my hole in the wall downstairs, working. Anyone can attest to that. I object to that inane comment by the Deputy President.

Hon. T. C. Theophanous — Are you sure you are not asleep?

Ms HADDEN — I do not sleep. The chaise longue has been removed from my room. The minister can ask the staff about that.

My participation in this Legislation Committee is going to be severely impacted upon. In fact I say that I have been denied my right to represent my constituents.

There is no guarantee of non-party membership of the committee. From listening to Mr Viney, at least, it is going to be made up of members from the two main parties. He has put the offer to The Nationals that they can participate in the committee and that he is quite happy to substitute a government position on the committee for someone else. I openly ask Mr Viney whether he will give up his position or a government position to me as an Independent to sit on that Legislation Committee? Let us test him.

Who will select the six members of the Legislation Committee? Who will determine who will be the chair? A quorum is only three — three out of six. It is not 50 per cent plus one, which is always a quorum. Here we have a nice select little group of three assessing legislation before it comes back to the house. I have read the interim report, and I am not happy with it. It gives me no confidence. I see it as the duplication Mr Bishop has spoken about. I have many concerns. I see the new sessional orders as biased against me as an Independent MP. They are discriminatory. They will also be an excuse for incompetent ministers — and we have a few in this house — because a minister can nominate an adviser to represent him or her at the Legislation Committee. I know, and we in this place all know, that that representative will be a Labor Party puppet. That is in the proposed sessional order 52(3).

From my reading of the motion I believe the Legislation Committee will be hampered in its proper and transparent scrutiny of bills. The committee may only call other persons or send for documents and other things if authorised by the Council. Again the government by virtue of its numbers in this place will vote down any proposal to call other evidence. We have seen that before in relation to select committees. When a bill returns to the chamber from the Legislation Committee I believe that as an Independent member I may be denied the right to speak on any clause of the bill except by leave of the house. My past experience in this place and that of the opposition parties is that the Labor government's majority means that everything is just rubber-stamped and rammed through by virtue of its numbers.

I believe these proposed sessional orders will not be a trial. They have been called a trial but that is a misnomer. They will be rubber-stamped in June, and they will further restrict the proper scrutiny of bills. Proposed sessional order 62 is evidence of that. It says that the Council may grant leave for the consideration in the chamber of certain clauses only and the committee's recommendations in relation to all other causes will be deemed to have been agreed to by the Council. On my reading of the proposed sessional

orders there will be a deeming provisions for the passing of bills. I am taking this literally as I read it. I have no confidence in the proposals, and I have had no input into them. The government is not collaborative and cooperative. I have been ignored and treated as invisible. I am not invisible! I see these proposed changes as nothing more than Big Brother control by the Labor government majority in this place of the democratic processes which have been in place since 1855. I see it as a further dumbing down of this Parliament. I see the government as using its Labor majority to control, dumb down and quash any real and transparent scrutiny and review of bills.

Yesterday the Leader of the Government referred to this place as a legislative sausage machine. I must say that I have to agree with him because that is all his government does — ram things through with no consideration. You are not allowed to speak against a bill. I see the changes as simply transferring scrutiny of the bill from the parliamentary chamber, the Legislative Council, where it should be, to a six-member committee that excludes an Independent member. In fact I do not know, and there is nothing in these proposals to tell me or the house, who is going to control the numbers on that committee, who is going to select the members and how they are going to be selected. If it is done proportionally, I am out of it. I will not get a guernsey. I do not think that any future Independents in this place after the November 2006 election will put up with that. The idea is to try to shut them up too, like it is trying to gag me. I must remind the government that this chamber is not a Labor Party caucus to be played around with and in which you rely on the factions for your numbers. This is not a party game. This is the Legislative Council, the oldest chamber of the Parliament of Victoria. The proposed sessional orders have nothing to do with representing rural and regional Victoria. They certainly have nothing to do with allowing me to participate as an Independent MP.

I see these proposals as nothing more than a shutting down of democracy. They are a shutting down of the democratic functions of the Legislative Council that have stood the test of time since 1855. As I say, the so-called trial is a misnomer. I wish government members would be honest for once. By virtue of their numbers they are going to rubber-stamp these so-called trial sessional orders as the sessional orders to be adopted for the next Parliament, and that will exclude Independent members. I do not have the resources to be both in this chamber and in a Legislation Committee room. I am one person. I cannot cut myself in half to be in both places at once. I have no extra resources given to me by the Premier, Steve Bracks, to assist me in the

role. I warn any future Independents coming into this place after the November 2006 election that this is as good as it gets.

I have no faith in these sessional orders. I am not happy with them. No-one has consulted or collaborated with me at all. I have no faith that they will increase participation by members in this house. I do not support the motion, and I will not be voting for it.

