

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 28 February 2007**

**(Extract from book 3)**

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## **The Governor**

Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

|   |                                 |
|---|---------------------------------|
| Premier, Minister for Multicultural Affairs and Minister for Veterans' Affairs .....  | The Hon. S. P. Bracks, MP       |
| Deputy Premier and Minister for Water, Environment and Climate Change .....   | The Hon. J. W. Thwaites, MP     |
| Minister for Education .....  | The Hon. J. Lenders, MLC        |
| Minister for Skills, Education Services and Employment and Minister for Women's Affairs .....   | The Hon. J. M. Allan, MP        |
| Minister for Gaming, Minister for Consumer Affairs and Minister assisting the Premier on Multicultural Affairs .....  | The Hon. D. M. Andrews, MP      |
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| Treasurer, Minister for Regional and Rural Development and Minister for Innovation .....  | The Hon. J. M. Brumby, MP       |
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| Minister for Agriculture .....  | The Hon. J. Helper, MP          |
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| Minister for Community Services and Minister for Aboriginal Affairs ...   | The Hon. G. W. Jennings, MLC    |
| Minister for Public Transport and Minister for the Arts .....   | The Hon. L. J. Kosky, MP        |
| Minister for Planning .....   | The Hon. J. M. Madden, MLC      |
| Minister for Sport, Recreation and Youth Affairs .....  | The Hon. J. A. Merlino, MP      |
| Minister for Mental Health, Minister for Children and Minister for Aged Care .....  | The Hon. L. M. Neville, MP      |
| Minister for Roads and Ports .....  | The Hon. T. H. Pallas, MP       |
| Minister for Health .....   | The Hon. B. J. Pike, MP         |
| Minister for Industry and State Development, Minister for Major Projects and Minister for Small Business .....  | The Hon. T. C. Theophanous, MLC |
| Minister for Housing and Minister for Local Government .....  | The Hon. R. W. Wynne, MP        |
| Cabinet Secretary .....   | Mr A. G. Robinson, MP           |

### **Joint committees**

**Scrutiny of Acts and Regulations Committee** — (*Council*): Mr Dalla-Riva, Mr Eideh, Mr Elasmarr and Ms Pulford.  
(*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr McIntosh and Mr Thompson.

### **Heads of parliamentary departments**

*Assembly* — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey  
*Council* — Clerk of the Legislative Council: Mr W. R. Tunnecliffe  
*Parliamentary Services* — Secretary: Dr S. O'Kane

**MEMBERS OF THE LEGISLATIVE COUNCIL**  
**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. R. F. SMITH

**Deputy President:** Mr BRUCE ATKINSON

**Acting Presidents:** Mr Finn, Ms Pennicuik, Mrs Peulich, Mr Somyurek and Mr Vogels

**Leader of the Government:**

Mr JOHN LENDERS

**Deputy Leader of the Government:**

Mr GAVIN JENNINGS

**Leader of the Opposition:**

Mr PHILIP DAVIS

**Deputy Leader of the Opposition:**

Mrs ANDREA COOTE

**Leader of The Nationals:**

Mr PETER HALL

**Deputy Leader of The Nationals:**

Mr DAMIAN DRUM

| <b>Member</b>                      | <b>Region</b>              | <b>Party</b> | <b>Member</b>                    | <b>Region</b>              | <b>Party</b> |
|------------------------------------|----------------------------|--------------|----------------------------------|----------------------------|--------------|
| Atkinson, Mr Bruce Norman          | Eastern Metropolitan       | LP           | Lenders, Mr John                 | Southern Metropolitan      | ALP          |
| Barber, Mr Gregory John            | Northern Metropolitan      | Greens       | Lovell, Ms Wendy Ann             | Northern Victoria          | LP           |
| Broad, Ms Candy Celeste            | Northern Victoria          | ALP          | Madden, Hon. Justin Mark         | Western Metropolitan       | ALP          |
| Coote, Mrs Andrea                  | Southern Metropolitan      | LP           | Mikakos, Ms Jenny                | Northern Metropolitan      | ALP          |
| Dalla-Riva, Mr Richard Alex Gordon | Eastern Metropolitan       | LP           | O'Donohue, Mr Edward John        | Eastern Victoria           | LP           |
| Darveniza, Ms Kaye Mary            | Northern Victoria          | ALP          | Pakula, Mr Martin Philip         | Western Metropolitan       | ALP          |
| Davis, Mr David McLean             | Southern Metropolitan      | LP           | Pennicuik, Ms Susan Margaret     | Southern Metropolitan      | Greens       |
| Davis, Mr Philip Rivers            | Eastern Victoria           | LP           | Petrovich, Mrs Donna-Lee         | Northern Victoria          | LP           |
| Drum, Mr Damian Kevin              | Northern Victoria          | Nats         | Peulich, Mrs Inga                | South Eastern Metropolitan | LP           |
| Eideh, Khalil M.                   | Western Metropolitan       | ALP          | Pulford, Ms Jaala Lee            | Western Victoria           | ALP          |
| Elasmar, Mr Nazih                  | Northern Metropolitan      | ALP          | Rich-Phillips, Mr Gordon Kenneth | South Eastern Metropolitan | LP           |
| Finn, Mr Bernard Thomas C.         | Western Metropolitan       | LP           | Scheffer, Mr Johan Emiel         | Eastern Victoria           | ALP          |
| Guy, Mr Matthew Jason              | Northern Metropolitan      | LP           | Smith, Hon. Robert Frederick     | South Eastern Metropolitan | ALP          |
| Hall, Mr Peter Ronald              | Eastern Victoria           | Nats         | Somyurek, Mr Adem                | South Eastern Metropolitan | ALP          |
| Hartland, Ms Colleen Mildred       | Western Metropolitan       | Greens       | Tee, Mr Brian Lennox             | Eastern Metropolitan       | ALP          |
| Jennings, Mr Gavin Wayne           | South Eastern Metropolitan | ALP          | Theophanous, Hon. Theo Charles   | Northern Metropolitan      | ALP          |
| Kavanagh, Mr Peter Damian          | Western Victoria           | DLP          | Thornley, Mr Evan William        | Southern Metropolitan      | ALP          |
| Koch, Mr David Frank               | Western Victoria           | LP           | Tierney, Ms Gayle Anne           | Western Victoria           | ALP          |
| Kronberg, Mrs Janice Susan         | Eastern Metropolitan       | LP           | Viney, Mr Matthew Shaw           | Eastern Victoria           | ALP          |
| Leane, Mr Shaun Leo                | Eastern Metropolitan       | ALP          | Vogels, Mr John Adrian           | Western Victoria           | LP           |



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**Wednesday, 28 February 2007**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.**

## **PUBLIC PROSECUTIONS AMENDMENT BILL**

*Introduction and first reading*

**Received from Assembly.**

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

### **PAPERS**

**Laid on table by Clerk:**

Auditor-General — Report on Results of financial statement audits for agencies with 30 June 2006 balance dates.

EastLink Project Act 2004 — Statement of Variation, pursuant to section 21(3) of the Act.

Essential Services Commission — Report on New Year's Eve Surcharge on Non-Metropolitan Taxi-Cabs, December 2006.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2006.

Office of Police Integrity — Report on Past Patterns — Future Directions: Victoria Police and the problem of corruption and serious misconduct, February 2007.

A Statutory Rule under the following Act of Parliament:

Subordinate Legislation Act 1994 — No. 4.

### **MEMBERS STATEMENTS**

#### **Industrial relations: WorkChoices**

**Mr O'DONOHUE** (Eastern Victoria) — The key to economic growth and employment is finding the appropriate balance between the labour market and economic flexibility and the protection of workers from unscrupulous employers. This is something I believe in and something the Liberal Party believes in. The labour market in the United States of America is not balanced. It does not provide appropriate protections for workers, although it must be said its creation of millions of jobs over recent times is an amazing feat. Conversely the rigid labour policies of European countries such as Germany and France have locked in a cycle of low growth, high unemployment and mass poverty.

Australia has achieved a balance that encourages employment growth whilst also providing protection against unlawful dismissal for reasons such as pregnancy, race, gender, age and the like. This has been achieved as a result of the workplace reforms initiated by the federal government. We have heard much from members opposite about the evils of WorkChoices and indeed the coalition's industrial relations reforms that were completed over the last 10 years. The federal Deputy Leader of the Opposition, Julia Gillard, claims that the full employment we are experiencing is a result of the resources boom. The Bracks government claims it is because of its good management.

The truth is of course that it is because of the increased labour market flexibility derived from the labour market reforms together with benign inflation and consequent stable monetary policy. This government knows that is the truth; otherwise it would have taken back the industrial relations powers when it entered government. The government should stop using the state industrial relations department as a tool of political propaganda — —

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

#### **Roads: Western Metropolitan Region**

**Mr EIDEH** (Western Metropolitan) — I take this opportunity to commend the Bracks government for its ongoing commitment to road infrastructure in the Western Metropolitan Region. Effective and efficient road networks are a fundamental ingredient for all of us in deciding where we live and work. The Bracks government is delivering on projects that ensure the western suburbs of Melbourne continue to thrive and create fantastic communities where families want to live and businesses want to grow.

These are projects such as: the Tullamarine–Calder interchange, due for completion in mid-2007; the jointly funded Deer Park bypass project, providing 9.3 kilometres of four-lane freeway between the Western Highway at Caroline Springs and the Western Ring Road at Sunshine West; the \$6.8 million Boundary Road project in Laverton North, which will upgrade Boundary Road for 1.4 kilometres between Fitzgerald Road and the roundabout at Raymond Road in Laverton North to provide two lanes of traffic in each direction, that being due for completion in late 2007.

Other projects include the \$14.7 million Derrimut roadworks which will upgrade Derrimut Road between Hogans and Sayers roads, providing a four-lane divided road, due to be finished in early 2009; the \$19.7 million

Kings Road duplication project to upgrade 3.2 kilometres of Kings Road between Taylors Road and Melton Highway from two lanes to four lanes in each direction, set to be finished in mid-2008 — —

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

### **Hazardous waste: Tullamarine**

**Ms HARTLAND** (Western Metropolitan) — I was very concerned yesterday about the yelling match that went on between the Liberals and the ALP regarding the Tullamarine toxic dump. I have been working with local residents in the area for several years, and I have not noticed either party doing much to resolve the situation.

Last night I spoke to Helen Van den Berg, a local activist, to confirm this. Helen explained to me that in 20 years no government, ALP or Liberal, has done anything to resolve the problem. Helen has asked me to throw out a challenge to all parties to sit down with residents and talk to them about the problems and the risk to their health that living near a toxic dump has caused. I am happy to organise this, so today I will formally write to all the members concerned, about a time and date for such a meeting.

### **Wannon Water: consumer usage**

**Mr KOCH** (Western Victoria) — One of the most serious consequences of the ongoing drought is the falling water levels in Victoria's urban water storages. Rural communities have adjusted extremely well to water restrictions and have reduced water consumption. Warrnambool-based Wannon Water has Hamilton district residents on stage 4 restrictions, setting a daily water consumption target of 3.25 megalitres. Despite best efforts, this target is not always possible to achieve. Hamilton water storages are at only 20 per cent compared with 46 per cent at the same time last year.

Wannon Water chief executive Grant Green has told Hamilton residents to reduce their water consumption to meet daily targets if more stringent measures are to be avoided, but what is of concern is a letter sent to numerous Hamilton residents warning them of above average water consumption. This remarkably impersonal, blatant, tactless and generic letter, dated 22 January 2007 and signed by Mr Green, advises customers that 'for the last three months billing period water consumption at your property was 25 per cent or more higher than the average household consumption of 40 000 litres'. The letter goes on to describe measures for addressing these excesses. The problem is

this letter was sent to customers who have not exceeded average water consumption. In fact this letter was sent out by mistake. It was described by Wannon Water as 'an administrative error'. The least Wannon Water should do is apologise publicly for unnecessarily harassing its valued customers.

### **Bushfires: tourism**

**Ms DARVENIZA** (Northern Victoria) — I want to take this opportunity to encourage everyone to take their holidays in regional Victoria. We have holidays coming up over the Labour Day long weekend and then Easter and school holidays from 2 April to 15 April, and it is really important that Melburnians and all Victorians understand that regional Victoria is in fact open, ready for business and ready to welcome visitors, particularly to those areas that have been affected by recent bushfires.

In fact the government recently announced \$1 million to assist in fast-tracking the reopening of several north-eastern tourist attractions. Priority has been given to popular camping, hiking, four-wheel drive and horseriding areas to ensure that they are reopened before the holidays. Some of them will be open before the coming long weekend, and other areas will be reopened before the Easter school holidays. Visiting the bushfire-affected areas will help communities to recover as soon as possible after the devastation of those fires. I am asking everyone to encourage family and friends to look to regional Victoria as a holiday destination in the forthcoming holidays.

### **Consumer affairs: mobile phones**

**Mr DRUM** (Northern Victoria) — I wish to bring to the house's attention a renewed surge in scams surrounding mobile phones. I have previously asked questions of the former Minister for Consumer Affairs in this house about what Consumer Affairs Victoria was doing to protect unsuspecting youth who might click on the internet for a new ring tone promotion or some other internet company that is offering their favourite song as a mobile ring tone. Without further consent, these kids get sucked into it and effectively allow these companies to send them subsequent ring tones. Every time they do that they take \$5 from their account.

There is another scam going around at the moment where companies entice kids through TV and the internet to receive all types of information through a series of text messages. Once the kids have accepted these deals, without realising what is actually going to happen into the future, the companies can continue to

send a whole series of very non-descript text messages to their phones, each time taking \$4.50 from their account just for the privilege. The only way to stop these text messages is to open them up and reply to them with the word 'stop' in capital letters. However, some of these text messages are very hard to identify and some of these kids do not even get the chance to respond with the word 'stop'. Therefore these companies just continue to drain their accounts. I urge Consumer Affairs Victoria to investigate these practices, find out who these companies are and, if necessary, pass legislation to make illegal this sort of unethical practice.

### **Patterson River: dredging**

**Mrs PEULICH** (South Eastern Metropolitan) — People on this side may not be surprised to learn of another state government failure to deliver on commitments, this time to the people of Carrum and in particular to those who use the Patterson River. The mouth of the river is required to be dredged regularly to ensure that boat traffic can travel safely through this area and that the Patterson River can continue to flow freely into Port Phillip Bay.

**Mr Thornley** — You do support dredging!

**Mrs PEULICH** — It is a different type of dredging. I understand that regular dredging was to be overseen by Parks Victoria, under the jurisdiction of Mr Thwaites, the Minister for Water, Environment and Climate Change in another place, and that this has not happened for some time. The local commodore, Mr Ian Bevan, claims that approximately 200 boats use the river each weekend. Failure to dredge the mouth of the river will expose them to significant risk. It is considered to be a safe harbour, so of course when there is bad or inclement weather unsuspecting boat users may seek refuge in Patterson River. At the moment the depth is about 500 millimetres, which clearly poses a very significant risk to harbour users. The delays will mean that there will be a loss of life sooner or later unless the government actually fulfils its contract. There have been no contingency plans. The mechanical failure of the dredging machine has not been planned for. Clearly these residents will continue —

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

### **Judy Mazey**

**Ms TIERNEY** (Western Victoria) — On Friday, 16 February, I was invited to attend a retirement gathering at Ford Geelong. Two exceptional people

from the training department, Judy Mazey and Lou Nettleton, had decided after much deliberation to commence a new journey in their lives. I would like to focus on Judy Mazey.

Judy Mazey completed 31 years of service at Ford, working all shifts, starting with the night shift. It was the first real intake of women to work on the factory floor. There was no induction or information; it was about being allocated a job and going like the Almighty to keep up, with very little consideration given to safety. There were many issues on the shop floor in those days. Over time Judy realised that something had to be done. This eventually led her to become a shop steward and then deputy senior shop steward for the vehicle builders union, the highest position held by a woman in the union at that time. Judy also went on to become president of the union's Geelong sub-branch.

Not long after being presented with the vehicle industry certificate by Joan Kirner in 1992, Judy started with the training department at Ford, helping her workmates on the shop floor and making sure their concerns were addressed. Listening to people and working for ordinary people have been the norm for Judy, employing values that have been handed down to her by her parents. Judy now looks forward to some rest, part-time work and spending time at home with her mum, Beryle. We salute you, Judy, for your tenacity, tireless work and breaking —

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

### **Barry Bishop and Bill Baxter**

**Mr ATKINSON** (Eastern Metropolitan) — In my contribution to the debate on the address-in-reply to the Governor's speech I mentioned a number of members who did not return to this place after the last election. I did not cover two members in that speech, not so much by omission but because I wanted to refer to them separately. One of them was Barry Bishop of The Nationals, who came into Parliament in 1992 at the same time I did and who served his party with distinction. He had a commendable record in Parliament, which included a period as Deputy President.

Bill Baxter, who also left the Parliament on that occasion, had an extraordinary record in this house and the other house as a member of The Nationals. When you come into Parliament obviously you cast your eye around looking for people on whom to model your own parliamentary career and from whose experience you can draw in terms of watching them and trying in some

way to follow in their footsteps. Bill Baxter was one of the people in this place I looked to as a source of inspiration and guidance as to what I should do in developing my skills as a member of Parliament. His commitment on behalf of the people of his electorate and the people of Victoria was outstanding. He served with distinction as a minister and was an outstanding contributor in this house. I think the house is much poorer for the loss of Bill Baxter.

### Chris Nolan

**Ms PULFORD** (Western Victoria) — According to his friends and family Chris Nolan was a man with the world at his feet. He was school captain at St Patrick's, Ballarat, and an accomplished sportsman. He graduated from Monash University with law and economics degrees with honours. He was involved in establishing the Meredith Music Festival in his home town. In 1996, at the age of 28, Chris was working as a lawyer in Hanoi when he suffered a terrible illness. His severe brain injury hit without warning. Chris hears and understands, but is unable to move, speak or see. His is an active mind trapped in a severely impaired body. Since his discharge from hospital in 1996 Chris has been living in an aged-care facility. Chris is now 38 years old. Most of the residents Chris has lived with are much older. In the first four years following his injury 13 men died in his four-bed room.

A mother's love knows no boundaries, but the tireless work of Mary Nolan to improve her son's situation is inspiring. Mary has received invaluable assistance from a great many people: all members of the 'What Does Chris Want?' group, and in particular Dr Rosalie Hudson and Richard Reilly; Brenda Boland, Francene McCartin, Heather Thompson and Arthur Rogers from the Department of Human Services; Chris's case manager, Tom Worsnop; a vast array of family and friends; the people of Meredith; the organisers and punters at the Meredith Music Festival; members of the media; Chris's therapy team — Marg Darcy, Roxanne Maule and Peter Daly; Dr Barry Rawicki; and the many carers Chris has had.

Mary Nolan and the people supporting her have made some real improvements. Victoria will now have a specialist home for young people with a disability. A new purpose-built 10-bed unit is being constructed. These people are all to be commended for their passion and commitment to Chris and others in similar situations.

### Economy: human capital investment

**Mr THORNLEY** (Southern Metropolitan) — We had an economics lesson from Mr O'Donohue this morning. He tried to tell us that workplace relations was where we were going to drive economic growth. The Productivity Commission will be releasing a report in precisely 5 minutes, which will include its economic modelling of the national reform agenda, an area in which this government leads the entire national effort. When you look at the numbers on the economic growth that will come over the next 25 years as a result of that, they make the sort of nonsense that Mr O'Donohue talks absolutely pale into insignificance.

What members opposite do not understand is that investing in people is the single best thing you can do for an economy. Human capital investment delivers greater returns than other forms of investment. If you want to see what happens in the sort of labour market opposition members are talking about in the United States of America, with higher unemployment and greater levels of working poverty, you should read Barbara Ehrenreich's book *Nickel and Dimed — On (Not) Getting by in America*.

In that book you will read about the life of the 50 million working people in that country who cannot afford to either pay their rent or have any form of health care. I invite members to compare that to what we are delivering in the national reform agenda and to have a good read of the Productivity Commission's report. I also invite them to have a good read of Gary Becker, James Heckman or any of the various other Nobel prize-winning market economists, who will tell you that investing in people is where the biggest opportunity lies. Members will then understand that investing in the least advantaged people is where the greatest return can be made, and that is where all our work in the national reform agenda is delivered. That is how — —

**The PRESIDENT** — Order! The member's time has expired. This is the fourth occasion this morning on which members have just kept going when their time has expired. I ask members to respect the call from the Chair. When their time has expired, it has expired.

### Upwey Tecoma Bowls Club: facilities

**Mr LEANE** (Eastern Metropolitan) — It was a great pleasure to represent the Minister for Sport, Recreation and Youth Affairs in the other place, James Merlino, last Wednesday evening at the official opening of the Upwey Tecoma Bowls Club's new synthetic bowling green. Unfortunately the club's

bowling green was damaged in 2005 by floodwater and its members were very pleased to be getting a new bowling surface as well as an upgrade of their lights so they can utilise the green at night. They were also very pleased that the Bracks Labor government chipped in \$18 000 for the restoration to make up a substantial part of the shortfall that the insurance payout did not cover following the water damage. It was a nice coincidence that the lawn bowls Australian Open was on last week at the Darebin International Sports Centre. A couple of bowlers who were present on Wednesday night had competed there with some success.

Lawn bowls is growing in Australia, with more and more young people playing the sport. To support this popular sport the Bracks Labor government recently announced a new \$1 million lawn bowls package that will develop a centre of excellence at the State Lawn Bowls Centre. It has also enabled Victoria to secure the Australian Open for at least the next four years. I would like to thank Robin Southern and the rest of the executive of the Upwey Tecoma Bowls Club for their kind hospitality. I was pleased I had the opportunity to amuse them with my pathetic efforts to send the bowl within 3 metres of the jack.

## BUSINESS OF THE HOUSE

### Sessional orders

**Mr P. DAVIS** (Eastern Victoria) — I move:

That, unless otherwise ordered by the Council —

1. Days and hours of meeting

Paragraph 1(c) of standing order 4.01 is suspended and the time of meeting on Thursday will be:

‘(c) Thursday —

- (i) at 9.30 a.m., if no meetings of select committees are scheduled to occur; or
- (ii) at 12 noon, if a select committee is meeting.’

2. Interruption of debate

Paragraph (3) of standing order 4.06 is suspended.

3. Daily adjournment debate

- (1) Until 30 August 2007 paragraphs (2) to (5) inclusive of standing order 4.10 are suspended.
- (2) Paragraph (1) of standing order 5.02 is suspended and the order of business on Tuesday will be:

‘(1) On Tuesday —

Messages

Questions

Answers to questions on notice

Formal business

Members statements (up to 15 members)

Government business

At 8.00 p.m. Legislation Committee (if ordered)

Adjournment’.

- (3) Paragraph 1 of standing order 5.03 is suspended and the order of business on a Tuesday in the final sitting week of the calendar year will be:

‘(1) The order of business on a Tuesday will be —

Messages

Formal business

Government business

At 2.00 p.m. questions

Answers to questions on notice

Members statements (up to 15 members)

Government business (continues)

At 8.00 p.m. Legislation Committee (if ordered)

Adjournment’.

- (4) The paragraph in standing order 5.04 relating to the adjournment debate is suspended and the following will apply:

‘Adjournment debate (standing order 4.10)

Total time No limit

Each member 3 minutes’.

4. Order of business — Wednesday

Paragraph (2) of standing order 5.02 is suspended and the order of business on Wednesday will be:

‘(2) On Wednesday —

Messages

Formal business

Members statements (up to 15 members)

General business

At 2.00 p.m. questions

Answers to questions on notice

General business (continues)

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| <p>Government business</p> <p>At 8.00 p.m. Legislation Committee (if ordered)</p> <p>Adjournment’.</p> <p>5. Order of business — Thursday</p> <p>Paragraph (3) of standing order 5.02 is suspended and the order of business on Thursday will be:</p> <p>‘(3) On Thursday —</p> <p style="padding-left: 20px;">(a) if no meeting of a select committee is scheduled to occur —</p> <p style="padding-left: 40px;">Messages</p> <p style="padding-left: 40px;">Formal business</p> <p style="padding-left: 40px;">Members statements (up to 15 members)</p> <p style="padding-left: 40px;">Statements on reports and papers (60 minutes)</p> <p style="padding-left: 40px;">Government business</p> <p style="padding-left: 40px;">At 2.00 p.m. questions</p> <p style="padding-left: 40px;">Answers to questions on notice</p> <p style="padding-left: 40px;">Government business (continues)</p> <p style="padding-left: 40px;">At 8.00 p.m. Legislation Committee (if ordered)</p> <p style="padding-left: 40px;">Adjournment</p> <p style="padding-left: 20px;">(b) if a select committee is meeting —</p> <p style="padding-left: 40px;">Messages</p> <p style="padding-left: 40px;">Formal business</p> <p style="padding-left: 40px;">Members statements (up to 15 members)</p> <p style="padding-left: 40px;">Government business</p> <p style="padding-left: 40px;">At 2.00 p.m. questions</p> <p style="padding-left: 40px;">Answers to questions on notice</p> <p style="padding-left: 40px;">Government business (continues)</p> <p style="padding-left: 40px;">At 8.00 p.m. Legislation Committee (if ordered)</p> <p style="padding-left: 40px;">Adjournment’.</p> <p>6. Order of business — Friday</p> <p>Paragraph (4) of standing order 5.02 and the subsequent paragraph are suspended and the order of business on Friday will be:</p> <p>‘(4) On Friday —</p> <p style="padding-left: 20px;">Formal business</p> <p style="padding-left: 20px;">Government business</p> <p style="padding-left: 20px;">At 2.00 p.m. questions</p> | <p>Government business (continues)’.</p> <p>7. Business in final week of year</p> <p>Paragraph (2) of standing order 5.03 is suspended.</p> <p>8. Business when the Council meets at 12 noon on Thursday</p> <p>When the Council meets at 12 noon on Thursday:</p> <p style="padding-left: 20px;">(a) Paragraph (3) of standing order 5.03 (business in final week of year) is suspended;</p> <p style="padding-left: 20px;">(b) The time limits relating to statements on reports and papers in standing order 5.04 are suspended;</p> <p style="padding-left: 20px;">(c) Paragraph (3) of standing order 8.11 (procedure when answers to questions on notice not provided) is suspended; and</p> <p style="padding-left: 20px;">(d) Standing order 9.10 (statements on reports and papers) is suspended.</p> <p>9. Time limits</p> <p>Until 30 August 2007 the time limits relating to the following business before the Council in standing order 5.04 are suspended:</p> <p style="padding-left: 40px;">Address-in-reply</p> <p style="padding-left: 40px;">Government business</p> <p style="padding-left: 40px;">General business</p> <p style="padding-left: 40px;">Condolences</p> <p style="padding-left: 40px;">Ministerial statements</p> <p style="padding-left: 40px;">Notices of motion</p> <p style="padding-left: 40px;">Urgency motions</p> <p style="padding-left: 40px;">Questions without notice</p> <p style="padding-left: 40px;">Supplementary questions</p> <p style="padding-left: 40px;">Presentation of committee reports</p> <p style="padding-left: 40px;">Government business program and amendment to government business program</p> <p style="padding-left: 40px;">Government bills — second-reading debate</p> <p style="padding-left: 40px;">Budget debate</p> <p style="padding-left: 40px;">Inaugural speeches.</p> <p>10. General business</p> <p>Standing order 5.08 is suspended and the following arrangements will apply in relation to general business:</p> <p style="padding-left: 20px;">‘(1) General business is business initiated by members who are not members of the government party or parties.</p> <p style="padding-left: 20px;">(2) General business will take precedence over all other business on Wednesdays in accordance with</p> |
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the order of business prescribed by the sessional orders.