Hon. W. R. BAXTER (North Eastern) — I want to support very strongly the very incisive contribution made by the Honourable Peter Hall, because I think he posed a whole series of questions which need to be answered. He also drew attention to some of the potential defects in this proposal, as Ms Hadden did in the last few moments. I regret to say that I think my honourable friends in the opposition, inadvertently I would say, have fallen for the government's three-card trick on this matter. This is an attempt by the government — to use Ms Hadden's words — to further dumb down this chamber.

We have seen what this government has done since it came into office in 2002 and has had the numbers. It has restricted the opportunities of members to make contributions in the adjournment debate, in statements and at other times. It has certainly protected incompetent ministers from proper scrutiny in this chamber. No longer do all ministers come in for the adjournment debate, for example; they do it on a roster system. The government has certainly, by the artificiality of question time, protected ministers to a degree. I see this move as another device to protect incompetent ministers by getting legislation scrutiny out of this chamber, where the minister has to actually front up and perform, and into a quasi-chamber upstairs where the minister is going to be entitled to substitute other people to take the heat and answer the questions. Frankly I do not think that is desirable at all.

I think ministers in this government in particular, and some ministers in all governments, have failed to be across their brief. We all remember the long silences we endured at times when ministers sought advice from the advisers box. That has been particularly evident in the time of the Bracks government. In my opinion this is a device which will save that embarrassment being demonstrated to the world at large by absolving the ministers from the need to consult the advisers in the box because they are going to be able to substitute someone else for them at this Legislation Committee. It is also a very clumsy arrangement.

As Mr Bishop has rightly said, this is a small chamber. There are 44 of us, going down to 40 after

25 November. We are not dealing with the House of Commons, which has 600-plus people but only 24 hours in a day as we have here. We are not dealing with the Senate, which has 72 people. We are dealing with a 44-member house, a very intimate chamber indeed, where there ought to be, and where there used to be, the capacity to tease out legislation on the floor of the house.

Like Mr Bishop I am disappointed with the operation of the committee of the whole in this place in recent years. Insufficient attention has been given by many members to the committee stages of the legislation, and part of that reflects badly on members of this house in that they are not prepared to do the detailed work on the clauses of the bill. Ministers are quite happy to come in here and make a second-reading speech, which in the case of some ministers might appear to have been written by someone else, because they are certainly not across the detail of the legislation and therefore do not participate in the committee stage. I find that very disappointing because over time we have had some very good committee debates in this chamber where there has been a very good outcome both for the opposition and for the government.

A recent case in point was the Water Management Act to which I moved 60 amendments last year. I was very disappointed in that debate because there was basically no contribution from either side of the house on my amendments. That is not the way the system should work, and I think that is what Mr Bishop was alluding to. We have the capacity to drill down, as Mr Bishop suggested, if we are assiduous and conscientious enough to do it, but no, we are not going to do that now. We are going to appoint a six-person Legislation Committee, send it upstairs and give it responsibility. It will possibly be away from the glare of the public eye as well, although I am not suggesting for one moment that there is some prospect of it being deliberately done in secret. But it is going to get it out of the spotlight, push it into a corner of the building and take away the focus of the legislation from this place, which ought to be the superior and premier place where these decisions are debated and taken.

Apparently we are going to have the capacity to substitute members. It is going to be some sort of revolving door as far as I can see because presumably those six who are appointed to the Legislation Committee will be quite interested in some parts of the legislative program of the government during the sitting, the parts that they particularly have some connection with, but they are not going to be interested in all the legislative program, nor should they be. I do not expect them to be, and if they were it would be

denying other members a direct participation in the committee anyway, because they do not get a vote. They might be able to attend the committee, speak and ask questions.

We are going to have this system of a Legislation Committee of six members appointed by the house, but by some process substitution will be allowed by leave of the committee, but the house — ‘all members’, it says here — have to be advised of such substitutions. I do not know who is going to do that, whether it is expected of the presiding officer or if the clerks will do it. I am assuming they will do it by email, so there are going to be a lot of emails floating around the place advising of substitutions on this six-person committee. I can see that; it is a very clumsy way of doing things.

Hon. P. R. Hall — The clerks will be busier than Kevin Sheedy.

Hon. W. R. BAXTER — It seems that way, Mr Hall. We have had some talk. Everyone who has spoken in the debate thus far, except the Leader of the Government, is working on the assumption that this Legislation Committee is going to sit concurrently with the house. That goes to the issue well made by Mr Hall and Ms Hadden and others that you cannot be in two places at once. I do not care what you think: our primary responsibility as elected members of the Parliament is to be in the parliamentary chamber, not in some committee room elsewhere in the building.