- (3) Until 30 August 2007 government business may only be taken on Wednesday when general business is concluded before 10.00 p.m.’.

11. Condolences

Paragraph (3) of standing order 5.12 is suspended.

12. Ministerial statements

Paragraphs (5) and (6) of standing order 5.14 are suspended.

13. Government business program

Standing orders 11.01 to 11.10 are suspended.

14. Member may speak in reply

Standing order 12.07 is suspended and the following arrangements will apply to members speaking in reply:

‘A reply will only be allowed to a member who has moved a substantive motion, the second reading of a bill or a procedural motion.’.

15. Circulation of amendments

Paragraph (4) of standing order 14.10 is suspended.

16. Meetings of Legislation Committee

Notwithstanding the provisions of standing order 16.07, the following arrangements will apply in relation to meetings of a Legislation Committee:

‘If a Legislation Committee intends to meet at 8.00 p.m. on a sitting day —

- (a) the committee will notify the Council accordingly;
- (b) the Council will not sit; and
- (c) notwithstanding standing order 4.06, at 6.00 p.m., the President will interrupt the business before the Council and forthwith propose the question “That the house do now adjourn”. Such question may not be amended.’.

17. Meetings of select committees

Paragraph (1) of standing order 24.07 is suspended and the following arrangements will apply in relation to meetings of select committees:

- ‘(1) (a) if a select committee decides to meet on a day when the Council is scheduled to sit, it may only do so on Thursdays between 9.00 a.m. and 12 noon, unless the committee determines otherwise;
- (b) a select committee may notify the Council on Wednesday of each sitting week of its intention to sit on Thursday. On receipt of

such notification, the Council may, on motion without notice, order that the committee not meet as notified;

- (c) a select committee may not meet while the Council is actually sitting, unless specifically empowered to do so by the Council, but may sit during any suspension of a sitting of the Council; and
- (d) a select committee may meet on any day when the Council is not sitting at a time determined by the committee.’.

In moving this motion I want to make a brief set of preliminary remarks by way of overview and I will then attempt to explain to the house the impact of the major features of the sessional orders that are proposed.

In so doing I would like to indicate clearly that there has been a genuine attempt by the non-government parties to accommodate not just the different positions of each of the non-government parties but also to respect some of the positions put to us by the government. Indeed there are a number of changes which were advised to the house yesterday which reflect those discussions between both government and non-government parties.

I make the point for those who are not aware of the deliberations that occurred in the previous Parliament that the standing orders of this place which were adopted in the dying days of the previous Parliament were a consequence of more than 20 meetings of the Standing Orders Committee over a period of about a year. There was general agreement on most of the issues of standing orders that were reviewed, but there were two fundamental points of disagreement, and the house divided on those two issues on four separate occasions over the course of the last Parliament as a consequence of the government’s adoption of sessional orders that introduced a government business program with time limits on debate. On every occasion that those matters relating to sessional orders or standing orders were put to a vote, the house divided and the Liberals opposed them, as did The Nationals, I believe.

The reason for that goes to the rights and privileges of members of this house versus the rights and privileges of parties. Some 146 years of practice and convention had it that the ethos of the Legislative Council as a house of review was that members could come into this place without fear or favour and put an argument with respect to any matter before the house without the prospect of being called off for lack of time and without the prospect, generally speaking, of being gagged. I am not sure how many times members have been gagged over those 146 years, but certainly over the last four

years we have experienced a significant decline in the opportunities for members to speak and to put arguments on behalf of the community and constituents in relation to government legislation or, indeed, general business raised in debate.

It is important for us to recognise that the house and membership of the house has changed. We had three parties represented in the previous Parliament, and we now have five parties represented. However, even though they are represented, a number of those members elected as representatives of those additional parties are not recognised as having rights as representatives of those parties; consequently they are at a significant disadvantage compared with members of the parties that have had a long representation in the Parliament.

Our view therefore is that to accommodate all of the challenges that the new membership of this place brings, it is much better to have a flexible and cooperative approach to allowing members to speak rather than having a prescriptive and restrictive set of rules which inhibit the capacity of the house, in effect, to act responsibly and maturely in managing its own affairs.

Therefore the sessional orders proposed in the motion effectively reinstate what I would describe as 146 years of Legislative Council practice and respect for the members of the house, but they would be on a trial basis. The trial with respect to time limits would be for six months so that at the end of that period, if the house is not satisfied that the proposed sessional orders on time limits should continue, they will automatically sunset but can be remade by the house if it is the general view that that should be done on an ongoing basis. Clearly the default position is that if the sunset applies in six months, we will revert to the standing orders, which would continue the present restriction on the time each member has to speak.

I make the point that the reason for our concern, as it certainly was over the previous four years, is that following the 2002 election, the imposition of the sessional orders transplanted a culture which was foreign to the Council but which is familiar to the Assembly in terms of prescribing exactly how debate will occur and what the time limits on all debates shall be. That transplant of culture changed the nature of the way this house operated. It is certainly my contention, and I am sure I will hear an alternative view from government members, that the standard of debate significantly declined in this place because members were aware that in some cases they would be restricted to as little as 5 minutes in which to contribute to debate

on significant legislation. They would come in here with a prepared speech and make a speech which had nothing to do with the debate that had occurred previously during the course of consideration of a bill. The notion of the chamber being a place where arguments can be had, back and forth across the chamber, and the merit of different propositions put in the house being tested through argument in debate fell away.

I do not mean to be critical of any individual member. I simply say as a matter of course that, as a consequence of the time limits, it became the norm for members to come into this chamber and give their own speeches without context or relevance to the speeches that had been made by other members. There were exceptions. Geoff Hilton, a former Labor member of this house, who I am sure is now very actively involved in his local community, was one of the few members who had the desire to listen to speeches in a debate and respond. He did this on a couple of occasions, and I congratulated him when he made those contributions in this place. He responded in a manner that is appropriate to debates in the Parliament.

It is important for members to understand that the sessional orders propose to retain some time limits; not all time limits will be removed. The time limits which will be retained relate to procedural debates such as members statements, which are otherwise known as 90-second statements — it is a bit hard to have a 90-second statement unless you have a time limit! — statements on reports and the 3-minute adjournment speeches. There is a philosophical argument to say that if you want to remove time limits, then all of those time limits should be removed as well. Everybody in this place would understand the practical difficulty of removing those time limits at this point.

The proposed sessional orders were met with rhetoric by the government. We heard this again yesterday. There were allegations about outrageous sitting hours and occupational health and safety issues. For those members who have not had the opportunity or desire to study the standing orders in detail — and I am sure there are many members of this house who have not spent a great deal of time studying them — the proposed sessional orders do not propose to alter what has been the responsibility of the government to effectively determine whether the house continues to sit. Whether the house automatically adjourns at 10.00 p.m. on Tuesday, Wednesday and Thursday and 4.00 p.m. on Friday is in the hands of the government. The decision as to whether or not to continue debate and to keep staff and members here into the night is not a matter for the non-government parties — it is a matter

for the government. The sessional orders do not propose to change that status quo. Any allegation to the contrary that is put in this debate, or indeed rhetoric outside the house that alludes to the contrary, is factually not correct. The regulation of sitting hours in that sense is entirely a matter for the government.

I have no doubt that members will be keenly interested in what the substantive changes mean. Apart from removing the time limits on speeches in general debates, on questions and answers and other motions, what we also propose to initiate is an accommodation of the desires of all four non-government parties to raise matters of general business. There are difficulties with the present standing orders. Given that there is a 3-hour time limit for general business on Wednesdays, we need more flexibility to accommodate the wishes of parties to deal with more than one issue on a Wednesday.

There is no logical way of dealing with that issue except by way of a rotation of entitlement. There are 21 members of this chamber from non-government parties. The standing orders provide that only members of non-government parties can raise issues of general business. Therefore the simple arithmetic is that during any 21-week rotation of entitlement to raise an issue, there would be 15 members of the Liberal Party, 2 members of The Nationals, 3 members of the Greens, and 1 Democratic Labor Party member who would need to speak. Twenty-one weeks might be a long time for the DLP — or indeed for any of the parties — to wait to raise a matter of general business which may be a serious issue of community concern.

Our view, therefore, is that we should create the opportunity for flexibility to deal with such a matter without debate being guillotined — which in effect is what the standing orders currently provide — after 3 hours. Our view is that debate on a general business matter as part of the business of the house should be by agreement between the parties and should be managed within the constraints of all the other business the house needs to attend to.

It is not our desire and nor is it intended that on every Wednesday, general business will be debated until 10.00 p.m. It is certainly implicit in the proposed sessional order that that capacity exist, but it would be extremely unusual for that to happen. I think all members of this place would say that it would be unreasonable if that were occurring on a regular basis; if there was a heavy legislative burden — that is, if legislation introduced by the government required urgent consideration — it would be unreasonable if members of the non-government parties simply wished

to spend time in this place moving motions purely for the sake of making an argument rather than achieving an outcome. I think there would not be general support for that, and therefore the cooperation that is required to allow these provisions to work would be withdrawn.

I argue that the reason for the proposed changes to the order of business on Wednesdays is to accommodate the changed circumstances of the house, which has a multitude of non-government parties whose members are all equally entitled to expect to be able to raise issues in this place as is appropriate and in a timely manner. Any interference with the proposed sessional order that is before the house would be unfortunate, but I note that Mr Viney foreshadowed yesterday he would be proposing an amendment today to require as a default that the house would have to give approval for debate to continue after 3 hours and that the house would need to continue to give that approval every hour thereafter.

That would restrict the capacity for agreements to be entered into between the non-government parties to schedule business according to a reasonable priority. It would be limiting. I presume it means the default position will be that we will firstly have to accommodate the entitlements of each of the parties on a rotational basis; then, if there is time left at the end of the debate in any particular week, on that day it may be that Mr Viney, for example, would be happy to give further time so that the other issues could be concluded. I am sure I will not support that foreshadowed amendment.

I note that while the opposition and the non-government parties have agreed that these sessional orders will be trialled in effect until the end of August with clear sunset arrangements, Mr Viney did not propose a sunset provision when he foreshadowed his amendment.

**Mr Viney** — I thought you were doing a six-month sunset on everything. Aren't you doing that?

**Mr P. DAVIS** — I thank Mr Viney for his interjection. Being such an astute parliamentarian I am sure he has read the motion that is now before the house for debate, and he would know from the discussions that have occurred about the proposed amendments that we have agreed to the government's request to put in a six-month sunset provision in relation particularly to time limits on debate.

Mr Viney's foreshadowed amendment will need some adjustment for it to reflect consistency with the other arrangements that have been proposed. Mr Viney's

amendment would disadvantage the other parties. It would have less disadvantage for the Liberal Party simply by virtue of the weight of numbers. There are 15 members of the Liberal Party in this house, and I dare say that means by definition that the Liberal Party will be able to achieve most things it wishes to on a day on which general business is to be debated. However, I see that foreshadowed amendment as a significant disadvantage to the other non-government parties.

Further in respect of the changes to the effect of the standing orders by the introduction of the sessional orders in my motion, we are proposing to allow select committees to meet on Thursdays of sitting weeks when the priority of the workload of select committees is such that it would be sensible. It may not always be sensible, such as when there is only one select committee and it would be a disadvantage to members as a whole if one group of members set their priorities above the business of the entire house. In other words, it would be a matter for common sense and agreement.

Under this provision, if it is appropriate, given that members are present at the Parliament, the business of select committees will take precedence over the sitting of the house and they will meet on Thursdays. In those circumstances it is proposed that, as a matter of the use of time, on those Thursdays when select committees meet the Parliament will automatically resume at 12.00 p.m. We will then undergo a normal business program for the rest of the day, except that we will lose the opportunity to make statements on reports, which will save an hour each day. The net loss to government time on any Thursday when select committees meet will be only 1½ hours.

I want to make it clear that in respect of a number of matters there has been agreement to include some changes at the request of the government. Firstly, there was an error in the way the standing orders were finalised in that we did not include a provision for dealing with the adjournment debate on days when the Legislation Committee meets.

What we propose to introduce with these sessional orders is an automatic adjournment at 6.00 p.m. on sitting days when the Legislation Committee is to sit in the evenings. The reason is that it is envisaged that the Legislation Committee will sit in this chamber, so it would be difficult for the house to continue in those circumstances. I am not sure how the Standing Orders Committee overlooked that, but sometimes you cannot do everything perfectly. We are seeking to make that adjustment, certainly at the request of the Leader of the Government.

Secondly, returning to the issue of select committees, following some discussion we have incorporated a proposal that any determination that a select committee will meet on a Thursday, which would ordinarily trigger the automatic suspension of the sitting of the house until midday, can be considered or reviewed by the house as a whole. By including the words 'on motion without notice, order that the committee not meet as notified' the house can simply disallow that sitting of a select committee. So it is still in the hands of the house to make a judgement about whether it will be too inconvenienced by those arrangements.

All these are checks and balances and a matter for negotiation and what I would describe as cooperation, which is the basis upon which we are proceeding. As a sign of that cooperation, we had included in the original notice of motion a procedure to deal with the production of documents. I will not speak to that, specifically because the government requested that we defer debate on that matter for a further sitting week while it is seeking further advice, I presume from the Victorian government solicitor. We will have the debate at another time, but we did agree in a cooperative sense to adjust the motion for debate today to reflect those matters.

All in all the attempt with these changed sessional orders is to cooperate as far as is reasonably possible, accepting that there are some matters on which there will be fundamental disagreement. So far as it was possible to cooperate, we have done that. There has been a large degree of cooperation between the non-government parties in accommodating their needs, and I understand that consequently there will be a couple of amendments from one of the other parties, which amendments the house will consider. I look forward to hearing debate on them.

I am pleased to say that the proposed sessional orders will fundamentally achieve our purpose, which is to ensure that all members of this place, through common sense and cooperation, will be able to contribute without restriction to all the substantive debates this house enters into, including those on legislation and general business matters. I am confident that the government will allege that this may well be the end of the world in parliamentary life as we know it.

However, I reiterate what I said earlier: until four years ago, when the government obtained control of the upper house absolutely and introduced its own view of the world — which, I argue, is a view foreign to this place; it is certainly foreign to 146 years of practice in this house — the chamber cooperated in such a manner as to effect the discharge of all of the business of the

government of the day, regardless of the political colour of the government of the day, to the satisfaction of all parties. The only abuse that I can recall in my 14 years in this place from any member or members of there being no limits on time is when a certain minister in this place, when an opposition member, pushed the envelope a long way.

My view is that the onus is on us as individuals to behave responsibly, to act fairly and, to be clear about it, to act in a manner which is appropriate to the discharge of the business of the house. I conclude by saying that it is in our hands to demonstrate that we are worthy to be members of Parliament and to behave in a responsible manner. I therefore commend the motion on the sessional orders to the house.

**Mr JENNINGS** (Minister for Community Services) — I rise to speak about the reforms that are about to go through this place — to the way we organise ourselves, the way we relate to one another, and the way we meet our obligations to the people of Victoria. I want to put on the public record my bona fides on some of the issues before the house, just in case any member decides to give me a lecture at any point in this debate or at any subsequent time.

In terms of democratic reforms of this chamber, I was one of 11 members of this place — only 11! — who voted in favour of proportional representation to change the electoral system by which this place operates; to add to the degree of scrutiny; to create the opportunity for minor parties and a broad representation of the Victorian community to be represented in this place; to apply scrutiny to executive government; and to make this a more accountable house of review. Only 11 of the current members of this chamber voted in favour of that reform. Anybody who gives a lecture to government members on this issue should show us their bona fides in relation to scrutiny, accountability and electoral reform in relation to the amendment of the constitution that this government — 11 members of this chamber — introduced.

**Mr Guy** interjected.

**Mr JENNINGS** — Mr Guy should not start taking cheap shots at me; 13 of my colleagues in the last Parliament who voted in favour of constitutional reform are not here. They have either retired or are ALP members who voted in the name of constitutional reform to increase the degree of accountability and scrutiny of this chamber available to the community but who became the personal victims of that reform, because they did not return to this chamber after the election subsequent to our passing that reform. They are

the selfless people who voted in favour of the reform to enable the greater degree of accountability and scrutiny in this chamber.

*Honourable members interjecting.*

**Mr JENNINGS** — No, in fact they were very self-effacing individuals. I seem to have touched a bit of a raw nerve, because not one member who is interjecting voted in favour of the constitutional amendment. Not one of the members who are rising up to take me off message voted in favour of constitutional reform, not one of them has any bona fides in relation to increased scrutiny and being accountable to the people of this state by introducing proportional representation and four-year terms.

In fact, in his contribution Philip Davis indicated that the business of this chamber used to be undertaken to the satisfaction of all parties. It might have been to the satisfaction of all parties within the chamber who saw this as a bit of a club, but certainly not to the satisfaction of the people of Victoria who expected there would be democratic reforms of this chamber. They embraced that as part of the mandate of the Bracks government in 2002, and we introduced that legislative reform.

In relation to bona fides on throwing this Parliament open to additional scrutiny through the processes of the Legislation Committee, I was one of the government members who wholeheartedly supported the introduction of the Legislation Committee, and we will see subsequent versions of that committee charged with the responsibility of undertaking in-depth scrutiny of pieces of legislation that will come through this chamber. Mr Viney was the inaugural chair of the Legislation Committee; in terms of his bona fides on this question, he has demonstrated that he is committed to enhancing scrutiny through the processes of the Legislation Committee.

I was the first minister to appear before the Legislation Committee. Even though the bill in question was not my bill, I was the minister responsible in this chamber for handling that bill and last year spent 10 hours with the Legislation Committee debating the Disability Bill. I am one of the government members who is prepared to walk the talk in relation to additional scrutiny, and I would expect this chamber to do its job in applying the appropriate scrutiny to legislation and to the actions of the executive.

In fact, in terms of bona fides I am one minister who, on every occasion there has been an item of business within my ministerial responsibility, has come into this

chamber and spoken and participated in general business debates. I have never once shirked an opportunity to be accountable for my responsibilities in, and as part of the government's commitment to, accountability — to participate in general business.

In anticipation of something that might be coming shortly I remind members that I am a minister who has always, time and time again, over the past four years bent over backwards to answer questions which are outside my formal ministerial responsibility. People who check the *Hansard* will see that more than any other minister in this chamber, I have done my best to stick to my own ministerial responsibility but have also answered questions on the broader range of concerns of members of the chamber.

**Mr P. Davis** — In defiance of the President's ruling.

**Mr JENNINGS** — Never in defiance of the President's ruling; always trying to walk the fine line between the appropriate degree of accountability and the conventions and procedures of this chamber, which is an interesting challenge for all of us.

On the question of time limits, can I mortify some of my colleagues by reminding the chamber that I am a member of this chamber who made a 2½ hour contribution to a debate on a specific piece of legislation. I entered into that 2½ hour debate to try to convince the chamber to support the reforms that were introduced in the first term of the Bracks government — that is, in the 54th Parliament — to change the industrial relations situation in Victoria.

I was spectacularly unsuccessful after 2½ hours of a comprehensive contribution outlining the history of the process leading to that reform, indicating that the best part of 500 000 Victorian workers were being disadvantaged by the application of the federal industrial relations system following the referral of powers during the Kennett regime and pointing out how the reform adversely impacted on the wellbeing of workers in this state. My contribution fell upon completely deaf ears. Despite the most comprehensive submission that I have made in this chamber on any matter, nobody took the slightest bit of notice of my contribution.

In response to the argument that the longer we stay on our feet, the more evidence we put before the chamber and the more we tug on the heartstrings of those on the other side of the chamber, I can say that if they are not of a mind to change their vote, they will not. If I were to stay on my feet for another 4 hours today I am pretty certain that not one vote would change regardless of

how compelling my arguments might be. In fact to add insult to injury after that 2½-hour contribution, subsequently I appeared on the front page of the *Sunday Herald Sun* with Philip Davis and was reported as one of the quiet, non-participatory members of the Legislative Council.

**Mr P. Davis** — They don't get everything right, do they, Gavin?

**Mr JENNINGS** — It was a quality piece of journalism! It also added insult to injury in relation to the value and depth of the contribution and how it could be disregarded by the popular press, let alone by members of our community who perhaps do not have a well-rounded understanding of the capacity of members to introduce legislative reform or to contribute to public debate, or indeed about what the appropriate scrutiny should be of what actually happens in this place. Clearly it was a demonstration that regardless of the gravity and depth of the contribution, the scrutiny and analysis that applies in the broader community is somewhat hit and miss in terms of understanding the value of our collective contributions. I think we should be particularly mindful of that in terms of our aspirations either for reforms of how this chamber should work or for how they will be understood by the community more broadly.

I wish to put on the public record that in relation to the challenge before us I see a need for us to be able to apply through the standing and sessional orders the appropriate balance in allowing the chamber to control its destiny and control the way in which it operates on a week-by-week basis. I will argue that the sessional orders before us diminish the capacity of the chamber as a whole to make those decisions and in fact subcontract or delegate our responsibilities to subsets of the chamber, which in my mind is not the best way for this chamber to organise its affairs.

I also understand that an appropriate balance needs to be struck between dealing with government business to allow for the timely introduction of legislation — in terms of the legislative reform agenda that the government will introduce during the 56th Parliament and adding to the statute books on the table in the chamber between the parties — and the appropriate scrutiny that the opposition parties in the chamber may wish to apply to the activities of the executive or to draw attention to matters of public concern. It is a fine balance that we need to strike. My argument in regard to the sessional orders that are before the chamber today is that the balance is not right. The balance has erred on the side of allowing for open-ended discretion to be applied to the committee structure rather than the

whole of the chamber and to give open-ended access to matters that may or may not be of public importance.

In relation to general business, the government will obviously participate in general business in the chamber as it should and is obliged to do, but the sessional orders have the capacity to shift the focus of what this chamber is about from being focused on legislative reform and executive accountability to err on the side of open-ended, unfettered access for general business and to make decisions about when this chamber sits. The chamber as a whole will sit based on the decisions of select committees and legislative committees rather than decisions that are at the direction of the chamber as a whole.

I think that is a very important set of issues. During the life of this Parliament we should try to get the balance right. In relation to the issues I have just described there is a range of views about the relative weighting of the elements of government business, general business and the scrutiny of the executive through the committee system. It is an arguable toss about the appropriate balance that should be struck in relation to this. I note that within the last week there has been some recognition by parties around the chamber of how the appropriate balance should be struck in terms of finetuning the sessional orders before us. I put on record that from the government's perspective there is further work to do. During the life of the Parliament — without indicating to anybody that I live in fantasy land — I am optimistic that we may be able to reach a level of agreement about how to strike that balance in relation to the time that is available for the various elements of government business, non-government business, the scrutiny of government and the raising of matters of public importance. We might be able to amicably and collaboratively find that balance. We might be able to restore the controls to the Legislative Council chamber as a whole rather than to subsets of the Council.

I return to Mr Davis's point about the satisfaction of the parties, which I previously said was a bit of a self-serving argument — and in many ways it was. But it has some validity in relation to the way in which we try to strike collaborative and cooperative working relationships within this place — and I do that.

Again in relation to my bona fides, I believe I have a personal commitment and the government has a commitment to trying to find a collaborative way in which to undertake the business of the Parliament. We should be ever mindful that from time to time we will have different political imperatives and different points of view that will not enable debates to be necessarily

harmonious, but the way in which we go about the business should as much as possible be harmonised. In fact we have a track record in relation to that. I was a member of the Standing Orders Committee in the 54th Parliament which undertook a major review at a time when the government had only 14 members among the very grumpy 44 people in this chamber. Thirty members who previously had been part of the Kennett government then found themselves in opposition, and I would say they were extremely grumpy at the arrival of the Bracks government with 14 members in this chamber. We had to spend a lot of time trying to find a collaborative and an appropriate way to go about our business in a climate which was extremely volatile and highly contentious from time to time. But by the end of the 54th Parliament we had reached a high level of agreement on a major reform of the standing orders, and indeed during the life of the 55th Parliament that work was taken up and then proceeded, with 20 subsequent meetings, as Mr Davis informed the house today, of the Standing Orders Committee which — —

**Mr P. Davis** interjected.

**Mr JENNINGS** — Twenty-one! I am happy to stand corrected; 21 is a wonderful number. I think we should not lose sight of the spirit of the collaborative effort that was the hallmark of that work. We should be mindful of it and try to achieve that level of cooperation during the life of the 56th Parliament.

During the life of the 55th Parliament we also started to address the way in which this place works to give it a shape that would have resonance with the Victorian community about what is reasonable practice in terms of occupational health and safety, a balance of work and family life and generally a reasonable way to work. We saw the introduction of the 10 o'clock adjournment as a significant contribution to the quality of life of members of Parliament and their families which gave some structure to the way in which we embarked upon our working lives. Hopefully we will not lose sight of that and will not return to the dark days of all-night sittings — —

**Mr P. Davis** — It is in your hands, Minister — standing orders put it in your hands.

**Mr JENNINGS** — It is very charitable of Mr Davis to leave some crumbs on the table for the government or the chamber itself to use to control its destiny. I thank him very much for those crumbs.