If the committee is not to sit concurrently — and I think Mr Lenders might be about to advise us that it is not the intention and that on many occasions it will be sitting when this house is not sitting — what is the purpose? Why are we doing that? Let us say we are not going to sit in this chamber on Wednesday afternoons; we are going to have the Legislation Committee. In a sense we are going to shift the focus, shift everyone out of this room and put them up there in the Legislative Council committee room. Is that what we are going to do if we are not going to sit concurrently? Why do that? Why are we not doing it here? Why do we not make the committee work properly in this chamber? That is what it was built for. Are we going to take it upstairs? It is a crazy notion. And if it is going to sit at other times, in non-sitting weeks for example, look at the impost that is going to impose on members from rural Victoria who are going to have to come down here in weeks when they would not otherwise come down here.

Is it going to be like the circus we have with some of the parliamentary committees now, where we have country members coming down for committee meetings only to find the meeting fails for lack of a

quorum? Is that the situation we are going to look forward to? That will be an insult to the Parliament if that is what will happen. That is on the cards.

Hon. P. R. Hall — Would we get paid to come down?

Hon. W. R. BAXTER — That question has probably not been asked yet, Mr Hall, but I will ask it on your behalf.

Hon. P. R. Hall — Extra sitting days?

Hon. W. R. BAXTER — An extra sitting day for these? It has also been said that it is only a trial. Why am I opposed to a trial? I am not opposed to trials generally but I think this is a Clayton’s trial. It is only for three months. I do not know what is on the government’s legislative agenda, but looking at what it gave notice of yesterday in the other place I can see nothing of tremendous significance. We could well have a trial period for three months during which time there will not be a particularly controversial, complex or technical piece of legislation to go to the Legislation Committee. I do not think a three-month trial is at all adequate. I would rather have no trial than a shonky trial that does not prove one thing or another but lets people say, ‘We gave it a go and it worked all right, let’s stick to it’. Three months is simply not a sufficient trial given the legislative program that we are aware is before us in these sittings.

I have heard it said, ‘It does not matter what they decide up there; we can take it back to the committee stage in the house if anyone wants to’. I acknowledge that is a possibility, but you can imagine the pressure on individual members — particularly over time — not to refuse leave to proceed to the third reading if the legislation has already been to a committee upstairs. Pressure will be put on individual members not to refuse leave. What will it do for those of us who have an interest in a bill but were not up there for one reason or another? We will have to read the *Hansard* record of the Legislation Committee to see if everything is fleshed out.

Maybe it will not be properly fleshed out because it would be such a small group — there may only be three MPs up there, as Ms Hadden says. I do not think the public will accept that we can have three MPs making a decision, in effect, on complex legislation. It will not wash with the public. There will be a need for it to come back here even from that perspective.

I have heard it said, ‘There is a new Parliament coming in after November this year, and it will be a very different chamber from what we have experienced in

the past'. In many respects it will be. Members will be elected through proportional representation. People will be representing 'impossible electorates to get around', as the Honourable Philip Davis said, and no doubt that is the government's intention — to change the concept of representation of people to something more like a Senate system, where it will be impossible to do that. But nevertheless, some of us will try.

Frankly I do not think we should be speculating on the make-up of the new Parliament, trying to second-guess it and put in place plans for it. I do not think it will be much different in terms of composition than it has been nearly all the time I have been here — that is, the Nationals will hold the balance of power. There is nothing new about that. It has happened most of the time I have been here and is quite likely to be the situation in 2007 and onwards. There will be a few different dynamics around the place, but it will not be the way Mr Viney put it. He said that for once the government will have to negotiate with minor parties — as if that is something new! That has always happened, except during this Parliament we happen to be in now, where a single party has the majority.

Mr Viney — That is not true.

Hon. W. R. BAXTER — By and large, The Nationals have held the balance of power as a third party. So it is not as if we will be in a new scenario which we have never dealt with before. That is not the situation at all.

We are talking about sessional orders which, as someone has already noted, will expire anyway come November this year. The new Parliament will make its own rules. I think it ought to be left to do so without our trying to second-guess what it might want to do. Moreover, I think this government has designed these changes to protect its ministers from the sort of scrutiny they ought to be put under in the committee of the whole — although I acknowledge they seldom have been. It seems to be the intent of this government to dumb down Parliament. I want to resist it, and I shall.

Mr LENDERS (Minister for Finance) — I welcome the chance to reply to the contributions to this debate. I must say it is almost like I have been operating in two worlds: we have had a series of meetings of the Standing Orders Committee where we have discussed many of the issues raised by The Nationals here today, and we have also had the debate here today, as if the earlier meetings have not happened.

What I find most interesting is that most of the issues raised by The Nationals are either ones that have

already been addressed or ones about which we should be able to remove some of the anxieties and concern through a trial. That is exactly why the Standing Orders Committee wants to have a trial — to get this to work.