During the life of the 55th Parliament we also introduced the capacity to take note of reports. A

regular feature of the parliamentary sitting week is the opportunity for members of the chamber to reflect on the business of government, the business of departments and important reports that are tabled in this place, to provide for additional scrutiny of them. The reform providing an opportunity for members to make 90-second statements may seem in terms of time allocation a very minor concession or degree of agreement, but can I say that from my understanding quite often the best contributions to this place are the 90-second statements. The most targeted, the most salient, the most moving points are made during those 90 seconds when some discipline is applied to members to recognise what is at the heart of their message as distinct from what are peripheral or rhetorical or completely gratuitous remarks that may subsume the rest of their contribution and the time that is available to them.

I would encourage all members to put on notice any member of this chamber who starts being repetitious, covering the same ground, traversing material they have already traversed or making completely gratuitous remarks, and I am very happy to be measured by that in terms of my contribution to the debate this morning and on my contributions from hereon in.

It is very important for us to understand the notion of ministerial responsibility not only in relation to the standing orders that are before us today but in relation to what might be coming up in this debate or what might be subsequently foreshadowed. I take my responsibilities very seriously and have very strong and firmly held views about what the measure of ministerial responsibility is. I have very high expectations of myself and my colleagues in relation to what that means. I am pretty clear on what it means in relation to this Parliament and my obligations to be accountable for the laws that I am responsible for in the area of my ministerial responsibility, those existing on the Victorian statute list and new legislation that comes before the chamber.

Anybody who has dealt with me in a committee stage knows that I will spend long hours in committee on any bill that I am responsible for in this chamber, and I will talk people into exhaustion, if that is their mindset, in dealing with the committee stage. I am also mindful of the obligations we have to account for any programs and budget allocations that occur within our portfolio areas. Those are the defining elements of ministerial responsibility, and it is very important for us to understand that, by convention, within this parliamentary institution and other parliamentary institutions based on the Westminster system that is what ministerial responsibility is about.

Beyond that we have obligations to satisfy the community's expectations and the chamber's expectations regarding the wellbeing of the government and how our responsibilities intersect with those of other ministers and the government as a whole. I do not run away from that responsibility, but that is not the core business of ministerial responsibility. I put that on the public record as a reminder of what the focus of ministerial responsibility should be. As I have indicated to the house, that is something that is very clear to me. In the spirit of cooperation and goodwill, whilst I will on all occasions try to find a connection between my ministerial responsibility and accountability to this place and the activities of the government, I will not traverse that area in terms of assuming ministerial responsibility for any other minister of this government.

A matter that will be deferred during this debate is the availability and scrutiny of documents and the ability of this chamber to call on documents which will be subject to further analysis in the weeks to come. I think it is very important in terms of the genesis of the constitutional arrangements in the state of Victoria for us to be pretty clear when we start debating those issues that the derivation of constitutional arrangements in Victoria may differ from those in other jurisdictions in relation to the legal questions that underpin the availability of documentation. Without traversing that area today, I put the chamber on notice that that is an issue that it will need to be mindful of. Certainly that is an issue that the government will be taking advice on in the ensuing weeks to ensure that we are clear on the basis of constitutional convention and the underpinnings of law in Victoria, and that will determine the government's views on those issues.

In terms of the issue of collaboration, we have found some degree of it, and I congratulate any minor party or the opposition for trying to find some spirit of collaboration, cooperation and goodwill in the deliberations on the sessional orders. As I understand it we are recognising that certain provisions — if not all of these provisions, at least some of these provisions — will be subject to sunset clauses, particularly in relation to time limits. That is one of the first cabs off the rank in recognising that we may want to see what the effect is of the incoming practice of changing the rules that relate to time limits. I would encourage the chamber to think about whether in fact those sunset provisions could or should be applied to the broader application of those provisions. We should put ourselves on notice and regularly monitor the effectiveness of the sitting arrangements and, if we can, find a collaborative way of dealing with that.

The amendment that is going to be moved today by my colleague Mr Viney in relation to trying to find some shape for general business is something worthy of support by other parties in this chamber for a variety of reasons. Certainly it is the view of the government that general business should be available to deal with more than one item in any particular sitting week. We do not believe that there is any impediment for more than one item to be dealt with during the availability of general business. We on the government side believe that, whilst allowing for general business to be a very important component of a Wednesday sitting, it should not be completely unfettered and reduce the capacity for other important parts of the business program to be dealt with.

We will move the amendment to suggest that the house should determine the length of general business on any sitting day and that, with the agreement of the house, general business could be extended 1 hour at a time. We think that that is a better way for the house to determine the availability of general business and to be able to provide some control of the way in which it goes about its business and the way in which it allows for more than one item to be dealt with. Parties, with the support of the house, may pursue their interests in relation to scrutiny of government or matters of public importance. We think that that is an appropriate way to go, and I recommend that amendment to the house.

In terms of how the government responds to the vote which will be before us in the not-too-distant future, we will be somewhat conflicted in our views, which will underpin the way in which we vote on this motion. We are a government that has the track record of introducing the constitutional reforms which allow for greater scrutiny in this chamber. We believe in additional scrutiny. We are very happy for that to be introduced in this house of review. We support it, and we will continue to support it, even though it may come at a cost to us both in terms of the electoral consequences, which has already been demonstrated, and the pain and suffering that members of the government may be subjected to in the chamber during the course of either general business or committee proceedings. We are prepared to endure that in the name of increased accountability and scrutiny.

We look forward to the time when the Council as a whole can find an agreed way of dealing with the sessional and standing order arrangements that determine the way in which we operate in this place. We acknowledge that conflict will continue to exist and political expediency will quite often override that goodwill, but we would hope to not lose sight of that goodwill and those collaborative arrangements in the

way in which the 56th Parliament operates and how that applies to the Legislative Council.

**Ms PENNICUIK** (Southern Metropolitan) — I am speaking today in support of notice of motion 1 regarding the business of the Council. As has been mentioned many times in this place, we are a historic new Legislative Council that is a product of a reform of the method of election of the Legislative Council. Along with that important electoral reform, reform of processes and procedures is also needed to ensure that the Legislative Council is a place where real debates happen and a diversity of views can be represented. This is the necessary next step on from the reform of the electoral system of the Legislative Council.

In the state election campaign the Greens produced a document entitled *Making Parliament Work — Ideas from the Greens*. In that document, among other things, we pledged to shift the balance of power back towards the Parliament and the people and away from the executive. We want to improve confidence in Parliament and in government.

The proposal before us has been a matter of much discussion among members and between the parties since the Parliament resumed this year. In supporting this motion we have listened to and have carefully considered the points of view and suggestions of all parties, and we feel that the proposal achieves a good balance between the government's legislative program and the time allowed for non-government parties to raise issues of importance in the community for debate here.

Currently the time allocated for non-government members to raise issues in general business is limited to 3 hours on Wednesdays, which is a fair degree less than 10 per cent of the whole time of the Council with rigid speaking times, which in effect has meant that only one item of non-government business has been debated each week. This needs to be improved.

Also, because the current standing orders were devised when there were only members from the Australian Labor Party, the Liberal Party and The Nationals in the Council, speaking times were allocated accordingly. Clearly those allocations need to be amended to accommodate the new members from the Democratic Labor Party and the Greens.

There are any number of permutations of speaking times in other places which we could introduce here to accommodate the new make-up of the Council and to ensure that all members are able to raise and speak on issues of concern in the community. The Greens have

decided to support the removal of speaking time limits entirely, which we feel is complementary to the spirit of also giving precedence to non-government business on Wednesdays. This will allow the parties to organise the debates fairly and effectively. For that reason, we are not able to support the amendment that has been foreshadowed by Mr Viney.

In my inaugural speech I pledged, with the members of this Parliament in a respectful and cooperative way, to achieve the best outcomes for Victoria, for the Victorian people and for our environment. Therefore the Greens support this motion to extend the time allowed for general business and to remove speaking time limits with the expectation that with cooperation, this new structure will work well. We believe that the inclusion of a sunset clause, which in effect makes these changes a trial, will enable us to make improvements after six months, if needed.

Questions in Parliament are an important way for members who represent their constituents to gather information about issues of importance and to scrutinise the government and the executive. The current standing orders do not allow members of the Legislative Council to ask questions without notice to ministers who represent ministers in the Assembly. This is not the case in other places.

It is also a disadvantage to Legislative Council members of the Democratic Labor Party and the Greens, who are not represented in the Legislative Assembly. Members of the ALP, the Liberal Party and The Nationals in the Assembly can ask questions of ministers in that place. For that reason, I wish to move an amendment to the motion. I move the first part of my proposed amendment 2:

2. After proposed sessional order 12, insert the following new sessional orders:

‘13. Questions to ministers or other members

Paragraph (1)(a) of standing order 8.01 is suspended and the following will apply:

“(1) Questions may be put to —

- (a) Ministers of the Crown relating to public affairs for which the minister is directly connected, or has responsibility when representing a minister from the Assembly, or to any matter of administration for which the minister is responsible; and”.

It is also important that questions on notice to ministers be answered within the prescribed time, and if an answer is not provided or is not satisfactory, that there

be an effective mechanism for eliciting an explanation from the minister in a timely way and for further action if the minister offers no explanation. Therefore I also move an amendment to the motion. I move:

1. After proposed sessional order 10, insert the following new sessional order:

‘11. Special business

Standing order 5.09 is suspended and the following will apply in relation to special business:

“Precedence will be given to —

- (a) a motion for a vote of thanks of the Council;
- (b) a motion for leave of absence to a member;
- (c) a motion relating to the qualification of a member;
- (d) an order of the day for the consideration of a report of the Standing Orders Committee or, arising from any such report, a motion to vary or adopt standing orders of the Council;
- (e) a motion pursuant to sessional order 14; and

Any such business will be taken according to the sequence set out in this sessional order.”.

I also move the second part of proposed amendment 2 standing in my name:

14. Procedure when answers to questions on notice not provided

Paragraph (2) of standing order 8.11 is suspended and the following will apply:

“(2) In the event that a minister does not provide an explanation, notice may forthwith be given of a motion regarding the minister’s failure to provide either an answer or an explanation and precedence will be given to such a motion on the next day of meeting in accordance with sessional order 11.”.

This simply reinstates the process which existed in the standing orders prior to 2002 and reflects current practice in the Australian Senate.

**Mr HALL** (Eastern Victoria) — I welcome the opportunity to participate in this debate on the motion moved by Philip Davis, and I also note that one formal amendment has been moved and another has been foreshadowed, so my comments will be directed to each of those particular matters in turn.

Firstly, by way of background the standing orders of the Parliament is an important document. It is the rule book by which business and proceedings in this chamber are conducted. Like the Australian Football League, at the start of every year a few rule changes are contemplated or there are a few different interpretations of the rules, so it is that the practice of this Parliament at the start of sittings is to change a few of the rules as well. I am not saying that that is a bad thing.

Even though I am one who suggests that rule changes should be considered seriously, I am not one who suggests that we should not change the rules. We should look at the rules and see how they apply, particularly as has been said already in this debate, with the new composition of the chamber; it is timely that we look at the rules and ensure that they reflect the opportunity for all members to participate fully in the role which they have been elected to fulfil. So it is that The Nationals have approached these proposed changes to the standing orders with a sense of goodwill, cooperation and, hopefully, an understanding of the needs of all those who have participated in the debate.

The Nationals have consistently opposed restrictions on the ability of members of Parliament to do their job — and to do it well. Firstly, the primary role of members of Parliament is to represent the people who have elected us to the position we hold in this Parliament. That will always be the primary task that I need to fulfil as a member of this chamber.

The other equally important task is to scrutinise government and to scrutinise legislation. That is why the Council is referred to as a house of review; it is our defined role. We are asked to scrutinise the operations and legislation put forward by government and indeed by private members as well, because they have the opportunity to introduce legislation as well. We have a scrutinising role and a representative role.

The task of the rule book — that is, the standing orders — is to try and strike the appropriate balance between performing both those roles and to allow legislation to undergo appropriate scrutiny. The rules need to allow adequate time for legislation to be assessed by the Parliament, to be talked about by the Parliament and ultimately either to be passed or rejected by the Parliament.

Our weekly proceedings need to accommodate that function, but they also need to accommodate the other function we have — that is, our being able to stand in this chamber and present the views of our constituents, when required, in the variety of forms available to us. I refer to question time, participation in debate, raising

matters on the adjournment debate or putting questions on notice. All of those functions need to be done, and I agree with all speakers to date who have said we need to strike an appropriate balance in the way we do things.

Indeed, while members of the government expressed a view that they do not believe these changes strike that right balance, I happen to believe that generally speaking they pretty much do that, but I am happy to have the contentious changes proposed by these changes to our standing orders reassessed in six months time. I think that is important.

Following the 2002 election victory by the government we had what I class as some of the harshest restrictions ever on members' ability to participate in Parliament imposed upon members of the Legislative Council. Our ability to raise matters on behalf of our constituents on the adjournment debates was restricted to once per week. Our ability to speak on matters was very much restricted. Although I am one not renowned for making long speeches, I still think there have been times when people who have needed to and have wanted to say something have been restricted in being able to do that because of the time limits imposed upon them.

I also believe that the government business program enacted by this government in the last Parliament again placed undue restrictions on this chamber to fully explore and debate legislation going through this place. Although, to my knowledge, the guillotine was rarely used, nevertheless it did impose potential restrictions on our ability to do our jobs well.

The overall approach I take when we assess the rule book and changes to those rules, as we are doing now, is that no matter what rules we impose upon ourselves as members of this chamber, they are never going to work unless a sense of goodwill and cooperation is demonstrated by all of us. My starting point in assessing this motion is to try to strike a balance of cooperation between all political parties and groupings in this chamber to achieve a fair and reasonable outcome. Yes, the changes proposed today may not be agreeable in every respect to the government, and even some of us in other parties may have accepted change not as our first priority but as a demonstration of goodwill and a recognition that other people definitely need that change. An example of such a change is the amendment moved by Ms Pennicuik just a moment ago in respect of the ability of the Greens, or any of us, to ask a question of a minister who has responsibility for a portfolio on behalf of a minister in another house. I accept the argument that the Greens do not have the opportunity to ask questions in the Legislative

Assembly and therefore to have the ability to pose a question to a minister in the Assembly via a minister in the Council is a fair request. I can indicate to the house that The Nationals will certainly be supporting that amendment, as we will Ms Pennicuik's other amendment relating to questions on notice. That is part of the balance and to some extent the compromise that we all have to reach to arrive at a position with which we are all at least relatively comfortable when we are looking at rule changes.

I acknowledge that these proposed changes to the standing orders give members of Parliament greater rights and flexibility to participate in debates, but I also say that with those greater rights and abilities to participate comes a greater responsibility to use those rights responsibly and wisely. I also say right at the outset that the view of The Nationals on all these changes is that if these new rights and abilities for people to speak for a longer period of time and to have more flexibility in raising extra matters are not used responsibly by members on either side of the chamber, then we will not tolerate it and will simply insist that that review process take place as soon as possible.

The motion proposes a six-month review, but I do not think there would be anything prohibiting the chamber from resolving to bring a review forward to an earlier time. We say it does not matter what the rules are, because unless you have a spirit of goodwill and cooperation you can forget about them — they will not work. I simply plead with members of the chamber to give the new powers a go, to act responsibly, to use them wisely and to make sure that they work reflectively and that we uphold our duties in the manner that the people who have elected us would expect.

That having been said, I want to comment on three proposed changes to sessional orders in particular, and they are the three that I think have generated most comment — that is, the issue of the daily adjournment debate, the issue regarding the time limits and the issue about general business being conducted in a different fashion on Wednesdays. The other changes are important changes but they are of lesser controversy. They will allow the Legislation Committee and select committees of the Parliament in some circumstances to sit at times when the chamber as a whole is sitting. We think they are very sensible measures, particularly given that there are country members in this chamber, because it would enable them to participate more fully in the select committees and the Legislation Committee of the house.

I want to restrict my comments to the three issues that are of greater moment. The first relates to the daily

adjournment debate. The essence of paragraph 3 of Mr Davis's notice of motion is that there will be no restrictions on the number of adjournment items that members will be able to raise in any week, apart from the fact that they will be allowed to raise only one per night. That was the circumstance when I first came to this chamber, and it was the circumstance right up until 2002. I still claim that throughout that period of time the adjournment debate was used wisely. I can remember one night when former President Bruce Chamberlain was in the chair when 22 or 23 matters were raised in the adjournment debate. That was the greatest number of contributions to the adjournment debate that ever occurred under that open-ended system in which 43 members of Parliament could have stood up and raised a matter.

The maximum number reached for matters raised on the adjournment was 22 or 23; the maximum number of matters that can be raised under the existing rule is 15. As you would know, President, there have been many times when not all of those 15 places have been filled. Indeed there have been nights when we as members of The Nationals have sought permission from the government and from the Chair at the time to fill one of those vacant 15 positions and were denied the ability to do so because we had already raised one matter on the adjournment previously in the week. I strongly believe that if the number of opportunities for people to participate in the adjournment debate is opened up, on some nights the number may extend beyond 15 but it would not be far beyond 15, and indeed it would give those who have genuine issues to raise on the adjournment a greater ability to do so. I make the point as well that the adjournment debate is the last debate of the night and, whether it is to be encouraged or not, the usual practice is that if people are not participating in the adjournment debate and they are tired at the end of the day, they are not required to participate and can go home. I am not saying we encourage that — I see the look on the face of Mr Jennings — but some people do so, and if the hour is late then I do not think that is objectionable.

I think the number of times a member can raise a genuine issue of an urgent nature in the adjournment debate, as required by the rules, should be extended. That would give more people an opportunity to put before the government matters important to their constituents, and The Nationals wholeheartedly support that. I note again that there is a 30 August 2007 sunset provision relating to this particular change. As I said in my opening comments, we support that sunset provision being applied to that change.

The other issue I want to talk about is proposed sessional order 9, which relates to the removal of time limits from a range of business items but, as Philip Davis said, not from all business items. Time limits will still apply to 90-second statements and a couple of other matters. I think the removal of time limits from the items of business listed will not greatly increase the time that people spend on debating them. I accept the argument that has already been put by others that being given 15 minutes or 60 minutes to speak on a matter sometimes simply encourages people to speak for that amount of time rather than making their comments more succinct and directly related to the topic. Indeed I have often watched ministers during question time — Mr Jennings is a classic example — timing their answers to the second to finish at 3 minutes and 59 seconds. Perhaps by not having a time limit to an answer to a question —

**Mr Viney** — He might go for 15 minutes!

**Mr HALL** — He might go for 15 minutes, Mr Viney, and that would be an abuse of the time and is one of the things we would be very critical of. I think the issue is really that if you set a time for which people can speak, invariably they will fill that time, whether they have matters of material substance to present or not. I think the removal of time limits is one of those new rights that will impose upon all of us as members of the chamber the responsibility to use those rights wisely.

I want to go to the issue of general business. Under proposed sessional order 10, general business will extend beyond the current 3-hour time limit. Searching my memory of my time in the Parliament, I think there has always been a 3-hour time limit applied to general business, so this is something new. The other proposed changes are not new in that they have been the practice in the Parliament before, but to my knowledge general business has always been restricted to a period of 3 hours. I think we should have the ability to extend the time of general business, if required.

I also make the comment that by a sense of goodwill and cooperation we should make better use of that 3 hours we have had to date. There have been many occasions on which we as parliamentarians could have been debating a couple of topics during that 3-hour period rather than just one. The argument that extending the time to 4 hours or 5 hours, whatever it may be, will enable us to bring on a greater number of items of general business is true, but it does not negate the fact that we could have raised a greater number of general items under the existing 3-hour rule as well.

We have done it a couple of times when there has been, say, a small item such as a second-reading speech for a private members bill where, by agreement amongst all parties, we have allowed the second reading of a private members bill to be conducted prior to another general business motion. There is the ability to do that now, but as a chamber we have not made use of that ability to do so very well in the past.

I hope the changes to general business will encourage people from all of the non-government parties, in cooperation with the government, to ensure that we have a greater number of general business items. I say ‘in cooperation with the government’, because as we have dropped the maximum speaking times it is now possible for the government to filibuster and fill up the complete time of general business for as long as it likes, but of course that would be irresponsible. Equally if somebody from the opposition parties were to filibuster through the government business program on legislation that would be irresponsible as well and might cause a review of some of these changes to sessional orders that we are looking at. With the cooperation of government and the goodwill and cooperation of members from the non-government parties, we can increase the number of general business items that we raise.

The government has foreshadowed an amendment to this sessional order. It is proposing to allow the 3 hours as normal and then extend that for a period of 1 hour at a time by a majority of those in the chamber at that particular time. That is a compromise position to what is being proposed in Mr Davis’s motion. I said to Mr Viney this morning that if two conditions are satisfied I am prepared to support that amendment on a trial basis. The first is that it be a trial and that the provision sunsets on 30 August. The second condition I place upon that — and I would seek verification on it from Mr Viney when the final form of the amendment is presented to the house — is that general business be an opportunity for non-government members only to raise matters, as is stipulated in proposed sessional order 10(1) of Mr Davis’s motion. It states:

General business is business initiated by members who are not members of the government party or parties.

If those conditions are met — that is, that there is a sunset date for Mr Viney’s amendment and if it is guaranteed that general business is only to be initiated by members of non-government parties — I am prepared to support that in a sense of demonstrating goodwill. As I said, we all have to come to compromise positions. I still think of the objectives of extending the number of general business items and the required time

for general business can be achieved under that, but let us see whether it works.

I hope by my indication that The Nationals will support the government's amendment demonstrates our sense of goodwill and cooperation to try to make this chamber work effectively, and I hope that is reciprocated by the government and others in this chamber as well to try to make it effective.

It looks like I am going to support everything this morning. I will be supporting the Greens amendment, I will be supporting the government's amendment and ultimately I will be supporting Mr Davis's, I expect, amended motion, but if it is not amended then I will support the motion.

**Mr Jennings** — Is Mr Drum with you?

**Mr HALL** — Yes.

**Mr VINEY** (Eastern Victoria) — I shall make a couple of general comments in relation to the debate and process we have gone through before I formally move my amendment. The first comment I make is that it has been somewhat frustrating for the last four and a bit years to hear the views often expressed by the opposition that this house has worked entirely in a cooperative way. Members from my side of politics who had been here previously would dispute that.

**Mr P. Davis** — You were not one of them.

**Mr VINEY** — I was not one of them, but I have talked to plenty of them. I have talked to the former President and she said it was certainly not her recollection when she was Leader of the Government. I would have to say that Philip Davis would make a pretty good commo because he is a fantastic historical revisionist. He likes to revise history and on this matter he has done so consistently and vociferously. In doing so he manages to convince new members of this chamber of his version of historical truth. I even remember Mr Davis being in this chamber at about 3, 4 or 5 o'clock in the morning when I read into the Tuesday *Hansard* an article from the Wednesday *Age* because we sat all night until 7 o'clock in the morning. I can say it was not the government that pulled that stunt, it was the opposition. We sat here all night in committee.

In the short time I have been the Government Whip I have worked with other members to try to establish some cooperation in this chamber. The government is more than happy to have a cooperative spirit in this chamber. Is it not interesting that in a debate in which we are talking about managing this chamber by

cooperation and by the good old-fashioned gentlemen's agreement, at the first opportunity that gentlemen's agreement is broken. The gentlemen's agreement was that members would get a week's notice of any proposed changes in relation to these sorts of things.

Today we got from the Greens a set of proposed sessional orders that are entirely new propositions. They were not dealt with in the current standing orders or in Mr Davis's sessional orders. They are new provisions dealing with question time, special business and procedures when answers to questions on notice have not been provided. At the first opportunity we have to run this place cooperatively on the basis of what has been talked about — that is, we will all talk to one another and be cooperative — that is breached. We need to put in the context of this debate some of the ways that this house ought to work.

I can go through the entire history of how we have got to where we are, having served on the Standing Orders Committee in the last Parliament. The conduct of that committee was largely by cooperation. We agree there were a few points on which we disagreed, and Mr Davis is now bringing some of those matters forward, but he is adding extras. The government is prepared to work with the new arrangements that have been put forward, but there are a couple of areas, one in particular, where we want to make a change which relates to general business. Mr Davis's proposed sessional orders can be abused — for example, the Liberal Party, having 15 members, could keep this house in general business all day on the Wednesday.

**Mr P. Davis** — One member can do it.

**Mr VINEY** — It is true that one member can do it, Mr Davis.

**Mr P. Davis** interjected.

**Mr VINEY** — Philip Davis has proposed that the house will not have control of the debate, because under his proposition, general business will take precedence over any other business on Wednesdays. We say that after a reasonable period of time, if 21 members of this house want to get on with other business, those 21 members should be able to say, 'Enough! Let's move on', so there is some progress in the business of this place and the things we want to do. In other words, our proposition — and the government only has 19 members — is that this will require members to make a decision to continue general business or to end it. I think that is perfectly reasonable. I move:

1. In proposed sessional order 10, omit all words and expressions and insert:

‘Notwithstanding the provisions of standing order 5.08, the following arrangements will apply in relation to general business until 30 August 2007:

“10. General business

- (1) The time limits in standing order 5.04 relating to general business are suspended.
- (2) The maximum time for general business will be as prescribed in standing orders 5.02(2) and 5.03(2).
- (3) At the expiration of the time for debate prescribed in those standing orders, a member may move without notice that general business be extended by 1 hour. The motion will be put without amendment or debate.
- (4) The same motion may again be moved at the expiration of each subsequent hour of debate of general business.”’.

I am advised that because I have moved an amendment to Mr Davis’s motion the other elements of standing order 5.08, in particular Mr Hall’s concern about general business being initiated by members who are not members of the government’s party or parties, still stand. That is my advice, and I will leave the crafting of those words to the experts.

For the advice of members, we are still proposing to have general business initiated by non-government members of this house and to limit that debate to 3 hours. I note that there is a limit of 2 hours for this debate in the final week of the session, although the sunset clause in this particular amendment would make that largely irrelevant.

We are proposing that in a normal week the general business debate would be for 3 hours and the house could then extend it on an hour-by-hour basis. If we are generally going to work in a spirit of cooperation in this place, I do not see how the time limit prevents members of the non-government parties from raising any serious matters, participating in debate and bringing issues forward.

As Mr Jennings said in his contribution to the debate, we will all have different views about the right balance between getting on with the business of legislation, executive accountability and raising matters of public interest for discussion in this chamber. It is a difficult balance. We are proposing that a balance can be struck, because we are prepared to accept the reality of the proposed sessional orders.

As to this debate, we are seeking the cooperation of the other parties to put some control over the general business program into the hands of the house. This house can determine when we have given sufficient time to dealing with matters other than the normal legislation and business which we are elected to deal with.

In the normal daily program for this chamber there are a number of opportunities for members to raise issues involving questions of government accountability or which are in the public interest. This government introduced the procedure whereby members can make statements — a reform which gives all members an opportunity to come into the houses and raise almost any matter at all. I think there are no restrictions — save for the normal restrictions of courtesy to other members of this house and also those in the other chamber — on the topics that can be raised during the time allowed for members statements.

Provided that a member constructs their request for action appropriately in the adjournment debate, they can also raise any matter of government business. There is a 3-minute opportunity for a member to do that. On almost every sitting day of the Parliament we have a lengthy time for questions without notice. I have served in both chambers, and I have noticed that question time in this chamber is longer than question time in the other chamber.

**Mr P. Davis** — It is because of the time limits. It is because the ministers are speaking for longer.

**Mr VINEY** — No, Mr Davis, question time in this chamber is longer because there are supplementary questions. That liberty is not allowed in the other chamber. As I understand it, the government does not have any real objection to the idea of ministers in this chamber being asked questions when they are representing a minister in the other chamber, but a lot of ministers make general opening points and then take those questions on notice. That happens because it is not possible for ministers in this chamber to know the detailed answers to questions and details about certain issues which are often complex and within the administrative responsibility of one of the 16 ministers in the other place. It is fanciful to expect ministers to be able to do that. I suspect that ministers try their best to give a general response, but in terms of the specifics it is nonsense. Given the requirement to inform the house accurately and correctly on matters, no minister will put forward an answer to something they are not quite sure of.

**Mr Barber** — They do it in the Senate.

**Mr VINEY** — Mr Barber says, ‘They do it in the Senate’. I suggest he read the answers given in the Senate. I have spent time watching Senate question time — I have been a bit of a political junkie, I guess, over my lifetime — and I would not have thought the ministers in the Senate were providing anything other than general comment. I have yet to see it. If it was a prepared question, where the member might have foreshadowed to the minister what they were going to ask, maybe then they might get a bit of extra information, but I do not think I have ever heard a minister in the Senate giving detailed answers on a question of administration for which a minister from the other place is responsible. I am just perplexed as to how the house thinks ministers in this chamber will be able to give anything other than a fairly general answer.

**Mr P. Davis** — They give whatever answer they choose.

**Mr VINEY** — They can give whatever answer they choose. That goes to another issue in one of the Greens amendments, which talks about what should happen if the house is not satisfied with the minister’s answer. In all the parliaments that I am aware of the longstanding tradition is that people cannot ask a minister to answer in a particular way. They can require a minister to give an answer, but it does not have to be the one they want.

I am not sure how we are going to have debates under one of the Greens amendments. Having only just received the amendments half an hour before I stood up — which is a breach of the gentlemen’s agreement straight up — I cannot even remember which one it is. I cannot see how we could expect to make it a requirement for a minister to give a particular answer. It is not the way that has ever occurred in this chamber, and nor did it ever happen in the other chamber when I was there. I have never seen it occur in my observations of other parliaments, either when I have watched on television or when I have visited them. You cannot require ministers to answer in a particular way, but you can ask them to give an answer — absolutely.

It is important that we have in the hands of the house some reasonable control of the Wednesday debates on general business. Most members would know that they are debates I enjoy very much, that they are debates I participate in as often as I can and that they are debates I think the government has won 9 times out of 10, even though sometimes we might not have won the vote. I think that will continue given the quality of people we have on this side of the house. I have no objection whatsoever to general business debates. In fact I enjoy them so much that I would love general business to go on all day on Wednesdays, because I could then get on

my feet a number of times to speak on a number of different motions and I would have a lot of fun.

But I was not elected just to have a lot of fun during general business debates. I know that some of the newer members here are excited about being members of Parliament and about their capacity to move and pass motions in this chamber that maybe condemn the government for something. But one of the things I have learnt after seven and a bit years in this place is that no-one out there takes a lot of notice of the debates on general business motions. In fact I cannot think of too many occasions when it has had any media coverage at all. It has been great fun.

**Mr P. Davis** — Think about the last sitting week.

**Mr VINEY** — That is one occasion; give me a few more.

**Ms Darveniza** — There have been a lot of Wednesdays.

**Mr VINEY** — There have been a lot of Wednesdays, a lot of words, a lot of debate and a lot of motions passed, and not many people in the community know about them. But I participate in these debates for one reason and one reason alone. I will quote the former Prime Minister of Australia, Paul Keating, who said — and he was quite right — that winning in the Parliament does not mean you win in the community. But you cannot win in the community if you do not win in here. Week after week we win in here on the general business motions, and we have been doing so for the seven years we have been in government.

**Mr P. Davis** — You’ve had the numbers.

**Mr VINEY** — For seven years, including during the three years in which we did not have the numbers in here, we have been winning the debates. In 2002 the people sent us back because we won in here and in the community, and in 2006 we were re-elected because we won in here and in the community. I do not mind what sessional orders the opposition wants to put in place, but I am putting forward the reasonable proposition that we were elected not just to have fun in the general business debates but to pass laws and do the proper business of government. That is why we are proposing the balance provided by our amendment to Mr Davis’s proposed sessional orders.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I reflect on the irony of Mr Viney invoking the name of Paul Keating, because it was of course Paul Keating as Prime Minister who introduced sessional orders in the House of Representatives that

restricted his attendance at question time to a roster system, where his ministers would only appear on alternate days to answer questions in question time. Perhaps I can understand why Mr Viney sees Mr Keating as an inspiration.

The motion before the house this morning is about restoring the historical flexibility of this chamber. Philip Davis has spoken at length about the motion before the house, but I would like to pick up on a couple of the matters that have been raised by government members and address the two amendments that have been proposed. Mr Jennings spoke quite eloquently about his participation in this chamber. Members on this side of the house would agree that Mr Jennings does participate regularly in this chamber, but I wonder if it is again a bit ironic that Mr Jennings was the minister put forward to speak this morning, because he is unique in that role.

I reflect on the seven people who have been ministers in this chamber in the life of this government. We have seen many ministers who have not participated and who do not participate in the same way as Mr Jennings. They do not participate in the answering of questions, they certainly do not participate in general business when it relates to their portfolios and they do not participate in the committee stages of bills. While Mr Jennings certainly has a history in those areas, some of his colleagues do not. It is worth keeping that in mind when these sessional orders are being considered.

In his contribution to the debate Mr Jennings raised the issue of time limits. He gave the example of a contribution he made exceeding 2 hours on a matter when he was ultimately unsuccessful in the position that he was raising. That brought to mind a quote from a former member of this place and former Prime Minister of Australia, Robert Menzies, who said that the challenge of parliamentary debate is to get the fellow on the opposite side of the chamber to change his position on an issue. I would say to Mr Jennings that it is more about the quality of the contribution than its length.

It also reflects the previous nature of this place when it was a partisan chamber with three parties. We now have a very different environment with other non-government interest in this chamber, and the capacity for debate in this place to alter the outcome is much greater than it has been in the past. It is certainly not the expectation of members on this side that changes to time limits will lead to abuses, but there are instances where a speech of 20 minutes will be better than a speech of 15 minutes.

Again I make the point that this motion is about restoring the historical flexibility for members in this chamber to make the contributions on legislation and other matters they wish to make. If we reflect on where abuses have taken place in the past, a review of *Hansard* between 1992 and 2002 would show that most of the abuses involving speeches running for hours on end were by members who are currently of the government party.

Another point raised by Mr Jennings in his contribution relates to the issue of subsets, as he put it, controlling this chamber. The point I make about that is that the government is indeed a subset of this chamber. Mr Davis's motion today is about restoring the balance in this chamber. No longer will the government as a subset have an absolute ability to veto and control what occurs in this chamber; it will now be in the hands of all members of this chamber. That is something to be welcomed. With the rhetoric the government has espoused in terms of accountability I would have thought it would welcome a change that would restore the balance in this chamber to all the members, not just the government members.

I turn to the two proposed amendments. Ms Pennicuik has moved amendments in relation to question time. I have to say that on a personal level this is something I wholeheartedly support, and the rest of the Liberal Party will also support it. Mr Viney, in his contribution, raised the capacity of ministers to respond to questions on portfolios of ministers in the other place whom they represent. I am sure Mr Viney was not casting aspersions on his own ministers, but I have a very different account of the practice of the Senate.

Having watched Senate question time on a number of occasions I submit that the answers given by Senate ministers in relation to the House of Representatives portfolios are often more substantial than answers given in this place by ministers on portfolios they are directly responsible for. Any effort we can make to provide better accountability on the portfolios of ministers in the other place is to be welcomed. It is not appropriate that portfolios such as health, transport and Treasury remain beyond the scope of this house to review and hold the government to account purely by virtue of the administrative orders made by the Premier.

This house is autonomous from the other house. If we are to listen to the government's rhetoric, the 40 members in this place have a responsibility to hold the government to account and therefore should have the capacity to review all portfolios in the other place irrespective of whether members of parties in this place have representatives in the other place or not. I and the

rest of the Liberal Party welcome the amendment moved by Ms Pennicuik, which will enhance the requirement on ministers to address matters on the portfolios of ministers in the other place whom they represent.

It is certainly the case that Senate ministers have that capability. Senate ministers also accept responsibility for House of Representative portfolios in Senate estimates inquiries, which is far beyond what is being proposed by this amendment. It is not too much for this house to expect ministers who come into this place with the carriage of legislation under portfolios of ministers in the other place to also have responsibility for questions in this place. The Liberal Party will support Ms Pennicuik's amendment.

Mr Viney criticised the proposed amendment to sessional order 14 in terms of questions without notice, but I note that that provision in fact relates to questions on notice. Therefore his criticism in that regard is not valid.

He also suggested in some way that a gentlemen's agreement had been breached by Ms Pennicuik's moving these amendments this morning. From discussions with my own leader I understand that if a gentlemen's agreement has been breached, it is the one between the Leader of the Government and the Government Whip. Perhaps he should go and talk to his own leader.

In terms of the amendment moved by Mr Viney in relation to sessional orders relating to general business matters, this is an amendment that the Liberal Party will not support. Mr Viney said this amendment is necessary — —

**Mr Pakula** interjected.

**Mr RICH-PHILLIPS** — We will come to the issue of flexibility, Mr Pakula. Mr Viney cited this amendment as being required to prevent filibusters, to ensure that one member or a number of members from one party do not dominate general business for an entire Wednesday. What Mr Viney did not raise was the capacity of this house to prevent that in any case. We saw very soon after the 2002 election and the commencement of the 55th Parliament that the government could use its numbers in this place to shut down debate. It had never occurred in the first 146 years of this place; never before had a gag been imposed on a member of this place. Mr Theophanous, in opposition, was allowed to speak on particular motions for hours on end, and he did so without being shut down by the government majority of the day.

However, within weeks of the Parliament sitting after the government had obtained a majority in this place in 2002, a gag was imposed on members. There were instances of motions being moved so that members could no longer be heard and debates were curtailed, and if a member was abusing the proposal put forward by Philip Davis and it was the will of this place, the power to do that exists. There is no prospect of a member grabbing control of general business and running it for a day to the detriment of the house.

**Mr Viney** interjected.

**Mr RICH-PHILLIPS** — It was your point, Mr Viney. President, it was Mr Viney's point that somehow this mechanism could be abused. The house has the power to prevent that from occurring, and we have seen the government use it. For that reason the Liberal Party will not support the amendment moved by Mr Viney.

The other effect of Mr Viney's proposed amendment would be to limit parties' participation in general business. Government business is not restricted in a similar way. There is no mechanism that requires the government to move a motion to extend government business in the house for an hour at a time, and nor should there be a mechanism that requires non-government parties to extend general business on an hourly basis.

The Parliament is scheduled to sit for only 16 weeks during this year. There will only be 16 Wednesday sitting days in total, including the three that have already elapsed. We have 21 non-government members in this place, and if the standard practice were for general business to be restricted to 3 hours unless by exception, as this motion would require, then on a rotational basis many parties would get an opportunity to raise general business matters only once a calendar year.

There are 16 sitting weeks and 21 members have the right to participate, so on a rotational basis many members would get only one opportunity a year to raise general business, if Mr Viney's restrictive amendment is passed. It is for that reason that the opposition will not support a constraint being imposed on general business. Mechanisms are in place to prevent the abuses which Mr Viney foreshadowed would be possible if Mr Davis's motion were passed. We believe those mechanisms are sufficient to prevent any abuse and that therefore Mr Viney's amendment is not necessary.

In conclusion I urge the house to support Mr Davis's motion and Ms Pennicuik's amendment and to reject the amendment moved by Mr Viney.

**Ms DARVENIZA** (Northern Victoria) — I am pleased to have an opportunity to rise and make a contribution to the debate on sessional orders. I have spoken on most of the debates on sessional orders since coming to Parliament in 1999. We have had a range of changes to sessional orders, some of which were forced on us. The first were in 1999, when the opposition had the numbers in this chamber. They were followed by what I believe was a much fairer set of sessional orders that came about with a greater degree of cooperation after the 2002 election.

Here we are again, as we will be in another four years, debating how this chamber will operate. We have to determine a balance so that the business we have as a Parliament, as representatives of our constituents, can be dealt with. I do not want to go through a lot of the areas that have already been covered by previous government speakers, but I want to talk a little about my experience in this Parliament under a range of different sessional orders.

In relation to the motion on the sessional orders before us, I support the amendment proposed by Mr Viney. I am not opposed to the amendment that was put up by Ms Pennicuik in relation to ministers who represent another minister answering questions; however, I do not support the other two amendments she proposed. I think that in some respects the Greens and the Democratic Labor Party have been taken for a bit of a ride by Philip Davis in relation to these sessional orders.

**Mr P. Davis** — We used to get on so well.

**Ms DARVENIZA** — Yes, very well, Mr Davis; we have a long history of getting on extraordinarily well. One of the premises that has been put here is: let us do away with time constraints; we do not need time constraints. What they are being sold is that time constraints have been put on and everybody talks up to the time they are given. On a number of occasions throughout this debate I have heard Philip Davis interject that that is the case. But any of us who were here in 1999 during the first term of the Bracks Labor government, when this chamber had no time constraints, would know — you had to see it to believe it — the capacity that members of this chamber have to contribute to debate. It is enormous, it is endless, it is relentless — and it is ongoing. You cannot believe the capacity of members of this chamber to enjoy the sound of their own voices. We have so much to say about so

many issues and we have so many different ways that we are able to say it. That is exactly what happened. It did not matter what bill, what debate, what question, what amendment, what adjournment matter — we all had a great deal to contribute. Believe me, not many people were interested — not even people in this chamber were interested.

**Hon. J. M. Madden** — And sometimes not even the people talking!

**Ms DARVENIZA** — In fact people on our side were not even interested in what other members of our side were saying. We have guilty parties on both sides of the chamber. However, I have to say that while we had some spectacularly good, lengthy speeches — and I think Mr Theophanous would have to take first prize; I do not think anyone has ever beat him —

**Mr P. Davis** — He is champion.

*Honourable members interjecting.*

**Ms DARVENIZA** — But, by golly, there were some gems on that side over there, and well they know it. Philip Davis was able to wax lyrical on a number of occasions I remember in the 54th Parliament. As to David Davis, I do not think anybody on that side of the chamber can control that man when he is on his feet. When there were no time constraints there used to be arrangements between the whips about how long debates would take and how long people would speak for, and when David Davis got on his feet no-one could control him. No leader or whip on that side was able to rein in that man when he got to his feet without a time constraint. If he is allowed to get to his feet again without a time constraint, none of them will ever be able to rein him in again.

**Mr Viney** — Chris Strong could talk under concrete!

**Ms DARVENIZA** — Chris Strong could speak under concrete; he had an amazing capacity. He is not on my list, but Mr Viney is absolutely right — he had an amazing capacity to make a very lengthy contribution. I do not think anybody even listened to many of his contributions; I do not think he even read his pinks.

Mr Katsambanis, who is no longer with us, was another little ripper, was he not? When he was not typing frantically he was talking. Mr Atkinson, who is still with us across the chamber, had an amazing capacity — and still does — to make a contribution. Again, from time to time little influence was able to be brought upon him from the leadership on his side. Ken

Smith, who has gone to the other place, was pretty good as well. Another gem from the other side was Ron Bowden. Could Ron Bowden speak! I see them sniggering and smiling over there; they know what I mean.

We all have contributions to make. We think our contributions are terribly important and of great significance, and I am sure that from time to time they are. But having time constraints means that people in this chamber who have a lot to say are forced to think about what they have to say and what is important and they then get up on their feet and say it. The argument about people speaking up to the time that they are given is not correct. If there are no time constraints, believe me, you will hear some incredibly long speeches in this chamber.

**Mr P. Davis** — From the Labor Party.

**Ms DARVENIZA** — I am not saying that we do not have them on our side. In fact I am not bad myself at being able to say a few words and stretch them out for a while. But time constraints work in that there are succinct, sharp contributions that are to the point of the debate. Members having unlimited time to speak did not work in this chamber. In fact we spent an enormous amount of time working among ourselves trying to agree on time limits so that we could get out of this place at a reasonable time. And believe me, we did not get out of this place at a reasonable time when there were no time constraints. We had some all-night sittings when we rose at about 7 o'clock in the morning, had time only to go home and have a shower and then had to come back here and were expected to work. It was not uncommon for us to be out of here at 1, 2 or 3 o'clock in the morning. If we think that by being here all day and being up half the night, we will be able to get onto our feet and deal with the very important business we have as members of Parliament in this chamber in relation to both bills and other matters that are important to our constituents and the community, we are kidding ourselves.

A lack of time constraints would take us down that path. That is the path we are heading down. We talk all the time about getting that work-life balance right. This will throw the work-life balance right out of the window. I agree that it is about looking at getting a right balance, and every time we come to this debate, with each new Parliament, that is exactly what we are trying to do.

I like Mr Viney's general business amendment. Like Mr Viney, I enjoy debates on general business issues as, I know, other members do. I love Wednesday

mornings, and very rarely does a Wednesday morning go by when I do not participate in the debate. I welcome the opposition's moving its general business motions here, and I welcome the opportunity to debate them. I have no problem with debate on general business issues going for longer than it does now, but I do have a problem with it going on and on all day only because someone says, 'We will fill the space'. Members used to be able to speak for an hour or more on general business and other debates, so there will be no problem filling an hour. Most members here do not have any problem getting to their feet and occupying an hour of debate.

I like the amendment that was moved by Mr Viney, which would have the house continue to debate opposition business on Wednesday mornings and which would give us the opportunity to extend the time if there were something really good for us to debate — that is, some important issue on which more members would want the opportunity to speak. But this amendment would put some brakes on it, which would mean that after the first 3 hours the house would have the opportunity to determine the length of the debate hour by hour.

**An honourable member** — You could have said more, but your time is running out.

**Ms DARVENIZA** — Mr Vogels, you should participate more in these debates. I am sure you would have a lot to say.

We did have a whole range of non-cooperation when we first came in here in 1999 — what Mr Jennings said was absolutely right — as the opposition was very shaken. But of the ways we have been able to organise sessional orders by far and away mostly it has been by cooperation and in a spirit of the understanding that we all have business to conduct. However, the motion that the opposition has brought here today is not ones that generally I am able to support. As I said, I support Matt Viney's amendment and support one of the amendments moved by the Greens.

**Mr P. DAVIS** (Eastern Victoria) — Sometimes we hear by far and away, most from members in this place that simply seek to fill up the time available.

My remarks will go to summarising what we are seeking to achieve today, but before I do so I wish to make some comments directly in response to the brief comments of Minister Jennings. He talked about 30 grumpy members at one point. Certainly I think it is true on the one hand that there were 30 grumpy members, but on the other hand he also talked about the

Sunday *Herald Sun* article which referred to some quieter members, including the minister and me. If ever there was a demonstration of poor journalism, it was that, because I suspect the most garrulous member of the government is Minister Jennings himself. I think it is true that seven days after that piece was written, the Sunday *Herald Sun* published an apology to me personally, because on the opposition side I happen to be the most garrulous member.

*Honourable members interjecting.*

**Mr P. DAVIS** — Yes, it is not the same anymore. The point is you should not believe everything you read in the paper.

It is fair to say that Mr Hall and others have in the course of the debate raised a question about what the precedent is for the limit of 3 hours for debate on general business. The precedent is that in 1992 the then incoming government, the Kennett government, introduced sessional orders which for the first time formally adopted a limit of 3 hours. I understand that preceding that there was an attempt by convention to conclude general business by lunchtime on Wednesdays, but it was not automatic. There were often occasions when general business necessarily took a larger part of the day. So there is a well-established precedent in regard to the behaviour of the house prior to 1992.

But more importantly — and I stress this important point — the proposed extension to the time available for general business debate on Wednesdays is a reflection of a contemporary need, which is to understand that the composition of this house has changed. It is no longer just the government, the opposition and a third party. The composition of the house in this Parliament now involves the government, the opposition, the third party and two additional parties who are represented without formal recognition.

**An honourable member** interjected.

**Mr P. DAVIS** — I heard an interjection from Mr Barber; I think he said, ‘Go Greens’. I was acknowledging the parties without naming them specifically, but the Democratic Labor Party and the Greens do not have any rights as parties in this place. We are seeking to recognise the changed circumstances that would in the future, for example, accommodate yet another party in the house, to provide a capacity for flexibility and importantly to allow the parties by negotiation and agreement to deal with matters on a contemporary basis rather than having to wait 21 weeks

to get around to dealing with something that is relevant today. The proposition is very much about flexibility.

Mr Viney took great delight in talking about revisionism. There is no point having rhetorical debates about who was right at the time. The facts are that Mr Viney is absolutely wrong to talk about the way in which arrangements have been entered into with respect to giving notice. To castigate Ms Pennicuik for not giving a week’s notice in respect to an amendment that she has moved today is absolute rank hypocrisy given that Mr Viney did not foreshadow his amendment until yesterday! He should not castigate members of this place in such a hypocritical fashion. I think that is unreasonable. Mr Viney ought to know that Ms Pennicuik has been talking to the Leader of the Government, and if he is not representing the Leader of the Government accurately, he needs to be castigated for misleading the house.

In relation to the comments about media interest in what happens in general business, it is true that for the last four years the media has not been particularly interested in general business, and the reason for that is quite apparent. It is because the government had the numbers and no matter what the non-government parties proposed, the government was going to vote it down, so there was no issue of contest about the debate in the Parliament. The reality is that circumstances have changed, and the government is going to have to get used to it.

We saw evidence last week that the non-government parties will be able to hold the government to account through the measures proposed during general business on Wednesdays. Although there are many other equity reasons for allowing the parties to put their perspectives, for that reason, if for no other, there should be proper accountability, and general business should be given a reasonable amount of time. The government will have time available to it on Tuesdays and Thursdays, subject to select committee meetings, which will be by agreement of the house, and the balance of Wednesday after general business has concluded, to deal with its legislation.

I have to say that this is our third sitting week, as I recall, and I ask members to consider what time we have been going home. This is a spurious argument the government is putting about not having time to deal with government business. There has been no government business after 4 o’clock in the afternoon. It is absolutely pathetic. Let us not entertain ourselves with an argument that is a pure fiction. I have never heard so much drivel in my life. Mr Viney loves the theatre of the Parliament, loves to come in here and

debate general business motions, and indeed made the observation that he enjoys being in here during these debates. Let us stick to the reality. The reality is that the government has a limited legislative program and there is any amount of capacity for the non-government parties to be putting issues before the Parliament for consideration without impinging at all on the progress of the government's legislative agenda. Therefore I urge the house to support the sessional orders before it, which will allow members to assert their rights over and above those that are imposed upon them by a draconian set of standing orders which prohibit free-flowing debate and members fully participating in all matters before the house at any time. I urge the house to support the motion on the basis of the reasonable parliamentary practice that has been proven and stood the test of time for 146 of the 150 years of the operation of this chamber.