I will go through a few of the items that have come forward during the debate and hopefully address them in my reply. First and foremost I cannot let this opportunity pass because Mr Baxter is an institution in this place, but my reading of history is that from 1973 when the Hamer government got control of the Legislative Council until today The Nationals have never had the balance of power. I accept that the party has played a significant role, but just for the history I could not let that pass, being a bit of a quiz person myself.

Moving on to a number of substantive issues we have discussed, firstly, there is a fundamental discussion about the role of the committee. I hear from The Nationals the issue that somehow or other a committee disempowers or is an inappropriate way to operate. I draw numerous conclusions why that is not the case, why a committee is a very effective way for a large organisation like this place dealing with detail, dealing with detail in time, and having capacity to report back.

Through the Chair I say to Mr Baxter that quite often in the committee stage one can find only 3 of the 44 MPs of the chamber present. What often happens in the committee stage is that we do not have sufficient time because understandably, sometimes 20 or 30 of the 44 members will want to be in their electorates, not debating legislation clause by clause. They are quite happy for others to go through detailed consideration and report back to them.

This tortile process actually enhances the role of this place as a house of review. It brings a balance into place where a large body — we are a large body — can go and do other things and have the experts report back to it. This trial also has the right for the whole body to review the proposal if it does not like that view. I take pride in trying to be on top of legislation that I get from the Premier or the Treasurer which is not my portfolio legislation. I seek to brief myself, to be on top of it and be able to respond to a committee of the whole, clause by clause. But where there are technical issues that are not my area I have to walk from the table here to the advisers box, then return to the table to reply on technical questions raised. I think it is superior — not a minister hiding — to have that official sitting with you, as they do at the Public Accounts and Estimates Committee, actually answering technical questions.

Similarly, in this house Ms Mikakos is Parliamentary Secretary for Justice, chairs the government's legislation committee and plays a role for the four ministers in the justice portfolio. She has a hands-on role amongst other things and is absolutely on top of legislation; she knows where it comes from and what it is all about. Ms Mikakos would be a very admirable person to be dealing clause by clause with legislation. If either Minister Theophanous or Minister Madden were to say, 'You are representing me', this Council — with no disrespect to ministers or officials — would actually get a very thorough response clause by clause immediately rather than the charade where, if that were me, I would sometimes need to be walking to and from the advisers box to get answers.

It works well for the Public Accounts and Estimates Committee. It is not just the House of Commons that has committees to advise it. The Tasmanian Legislative Council — heaven forbid! — with its 15 members has committees; the City of Melbourne, with its nine councillors, has committees; and while I do not know the details I would probably even venture to suggest that the Borough of Queenscliffe, with its six councillors, probably also has committees. So the idea of committees — —

Hon. P. R. Hall — The committees do not meet whilst the council is meeting.

Mr LENDERS — I take up Mr Hall's interjection about meeting while the local government council is meeting: this will be a trial. One of the options is that the committee can meet while the Council is meeting, but obviously in a trial the intention of the Standing Orders Committee and certainly this member of the committee — and I think I speak for the majority — is to find ways of making it work. I take on board the point that small parties or Independents will find it difficult to be in two places at once. The intent of this is to streamline a procedure.

Clearly if the majority in this place abuse the procedure and have dual meetings that stop people participating, those people will respond and make it difficult when it gets back into the chamber. The idea of this is to expedite business, get the experts looking at it — those who are interested — and reporting back. This is what a trial will let us do and if the message out of the trial is that it is very hard for small parties to fully participate, that is something the committee will report back on — I have no doubt about that.

The issue of substitutes is specifically put in here, firstly, to assist small parties so that if a person cannot be there, somebody else can be there, and secondly, so

that if there is an expert on the committee; or someone is away on parliamentary business, a substitute can do it.

The other guarantee for any member of this house is that they can sit in at any time on this committee and participate. There is no exclusion to that. But I think it is a far more dignified process if 10 members of this house want to have a detailed discussion on an occupational health and safety bill, that those 10 members can do so and have as long as they need to do it in detail, rather than have pressure from the other 34 members saying, 'We want to get back to our large — or small — electorates, so cut the debate'.

Mr Baxter's point about the water bills reinforces my argument that this committee stage would actually give a greater scrutiny to water bills, or to Mr Stoney's mountain cattlemen legislation, or to Mr Forwood's WorkCover legislation, or you name it for any member of this house who has a detailed interest in certain legislation. I think it actually improves the situation, I do not think in any way it hinders the legislation.

As to the issue of pro rata raised by Mr Hall on what is the exact fraction of a committee of six, the standing order says 'proportional' and clearly the intent is to have this as representative of the house as possible so that it effectively replicates a committee of the whole in a fashion that is more efficient and gives greater time for scrutiny.