#### House divided on Mr Viney's amendment:

##### Ayes, 20

|                              |                              |
|------------------------------|------------------------------|
| Broad, Ms                    | Pakula, Mr ( <i>Teller</i> ) |
| Darveniza, Ms                | Pulford, Ms                  |
| Drum, Mr                     | Scheffer, Mr                 |
| Eideh, Mr                    | Smith, Mr                    |
| Elasmar, Mr                  | Somyurek, Mr                 |
| Hall, Mr                     | Tee, Mr                      |
| Jennings, Mr                 | Theophanous, Mr              |
| Leane, Mr                    | Thornley, Mr                 |
| Madden, Mr ( <i>Teller</i> ) | Tierney, Ms                  |
| Mikakos, Ms                  | Viney, Mr                    |

##### Noes, 18

|                                |                   |
|--------------------------------|-------------------|
| Atkinson, Mr                   | Koch, Mr          |
| Barber, Mr                     | Kronberg, Mrs     |
| Dalla-Riva, Mr                 | Lovell, Ms        |
| Davis, Mr D.                   | O'Donohue, Mr     |
| Davis, Mr P.                   | Pennicuik, Ms     |
| Finn, Mr ( <i>Teller</i> )     | Petrovich, Mrs    |
| Guy, Mr                        | Peulich, Mrs      |
| Hartland, Ms                   | Rich-Phillips, Mr |
| Kavanagh, Mr ( <i>Teller</i> ) | Vogels, Mr        |

##### Pair

|             |            |
|-------------|------------|
| Lenders, Mr | Coote, Mrs |
|-------------|------------|

#### Amendment agreed to.

#### House divided on Ms Pennicuik's amendment 1:

##### Ayes, 20

|                           |                            |
|---------------------------|----------------------------|
| Atkinson, Mr              | Kavanagh, Mr               |
| Barber, Mr                | Koch, Mr ( <i>Teller</i> ) |
| Dalla-Riva, Mr            | Kronberg, Mrs              |
| Davis, Mr D.              | Lovell, Ms                 |
| Davis, Mr P.              | O'Donohue, Mr              |
| Drum, Mr                  | Pennicuik, Ms              |
| Finn, Mr                  | Petrovich, Mrs             |
| Guy, Mr ( <i>Teller</i> ) | Peulich, Mrs               |
| Hall, Mr                  | Rich-Phillips, Mr          |

Hartland, Ms

Vogels, Mr

##### Noes, 18

|               |                                |
|---------------|--------------------------------|
| Broad, Ms     | Pulford, Ms ( <i>Teller</i> )  |
| Darveniza, Ms | Scheffer, Mr ( <i>Teller</i> ) |
| Eideh, Mr     | Smith, Mr                      |
| Elasmar, Mr   | Somyurek, Mr                   |
| Jennings, Mr  | Tee, Mr                        |
| Leane, Mr     | Theophanous, Mr                |
| Madden, Mr    | Thornley, Mr                   |
| Mikakos, Ms   | Tierney, Ms                    |
| Pakula, Mr    | Viney, Mr                      |

##### Pair

|            |             |
|------------|-------------|
| Coote, Mrs | Lenders, Mr |
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#### Amendment agreed to.

#### Ms Pennicuik's amendment 2 agreed to.

#### Amended motion agreed to.

**Mr Viney** — On a point of order, President, notice of motion 1, general business, listed for 14 March, on today's notice paper in the name of Philip Davis refers to the production of documents. It overlaps to some extent with the earlier decision of the Council to establish the current select committee. From reading this motion, my understanding is that what is proposed is based upon a legal precedent established in *Egan v. Willis*, a matter which concerned events in the New South Wales Legislative Council. There are other models for dealing with the production of documents, but my reading and understanding is that the particular matter that I suspect this motion is based upon may not apply to the Victorian Parliament. I am asking you, President, to provide some advice to the house, which I think will require some legal advice.

I am asking you, President, for your consideration of the matter in relation to the production of documents — the power of the Legislative Council to call for them and the types of documents that can be called for. This motion deals with questions of exemption and the processes for handling it. Before the house can properly consider this motion the house ought to be given some very considered advice. The power of the Council to call for documents is a very solemn one, and I think we need proper and thorough advice on this matter and I ask that you get that legal advice and provide it to the house.

**The PRESIDENT** — Order! I am of the view that it is not necessary for me to rule on Mr Viney's point of order at this time, if in fact at all. This motion has not been put to the house as yet, and it is a matter for the house to decide the outcome. At this time there is

nothing for me to adjudicate on in terms of Mr Viney's point of order.

## CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL

*Second reading*

### Debate resumed from 15 February; motion of Mr LENDERS (Minister for Education).

Mr ATKINSON (Eastern Metropolitan) — Liberal members of this house will support this legislation, as did Liberal members in the Legislative Assembly, but they do have concerns about it. In effect it is a small bill which simply extends penalties associated with people carrying prohibited and dangerous weapons, but clearly it goes nowhere near far enough. In many ways it is a piece of legislation that needs to be overhauled by the government in terms of its definitions and the impact it will have on the community.

Basically the legislation has arisen from a Court of Appeal decision that related to a gang fight in the Fitzroy Gardens. The Court of Appeal decision was brought down almost exactly 12 months ago, and it illustrated a number of shortcomings in the principal act. There were expressions of concern about the level of penalties that are associated with the use or carriage of dangerous and prohibited weapons, but the court also referred to a number of other matters. Given that that was 12 months ago, it is rather surprising that the government should only bring forward at this time legislation that increases the penalty elements of the principal act but does not address any of the other issues raised by the Court of Appeal, particularly about other types of weapons used in melees and which might well be added to the prescriptive list of what are dangerous or prohibited weapons, which list is contained in the legislation. The particular weapons that were given some coverage in that regard are axes and machetes.

It is an interesting that from my perspective almost anything can be a weapon, and that is one of the concerns that I have and many of my colleagues in the Liberal Party have about this legislation. The government has taken a very prescriptive approach to defining what weapons are dangerous or prohibited, but the reality is that many items or implements could be used as weapons. Perhaps the issue ought to be more on focusing on intent and motivation of people carrying these items or implements rather than to focus on a particular range of devices.

It strikes me that Bunnings Warehouse, for instance, must have the greatest array of weaponry in the civilised world. Spades and a whole range of other garden implements could just as easily be weapons — and be used as weapons — and be just as lethal as any of those items that are on the list prescribed in the principal legislation, yet this legislation, because it has taken the prescriptive approach, would have difficulty in dealing with those matters. That matter has already been raised in the Court of Appeal in regard to axes and machetes, but it could equally apply to a garden fork, to a scythe, to a mattock, to a spade or to a piece of wood that has been sharpened — even to a hatpin. I think what the government ought to do is look very carefully at that prescriptive list.

My party also believes what ought to be considered is the distinction that has been made in the legislation, and is carried forward in this bill before the house, between dangerous weapons and prohibited weapons. It occurs to me and to many people in my party that the issue is the intent in terms of using that implement or item rather than the item itself. That means that a product such as a kitchen knife, which would have a legitimate use in our everyday lives, would be considered a dangerous weapon if it were taken out into the community and used in different circumstances.

What is the difference between somebody who threatens or harms another person with a kitchen knife — does the kitchen knife have diminished responsibility because it once sliced through the family roast? — and a prohibited weapon, which simply does not have any alternative use other than to be a weapon? To me, this distinction in this legislation is ridiculous. There ought to be simply one classification, and the penalty that applies ought to apply to whatever the weapon is because, as I said, the issue is not so much the implement but rather the intent and the motivation — that is, the fact that something has been carried, whatever it may be, deliberately as a weapon for use to threaten or harm some other person. That is a matter of some concern for us.

As I have said, the penalties prescribed in this bill represent a continuation of that distinction between dangerous weapons and prohibited weapons, because they maintain the regime of different penalty levels. We are quite happy to support the legislation in the context that it is worthwhile increasing the penalty levels, and we take on board what the Court of Appeal said in that regard. We are happy to support that, but we certainly see that this legislation has its shortcomings, as indeed the Court of Appeal has said.

As I indicated to the house, we find it quite extraordinary that whilst it has taken 12 months to increase the penalties in accordance with the judgement of the Court of Appeal, there has not been an attempt to address any of the other matters that the Court of Appeal has brought up or the issues that I have raised in this place in this short debate and that my colleague the member for Kew has raised in another place.

We as a party are also certainly concerned about the humbug associated with some of these laws. There are far too many laws in this state that create humbug — for example, the introduction of penalties for failure to surrender certain heirlooms and keepsakes, which has had little or no impact on criminal elements. In other words, people who are law-abiding citizens have been affected by these laws and have had to curtail their use of family heirlooms, particularly swords, whereas the criminals have simply moved on to other weapons of choice. These measures have not stopped crimes.

I note that in debate on this bill in the other place reference was made to the fact that the murder rate in Victoria had not fallen despite some significant changes to laws in terms of the types of weapons used. For instance when the gun buyback scheme was introduced, it simply shifted the types of weapons used in violent acts rather than saving people from being murdered.

I note that in the second-reading speech the government talks about this being the first of a tranche of changes to the principal act, and I note that following considerable consultation, changes made to the act in 2003 established the definitions for prohibited, controlled and dangerous articles. I remind the house that at that time there was a move to ban ceremonial swords, which would have affected quite a lot of people who had them as items of simple decoration in their homes, people who used them in areas like dancing, particularly highland dancing, and people in some of the other ethnic communities who had swords and associated regalia as part of their cultural activities.

The original intention to ban those swords was overturned before the legislation came to Parliament, but because of the Fitzroy Gardens melee another attempt was made in March 2004 to reinstitute that ban; however, the government did not proceed with it.

There is real confusion about some of the items that are covered by this legislation. I think there is limited understanding in the community about 'defined weapons' under the legislation, and I think there is confusion in the community over this legislation, but I do not think there is any confusion in the community about people understanding that the use of any object as

a weapon with malice or in anger to threaten or harm another person is wrong and should be punished.

Therefore, as I have said, the legislation should come back to what is the intent or the motivation of the people who are carrying items that can be used to threaten or harm others rather than being prescriptive about the particular items that might be used. In that sense I also see that there is a workability issue in relation to this legislation, which has already been drawn to the attention of the government by the Court of Appeal in regard to axes and machetes. However, as I have indicated, I think there is a wide range of other products available on the shelves of hardware stores, \$2 shops, discount department stores, supermarkets and so forth that could just as easily be used as weapons and might, if we are to take the prescriptive approach in this legislation going forward, cause us problems down the track.

As the member for Kew indicated in his contribution to debate on this legislation in the Legislative Assembly, under the current legislation any item that is modified to make it more efficient, if you like, as a weapon would be defined as a dangerous weapon, but it would be just as lethal as a prohibited weapon, and therefore the penalty ought to be exactly the same as for a prohibited weapon. Clearly the intent or the motivation of the offender has been to change the use of that weapon from its legitimate use. I, like the member for Kew and many of my colleagues, am perplexed as to why there is a distinction between these definitions of weapons and why there is a distinction between the penalties that apply to their use.

From my perspective, what we need to be doing in terms of controlling weapons in the community is looking at and changing the attitudes and the culture of some groups within the community. If we are simply going to try to play catch-up all the time by addressing the use of weapons, we will not win. I emphasise again that the reality is about the intent or the motivation of offenders. There is no doubt that many of the people who are carrying and in some cases using knives and other weapons in the community — most of them being young people — are doing so because they are afraid. In many cases they are concerned about their safety, because they have a gang mentality or because they are affected by drugs or other addictive substances that have affected their ability to be rational about how they should behave in the community and how they should treat other people in the community.

I note that last year Les Twentyman and a number of other people were associated with a knife surrender program in the western suburbs, when they offered

movie tickets to anybody who would surrender a knife. Whilst that program was laudable and whilst it certainly brought a very good focus to the issue of the use of knives in the community and the prevalence of knives being carried as weapons by many young people, I am not sure about the effectiveness of that program, because it would be very easy to hand in a knife, get the movie ticket, then wander off to a \$2 shop around the corner and buy a new knife or a new weapon.

What we need is a much stronger program to change cultures and to break the cycle of fear and desperation amongst many young people that has led to their feeling they should be carrying weapons. Such a program would obviously extend to schools as well, because they are also facing issues of violence. It would certainly need to extend to the clubs and entertainment venues around Melbourne, where there is clearly a rise in violent activity.

I believe that much of that violence has to do with the drug culture, particularly the increasing use of the drug known as Ice, or crystal methamphetamine hydrochloride, and other manufactured drugs. I note that the government has implemented a program to address the issue of Ice, and I note also that it has actually taken money away from an existing program dealing with other drugs to fund the new one for Ice. I am not sure that is necessarily the best approach, because I think a concerted effort needs to be maintained in the area of heroin use and so forth.

However, there is no doubt that we need to address fairly urgently the issue of Ice and its usage in clubs, in schools and broadly in the community. We need to ensure people understand that these sorts of drugs in particular have a propensity to change behaviour and to increase antisocial behaviour, which often involves violence and anger and which certainly increases the level of danger to both the people taking those drugs and other people in the community. What we need to be careful of as legislators is the temptation to have knee-jerk reactions to newspaper headlines, as we have done in the past with the classification of swords. We need to tackle the motivation, intent and behaviour more than the means, which happens to be the focus of much of this legislation.

I express my hope that the government addresses some of those issues when it comes forward with the next tranche of changes to the legislation. In the interim, the opposition will support the bill.

**Mr HALL** (Eastern Victoria) — I am pleased to report the position of The Nationals on this bill, and I

indicate at the outset that we will be supporting the legislation.

I can well recall the concerns expressed by some people about the implications of the Control of Weapons Bill 1990. Of particular concern to one of my constituents, who happened to be an ABC journalist, was that it had been his habit to always carry a penknife in his pocket for personal purposes, such as to trim a loose piece of cotton or something like that. It was of concern to him that a small penknife in his pocket might be construed as a dangerous weapon, a prohibited weapon or a dangerous article under the provisions of that particular act.

I believe that matter was resolved, but it highlights the problem of genuine users of some of those items that might be classified as dangerous weapons. Mr Atkinson referred to highland dancers, for example, and some issue about their use or storage of swords used in particular highland dancing activities. I think that matter has been resolved, but it took some time to have it resolved to the satisfaction of people who were genuinely practising a legitimate recreation.

Like Mr Atkinson, I welcome the fact that this is the first tranche of the review of this legislation, as was indicated by the government, because there is still community concern about the way in which prohibited weapons under the Control of Weapons Act 1990 are perceived, and there are still people who are worried about the use of some of the goods that might be categorised under that general heading. There are concerns from genuine collectors and users of some of these items as well. There needs to be a larger scale review, and the first paragraph in the minister's second-reading speech indicates that some of those items may be looked at in the future.

This bill essentially increases the penalties in two different areas, so it is a simple piece of legislation. Clause 3 amends section 5(1) of the act to, as it says in the second-reading speech:

... increase the penalty for possessing, carrying, using, displaying or advertising for sale, selling, purchasing, causing to be imported or manufacturing a prohibited weapon without an exemption under section 8B or an approval under section 8C of the act.

The penalties for a breach of those provisions is doubled from 60 to 120 penalty units or from 6 months to 2 years imprisonment. The penalty in clause 4 of the bill for possessing, carrying or using a controlled weapon without lawful excuse is also doubled from 60 penalty units or 6 months imprisonment to 120 penalty units or 12 months imprisonment. That is

all the legislation does. Its impact in doubling the penalties imposed for the offences I have just listed is minor.

I note by way of interest that clause 5 says:

This act is repealed on 1 July 2008.

This is one of the first bills to go through the Parliament which will be affected as a consequence of the amendment to the Interpretation of Legislation Act which the Parliament passed yesterday. The amendment provides that all future amending legislation will be sunsetted after 12 months — that is, on the anniversary of commencement. That is a matter of historical interest.

As I said at the outset, this is a small bill that increases penalties in a couple of areas and is supported by The Nationals, but we look forward to further reviews on particular aspects of the Control of Weapons Act.

**Sitting suspended 12.50 p.m. until 2.03 p.m.**

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### School buses: hearing-impaired students

**Mr P. DAVIS** (Eastern Victoria) — I direct my question without notice to the Minister for Education. I refer him to the government's axing of the door-to-door taxi service for children attending deaf education facilities and replacing it with a pick-up and drop-off bus service, and I ask: why were parents and teachers not informed of this change before the school year commenced?

**Mr LENDERS** (Minister for Education) — I welcome questions about education. The one thing I will say in opening my remarks on this matter is this: I welcome the road to Damascus that Philip Davis has gone down; it is almost as momentous as when St Paul went down the road 2000 years ago. For someone who was a part of the Kennett government, which just slashed — —

**Mr Vogels** interjected.

**Mr LENDERS** — No, Mr Vogels, it was the last millennium, but the road to Damascus was two millenniums ago, and today I am talking about that as well. I will say to Mr Davis and Mr Vogels: for a party that slashed 8000 teachers from the education system, for a party that cut 300 schools in the state and for a party that mercilessly let the Grey Sisters — and

organisations like it— swing, then threw them out and ditched them, it is rank hypocrisy to come into this chamber and talk about the word 'compassion' and any delivery of human services. Having said that and having put it on the record, and welcoming Mr Davis's walk down the road to Damascus, which was done in a more extraordinary fashion than St Paul did it, I will say that the Bracks government has gone out of its way — and some of these areas are in my portfolio and some of them are in the portfolio of my colleague Jacinta Allan in the other place — to restore services, whether they be pupil welfare coordinators or greater resources which are available for various other areas. As it is, I think we spend in the order of \$200 million per year on providing transport services for students to go to school, which is an unbelievably greater amount than the Kennett government spent.

We will continue to work with communities. We have reference groups which we work with. I am certainly happy to inquire into the specifics of the matter that Mr Davis has raised, but I can assure him and members of the house that this government's original campaign pledge in 1999 was a new style of leadership which involved unashamedly discussing matters with communities — whether it be in community cabinets, whether it be in open forums, such as appearing at the Public Accounts and Estimates Committee hearings, whether it be when members and ministers go out to the public, whether it be having Parliament meet or whether it be taking Parliament to regional communities — and our record in this area is unparalleled.

I look forward to working with Mr Davis. If he has a constructive way we can improve our dialogue, I look forward to working with him and any other member of this chamber. But I repeat that Mr Davis's transformation I have seen in the house today is the most startling since that of St Paul.

### *Supplementary question*

**Mr P. DAVIS** (Eastern Victoria) — I thank the minister for his response. I am honoured to be considered in such august company. May I say that the minister touched on the issue to some degree, but he was fairly wide in his answer. It would assist me and particular constituents if the minister would advise why children attending deaf education facilities at Eastwood Primary School and Forest Hill College have to travel by bus for over 4 hours each day, which is against government regulations, following the government's axing of the taxi service.

**Mr LENDERS** (Minister for Education) — I must admit that I feel strange. I normally look at the clock so I can restrict the length of my answer, but with the new sessional orders it is hard to seek guidance as to whether I have gone beyond a minute in my answer. However, I will certainly seek to do that. I will take on notice the specifics of the schools Mr Davis raised and report back to him promptly.

### **Small business: women**

**Ms TIERNEY** (Western Victoria) — My question is to the Minister for Small Business. Can the minister advise what measures are being taken in the small business portfolio to implement the Bracks government's election commitments to encourage women in business and industry?

**Hon. T. C. THEOPHANOUS** (Minister for Small Business) — I thank the member for her question. I indicate to the house that this area will certainly be one that as Minister for Small Business I will be especially interested in, because I think the contribution of women in business cannot be underestimated.

**Mrs Peulich** — Ministerial visits to home-based businesses?

**Hon. T. C. THEOPHANOUS** — For the information of Mrs Peulich, I will give her a bit of history. Since I appear to have plenty of time to answer this question, I might just take the liberty of using some of that time. President, you might be aware that this is the second time I have been small business minister in this state.

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — I was Minister for Small Business for a very short time right at the end of the Kirner government. During that time, I have to tell members, one of the things — —

**Mr Vogels** — They were dark years.

**Hon. T. C. THEOPHANOUS** — We have plenty of time, so go for it!

During that time one of the things that I did prioritise was encouraging women to become involved in small businesses and business generally. I am very pleased to be able to report to the house that the Bracks government continues to do that, and I will be very pleased to be part of that through our Women in Business initiative and our policy for women in industry. The policy is designed to encourage women to take up a role in industry and small business, which I

think is becoming much more important to our economy.

I can inform the house that over 126 000 women — a huge number — now run small businesses across Victoria. It translates to 32 per cent of all small business operators throughout Victoria. We should be proud of that achievement. It has not quite reached the 35 per cent target that I think is mandatory in the Labor Party for women in various positions. Actually I think it has gone to 40 per cent, and we look forward to it getting to that figure. It is because we on this side of the house — —

**Mr P. Davis** — If it was based on merit, you would not be here, Theo.

**Hon. T. C. THEOPHANOUS** — Mr Davis has given me a lot of opportunity. I want to thank him for the opportunity to be able to speak at length and elaborate on any issue I wish in respect of the question that has been asked of me, and I am sure he will look forward to my responses.

Another important and successful program has been Women's Access to Finance. It has provided training sessions on accessing finance for business growth to women throughout Victoria over the last three years. In fact since the launch of this program there have been 145 seminars and workshops, and I am pleased to say 68 of those were in regional Victoria. Those programs involved 2500 participants. The purpose of the seminars includes information on understanding financial statements and how financiers want to better assist women in comprehending and accessing finance. More than 8500 copies of the finance manual *Show Me the Money — A Woman's Guide through the Financial Maze* and information kits have already been distributed throughout Victoria. It is this kind of assistance to and support of women to be able to put together a business plan and understand how to get financing for their businesses that has led to the rapid increase in the number of women involved in business.

We look forward to continuing that good record, because we know that women do and will play a very important role in the 96 per cent of businesses in this state that are small businesses, and also in business generally, in being able to drive the Victorian economy and provide the thing that I keep talking about in this house — that is, being able to provide more and more jobs for Victorians.

### **Schools: retention rates**

**Mr HALL** (Eastern Victoria) — My question is to the Leader of the Government in his capacity as

Minister for Education. In its 2006 election platform the government claimed that the rate of year 7 students who went on to complete year 12 reached 85 per cent in 2005. Given that the Australian Bureau of Statistics figures estimate Victoria's apparent retention rate to be at 80.6 per cent, the Productivity Commission says it is 70 per cent, and the department's own summary of statistics for Victorian schools estimates the years 7–12 retention rate for government schools to be 80.3 per cent, how is the government's claim of achieving an 85 per cent retention rate justified?

**Mr LENDERS** (Minister for Education) — I thank Mr Hall for his question and his ongoing interest. We both share the same objective for Victorians: to have as much time in school as possible and to have retention rates as high as possible, because it will — —

**Mrs Peulich** interjected.

**Mr LENDERS** — I take up the interjection from Mrs Peulich, who is a former teacher and of whom I would have expected better. If she had perhaps listened she would have noted the conciliatory and helpful nature of my response to Mr Hall. We are actually seeking things in common rather than being divisive. If Mrs Peulich were a student in my classroom, I suspect she would be out on the crossbench pondering.

**Mrs Peulich** — And likewise!

**Mr LENDERS** — Nevertheless, Mr Hall raised a very interesting issue. Our aspiration clearly is to get to 90 per cent. I think where the disagreement in figures comes is that the government's target has been for those completing year 12 or the equivalent, whether it be in a traineeship, apprenticeship or the like. I think that is the reason our statistics are different. He is quoting school figures; the government's target is for those completing school or the equivalent.

*Supplementary question*

**Mr HALL** (Eastern Victoria) — The minister has indicated, without a great deal of certainty, what the difference is in those figures. I ask the minister if he could respond to the house, perhaps in due course, on exactly the methodology employed by the government in determining its retention rates and how that methodology is different from methodologies employed by the Australian Bureau of Statistics and the Productivity Commission.

**Mr LENDERS** (Minister for Education) — I am delighted to take it on notice.

**Small business: Energise Enterprise festival**

**Mr THORNLEY** (Southern Metropolitan) — My question is also to the Minister for Small Business. Last year the Office of Small Business organised the inaugural Energise Enterprise 06, Victoria's small business festival. Can the minister advise the house whether the Bracks government will conduct the festival this year to assist and encourage Victorians who are looking to start or grow their small business?

**Hon. T. C. THEOPHANOUS** (Minister for Small Business) — I thank the member for his question. He is somebody who has successfully run a business. He is certainly able to speak on this topic in this house from firsthand knowledge of what is required and how difficult it is sometimes for businesses to get off the ground, be successful and provide — —

**Mr Finn** interjected.

**Hon. T. C. THEOPHANOUS** — I'll bet you wish you had some talented people like him on your backbench, Mr Finn, because you obviously do not fit that category.

I want to inform the house that small business is a very important part of the economy. It makes up 96 per cent of all Victorian businesses. It provides employment opportunities for a very large number of Victorians, and it is very important that it be supported.

In 2006 Energise Enterprise exceeded expectations. The festival comprised about 250 events, and it is estimated that between 8000 and 10 000 people attended those events. The audience was made up largely of people looking to start up a business and those aspiring to expand and improve their existing businesses. I want to inform the house that the impact of the Energise Enterprise project is part of the ongoing commitment to small business.

Energise Enterprise has a number of objectives, including to increase the awareness among Victorian small and medium-sized enterprises of the wide range of programs, events and support services available to them and to encourage more of those who intend to go into small business and existing small business operators to take advantage of this support and to celebrate small business and the contribution it makes to the Victorian economy and community. These are important objectives, and we look forward to small business being able to cooperate with us on them.

Sometimes in this house there will be a debate between the opposition and the government when the opposition will come into the house and seek to make capital in

relation to the success or otherwise of small business. I hope David Davis is able to take up the challenge of being an appropriate opposition spokesperson and not simply harp on in a negative way. I contrast his approach to that of a former member of this place, Bill Forwood, on another portfolio when I was the energy minister. He had a positive attitude to helping bring about investment in the energy sector in this state. I say this because often David Davis comes in here and makes untrue statements — —

**Mr P. Davis** — On a point of order, President, firstly, the issue of the position of opposition members is not germane to the minister responding to a question in respect of his portfolio. Secondly, it is totally inappropriate for the minister to come into this place and use the opportunity of question time to sledge any member of the house. President, I ask that you bring the minister back to the question.

**The PRESIDENT** — Order! On the point that the minister was sledging another member of this house, I remind the house that whilst I have a pretty strong view on interjections, disorderly conduct and the like, there is a little licence given during question time. If a member provokes a minister at any time during the course of his answer, I will allow that minister some licence to respond. I suggest that Philip Davis needs to inform members of his team that if they are in any way offended by responses from ministers, they might like to think about their attacks on ministers. The minister, to continue.

**Mr P. Davis** — On a further point of order, President, it would be totally inappropriate for me to disagree with your ruling. However, I make the point that David Davis, like other members of the opposition, has been listening to the minister and heard him embrace an approach that attacked an individual member of the opposition. That is totally beyond the rules of this house. I ask you, President, to request that he refrain from doing so.

**The PRESIDENT** — Order! The minister is entitled to respond to the question in any way he sees fit. I remind the minister that he is not entitled to debate the question, but he can expand on the particular question in a way that does not have to comply with the wishes, if you like, of the questioner. At the moment I have no cause to accept the member's point of order, and I ask the minister to continue.

**Mr P. Davis** — On a further point of order, President, we have extensive practice and precedent in relation to ministers making observations about members of the opposition, their performance and their

policies during question time. The minister is attempting to use the cover of question time to mount a personal assault on the shadow minister. It is totally inappropriate, and I ask you, President, to direct him to answer the question from his colleague.