All of those issues can be dealt with and I would say, assuming that the house adopts this proposal and we have had a trial and the reporting back, we will get a better understanding of how this can be made to work. I do not think we should kid ourselves in this place: change has happened. As I said, once the winds of change go through this place they will continue to blow, and it is prudent that this house explore some of these options now while we have a chance to think about it and look forward to the next Parliament to implement trial models that work.

I am delighted that we have had a bipartisan approach to finding a better way of dealing with the scrutiny of legislation. Perhaps we are dreaming of some idealised world where 44 people are sitting intently in this chamber scrutinising legislation clause by clause, because we know what happens: when that detailed scrutiny goes on those who have a great interest in it remain in the chamber, and those who have little or no interest go and do other business.

I am not reflecting on their doing 'other business' — they will be servicing their constituents, preparing for

work and all that — but will not be in the chamber at the time. We have seen it through repeated committee stages. I think the proposed trial will be worthwhile as it will enhance the scrutiny of legislation in the Legislative Council and give members a greater opportunity to participate.

The final point I take up relates to my earlier point on committees. My reply takes up Ms Hadden's point about her not being on the Standing Orders Committee. The very fact of setting up a committee and the existence of that committee is so that a group of people can spend the time. I think members of the Standing Orders Committee in this chamber — Ms Romanes, Mr Viney, Mr Forwood and Mr Bishop — could probably help me on this, but I think the committee probably spent three meetings discussing this concept; we spent possibly 4, 5 or 6 hours in a long discussion on the trial, and that exactly shows the point I made. You come up with a detailed proposal and you then have the debate among the larger body about whether you go ahead with it, which is exactly what a committee should do. If an individual member does not like it, they say so and vote against it or seek to amend it.

This is a worthwhile proposal, and I commend the committee on coming up with it. It has been a great effort on the part of members of the Labor and Liberal parties to at least try to get in place a better house of review. I hope that after the trial we can encourage members of The Nationals to embrace it equally, because I genuinely believe it will enhance this place as a house of review, and that will be a fantastic outcome — one that we all aspire to. I commend the sessional orders to the house.

House divided on motion:

Ayes, 36

Argondizzo, Ms	Lovell, Ms
Atkinson, Mr	McQuilten, Mr
Bowden, Mr	Madden, Mr
Brideson, Mr	Mikakos, Ms
Buckingham, Mrs	Mitchell, Mr
Carbines, Ms	Nguyen, Mr
Coote, Mrs	Pullen, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Darveniza, Ms	Romanes, Ms (<i>Teller</i>)
Davis, Mr D. McL.	Scheffer, Mr
Davis, Mr P. R.	Smith, Mr
Eren, Mr	Somyurek, Mr
Forwood, Mr (<i>Teller</i>)	Stoney, Mr
Hilton, Mr	Strong, Mr
Hirsh, Ms	Theophanous, Mr
Jennings, Mr	Thomson, Ms
Koch, Mr	Viney, Mr
Lenders, Mr	Vogels, Mr

Noes, 6

Baxter, Mr	Hadden, Ms (<i>Teller</i>)
Bishop, Mr	Hall, Mr (<i>Teller</i>)
Drum, Mr	Olexander, Mr

Motion agreed to.

PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Ms BROAD (Minister for Local Government) on motion of Mr Lenders.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Housing: rural and regional

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Housing regarding the government's failure to adequately invest in the maintenance of public housing in regional Victoria. Families in Victoria are being forced to wait longer for public housing because of the Bracks government's failure to adequately invest in the maintenance of existing Office of Housing homes. That is causing long delays in the re-tenanting of properties and is leaving homes that are left vacant for long periods vulnerable to vandalism.

My electorate office is being informed constantly by constituents of Office of Housing homes that are vacant for long periods. Those homes are reported for two reasons. The first is because neighbours are aware of the long waiting lists for public housing and are concerned that a family who may be desperate for accommodation should be occupying that home. The second is that neighbours are concerned that the vacant homes will become the target of vandalism, including arson attacks that may also threaten the safety of their own homes.

Since last October at least three vacant Office of Housing homes in Shepparton have been the target of an arson attack, and many homes have been reported to my office as unoccupied for long periods of time. Last week an Office of Housing home in Numurkah was featured in the *Shepparton News*. The home in Mackenzie Street was reported as being derelict, with

old mattresses, couches, broken televisions and general rubbish littered across the yard. The house was also infested with rats. This story brings a new emphasis to the slogan that came out of the bushfires in the north-east 'Bracks government: the neighbours from hell'.