**The PRESIDENT** — Order! In response to the further point of order, I will read to the house a former President's ruling. It states:

In answering a question without notice, ministers' comments should not 'overtly' criticise the opposition and should remain within the bounds of their portfolio responsibilities.

I think that is consistent with my previous ruling. There is no point of order. The minister, to continue.

**Hon. T. C. THEOPHANOUS** — I want to inform the house that participating organisations completed an evaluation survey in which they indicated that 95 per cent of attendees reported that the Energise Enterprise 06 event was good or very good, and 92 per cent of all the businesses that were at the festival wanted to be at Energise Enterprise 07. As a result I am very pleased to be able to advise the house that we will be holding Energise Enterprise 07: Victoria's Small Business Festival in August this year.

Victorian small business is leading the way in the creation of jobs. I put out a press release not long ago in relation to the level of confidence that Victorian small business has. In that press release I made it clear that Victorian small businesses believe they are set for a prosperous year. An impressive 68 per cent expressed confidence about their business prospects, according to the Sensis *Business Index* figures, which the opposition spokesperson decided to ignore when he asked me questions about this matter yesterday.

### Students: discipline

**Mr P. DAVIS** (Eastern Victoria) — I direct a question without notice to the Minister for Education. I refer the minister to a KPMG audit on student discipline in Victorian government schools, which shows that student suspensions resulting from serious incidents, including bullying, violence against teachers and racial discrimination, have increased from 14 289 in 2002 to 16 549 in 2005. I ask: given that there are approximately 1600 government schools in Victoria and that each school has averaged about 10 serious incidents that have resulted in suspensions in a year from 2002 to 2005, what steps are being taken to protect students and teachers from these increased levels of violence, bullying and racial discrimination in Victorian government schools?

**Mr LENDERS** (Minister for Education) — I thank Mr Davis for his question. The issue of bullying and other forms of violence in schools, and what the government does, is a serious one. Mr Davis is correct — to be exact there are 1597 government schools. There are also 700 non-government schools, which I urge the opposition not to forget. There are almost 2300 schools in the state, which ultimately I, as the minister, have a degree of responsibility for, although clearly the independent schools are different.

Looking at the rate of expulsions that Mr Davis referred to, about 1 in 1000 students is expelled from schools as a result of disciplinary issues, particularly the issues he raised. Clearly 1 in 1000 is too high. We would like that figure to be lower. The department has done a range of things to assist schools. Victoria has the most devolved schooling system in Australia and one of the most devolved systems in the Western World. The government, through the department, responds to these things by providing resources, guidance, kits and tools to schools.

**Mrs Peulich** interjected.

**Mr LENDERS** — Mrs Peulich is a former teacher, and I welcome her assistance, but through you, President, I would say in response to the interjection that offering the methodology of the Kennett government does not bring out the best in me. We as a government will always look at all forms and resources. There are some things the Kennett government did well — I have to scratch my head to name them! — and we will look at best practice on all occasions.

As the former teachers in this house will know, discipline issues are not easy ones for schools to deal with. As far as the teachers go in relation to that issue, there are practices that the Victorian WorkCover Authority and WorkSafe have in place to assist teachers. As far as schools dealing with students goes, the department issues a lot of kits and guides on best practice. These resulted from the educational blueprint that my predecessor, Lynne Kosky, now the Minister for Public Transport in the other place, successfully introduced two years ago.

**Mrs Peulich** interjected.

**Mr LENDERS** — Mrs Peulich does not like the name ‘Ms Kosky’. Perhaps she might look at Ms Kosky and learn. Ms Kosky is a gifted educator who led by her ways — and with the Blueprint for Government Schools in Victoria was actually prepared to offer guidance to schools where there was best practice. Mrs Peulich and Philip Davis live in the

dreamland of the Kennett world, where everything was devolved to schools. In one sense that was fine, but where there was practice, there was no blueprint.

The Kevin Donnellys of the world, who had their snouts absolutely in the trough right up to their hind legs during the Kennett years, while offering gratuitous advice, as they did to the Howard government, ignored what the Lynne Kosky blueprint picked up — that is, sometimes schools actually appreciate some guidance. So a blueprint that says, ‘This is a model way to deal with discipline; this is a model way to deal with methods of teaching; this is a model way to deal with methods of learning’ is actually helpful. Lynne Kosky was a breath of fresh air in providing guidance to schools.

To take up Mr Davis’s point, we continue to look at ways and means. At the moment approximately 1 in 1000 students is expelled from schools for the sorts of issues he mentioned. We want that figure to come down. We want schools to be equipped to deal with it. We think the blueprint that this government has put in place is leading the way in dealing with this problem.

*Supplementary question*

**Mr P. DAVIS** (Eastern Victoria) — I thank the minister for his answer, but given that student numbers in Victorian government schools have declined by 518 compared to non-government schools, which recorded an increase of 4406 in student populations in 2006, will the minister confirm that, in light of the KPMG audit, these figures reveal parent dissatisfaction with the safety of their children in the government school system?

**Mr LENDERS** (Minister for Education) — The Liberal Party is very good at selling things, as was the Kennett government. Not only did it sell schools but it actually sold a whole lot of doctrine that sometimes was not that accurate. I welcome Philip Davis’s question. It is interesting to compare his question with the Prime Minister’s answer in the House of Representatives yesterday. The Prime Minister of Australia, the Leader of the Liberal Party in the House of Representatives, while yesterday admonishing me for an answer in this place, actually referred to the fact that Victoria had a growth in government school numbers. Philip Davis either believes the Prime Minister or he does not.

**Mr Thornley** — No-one believes the Prime Minister.

**Mr LENDERS** — Thank you, Mr Thornley. I certainly do not believe the Prime Minister.

**The PRESIDENT** — Order! I remind Mr Thornley that that is most inappropriate.

**Mr LENDERS** — Philip Davis says he believes the Australian Bureau of Statistics figures. If he goes to *Hansard* of the House of Representatives yesterday he will find the Prime Minister was quoting the ABS statistics and actually said the number of students in Victoria — —

**Mr P. Davis** interjected.

**Mr LENDERS** — I take up Philip Davis's interjection that perhaps the Prime Minister misread the numbers. Hopefully the Prime Minister will misread the numbers in November and no longer be the Prime Minister. I await the phone call from the Prime Minister to Philip Davis on him questioning his august wisdom.

What I say to Philip Davis is that he can quote whatever statistics he likes in this place; the Victorian government is investing in education to improve outcomes. We did not close 300 schools — he did; we put 7000 teachers in — he cut out 8000; and we are investing in a building program, professional development and a quality teaching workforce. That will stand the test of time. There is guidance on how to deal with bullying and such issues. We want the figures to come down, and we think the tools are in place for schools to improve those outcomes.

### **Teachers: performance pay**

**Mr ELASMAR** (Northern Metropolitan) — My question is directed to the Minister for Education. Can the minister outline to the house what the Bracks government is doing to lift the quality of teachers?

**Mr LENDERS** (Minister for Education) — I thank Mr Elasmarr for his question and his ongoing interest. As we know, Mr Elasmarr was a teacher. While he may not be teaching much while he is in this place, he was a teacher. He understands the ability of the profession and that one of the greatest gifts we can offer to our students is quality teachers who go out there and enthuse, enlighten and help children become literate, numerate, curious and articulate with a bit of passion and a bit of ticker there. They are the sorts of things we are looking for.

Mr Elasmarr asked for an outline to the house of what we are doing to improve and lift the quality of teachers. Certainly one thing in the blueprint that I earlier referred to that my predecessor brought in, where we have models of teaching and learning, is that we are seeking to improve teacher performance through professional development. Teachers want to be good

teachers, and teachers want to engage their students. We need to provide them with the tools, through professional development, that will enable them to do what they are motivated to do as teachers. That is one thing we do.

We have also put in place career change programs and scholarships for maths and science teachers. We are employing, as part of our commitment at the last election, 300 aides to eventually assist teachers so they do not have to run the administration of excursions and the like and can focus on engaging and teaching students. They are things that we are particularly doing.

One of the things we are doing in the state of Victoria, which is an area of a degree of controversy at the moment, is to have a thing called performance pay for teachers. Teachers in our state schools who have lead teacher and other leadership roles are paid a higher salary for a period of time. They are then reviewed at the end of that period and, based on their performance, their contracts are either renewed under those terms or they are not. So if they are a classroom teacher, they get taken out. We have a form of performance pay in Victorian schools.

But the federal minister, Julie Bishop — without looking at the state of Victoria — is calling on us to bring into place performance pay. Julie Bishop has quadrupled the number of her public servants to 700. They do not teach a single student, and they do not even know and they do not even advise her correctly of what is happening in the states. She is calling on the state of Victoria to bring in performance pay, but we have performance pay. Perhaps Ms Bishop, while quadrupling her number of public servants to 700, none of whom teaches a student, might actually get her facts right.

The other thing I say through you, President, to the house is that Ms Bishop is also a tad hypocritical. Has she or her two predecessors, Dr Kemp and Dr Nelson, in 10 ½ years at the tiller of the federal government in the area where they have performed and where they have the ability — the tertiary education sector — actually brought in performance pay for tertiary teachers? The answer is no. Ms Bishop goes forward, calling on the states to bring in performance pay for primary and secondary teachers — and presumably kindergarten teachers — while in the areas for which she has had jurisdiction, the federal government has not done it during the last 10½ years.

The only things within a cooee of even suggesting it are Australian workplace agreements, and we know the political agenda of that. She does not go for

performance pay in her own backyard, which begs the point. There are arguments for and against performance pay, and we will have a dialogue with the teaching workforce on that. But we already have it. The commonwealth, despite quadrupling its public servant numbers, has not even worked out that Victoria has it, and in the areas where it has jurisdiction has not brought it in. In addition to that it has slashed investment in teacher training by 7 per cent since it came to government. And we wonder why there is a teacher shortage! While it has the tools and the levers, it has ignored it.

That leads only to the conclusion that the federal government and Ms Bishop, with her 700 public servants in her ivory tower and without teaching a single student, either does not get it or is playing politics and choosing to mislead the Australian community. I call on Ms Bishop to come to Victoria, go into a school and actually learn.

### Planning: Melbourne 2030

**Mr GUY** (Northern Metropolitan) — My question is to the Minister for Planning. Can the minister advise the house what resources have been allocated to conduct the government's audit of its Melbourne 2030 strategy?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Guy's question. It is interesting that Mr Guy does not like Melbourne 2030. He has made that quite clear. What is interesting is we know the Liberal opposition does not like Melbourne 2030. Can I go so far as to say that not only does it not like it, it hates it. It is interesting to see a headline on the front page of today's *Age*, and I draw it to the attention of opposition members:

Melbourne tops nation in growth.

More than 1000 people a week are coming to Victoria. Why? It is not only because we have a great Labor government in this state. It is not only that, it is also because we are doing all the right things. We are giving people choice, we are encouraging them to come here and we are putting the infrastructure in — no matter how much Mr Guy and the opposition hate Melbourne 2030, and I can understand why they hate it — because we have got a plan. That is in stark contrast to the opposition, which has no plans at all. It might have one about 'We believe', but it does not go much further than that. I can just say we know the opposition is good at hating. When you are in opposition for a long time it festers and it seethes, and over time you become a good hater.

**Mr P. Davis** — What would you know about it? Not one day!

**Hon. J. M. MADDEN** — That's right! Not one day in opposition, and that is why I am happy. We know the opposition has got this hate seething inside it for a whole lot of things. Opposition members are so good at hating that we know they even hate each other from time to time, but with Melbourne 2030 the proof of the pudding is in the eating. I am looking up because I thought I was running out of time, but I have got plenty of time to do this. I can keep this going all day. I will just say that we know the opposition does not like Melbourne 2030, but the proof of the pudding is in the eating, because what we have seen is people coming to Melbourne in droves.

In stark contrast to the situation in other states, Melbourne's affordability is better than that of any other capital city on the eastern seaboard and even better than that of Perth. We are doing the right things because we have a plan that is successful, and we do appreciate there is widespread support across all the stakeholders for Melbourne 2030. In my meetings with all the stakeholders they are very happy to tell me that there is widespread support from each of those groups in relation to 2030. But they acknowledge, and I acknowledge, that we need to finetune it and make it work even better.

We will be conducting an audit of Melbourne 2030 as our election policy said. We are already setting those processes in place, and we will have to determine exactly who should conduct that. It will need to be done by people outside the process so that we can have full confidence across the sector. I just make the point that we have got a plan and that it is succeeding. People are coming to Melbourne in droves. They love this place. They love this government, and we continue to attract people.

The only critics of Melbourne 2030 are really the opposition. It is not such a bad thing, because opposition members need something to hate other than themselves. We are committed to conducting the audit of Melbourne 2030. We will conduct it. We will finetune the process so that it works better, and no doubt we will have even more people coming to Melbourne because we are getting on with the job.

### *Supplementary question*

**Mr GUY** (Northern Metropolitan) — I thank the minister for the Madden Show, but noting that the Melbourne 2030 audit has no budget, no full-time staff working on it, no public terms of reference and no

reporting date, I ask: how can industry take this audit seriously when clearly the government does not?

**Hon. J. M. MADDEN** (Minister for Planning) — I would like to just correct Mr Guy in relation to some of the matters he mentioned. Mr Guy fails to understand that whilst he might like to use the label ‘Melbourne 2030’ for a whole lot of things — and sometimes it is very misconstrued on his behalf, and I suspect that he might even appreciate that it is misconstrued and use it to his advantage on many occasions — basically he needs to appreciate that Melbourne 2030 was adopted by the community. Basically the last election was a referendum on Melbourne 2030. The community said, ‘The Labor Party has got a plan and we like it. And the opposition — does it have a plan? No. If it had a plan we might like it, but it does not have a plan’. It was not even a stark contrast. What it was was an absolutely stark lack of contrast. What the constituents said at the last election was, ‘We agree with Melbourne 2030’.

I make the point to Mr Guy, through you, President, that Melbourne 2030 is not something particularly different anymore. It is how we do things around here. When the opposition finally gets over it — like with a lot of things — and lets go, and when opposition members get on with their lives and start putting a plan in place, the opposition might work out a policy or two when it comes to planning rather than just letting greenfield subdivision go on forever right across the state. Its plan is the lack of a plan. I can just say that Melbourne 2030 is how we do things around here. We will continue to do it. We will get on with the job, but we will also finetune it through the audit process to make sure that it works better for everybody, that people keep coming to Victoria, that we grow jobs, and that we grow prosperity and make Victoria an even better place to live.

### **Ringwood: transit city program**

**Mr LEANE** (Eastern Metropolitan) — I was so impressed with his last couple of answers, my question is also to the Minister for Planning. Could the minister please inform the house on how the Bracks Labor government transit city program is helping make Ringwood an even greater place to live, work and raise a family?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome the question from Mr Leane. I know that he has a particular interest in this because we were at the same event just recently. That event was in Ringwood, and it was in relation to the Ringwood transit city redevelopment that is taking place in his region and in the regions of a number of local members here. I would

like to acknowledge that there were a number of local members at that event, not only Mr Leane. Brian Tee, Jan Kronberg and Bruce Atkinson were also there. I would like to acknowledge that they attended because they were particularly interested — there were noticeable absences — and what that says is that the community is embracing the transit cities program but also that finally members of Parliament are embracing it as well. It is great to know that this is recognised right across the community.

I was at the event to launch ‘Ringwood — going places’, which is basically the communication plan developed to promote the Ringwood transit city. What I was particularly impressed with was the broadbased community support for this initiative. As part of that the Maroondah City Council and the Ringwood Transit City Advisory Committee made presentations to me on their redevelopment options for transit cities, and I was impressed with how receptive they were to our long-term strategy on this and particularly how well it had been received locally. Can I just say that Ringwood is a great place to live, but it is going to be an even greater place to live once this transit city is rolled out over many, many years. What this does — —

**An honourable member** — Many, many?

**Hon. J. M. MADDEN** — I say many, many years because this is absolutely comprehensive. This is big scale. This is big in every sense of the word. It is worth appreciating, as I know the opposition would appreciate, that much has already happened and much will continue to happen. It is about creating opportunities for people to live and work in the same area, it is about reducing the need for people to commute and it is about people spending more time with friends and family, being at home, doing the things they want to do over and above commuting to their workplaces. It is about providing a greater lifestyle choice. It is about choice of not only lifestyle but also housing and the right mix of homes, shops, offices, recreation and business developments. They are all part of the transit cities program — building these initiatives around a focal point, which is Ringwood station.

I remind the chamber that in the government’s budget for 2006–07 we set aside \$219 million for transit cities projects, including \$2.7 million over two years for Ringwood. The projects include some initial detailed design work to examine the feasibility of improvements to the station, the interchange, the streetscape and mobility improvements. They also include planning and partnership agreements to lock in private-sector development. That is a critical aspect of this. Whilst the government has been the catalyst, it wants to bring on

board private development so that the commercial activity will take place right across the centre.

One of the things that particularly impresses me is that there has been a lot achieved already. The underground powerlines have made a huge difference in Ringwood Street, as will the landscaping work that will start next month. Also included are pavements, trees and street furniture. As well as that, there are more exciting plans on the drawing board in relation to a new town square, a town centre with retail, office, residential and hotel developments, new streets, car parking and better pedestrian links. The scope of it is quite enormous.

It is worth appreciating — and I know the opposition appreciates a lot of the things I have to say when I stand up here — that Ringwood is a gateway from Melbourne's central business district to the Yarra Valley and the Dandenongs and provides a great focal point for tourism opportunities as people make their way from the city. It occupies a strategic location at a major transport hub with excellent rail and road connections. It serves a large catchment area in Melbourne's outer east and supports a diverse range of land uses and activities. But when we bear in mind that Ringwood is virtually the only major centre that will sit alongside the EastLink development, it is in a fantastic location to build not only on the advantages of EastLink but on its regional location. It also benefits from the fact that it is a gateway to the Yarra Valley and a transport hub in every sense of the word. This provides an enormous opportunity for locals to benefit. I also want to pay tribute today to Maroondah City Council — —

**Mr P. Davis** — You've run out of time, Justin!

**Hon. J. M. MADDEN** — I have got all day to do this, Mr Davis. Maroondah City Council has been terribly collaborative in relation to this, and I compliment the work it has done. I congratulate as well the Ringwood Transit City Advisory Committee on the progress it has made in conjunction with Maroondah City Council, but in particular I congratulate the members of the Ringwood Transit City Community Reference Group. That group deserves a special mention. The group was established in 2005, and its support role in communicating the development to the community has meant that it has provided invaluable input across the community, and hence we have seen enormous support for it.

It is great to see such a collective, collaborative effort by state government, local government, the private sector and the local community in revitalising the transit city in Ringwood. I would like to congratulate all those involved. I look forward to reporting to the

chamber more regularly and updating it on the transit city projects that will take place. It just shows why thousands of people, week in and week out, are coming to Victoria, because it is a great place to live, and we are going to make it even better.

### **Housing: energy rating**

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Planning. He has been the star of the show today, and he has a chance to star again. It was the government's commitment in 2005 in the Victorian greenhouse strategy action plan update to require all renovations to existing homes to achieve a 5-star energy rating by May 2006. However, the Building Commission's practice note issued in May 2006 only requires a 3-star energy rating for renovations. I ask: is it still the government's intention to make it 5 stars, what progress has been made towards implementing this commitment and when will this policy enter into law?

**Hon. J. M. MADDEN** (Minister for Planning) — I thank Mr Barber for his question. It is a very timely question because, whilst I have a number of discussions from time to time, I recently had a presentation from the commissioner at the Building Commission, Tony Arnel, and his staff in relation to these matters. We have a pretty good track record when it comes to new housing starts and new housing developments, and what we are seeing is not only 5-star ratings across new housing but we are now at the stage where we will have to look at second-generation 5-star efficiency for housing going into the future. Of course that is particularly timely because of water and environmental issues in relation to many of these matters. We are proposing to make that a criterion as well in relation to renovations to people's homes, and we will be moving on that very quickly. But it is worth appreciating that whilst we all aspire to make sure that when people build they do justice to 5-star ratings, there are offsets. What we want to do over the next few months as we consolidate that work is to make sure we improve efficiency, particularly regarding issues like air conditioning.

We are all conscious of the huge uptake of air conditioning units in recent years and the demand that places on the system and on effective energy uses in particular. In a sense it is very easy for people to just go out and solve some of their heating and cooling problems by buying an air conditioning unit and spending a lot of money rather than considering a broadbased strategy not only when they are redeveloping homes but also for new homes. We are looking forward to making some significant

adjustments along those lines and giving that full and thorough consideration in consultation with the building industry.

As well as that, water is a more prominent issue, so we look forward to making sure that at every opportunity we are encouraging people to think more broadly about that. As well as that, given that temperature is going to be a major consideration — for example, when we have those hot days and peak loads on the system because of the demands of cooling — we have to give full and thorough consideration to how we can reduce air conditioning usage by building measures into existing and new housing stock. We want to be sure that we are considering the best use of energy and water at a particular time and that we are not actually compounding the problem, which we all appreciate given the recent circumstances in terms of climate change. We will continue to work on it.

We are working collaboratively too across the building sector to make sure that it does not scare people from time to time, like Mr Atkinson might do. It is important that, as well as making great inroads into these areas, we work collaboratively with industry so that we do not frighten people in the process, that we do not have a detrimental effect on housing affordability and that we make sure we can still attract those thousands of people to Victoria, as has been the case. Not only is Victoria a great place to live, work and raise a family but we are nurturing and looking after the environment in the way that we need to going into the future.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — My supplementary question is a total Dorothy Dixier. It is probably going to be the easiest question the minister has ever had to answer here. With regard to the renovations that have reportedly been done to the minister's house, has he had a energy rating on those renovations and how many stars will he be achieving?

**The PRESIDENT** — Order! I think you are really stretching us, Mr Barber. I do not believe it is within the minister's portfolio. On that basis, I will rule the question out of order. I will err on the side of caution.

**Mr Barber** — On a point of order, President, the standing orders say a member may ask a supplementary question of a minister to elucidate or clarify an answer and that it must be actually and accurately related to the original question. I asked the minister about every house in Victoria and whether it will be achieved. He did not give me an answer on that, so I am now asking him about just one particular house.

**Hon. T. C. Theophanous** — On the point of order, President, as a longstanding tradition and precedent in relation to asking questions of ministers in this and other houses of Parliament, I would say that asking ministers questions which seek personal information is not something that is normally accepted. The guidelines are very clear that questions must relate to the portfolio responsibility of the minister and not to actions that a minister might take in his own personal life or in his own personal arrangements. Consequently I think it would be a very bad precedent to set if the minister were asked to answer this question because it could potentially lead to all ministers being asked about their property, their affairs and so forth in question time. That would be an inappropriate way for question time to proceed.

**The PRESIDENT** — Order! I have conferred with the Clerk and the minister is in fact correct. Again I rule out the supplementary question.

**Aboriginals: heritage legislation**

**Mr SCHEFFER** (Eastern Victoria) — My question is to the Minister for Aboriginal Affairs. Could the minister inform the house about the timing of the proclamation of the creation of the Aboriginal Heritage Act?

**Mr JENNINGS** (Minister for Aboriginal Affairs) — It is my intention to proclaim the act on 28 May 2007. Between now and then a number of important elements need to take place to make sure that we do proclaim and implement the act in an efficient fashion. The act will replace the provisions of the commonwealth Aboriginal and Torres Strait Islander Heritage Preservation Act.

**Mrs Coote** interjected.

**Mr JENNINGS** — If I am without interruption, I will be very quick, I can assure you; with interruption I will be very long. The importance of this legislation will be to provide for the first time cultural heritage protection within an integrated regime to deal with planning matters in the state of Victoria, to actually have the appropriate involvement of Aboriginal communities in cultural heritage management and to be able to provide greater certainty for communities and local government in the development of industry.

The regulations that underpin the act will very soon be going out for public comment and will be out for a month. We will be evaluating the regulatory impact statement between April and May. I put the community on notice that these are important issues. Beyond the

website there are very important community consultations and engagements with stakeholders on this matter. Between now and then the Aboriginal Heritage Council will be seeking applications from relevant Aboriginal communities to enable them to become registered Aboriginal parties on the proclamation of the act. That is very important work so that we will know who speaks for country in relation to cultural heritage management. Despite the enormity of that work, I am confident that we will be able to complete the analysis by 28 May and that we will implement the act as of that date.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Education) — I have answers to the following questions on notice: 10–24, 28, 30.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — Before the Minister for Industry and State Development leaves the chamber, I wish to raise a matter concerning questions on notice that were put forward for his attention in December. Questions 1, 2, 3, 6 and 7 were placed on notice on 10 December. I wrote to the minister on 14 February — roughly two weeks ago — seeking responses to those questions, which have not been received. I now seek the minister's explanation of when answers will be provided directly from him in his capacity as Minister for Industry and State Development?

**The PRESIDENT** — Order! On a point of clarification, was the date 10 December or 19 December?

**Mr RICH-PHILLIPS** — It was 10 December. That cannot be right. It must have been 19 December.

**Hon. T. C. Theophanous** — Were they given to me or to a minister in another place?

**Mr RICH-PHILLIPS** — No, they were put directly to the minister.

**The PRESIDENT** — Order! The member pre-empted the sitting of Parliament by saying the questions were submitted on 10 December. It must have been 19 December.

**Mr RICH-PHILLIPS** — It was the first sitting week.

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I will examine the matters the member has raised with me and seek to expedite the responses to him.

## CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL

*Second reading*

### Debate resumed.

**Ms MIKAKOS** (Northern Metropolitan) — I am very pleased to be able to rise to speak in support of the Control of Weapons Amendment (Penalties) Bill. This bill is part of the Bracks government's commitment to ensuring that citizens and residents of this state live in a safe community. It is part of the government's pre-election commitments to make a number of changes in this area, some of which are contained in this bill and some further changes, which have been referred to in the second-reading speech, will be forthcoming during the course of the year.

By way of background, the bill makes a number of amendments to the Control of Weapons Act 1990, which relates to non-firearm weapons. Separate legislation deals with firearms, and the Bracks government has made considerable changes by making it more difficult for people to access non-firearm weapons in the community over the course of its term in office.