Last week the *Bendigo Advertiser* also carried a story of an Office of Housing home that was still waiting to be repaired almost seven months after it had been damaged by fire. Ken Marchingo of Loddon Mallee Housing Services was quoted in the article as saying that delays in repairing the house meant that another central Victorian family was left homeless. Public housing waiting lists in the Hume and Loddon Mallee regions are continuing to rise, with almost 1400 families on the September quarter Hume region waiting list and nearly 1700 families on the Loddon Mallee region waiting list.

I ask the minister to ensure that maintenance of existing Office of Housing homes is addressed as soon as houses are vacated to allow quicker turnover between tenants, to prevent further damage to homes through vandalism and to ensure that those homes become occupied by families who are currently on the waiting lists.

Government: free-call numbers

Hon. J. G. HILTON (Western Port) — My adjournment matter today is for the Premier in his capacity as the leader of the government. It relates to the provision of 1800 or 1300 numbers when information is available from or contact is required with government departments or agencies. Currently we have such facilities. Examples are the Office of Housing call centre, Consumer Affairs Victoria and Information Victoria. But this approach is not universal, and I would like to give an example. In a press release of 31 January the then Acting Attorney-General, Mr Lenders, announced that additional fees on outstanding fines would be waived to encourage people to pay their fines before 1 July 2006. The press release and the fines web site both showed the only contact number as a Melbourne number. A constituent living in rural Victoria who had heard about the amnesty through the media but who did not have a phone went to a phone box and rang the Melbourne number. She was placed in a queue and ran out of money. She is a sole parent in financial difficulty who wanted to pay her fines.

I ask the Premier to investigate the feasibility of instructing all government departments and agencies to provide either a 1800 or 1300 number when

information is being provided or inquiries encouraged so that provincial and rural residents are not disadvantaged vis-a-vis metropolitan residents.

Australia Help: funding

Hon. D. K. DRUM (North Western) — My adjournment question is directed to the Honourable Sherryl Garbutt, Minister for Community Services in another place. I am in receipt of a letter from Australia Help, a charity organisation that spends a lot of its energy delivering food parcels to people throughout the north-central and northern regions of Victoria. It has been delivering those food parcels for families in need for about 10 years now. Over the last few years it has been able to deliver about 375 parcels per month on an ongoing basis to various families. It receives a vast array of donations of food and goods that it passes on to the families, who are mostly in need, as I said.

The organisation also runs a number of programs, including a breakfast-in-schools program, which enables 17-odd schools to help kids who are sent to school without an adequate breakfast. It delivers the services across a wide geographic area. It has always used VicRelief as a way of receiving the goods. It has effectively been using its own resources to deliver those food parcels, and it has been able to do that through the generosity of many volunteers. In the last 12 months it was in receipt of \$10 000 from the government to help with distribution costs and some food purchases, because it does not get everything donated. It is forced at times to go out and purchase goods, which it can pass on to the needy families. Because it did not have sufficient storage capability it was simply drawing down on the \$10 000 as it was necessary. Apparently that money has been frozen, and it was given no warning that it would be frozen. There has already been a merger between VicRelief and the food bank, which has also resulted in costs.

I call on the minister to, firstly, reinstate the \$10 000 that was available to Australia Help, and secondly, make its job as easy as possible and look at the benefits or negative aspects of the merger between the food bank and VicRelief — —

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

Prisons: staffing

Hon. RICHARD DALLA-RIVA (East Yarra) — I raise a query for the Minister for Corrections in the other place. As we are aware, Corrections Victoria has been moving, albeit at a very slow rate, on the

construction of two new prison facilities. One is the remand centre at Ravenhall and the other is the correctional facility adjacent to the current high-security Barwon jail. As an aside, in the May 2001 budget these were promised for completion in the financial year 2003–04 and as of today are still to be completed, but my sources tell me that one of the jails, the correctional facility at Barwon, is due to commence operation in early March — a month away.

However — and this is typical — the Bracks government announced a series of recruiting programs in the middle of last year. I remember saying at the time that there would be substantial problems in getting staff because of the concentration of a variety of prisons in close proximity to one another. At that time it was put to me by a number of prison officers that there may be a shortage of staff.

Although advertisements were run last year, it has been brought to my attention that advertisements have been run in the *Age* recently, such as:

Prison officers. Recruiting now. Permanent, full-time jobs.
Ravenhall, CBD, Lara and Geelong.

I know it is difficult trying to recruit people in the community to be prison officers because of the type of work they undertake. I understand it would be a problem. However, I have been given information that the correctional facility that is to be opened by the end of next month is 34 shifts short — in other words, 34 prison officers short — of being able to carry out a full seven-day shift. That is of concern, given that three jails have been closed over the past year.

Given that the intended opening of the Barwon correctional facility is to be in March — which is only one month away — can the minister take the appropriate action that will see sufficiently qualified prison officers being ready to service those jails at least over the next six months?

Environment: Deer Park site

Hon. B. N. ATKINSON (Koonung) — I wish to address a matter to the Minister for Environment in another place, although the matter brought to me might well have gone to a number of ministers. A gentleman by the name of Steven Daicos has approached me in respect of concerns he has about the former Albion explosives facility in Deer Park which is being developed now as a project called Cairnlea, a new development upon which Mr Daicos was employed as a road contractor. He had worked on that site for some time, developed an illness and has lodged a WorkCover

claim. The WorkCover claim, which has just been lodged, will go through the normal process.

His concern is about the state of that particular site and that, in his view, the Environment Protection Authority has been less than forthcoming with information on the explosives, materials, sediment and waste that remain on that site, and indeed with the handling of those materials by a number of agencies involved, including, as I understand it, the Office of Major Projects. He has discussed this with the EPA. I have copies of some of the correspondence in which the EPA expresses satisfaction with existing results and certificates that have been issued saying that the site will not cause any danger or hazard. The point made is that some materials that have been sought in discussions with the agency have not been provided. Indeed there has been some obstruction in providing certain information. Mr Daicos expresses a major concern that it is not individual elements that might be in the soil that need to be addressed but the effect of a cocktail of elements in the soil.

I seek the minister's review of the site audits that were carried out on this particular property. It has obviously been used in the preparation of munitions and one can understand that there would be a lot of contaminants on that site. It needs to be looked at carefully. I seek the minister's review of the audits that were undertaken on this site and that he press for an independent audit of the site.

Commonwealth Games: shooting venue

Hon. G. K. RICH-PHILLIPS (Eumemmerring) —

I wish to raise a matter for the attention of the Minister for Commonwealth Games regarding the provision of facilities for pistol and small-bore shooting which will take place during the games at the Melbourne International Shooting Club in Port Melbourne. I have received representations from David Sandground, managing director of Parabellum Imports, a company involved in the importation of firearms for contests. The company is an exclusive importer of a number of firearms that will be used during the competition. Mr Sandground has brought to my attention that the facilities at Port Melbourne do not allow for the provision of facilities for manufacturers representatives to be present at the facility to help competitors if their weapons need repairs or they need assistance and so on.

The Melbourne 2006 web site notes that the games are being organised in accordance with the rules of the International Shooting Sports Federation, which requires in its rule 3.5.2 that:

The following facilities must be provided on or near the shooting ranges ...

Rule 3.5.2.7 refers to:

a gunsmith's shop with suitable work benches and vices.

Rule 3.5.2.8 refers to:

appropriate free facilities for firearms and equipment manufacturers to service their products ...

It is clear from the rules under which the competition is to be conducted that facilities for firearms manufacturers and their representatives must be provided in the facility so that competitors can take their weapons to these representatives if services are required. However, the organisers are not providing those services at Port Melbourne.

Mr Sandground has written to and spoken to Larry Sengstock, the manager of athletes services for the games, and has had an unsatisfactory response. According to Mr Sandground he was told, 'If I have to do it for you, I will have to do it for everyone'. It is clear that the rules require that it be done for everybody. All manufacturers who have handguns and firearms in competition are entitled to have facilities on the range. I ask the minister to ensure that appropriate facilities are provided for all firearms manufacturers at the event so that athletes have the appropriate support.

Consumer affairs: Prentice Homes

Hon. C. A. STRONG (Higinbotham) — I would like to raise with the Minister for Consumer Affairs an issue regarding the ongoing disgrace of the lack of consumer protection for domestic home builders. I have raised on many occasions the issue of Prentice Homes being highlighted as a major offender against Consumer Affairs Victoria, yet the building commission continues to do nothing. It has taken two years and it gave that company a slap on the wrist, a microscopic fine and allowed it to continue.

I have a letter from Mr Craig Willingham of 14 Norfolk Avenue, Oakleigh, which states:

Unfortunately I have also endured the unpleasant experience of having Prentice Homes build a new home for my family in Oakleigh.

The letter goes on to say:

... independent inspections at the frame and lockup stage due to poor workmanship. Both inspections identified major structural defects ...

It further says:

Installation of utilities in a dangerous manner as the gas connection was —

endangering life and limb. It also says:

Continued issuance of progress payment requests prior to relevant stages being completed.

In other words the builders were asking for money prior to when they should have had it. The letter goes on and says, and this is the point I have with the minister:

In frustration with the lack of response from Prentice I rang BACV —

which is Building Advice and Conciliation Victoria run by the minister's office —

for advice in January 2006. The operator showed a level of disinterest and advised me to 'send a letter to the builder advising them of the issues'.

That was something he was doing for many months prior. The letter goes on to say that this advice was obviously of little value and that:

No further advice or guidance was provided by them —

that is, BACV. It goes on and asks me:

Could you please provide me with advice on how I can assist in protecting other Victorians from this type of situation?