In March 2000, which was only a few months after it took office, the Bracks government sought to restrict the sale of knives to minors. In 2002 offences were introduced for the carrying of knives without an excuse, and bans were introduced in relation to the marketing and sale of prohibited weapons. At that time the government also gave Victoria Police 480 hand-held metal detectors and introduced new search powers. These measures were accompanied by an education campaign that included the targeting of culturally and linguistically diverse communities, in particular to address the issue of ethnic gangs having access to weapons such as knives. In 2004 the government introduced new regulations that made swords prohibited weapons and introduced a new vendors register for the sale of swords.

There have been quite considerable reforms during the whole time that the Bracks government has been in office to address community concerns about the availability of weapons such as knives and swords but also things like capsicum spray, the use of which is also

regulated by this legislation. In particular reforms have addressed the alarming number of incidents in which young people have had knives in their possession when altercations have occurred outside nightclubs. In a number of cases these altercations have led to young people being killed as a result.

Government members recognise that there is genuine community concern about these issues. We have sought to change the culture among young people of carrying knives. In their view they do it to protect themselves, but by doing so they actually increase the risk that they themselves will be victims of such weapons when an altercation takes place. Unfortunately statistics show that, despite the concern or perceptions that might exist among senior Victorians, those who are likely to be victims of crime are young people, particularly young men aged between 18 and 25 years. They are at the greatest risk of being victims of crime. These reforms and this type of legislation will make it safer for young people to go out and enjoy themselves in nightclubs and other places of that nature without being concerned that they will be subject to an altercation involving other young people — other young men — who carry knives or who have those kinds of weapons in their possession.

The Control of Weapons Act contains a three-tier classification of weapons that attracts different types of penalties. The classification system relates to the inherent risk in the type of weapon involved. It also relates to the legitimate excuse that people might have for having such a weapon in their possession for employment or other purpose, such as recreational purposes — for example, someone who goes fishing may have a knife in their possession in order to clean and gut fish.

The classification system includes prohibited weapons. These are weapons such as swords, ballistic knives, knuckledusters and swordsticks. The government understands that collectors and others have these items in their possession for legitimate reasons, and it is possible for people to seek an exemption as a group through the Governor in Council for the possession, use or carriage of a prohibited weapon. The legislation also enables the Chief Commissioner of Police to issue to an individual person an approval for the possession of a prohibited weapon, but this process involves a criminal history check and a process that enables Victoria Police to be able to identify these particular individuals.

The other category of offences relates to controlled weapons. These include things such as knives and prescribed items such as batons, cudgels, bayonets, cattle prods and imitation firearms. The final category

under the legislation covers what are referred to as dangerous articles. These are defined to include articles which have been adapted or modified so as to be capable of being used as weapons, or any other article which is carried with the intention of being used as a weapon. These include things such as axes, kitchen knives and box knives.

In terms of adapting something to be used as a weapon, I remember one example that was given in previous debates when other amendments were made to the Control of Weapons Act. The example that was given was a rod removed from a push-along shopping trolley. Those rods were able to be removed by individuals and subsequently used as weapons. Some people are very imaginative in that they are able to modify an innocuous item to be used as a weapon. At present a number of offences relate to unlawfully possessing, carrying, using, importing, manufacturing, purchasing, selling, displaying or advertising for sale a prohibited weapon. Similarly there are also offences that relate to controlled weapons and dangerous articles, with the proviso that it is an offence to have such items without lawful excuse.

The bill seeks to significantly increase the existing penalties under the legislation to 12 months imprisonment for possession of a controlled weapon and 2 years imprisonment for possession of a prohibited weapon. Both those offences are currently subject to penalties of six months imprisonment. We can see there has been a doubling of the penalties in this area in one case and a quadrupling in the other case. It could be said that they are significant increases in the penalties. The government thinks they are reasonable increases in light of the concern the community has and also in light of concerns that have been expressed by members of our judiciary. In particular I want to refer members to comments made by Justice Charles of the Victorian Court of Appeal in the case of *R v. Nguyen*. The decision in that case was handed down last year, and in it His Honour actually urged the Parliament to give consideration to a substantial increase in the maximum penalties available under section 5 and section 6 of the Control of Weapons Act, which are the sections the bill seeks to amend.

The bill also provides for the automatic repeal of the amending act on 1 July 2008 in accordance with the recommendation of the Scrutiny of Acts and Regulations Committee, which I referred to yesterday when debating amendments to the Interpretation of Legislation Act. The Scrutiny of Acts and Regulations Committee has recommended that we try to reduce the amount of legislation on our statute book to make it easier for members of the community to find the law

and to understand what the law is in any given area, and if we allow for the automatic repeal of amending legislation, which will not impact in any way upon the operation of the amendments it has enacted or upon any future amending legislation, it will enable us to keep our statute book in a more manageable form.

As I said at the outset, the government has indicated in its election commitments on community safety that it will be making further changes in this area in future. We think it is important that we send a message to the community, and to young people in particular, that carrying a weapon will not be tolerated, that we want to keep our community safe, that we discourage people and young people in particular from carrying these weapons and that we do provide for a safe community. With those words, I urge all members to support the bill before the house.

**Ms PENNICUIK** (Southern Metropolitan) — I have looked at the Control of Weapons Amendment (Penalties) Bill before us today. The Greens will be supporting the bill, but I want to make a couple of comments. The first is that the incident in South Yarra that was one of the triggers for this bill was a very disturbing and upsetting incident, and that is why we support the increased penalties — so that people who brandish those types of weapons and use them in public will face not only increased penalties for assault but also increased penalties for the possession and use of those weapons.

I notice from the second-reading speech that this amendment represents the first tranche of the government's proposed amendments to the control of weapons regime, so I look forward to seeing what else will be coming forth. A long time ago I used to work in a camping shop, and in that camping shop was a very large array of very large knives which may not have fitted into any of these categories. There was certainly a large number of knives for which I could not see any particular practical purpose, and I did not know how their sale could possibly be justified. I will be looking forward to what comes in the next tranche of amendments to this control regime, because I think we also need to limit the number of the Jim Bowie types of knives for skinning buffalo or whatever which are out there and which I do not think anybody could justify needing, possessing or using.

There is just one other matter that has recently come to my notice from a constituent. The constituent has told me that an organisation for Middle Eastern dancers has been seeking an exemption under the Control of Weapons Act for the use of blunted swords in dance by dancers and teachers. These swords are balanced on the

hip, head, arms and body and are just a part of the dance routine. That organisation has been seeking an exemption under the act, so I raise that issue today and suggest that it be included in the next tranche of amendments to this regime.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased to make a brief contribution to the debate on this very small but important bill before the house. I am probably one of the very few in the chamber who have actually been confronted with a prohibited weapon, a controlled weapon and an ordinary weapon in the context of their previous employment. In one particular instance it was a weapon that has already been mentioned in discussion — that is, a kitchen knife. While working in Broadmeadows over a number of years I often attended domestic violence situations. There just happened to be a few domestics in that area, for some unknown reason. Often at night you would be there fighting people who essentially wanted to kill each other, which was unfortunate. Thankfully on the odd occasion we would arrive before that occurred.

I have a clear recollection of attending a premises in Westmeadows where the wife came out holding a kitchen knife and said, 'This is what he threatened me with'. In my eyes that kitchen knife was about 6 feet 2 inches long, because she was wielding it right in front of my eyes and saying, 'This is what he was going to stab me with'. Whilst I am being a bit jovial about the issue, the fact is they are very dangerous weapons when used in an inappropriate way. As we heard from Bruce Atkinson, a kitchen knife is a kitchen knife but it can become a very dangerous weapon when used for other purposes.

I am also pleased that the bill will double the penalties for the use of weapons, because that sends a clear message about the intention of the government and what it proposes to do regarding prohibited and controlled weapons. In the context of the bill, I do not know how the threat of imposing a penalty of up to \$24 000 on somebody in Westmeadows, for example, would deter them from using a weapon. It seems to be such a huge penalty that it would almost be a non-deterrent. I cannot imagine such a person sitting there and saying, 'Jeez, I might get a \$24 000 fine if I use this weapon'. What people in those areas will do is say, 'If I use that prohibited weapon, then I risk going to jail for two years'. Those penalties are perhaps a bit more important in the context of the legislation before the house.

I do not wish to say any more on the bill other than to say that I support it. I support the fact that the government has a strong overview of this issue, and I

look forward to the further amendments that will be brought forward. I think I have said before on the record that I am a bit bemused by the fact that we have a bill before the house that covers four pages, which makes a mockery of the whole process. It is interesting that the statement of compatibility required by the Charter of Human Rights and Responsibilities Act has more words in it than the bill. That points to where we are going in this state in terms of utilising Parliament for the people in the future.

**Mr LEANE** (Eastern Metropolitan) — I am pleased to join in debate on this bill. I strongly support the legislation, and I am sure the people of the Eastern Metropolitan Region also fully support increased penalties for possessing, advertising for sale, purchasing, importing and manufacturing of prohibited and controlled weapons. The introduction of this amendment bill is a fulfilment of a commitment concerning community safety that was part of the Bracks Labor government's election platform.

The Control of Weapons Act lists the categories of weapons, being firearms and non-firearms. The non-firearms category is divided into three subcategories or classifications: prohibited weapons, controlled weapons and dangerous articles. This amendment relates to the prohibited and controlled weapon categories. Prohibited weapons are the most dangerous weapons. They include swords, flick-knives, crossbows, blowguns, expandable batons and throwing blades, which on television are called Ninja stars. Unless someone can demonstrate a specific purpose for having these types of weapons, which has been discussed during the debate — on ceremonial occasions, such as when the Black Rod is used in this place, there would be no problem — there is definitely no need for the average person to have such weapons in their possession.

The bill increases penalties for being in breach of this act from the current six months jail to two years jail and from a fine of \$12 000 to a fine of \$24 000 and reflects the community's intolerance of the recent increase of attacks on people with such items. Controlled weapons include such things as knives and machetes. They are potentially very dangerous and more common in the community than the sort of articles that have a legitimate purpose. Controlled weapons are not able to be carried for self-defence, but where a person has a legitimate reason for carrying such a weapon or utensil then that article is legitimately able to be carried. A good example of this would be a chef who works at a number of venues. That chef would carry his or her personal set of knives to whichever restaurant or pub they were engaged by on that particular day. Obviously

someone who had a carving knife hidden on their person in the main bar would be in breach of the act.

When I worked as an electrician I carried a bag and in that bag I had a number of tools which included a couple of knives. I used to carry the bag in my car and on the train. One of the knives was a particularly nasty looking knife that had a hook shape, which I kept very sharp because I used it to cut insulation from cables. If I were ever quizzed by the police about carrying this particular knife I would have been more than comfortable explaining why I was carrying it. The essence of the bill is that if you have a legitimate reason for carrying a controlled weapon then it should be easily explained to the authorities.

The bill increases the penalties for possessing, carrying and using controlled weapons. It increases jail terms from 6 months to 12 months and increases the fine from \$6000 to \$12 000. Some say that kids today have no social conscience and just go out looking for trouble. I am sure there have been young and old hot-headed people who have been responsible for irrational and aggressive behaviour since time began, which has never been acceptable. While there is no evidence that more young people are carrying knives, this amendment is an important deterrent to any potential knife-carrying culture. A stupid act of false bravado by someone carrying a weapon with the view that it might impress their peers has the potential of spiralling into a tragedy that will permanently affect a number of families in our community.

I am sure Victorians understand that this government is committed to reducing not only crime but also the causes of crime, and that is what this bill is partly about. I commend the government for introducing this legislation immediately Parliament resumed this year following the recent election. I look forward to further elements of this legislation being introduced soon and to the government's continuing commitment to community safety in Victoria.

**Mrs KRONBERG** (Eastern Metropolitan) — I rise to speak in support of the Control of Weapons Amendment (Penalties) Bill. The bill amends the Control of Weapons Act 1990. The increase in penalties for weapons offences is welcome, but it is long overdue. These amendments are designed to bring about increases in penalties for non-firearms weapons and focus on two of the three categories of weapons or modified dangerous items.

There have been many campaigners pleading with the government to do something meaningful about the proliferation of weapons in our community. Research

into recent reports on weapons offences reveals that outrage has been most intense from July 2002. The tipping point for the latest wave of concerns was the shocking samurai sword murders in Chapel Street. Concerns were published in August and November 2002, June and July 2003, March, June and July 2004, with reporting focusing on weapons seized right here in Parliament in September 2004. Accounts started up again in August 2005 and stretched over the months to the zenith in July 2006.

Right here in Melbourne over the years there has been much reporting of wave after wave of extreme violence and appalling savagery. These crimes have had one thing in common — that is, the blatant use of readily available weapons designed to hack into human flesh, kill and maim. Such weapons have been used by rival gangs and other criminal types on our streets for far too long. Melburnians need to recognise that this is not a horror movie being run before them but that this is really being played out in their neighbourhoods. Gangs of youths have often waged war in front of terrified onlookers. One of my concerns is that this legislation is presented at a time when schools are facing increasing pressure to track down and deal with students carrying weapons onto school premises. Schools and police are handicapped by privacy legislation, which effectively protects the rights of law-breakers over the rights of others who might become victims. Back in July 2006 the shadow education minister in another place was reported as saying:

The safety of the students and teachers has to take priority over the privacy or the rights of an individual who might be carrying a knife. Part of the problem is that they are so prolific in schools that nothing is being followed up.

The state's privacy laws need to be changed to give police powers to search school lockers and bags to locate these weapons. Those likely to break the law by carrying non-firearm prohibited, controlled or dangerous weapons are often resourceful individuals who will find ways of circumventing proposed laws. Police are hampered by restrictive search powers. Because of privacy concerns, schools are not willing to allow police to use the 400 metal detectors that were issued to support previous amendments.

This government needs to be alert to the practice which has been reported in locations such as the Box Hill railway station area of girls toting well-known brands of carry bags packed with weapons and alcohol on behalf of their male companions. In mid-July 2006 prominent former assistant commissioner of police, Bob Falconer, suggested that there is a complex knife culture that exists outside of official statistics. According to Falconer, an increasing number of school

children are carrying weapons to protect themselves. Many young people, mainly young boys, have sought to arm themselves to protect themselves against aggressors in their world.

An 18-year-old who started carrying a knife after his friend was stabbed had this to say to the *Age* in March 2006:

This guy came out of nowhere and stabbed him with this massive knife. He was inches away from dying, inches away from being paralysed ... You grow up thinking you can walk around anywhere, but nowadays there's so many people carrying, you just never know when one day you might come across someone. So you just feel that you have to carry to protect yourself.

It is people like this boy who will be caught along with those who have criminal intent. The carrying of knives in this state is obviously symptomatic of a greater malaise. It is profoundly disturbing to find that there are such tendencies swirling around in our culture — so many young people feel compelled to carry knives.

Gaining the support of schools will be critical to the success of this legislation. Unfortunately this legislation is more cosmetic than a means of reducing violence and other criminal behaviour on our streets. As a representative of the Eastern Metropolitan Region, I am deeply concerned about the savagery of using such weapons in gang wars as a form of retribution or warped honour rituals in the east of Melbourne. An incident at the Knox City shopping centre reinforces my point. A social worker from Open Family Australia had a firsthand account of an incident:

This kid had been to a party and kissed some girl who was the sister of a gang member. I went down there one weekend to protect one guy. I went down there three days in a row and nothing happened. About a month and a half later they caught up with him. They cut him from just above his penis to his collar bone. He was 16 years old.

Like so many areas along the Lilydale and Belgrave train lines, Box Hill has attracted gangs. I have seen firsthand a young teenager sprawled on a footpath in Bank Street in Box Hill. It was 4 o'clock in the afternoon. There was a very obvious knife wound in his side.

Students in the area have regaled me with stories about their encounters on trains and at train stations. Many have been robbed at knifepoint. A recent example comes to mind: a secondary school student was standing on a train platform when two people sidled up to him and said, 'Do you want to die?'. The victim immediately offered to surrender his valuables and stood quaking while he was stripped of his valuables

hoping he would not be stabbed after surrendering them.

Another student working as an attendant on a late shift at a service station was traumatised for many months after surviving an armed robbery where a kitchen knife was held to his throat. He needed much counselling and struggled to resume his studies as a result.

Examples of more savagery abound. According to a report in the *Age* of 23 July 2006, 40 assailants armed with machetes and knives set upon and stabbed three African boys at the Sunshine railway station. Another incident involved 20 boys beating one boy with baseball bats.

What troubles me about a catch-all form of legislation such as this is how we can apply it to a boy like Jaden who is 14 years old. Jaden was quoted in the *Age* in July 2006. His message resonates with me. He said, 'I have to carry a knife because I'm short'. This legislation will mean that the Jadens of our society are likely to be caught and punished by savage gang members who continue their reign of terror across our suburbs.

Unprovoked knife attacks may be perpetrated by individuals who require immediate access to psychiatric care — care that needs to be vastly improved. We need to recognise that there are people who still cannot care for themselves. These are the victims of cuts to mental health budgets. Often these people have been abandoned by the community.

I hope these amendments in the bill will be a precursor to a serious commitment by the Bracks government to protect our communities through increased police powers and police presence. We look forward to the amendments in the government's tranche — foreshadowed amendments — that will ameliorate the effects of the legislation on those 14-year-olds carrying weapons for protection rather than the aggression.

**Mr SOMYUREK** (South Eastern Metropolitan) — I am pleased to join this debate. I support the Control of Weapons Amendment (Penalties) Bill. It is a bill that strongly demonstrates the Bracks government's commitment to community safety.

I will take up Mrs Kronberg's comments about this legislation being cosmetic. She also delineated her experiences and understanding of the reports she has read about gang violence. We, on this side of the house, agree that the knife culture that prevails in society at the moment is unacceptable, but we certainly reject Mrs Kronberg's assertions that the changes proposed in this legislation are cosmetic. This legislation proposes

some of the toughest laws in relation to these type of offences. The Bracks government will continue to strongly defend community safety. I will talk more about that later.

The bill before us will increase the penalties under sections 5(1) and 6(1) of the Control of Weapons Act 1990, which was introduced as a means of protecting the community against inappropriate access to dangerous non-firearms. It is also worth noting that the amendments in this bill form part of the Bracks government's election policy commitment regarding community safety.

Before I speak about the proposed amendments in greater detail, I will take a couple of minutes — for the benefit of people reading *Hansard* and members who are not familiar with the intricacies of this bill — to delineate the complex categorisation of weapons.

Prohibited weapons, controlled weapons and dangerous weapons are the three distinct categories that the legislation recognises. I will talk about each of those in turn. Prohibited weapons are weapons such as swords, ballistic knives, knuckledusters and swordsticks. They are all weapons that we have probably seen on TV and in cinemas, thanks to Hollywood gangster movies, but they are certainly not very pleasant weapons to have in society. These weapons add nothing to any civilised functional society, and I really cannot see any everyday use for them, but we have to concede that they do have some value to collectors or historical re-enactment groups but do not really have any legitimate everyday use.

The prohibited weapons category also includes capsicum spray, extendable batons and tasers. It is fair to say that, like the other group of weapons, these weapons have no legitimate use by the average citizen, but they certainly have a legitimate use in law enforcement. The Control of Weapons Regulations 2000 currently proscribe 37 prohibited weapons. I will not list all of them.

Another category of non-firearm weapons is controlled weapons. These are listed as knives other than those proscribed as prohibited weapons and other proscribed items, including a baton, cudgel, bayonet, cattle prod or imitation firearm as defined by the Firearms Act.

The other dangerous non-firearm category is dangerous articles, which are defined in the legislation to include articles which have been adapted or modified. They are the key words here: articles that are 'adapted' or 'modified' so as to be capable of being used as a weapon, or any other article which is carried with the

intention of being used as a weapon, including items such as axes, kitchen knives and box knives.

I hope this clarifies some of the terms that are used in this bill. I know the opposition has a problem with these definitions, and I wish the definitions were simpler and streamlined a little more, but this is what we have at the moment and what we have to deal with. As I said earlier in my contribution to the debate, the bill forms part of the government's community safety policy as it was released during the election campaign. The commitment comprised three parts.

The first part was increasing the existing penalties under the Control of Weapons Act 1990 to 12 months imprisonment for possession of a controlled weapon and two years in prison for possession of a prohibited weapon. The second part of the election commitment was introducing amendments to ensure that carrying a weapon on or around licensed premises will be treated as an aggravating circumstance and will attract greater penalties.

The third part of the Bracks government's election commitment on community safety was removing self-defence as a lawful excuse under the act for carrying a controlled article such as a kitchen knife. I think that pretty much covers Mrs Kronberg's assertion earlier about teenagers carrying knives for self-defence. The second and third parts of our commitment will be introduced in autumn this year, but the first part of the commitment is being met through the bill we are debating now.

The further amendment bill will include proposals which have been sought by the Chief Commissioner of Police, noted by the chief justice of the Supreme Court or been the subject of stakeholder consultation. Those further proposals include clarifying the status of machetes as controlled weapons; providing that a prohibited weapon may be carried where carriage is part of a recognised religious requirement; clarifying the power of the Chief Commissioner of Police to issue authorisations under the act with respect to prohibited weapons, to make it clear that authorisations may be issued to corporations and in such cases extended to the employees of such corporations who are not prohibited persons under the act for the purpose of carrying out the lawful duties of their employment; and making other technical amendments to the act.

Now that I have clarified the terminology outlined in the context of the bill, I will turn to its specifics. This bill will amend section 5(1) of the principal act to increase the penalty in relation to prohibited weapons from 120 penalty units or six months imprisonment to

240 penalty units or two years imprisonment. In relation to controlled weapons it amends section 6(1) to increase the penalty from 60 penalty units or six months imprisonment to 120 penalty units or 12 months imprisonment. As we can all see from that, this is not a cosmetic change but is a substantial change. These increases amount to 100 per cent or more in some cases, so I would not classify this toughening up as being cosmetic as all.

As I said earlier, the increased penalties will reflect the government's commitment to reducing the carriage of dangerous weapons in the community. There is also provision for the amending act to be repealed in July 2008. This is in accordance with the recommendations of the Scrutiny of Acts and Regulations Committee that all amending acts contain an automatic repeal provision. The repeal of this amending legislation will not in any way affect the operation of the amendments made by it. With those words, I commend the bill to the house.

**Ms TIERNEY** (Western Victoria) — It is not my intention to speak at length. The amendments before us are streamlined. We have heard many contributions and, as I understand it, there is cross-party support, but what I hope to do is give a quite succinct contribution that hits home at the points that are behind the very intent of the amendments.

Firstly, containing weapons, tackling violence and having safer communities have been absolute priorities for the Bracks government from day one. As we have heard today, the amending bill enables a number of key things. I will go through them quickly just one more time. It has increased the penalties. It has greater specific penalties for carrying weapons on or around licensed premises or entertainment facilities. It removes self-defence as a lawful excuse for carrying weapons such as knives. It tightens the provisions relating to the sale of such items, and tightens the exemptions.

The amending bill reflects the increasing concern in the community about the possession of weapons and their potential use by young people in opportunistic and vicious assaults, particularly around licensed venues, and indeed the effect it has on family violence as well.

In tackling this issue we should not just focus on the young males perpetrating violence against each other. Whilst cases of such violent behaviour often have graphic and confronting media coverage, this amendment covers all situations where weapons can be and have been used by people — whether it be in the workplace, at sporting events or in violent acts perpetrated behind closed doors, which is the

ever-present and far-too-common occurrence of domestic violence.

This amendment is about increasing the penalty to a more appropriate level to fit the crime; it is about restricting access to weapons; it is about getting people to think about the consequences of violent acts that involve weapons. It removes excuses for violence, and it also provides a greater sense of security and safety. This will particularly assist the elderly and the more vulnerable in our society. It will enable them to be more confident and feel free to get out and about without being afraid.

This amendment is about the Bracks government's commitment to leading and delivering safer communities through facilitating cultural change, one which does not tolerate violence. I argue that there has been a quantum leap in community attitudes. Some things, such as a fight down at the local pub on a Saturday night, were once tolerated. It is now not an acceptable community standard to allow these things to occur or for excuses for violence to be made. It is becoming increasingly unacceptable for all forms of violence, no matter at what level, to persist in these communities.

As a newly elected member I look forward to contributing to the further amendments scheduled for 2007 that will enhance community safety, and I commend this amending bill to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. J. M. MADDEN** (Minister for Planning) —  
By leave, I move:

That the bill be now read a third time.

In doing so I wish to thank the members of the chamber for their contributions.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## ADJOURNMENT

**Hon. J. M. MADDEN** (Minister for Planning) — I move:

That the house do now adjourn.

### Roads: Eastern Victoria Region

**Mr O'DONOHUE** (Eastern Victoria) — My issue is for the Minister for Roads and Ports in the other place. The state of the road network in Eastern Victoria Region is in crisis. In the interface areas of the region the road network has not expanded and has not kept pace with the rapid population growth that has been experienced. There are numerous examples; they are too many to mention them all, but I will mention just a few.

Lilydale is clogged. Traffic travelling through Lilydale to get to Healesville and other places gets stuck during peak hour — a peak hour that lasts for hours! The Liberal Party had a great policy at the last election to construct the Lilydale bypass. I call on the government to copy, as they have with other policies, our policy on this matter.

The EastLink tollway, when it is finished, will put thousands more traffic movements through the intersection of the Frankston-Cranbourne Road and the freeway every day. The Frankston bypass should have been and needs to be completed.

The government is planning to expand the port of Hastings, but it has not committed to the duplication of the Western Port Highway all the way to Hastings. It needs to do so. Also people travelling from South Gippsland to Melbourne need to drive through Cranbourne every day, so the Cranbourne bypass needs to be completed.

But the issue I specifically want the minister to address is the need for another crossing over the Great Dividing Range. The communities of the high country in East Gippsland have been ravaged by fire — and, sadly, in the case of Licola, by fire and then flood. These fires have further hurt a tourism industry that is already reeling from dramatically lower visitor numbers and a drought that has reduced the farmers' ability to contribute to their local economy. There is now a perception amongst some that not just the high country but all of Gippsland is fire damaged and out of action.