I ask the minister to please follow up this issue with Mr Willingham to see if she can provide him with the advice that he sought from me about how BACV can help not only him but other people in a similar situation to get proper consumer protection from domestic home builders.

Mining: Mount Egerton licences

Ms HADDEN (Ballarat) — My issue is for the attention of the Minister for Resources, the Honourable Theo Theophanous. It relates to a very urgent and serious issue regarding mining in the township of Mount Egerton, the current mining company Techsol Resources and its managing director, Mr Terry Delahunty. The company has been mining in the town on a mining licence for 10 years.

Members of the Mount Egerton Community Development Association and community representatives on the environmental review committee for Techsol Resources mining operations in the township of Mount Egerton have some major concerns and believe their concerns have not been addressed by the department.

After that town of about 250 adults had lodged 126 objections to the mining licence application and 95 objections to the exploration licence application by Techsol Resources, those objections were ignored. The community is very concerned because the current mining licence is on Crown land; it is actually on a public recreation reserve, which the community cannot use. Therefore, there are also a number of issues regarding planning which are the responsibility of the Minister for Planning in the other house.

The community says it has been working very hard with Crown land managers to develop a management strategy for Crown land in the township of Mount Egerton, but that work has been ignored and their agreed strategy abandoned. The township is within a proclaimed water catchment area and apparently Central Highlands Water objected to another mining licence and to an exploration licence, given the problems with water quality arising from the current mining licence operation. The questions as to how the water catchment issues will be managed have also not been addressed by the department.

The community says it was advised by a press release from the department in the local paper that this recalcitrant mining company was given an exploration licence over the whole town of Mount Egerton and therefore believes that the processes of notification and consultation were not followed.

The community is getting angrier and angrier, and is becoming more concerned about the future of Mount Egerton, which is a lovely township to visit for those who divert off the Western Highway on their way to Ballarat. The community has asked me to request that the minister call a summit meeting of all stakeholders concerned with mining and the long-term future of Mount Egerton so that their concerns can be raised directly with the minister, and he can be properly and fully advised and briefed by the community, see it for himself and make urgent decisions regarding the community.

The DEPUTY PRESIDENT — Order! The honourable member's time has expired, but no request was put.

Ms HADDEN — Yes, it was.

Mr Gavin Jennings interjected.

The DEPUTY PRESIDENT — Order! Well, it was put in a very convoluted way, put it that way.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! It was mentioned that the community wanted a summit to be called, but a request was not put very clearly to the minister. I call the minister to respond.

Responses

Mr GAVIN JENNINGS (Minister for Aged Care) — Thank you, Deputy President, for the opportunity to respond to all the items on the adjournment tonight and to give my undertaking to pass the matters on to my relevant colleagues.

Ms Lovell raised a matter for the attention of the Minister for Housing regarding the quick turnaround of maintenance to public housing homes within the Hume-Loddon region.

Mr Hilton raised a matter for the attention of the Premier, seeking his deliberation on the feasibility of trying to ensure that when all government programs are announced there be a requirement for some degree of feedback from the community, and that they be supported by a 1800 or 1300 free-call number, particularly to advantage those who live out of the metropolitan area.

Mr Drum raised a question for the attention of the Minister for Community Services in the other house, asking her to release funds to Australia Help, which provides, in collaboration with VicRelief, food parcels and school breakfast programs within his region.

Mr Dalla-Riva raised a matter for the attention of the Minister for Corrections in the other place, seeking that the minister ensure that under the staffing regime to be implemented at the new prisons to be opened during the course of 2006 they be fully staffed and that their rosters be full of well-trained and supported corrections officers.

Mr Atkinson raised a matter for the attention of the Minister for Environment in the other place, asking him to review the site audit and approvals that have been undertaken by the Environment Protection Authority over the former Albion munitions site currently being redeveloped as the Cairnlea Estate.

Mr Rich-Phillips raised a matter for the attention of the Minister for Commonwealth Games. He asked the minister to ensure that the arrangements that apply at the Melbourne shooting club, which will be the site of the shooting competition of the Commonwealth Games, comply with the rules to ensure that the appropriate support for shooters takes place.

Mr Strong raised a matter for the attention of the Minister for Consumer Affairs. The minister would be assisted by knowing the details concerning Mr Strong's constituent, Mr Willingham, who has raised concerns that from his perspective faulty building has been undertaken on his new home.

Ms Hadden raised a matter for the attention of the Minister for Resources seeking his intervention to enable the residents of Mount Egerton to discuss with the mining company and the minister the relative merits of the mining licence and the exploration licence that apply to a mining development within Mount Egerton.

Motion agreed to.

House adjourned 5.27 p.m.