What would be of great assistance to communities in the high country would be another all-weather road crossing over the Great Dividing Range. The sealing of the Great Alpine Road has stimulated a great increase

in the number of tourists from Wangaratta through to Bairnsdale and vice versa. As a candidate during the election campaign I attended a meeting near Mitta Mitta last year with the aim of securing funding for the sealing of the remaining unsealed sections of the Omeo Highway. This would provide a direct link from the Albury-Wodonga region through to the Gippsland Lakes and beyond. Equally the sealing of the Jamieson-Licola Road would connect Mansfield with the Latrobe Valley and Gippsland and open up these areas to tourism. This investment would create local jobs during construction and open new all-weather tourist routes.

Therefore I ask for the minister to commit to creating another sealed road that traverses the Great Dividing Range as quickly as possible as a way of helping fire-affected communities get back on their feet.

### **Murray–Darling Basin: federal plan**

**Mr PAKULA** (Western Metropolitan) — My request is to the Minister for Water, Environment and Climate Change in the other place. I was surprised at the weekend to read that the Leader of the Opposition in the other place, Mr Baillieu, had fallen in behind the Prime Minister in regard to the Prime Minister's water plan and had criticised Premier Bracks for failing to sign up to the plan. Mr Baillieu's comment suggested that the Premier had somehow failed to make the hard decision by refusing to sign up.

I point out that the easy decision for the Premier would have been to go along with the Prime Minister, the federal Leader of the Opposition and the other Labor state premiers in signing up to the Prime Minister's water plan. The Premier of Victoria has responsibilities that those other Labor premiers do not have: his responsibilities are to Victoria and Victorian water users; his responsibility is to the Victorian irrigators who are at risk of losing their rights to water at Canberra's whim, to the towns on the Victorian side of the Murray River which are at risk of losing control of their water — —

**Mr D. Davis** interjected.

**Mr PAKULA** — It is not all about money, Mr Davis. The Premier's responsibility is about endeavouring — —

**Mr D. Davis** interjected.

**The PRESIDENT** — Order! Mr Davis!

**Mr PAKULA** — The Premier's responsibility is about ensuring large amounts of water that are currently

used by Victorian irrigators do not flow to South Australia and in ensuring — —

**Mr Atkinson** — On a point of order, President, I draw your attention to the fact that the adjournment debate is about putting a question to a minister on a matter of government administration. It is not a debate that allows for the making of a set speech which attempts to debate an issue. It is very much about outlining a position that establishes an issue for a minister to take action within their jurisdiction of administration.

Mr Pakula may be getting to that point, and I accept that he has time to do so, but I certainly hope this will not be a continuing set speech and that he is in fact moving towards a question to a minister fairly rapidly.

**The PRESIDENT** — Order! The restriction on members being able to debate has been removed, as I understand it, but it is incumbent on the member to seek an action from a specific minister. Whilst I am sure he is getting to it, the house would appreciate it if he did so double-quick.

**Mr PAKULA** — Without Mr Atkinson's interruption I would have been there by now. There is an understanding by the Victorian Farmers Federation that it is in Victoria's interest not to sign this deal. There is an understanding by the Premier that it is not in our interest, but the Leader of the Opposition in the other place seems instead to be more intent on putting the interests of his party ahead of the interests of the state.

My request to Minister Thwaites, who is about to engage in further meetings with Mr Turnbull, the federal Minister for the Environment and Water Resources, is that in the continuation of his discussions with Mr Turnbull he continues to stand up for the interests of Victoria, continue to stand up for the interests of Victorian irrigators and does not endorse the opposition leader's approach of doing Canberra's bidding because it suits his party rather than his state.

**Mr Atkinson** — On a point of order, President, I ask that that be ruled out of order, because there was clearly no specific question which went to the government's administration or the minister's administration. It was indeed a set-piece speech.

**The PRESIDENT** — Order! There is a degree of validity in Mr Atkinson's point of order. I offer the member the opportunity to maybe rephrase his request for action from the minister.

**Mr PAKULA** — Thank you, President. In giving me that opportunity, my request is that the minister advises this house of the ways in which he will continue to support the state's interests, which is his primary responsibility as minister for water, rather than — —

**The PRESIDENT** — Order! Mr Pakula has fluffed it. I will expand on the issue and read the exact requirement:

The matter raised by a member must be specific and not general in nature and must seek specific action. It is not in order to ask a minister merely to continue to take a particular action.

Unfortunately, as I say, Mr Pakula fluffed that one.

### **Springvale Road, Nunawading: parking bays**

**Mr ATKINSON** (Eastern Metropolitan) — President, I wish to raise a matter with the Minister for Roads and Ports in the other place. I am concerned about a number of initiatives that have been taken in respect of Springvale Road, particularly the removal of bus bays along Springvale Road.

I was travelling along Springvale Road on Friday morning, and I have to say that this is now an accident waiting to happen time and time again. There were so many times when buses stopped on the main lane, and this has traditionally been a series of lanes that have carried traffic both north and south along Springvale Road. The buses stopped and traffic backed up behind them. I saw almost three collisions when moving between my office in Nunawading to Highbury Road in Vermont South — two on the way there and one on the return journey.

I am very concerned about the removal of those bus bays, but I am also concerned, and this is the specific area I wish to address to the minister on this occasion, about the removal of parking on Springvale Road, Nunawading, particularly between Whitehorse Road and the railway line. I put on record that my office is part of this area. I am not concerned about it in respect of my office, because I think my office is clearly able to function without the parking. However, a number of small businesses in this section of the shopping centre would be significantly disadvantaged by the decision to eliminate parking.

What concerns me with the initiative is that there is a great deal of duplicity in this by the government. As I understand it, VicRoads has sent out a letter seeking comment from those businesses, when in fact it has, as I understand it, already measured up and entered into a

contract for the widening of the railway crossing on Springvale Road at Nunawading, which is part of the very works that have removed the parking. In other words, while it is going through a sham consultation process, the works are already scheduled and contracts have been entered into.

Tomorrow I will present a petition that has been signed by some of those businesses in this area of Nunawading. But on this occasion, because the petition does not elicit any response from the government, contrary to previous commitments it made in policies taken to the people of Victoria, I would ask that the minister review his decision to change the arrangements at Springvale Road — no doubt with his colleague the Minister for Public Transport in the other place — and that he does not proceed with the removal of those parking spaces, certainly not before the City of Whitehorse completes a study of the changes that might be effected to the railway line crossing on Springvale Road, and whether it is a process that is proceeding with federal government and local government funding.

### **Climate change: briefing**

**Mr BARBER** (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Water, Environment and Climate Change in the other house.

I would like to say that the first time Greens Senator Bob Brown ever rose in the federal Parliament to speak on the issue of climate change, he was laughed at. That was 10 years ago, but no-one is laughing now.

Victoria's leading environment groups recently described the Bracks government response to climate change as 'one step forward, two steps back'. Those groups said:

The decision to allow Australia's dirtiest power station, Hazelwood, to expand and continue operating until at least 2031 is a prime example. Hazelwood emits 17.7 million tonnes of greenhouse pollution each year. Scientists tell us we must start making deep cuts in our emissions now, yet the state is now locked into ongoing pollution from an outdated and inefficient power station ...

The government has announced many more polluting projects over the last year. A new factory is to be developed by Shell and Anglo Coal to convert coal into diesel; a new pulp mill will create over 800 000 tonnes of greenhouse emissions a year, which is equivalent to the exhausts from 173 000 cars; and a new power station near Hazelwood — Driffield — will produce 400 megawatts of power, and another of the same size is planned. Just those combined projects will represent around 6.5 million tonnes of additional greenhouse

gases. On top of our existing 128 million tonnes, that is about a 5 per cent increase in one hit from a set of projects.

Even worse, the state government is keeping under wraps a number of announcements about new projects — an expansion for the Alcoa smelter and possibly a magnesium smelter as well. By contrast, the state government's proposals for renewable energy, the Victorian renewable energy target, will save about 1 million tonnes and the scheme will be phased out by 2016 — in other words, it amounts to one step forward and six and a half steps back!

My request of the Minister for Water, Environment and Climate Change is in relation to that part of his portfolio relevant to climate change. He cannot just keep recognising more environment issues by adding more of them to the end of his ministerial portfolio. He will end up sounding like some sort of medieval Italian prince with about 57 honorary titles! We get that this is all part of the environment. We need a Minister against Climate Change now.

I ask the minister to provide me with a briefing from the Environment Protection Authority regarding the licensing and monitoring of the carbon capture and storage project of the cooperative research centre for CO<sub>2</sub>.

### **Bushfires: firebreaks**

**Mr HALL** (Eastern Victoria) — The matter I wish to raise for the Minister for Water, Environment and Climate Change in the other place concerns the rehabilitation of firebreaks.

During times of major bushfires a great deal of resource is put into establishing firebreaks to assist in containing fires. This exercise typically involves clearing an area of land, sometimes up to 70 metres in width, of flammable materials. While that in itself does not necessarily stop a fire because bushfires spot, in some cases several kilometres, ahead of the fire front, it provides an excellent reference point for the conduct of back-burning, which is one of the main tools employed by firefighters to fight wildfires.

I note that the government intends to maintain a permanent firebreak to protect the Thomson catchment area, and I welcome that initiative. But there is a need to protect a lot of country communities and privately owned assets in country Victoria. Therefore, I think there is sense in maintaining some permanent firebreaks strategically placed around those communities and

around those privately owned assets in country Victoria.

I have been informed by constituents just this week and late last week that in those areas affected by the recent bushfires the Department of Sustainability and Environment is now very busy rehabilitating firebreaks that only a couple of weeks ago it was going helter-skelter to create. Many of my constituents think this is an act of insanity. After the effort that they have put in to create those firebreaks it should now be considered vital to maintain them so that they become permanent features to protect those communities in future from fire. My request to the minister is to immediately cease the rehabilitation of firebreaks until such time as local fire plans are reassessed and the desirability of maintaining permanent firebreaks is determined.

### **Tertiary education and training: regional student study**

**Ms PULFORD** (Western Victoria) — I direct my adjournment matter to the Minister for Education and request that he ask the education department to conduct research into the retention rates of students who live at or near and then graduate from a regional Victorian university campus and start their first postgraduate jobs in regional Victoria. This request arises from a study released late last week entitled *The Destination of On-campus Higher Education Graduates of the University of Ballarat*, which was prepared by the Western Research Institute.

The study into the postgraduate habits of students from the University of Ballarat found 79 per cent of graduates with a regional home location began their employment in regional Victoria; 65 per cent of students originally from the Ballarat district found employment after graduating in Ballarat; 60 per cent of students from the Central Highlands region, excluding Ballarat, were initially employed in Ballarat or Central Highlands; 70 per cent of all graduates from the university were initially employed in a regional location; and one-third of graduates from the university began their new jobs in Ballarat.

This proves that the University of Ballarat is a key contributor to the escalating growth in the Ballarat area and in regional Victoria; that regional universities work for regional students and that their popularity is on the rise, with an 11.6 per cent increase in the demand for first-round offers at the University of Ballarat and a general rise across regional Victoria campuses; that the Bracks government is committed to making regional Victoria a great place to live, learn and work; and that

our continual policy of jobs and skilled jobs is employing young people from regional Victoria in regional Victoria. It is a credit to the Bracks government, the University of Ballarat, employers across regional Victoria and of course regional Victorian communities that these encouraging figures have come from the University of Ballarat. Let us find out if these figures are mirrored across other regional campuses in Victoria.

**The DEPUTY PRESIDENT** — Order! Your specific request was?

**Ms PULFORD** — It was that the minister ask his department to conduct research into the retention rates of students who live in and then graduate from a regional Victorian campus.

### **Kew courthouse: preservation**

**Mr D. DAVIS** (Southern Metropolitan) — The matter I raise on the adjournment debate for the attention of the Minister for Planning concerns the old Kew courthouse and police station. This fine building on the corner of High Street and Cotham Road in Kew is well known to many people. It is a landmark building which was constructed in the 19th century by a notable architect, and its particular style of an integrated courthouse, post office and police station is of significance not only to the local municipality in Boroondara and obviously to Kew but also in my view statewide and arguably nationally too. The minister has responsibility for the protection of heritage, and that building has been a government building for well over 100 years. Until very recently it was in use as a police station. During the last years of the government's occupancy of that building it was allowed to decay, to crumble and to deteriorate to a significant extent. I think the government as the owner of the building has a responsibility to properly manage an asset of that type.

**An honourable member** interjected.

**Mr D. DAVIS** — Not quite half price, I have to say, and that is not good enough. I think the government has got to face up to its full responsibilities to ensure that that building is protected.

**Mr Thornley** interjected.

**Mr D. DAVIS** — I have to say that more has to be done. The member should understand as a representative of the area that more has got to occur.

**The DEPUTY PRESIDENT** — Order! Mr Davis, without assistance!

**Mr D. DAVIS** — I make the point that I do not think the government has faced up to its responsibilities fully with this building. The minister has responsibilities in a specific portfolio sense through Heritage Victoria. I understand that further requests for grants are before Heritage Victoria, and I ask the minister to ensure that they get speedy passage. I also ask the minister to advocate within government for the proper protection of this building and for the provision of a proper plan as the building is disposed of and moves from state government ownership into council ownership in the near future.

### **Calder Freeway: traffic congestion**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the Minister for Roads and Ports in the other place. This morning in this house I heard my colleague from the Western Metropolitan Region, Mr Eideh, basically rabbiting on about the wonderful job the Bracks government was doing with road infrastructure in the west of Melbourne. It was with some bemusement I heard those comments. I do not know where the member drives from to get in here every day, but I drive down the Calder Freeway. This morning what would normally take a little over 30 minutes took me over an hour and a half. One area of congestion is the section of road between Sunshine Avenue and Keilor Park Drive, a length of probably 2 or 3 kilometres. It took me over 35 minutes to drive that very short distance. If that is the Bracks government's success in action, I would hate to see its failures.

What we have seen over the last few years is this problem getting worse and worse, almost on a daily basis. Up until the election last year I was driving from the outer west to the far east of Melbourne. Every day I could see the west of Melbourne getting as bad as the east. Now we have these problems on the Calder, and tonight I am faced with the prospect of trying to get through the Calder–Tullamarine interchange — which I have to tell the house has not really improved since the new interchange was opened on the weekend — to get up the Calder to be constrained by congestion on the Western Ring Road for some 2 or 3 kilometres and then when you finally get a break on the freeway there is an 80 kilometre-an-hour speed limit.

These are issues that must be addressed by the minister. They are driving a good many people in my electorate quite barmy on a daily basis. I sincerely hope the Minister for Roads and Ports will do his job. We do not want spin, we do not want public relations, we do not want members of Parliament coming in here and telling us things that are clearly not true — —

**Mr Pakula** — On a point of order, Deputy President, based on the point of order you raised during my adjournment matter 5 minutes ago before you took the chair, about whether a member should make a set speech and whether a member should ask for an action, I ask that you show some consistency with your own view, which you expressed a few moments ago.

**The DEPUTY PRESIDENT** — Order! Can I say first of all that it is not the member's position to reflect on the Chair.

**Mr Pakula** — My apologies, Deputy President.

**The DEPUTY PRESIDENT** — Order! The second thing is that I do not believe Mr Finn's speech was a set piece. Indeed I think the way in which it was delivered suggested it certainly was not set. However, I suggest to Mr Finn that he has 27 seconds in which to put a specific question. If he does not do so, the rulings will be consistent.

**Mr FINN** — The last time any major infrastructure was built on the Calder was 1998. Modesty forbids my saying who was the member in the area at that time. What we need from the Minister for Roads and Ports is to build the infrastructure that is needed for the people from that area to get into town and back again, to build what is needed in that area — —

**Mr Thornley** — On a point of order, Deputy President, we are down to 2 seconds, and I still have not heard a question.

**The DEPUTY PRESIDENT** — Order! For the benefit of the house, the member does not have to ask a specific question but has to seek an action from a minister — the question is to seek an action from a minister. I agree that Mr Finn is going to have to be very quick, because he has 2 seconds in which to ask the minister for a specific action or he will be out of order.

**Mr FINN** — I will repeat, Deputy President: build the infrastructure that we need on the Calder.

**The DEPUTY PRESIDENT** — Order! I rule that out of order because a specific action was not sought from the minister.

### **Murray River: police divers**

**Mr DRUM** (Northern Victoria) — On 13 February 1998 a dear friend of our family and very talented young man, Kevin Pickering, lost his life while waterskiing on the Murray River at Picnic Point. Kevin was such an accomplished waterskier that he randomly

skied without a flotation device. When Kevin fell his friends were unable to find his body as it did not surface after the fall. What should have been a simple body retrieval operation became a drawn-out wait of despair, anguish and grief for his family, who had to wait three days while police divers from Sydney turned up, complete with diving gear, as New South Wales police have jurisdiction over the Murray River.

On 9 February this year that same grief was felt by a Rochester family which lost a son, Craig O'Toole, after a boating collision near Moama. Again police divers were called from New South Wales and were on their way to this accident when they were diverted by another call back to Port Macquarie. When they were able to go down to the Murray River it took three days to find this young man's body. These exercises are organised by New South Wales police out of Deniliquin, but there is not the expertise or equipment in the southern part of New South Wales to do body retrievals. The dive units travel with a great deal of equipment, such as decompression chambers, which means they always have to travel by road and cannot fly to any of these accidents. It takes at least 12 hours to get to places such as Mildura, which is over 1000 kilometres away.

I call on the Minister for Police and Emergency Services in the other place to initiate a bi-state agreement between Victoria and New South Wales or possibly even a tri-state agreement between New South Wales, Victoria and South Australia to enable the police diving squad of any state that happens to be in the best position to respond to be given the responsibility of attending any accident or mishap along the Murray River. The grief of losing a loved one should not be made worse because we have antiquated laws that prohibit the recovery of a body by the nearest available police force.

### **Housing: Northcote**

**Ms LOVELL** (Northern Victoria) — My adjournment debate issue is for the attention of the Minister for Housing in the other place regarding the Office of Housing over-55s units at 1 Roberts Street and 134 High Street, Northcote. Last week I was invited by the residents of this estate to visit their homes. I was appalled that any landlord, let alone the state government, could have possibly ignored the conditions that these vulnerable over-55s residents were being forced to endure.

The four-storey, walk-up apartment blocks, which were built in 1963, consist of 36 bed-sitting and 11 one-bedroom apartments that are well below a

standard anyone would consider appropriate and are described by residents as 'tiny hotboxes'. I was appalled when they showed me the extent of the problems, including water dripping through light switches and light fittings, cracked and decaying concrete, bathrooms full of mould and peeling paint, inadequate laundry facilities, outside security lights that have been left without light bulbs for so long they are rusted and covered in cobwebs, residents on walking frames having to climb three flights of dangerous stairs to their apartments because there are no lift facilities, no fire escapes, and the one and only staircase in each building having large chunks of concrete falling away from them. In addition some of the steps have separated from the building.

There is no doubt that these residents have been living in Third World conditions. What is even more concerning are residents' stories of how they have tried to get assistance from the Office of Housing and the government. The residents are extremely disappointed that the former local member in the other place, Ms Delahunty, did nothing to assist them in the first two terms of the Bracks government and now in its third term the Bracks government is still refusing to consult with them or release a feasibility study that was completed last year. The residents are also concerned that the Office of Housing had failed to attend to maintenance when it was reported or had treated them badly by leaving them on hold for long periods when they telephoned, hung up on them or just conveniently lost any record of the maintenance problems reported. In order to expose the government's neglect, last Wednesday the residents invited the *Herald Sun* into their homes. Within hours of the visit by the *Herald Sun* the minister made a welcome but very belated announcement that the site would be redeveloped. Yesterday a meeting was held at the site to inform residents about the redevelopment.

Residents were told that the Office of Housing would interview each one of them individually to discuss their relocation and eventual return to the site. Given the residents' negative experiences in dealing with the Office of Housing in the past, a couple of residents were very vocal about wanting their Housing for the Aged Action Group (HAAG) to be appointed to act as an advocate for the residents in their dealings with the Office of Housing during the redevelopment. The Housing for the Aged Action Group would be happy to assist residents in this way. However, due to the Bracks government cuts to its funding, its current resources are stretched to maximum capacity. My request is that the minister appoint HAAG to advocate for residents during the relocation and that he provide funding to enable HAAG to take on this project.

### Housing: affordability

**Mr GUY** (Northern Metropolitan) — I seek action from the Minister for Planning on the issue of home affordability, particularly in relation to the comments he has made to this house over recent times. Yesterday the minister entertained the house with some figures and comments from a 2004 report of the Productivity Commission in relation to land sales. What breathtaking madness it was to approach this by entertaining us all with a document that is three years old. However, recognising that the minister is sloppy and a little bit lazy in his own research, I would like to inform him of a new document from the Property Council of Australia which he may not have seen entitled *Boulevard of Broken Dreams*. *Boulevard of Broken Dreams* is not three years old, it is not two years old — it was released on 5 February this year. I would like to quote from this document. It says:

Limited land supply, induced by restrictive land release policies of state and local governments, is a significant driver of rising housing costs.

Further it states:

Government-related taxes, fees, levies, charges and compliance costs are also adding enormously to the cost of new housing.

The report continues:

The push for greater housing density is at odds with all demographic trends ... despite falling household sizes, the detached dwelling will remain the preferred dwelling type.

Then there is this gem towards the end:

The determination to limit suburban growth grew more pronounced as governments became increasingly less willing to fund new urban infrastructure associated with growth.

No doubt the report is, in Melbourne's case, referring to be Epping–South Morang railway line or, as the people in Cranbourne would know, the Cranbourne East railway line, which after seven years has still not appeared.

There are more points towards the end of the document. Firstly, it says:

New houses in Melbourne incur total infrastructure charges of \$7848 compared to an actual direct infrastructure cost estimate of \$2000 ...

Secondly, it states that Victorian government taxes, charges and levies add — wait for it! — \$45 817 to the cost of a new home built in Melbourne's outer suburbs.

**Mr Finn** — How much?

**Mr GUY** — It is \$45 817! Shame on the Bracks government and on this minister for presiding over such an impost.

Despite the Labor Party hating suburban life, I ask the minister to act to seek a briefing on this document — it is less than a month old, not three years old — and, further, to scrap plans for a development levy which this government is going to apply at the end of the year and which will further sting homebuyers and homeowners in the outer suburbs of Melbourne.

### Responses

**Hon. J. M. MADDEN** (Minister for Planning) — Mr O'Donohue raised the matter of road network congestion right across his region. I will refer that to the Minister for Public Transport in the other place.

Mr Atkinson raised the matter of congestion and other traffic management matters on Springvale Road. I will refer that to the Minister for Roads and Ports in the other place.

Mr Barber raised the matter of a carbon capture and storage project. I will refer that to Minister for Water, Environment and Climate Change in the other place.

Mr Hall raised the matter of firebreaks in and around regional and rural communities. I will refer this to the Minister for Water, Environment and Climate Change in the other place.

Ms Pulford raised the matter of retention of tertiary education students within regional areas. I will refer that to the Minister for Education.

David Davis raised the matter of the Kew courthouse and the heritage matters and issues around the transfer of ownership of that property. I do not have that information before me, but I will be happy to provide the member with further information as I get the details on that. One of the things that is worth appreciating is that the heritage listing of any property ensures that the property will be protected under legislation, but there are a whole lot of implications that extend from that. Whilst I am not entirely sure whether the property is on the heritage list or not, if it is — and I take the member's word for it — that will ensure that the building will be protected under those constraints.

That is of great benefit to those who either have the property currently or will have the property in the future in making sure that it is maintained. The critical issue for any property that has a heritage listing is to find an appropriate use given the age of the stock. It is not so much in terms of the building fabric itself but often the

technology in the building or the way in which the building is planned that does not allow for easy renewal or updating for new technology. Hence post offices and police stations and those sorts of properties have often been released because to put the relevant technology into those buildings is quite difficult. Finding the appropriate use is always a critical question for heritage properties, but I am sure that between the state government and the local council in this case an appropriate use will be found in relation to the future of the property.

Mr Drum raised the matter of the potential for state agreements in relation to body removal from rivers and the like, where time is a critical factor for families who are grieving. My sympathies go out to the families of Kevin Pickering and Craig O'Toole, who were mentioned in relation to Mr Drum's adjournment matter. I will refer that to the Minister for Police and Emergency Services in the other place. I recognise that some of these issues, which you would think should not be as complicated to resolve as they are, should be resolved as quickly as possible. I will refer that to the Minister for Police and Emergency Services, and maybe that will assist those families in the circumstances of their grieving. Our hearts go out to them.

Ms Lovell requested that the Minister for Housing in the other place take action in relation to the residents of a housing estate in Northcote. I will refer this matter to the minister for appropriate response.

Mr Guy raised the matter of housing affordability. I recognise his question, and I also recognise the publication to which he referred, because I have seen it. There is no doubt that Mr Guy will be a mouthpiece for the federal government in relation to this matter, and I expect we will see much more of that advocacy on behalf of his federal colleagues and various elements of the sector. There is no doubt that various stakeholders in the sector will wholeheartedly endorse the federal government's position. When we are clearer on what the state opposition's position is in terms of planning, no doubt we will be able to comment, but at the moment the only position of the state opposition is to reflect on the federal government's position, so there is obviously a vacuum. I look forward to Mr Guy filling that vacuum in the not-too-distant future.

Mr Guy would also appreciate that there is housing and then there is housing. I know he has reflected upon his experience in growing up in suburbia and on suburban life. Indeed he made interesting reflections on his upbringing. My upbringing in the suburbs was not dissimilar to his, but the difference between Mr Guy's

suburban upbringing and mine is that whilst I am nostalgic and I reflect on my upbringing and had wonderful experiences, there was very little infrastructure in the suburb in which I grew up.

My parents also had to pay off a mortgage, and they had to pay for roads to be put into the subdivision and for plumbing and sewerage to be put in. There will always be costs for infrastructure, whether it is put in before, during or after housing projects are built. It should be appreciated that one of the great attributes of living in this country is the fact that we provide infrastructure for housing. I know that state and federal governments would all advocate that we continue to provide that infrastructure. I am sure Mr Guy would also advocate that strongly, as he has tonight. I look forward to his party forming a policy position on this matter going into the future.

**The DEPUTY PRESIDENT** — Order! The house stands adjourned.

**House adjourned 4.32 p.m.**

