

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 8 August 2007

(Extract from book 11)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs | The Hon. J. M. Brumby, MP |
| Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing | The Hon. R. J. Hulls, MP |
| Treasurer | The Hon. J. Lenders, MLC |
| Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation | The Hon. J. M. Allan, MP |
| Minister for Health | The Hon. D. M. Andrews, MP |
| Minister for Community Development and Minister for Energy and Resources | The Hon. P. Batchelor, MP |
| Minister for Police and Emergency Services, and Minister for Corrections | The Hon. R. G. Cameron, MP |
| Minister for Agriculture and Minister for Small Business | The Hon. J. Helper, MP |
| Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events | The Hon. T. J. Holding, MP |
| Minister for Environment and Climate Change, and Minister for Innovation | 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, and Minister Assisting the Premier on Multicultural Affairs | The Hon. J. A. Merlino, MP |
| Minister for Children and Early Childhood Development, and Minister for Women's Affairs | The Hon. M. V. Morand, MP |
| Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians | The Hon. L. M. Neville, MP |
| Minister for Roads and Ports | The Hon. T. H. Pallas, MP |
| Minister for Education | The Hon. B. J. Pike, MP |
| Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs | The Hon. A. G. Robinson, MP |
| Minister for Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects | The Hon. T. C. Theophanous, MLC |
| Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs | The Hon. R. W. Wynne, MP |
| Cabinet Secretary | Mr A. G. Lupton, MP |

Legislative Council committees

Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Gaming Licensing — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

Select Committee on Public Land Development — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Viney.

Standing Orders Committee — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

Joint committees

Dispute Resolution Committee — (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik. (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mr Leane and Ms Mikakos. (*Assembly*): Mr Delahunty, Mr Haermeyer, Mr McIntosh, Mrs Maddigan and Mr Morris.

Economic Development and Infrastructure Committee — (*Council*) Mr Atkinson, Mr D. M. Davis, Mr Tee and Mr Thornley. (*Assembly*) Ms Campbell, Mr Crisp and Ms Thomson (Footscray)

Education and Training Committee — (*Council*): Mr Elasmr, Mr Finn and Mr Hall. (*Assembly*): Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

Electoral Matters Committee — (*Council*): Ms Broad, Mr Hall and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (*Council*): Mrs Petrovich and Mr Viney. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Scheffer and Mr Somyurek. (*Assembly*): Ms Beattie, Mr Dixon, Mr Perera, Mrs Powell and Ms Wooldridge.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mrs Maddigan.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmr, Mr Guy and Ms Hartland. (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith.

Public Accounts and Estimates Committee — (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips. (*Assembly*): Ms Graley, Ms Munt, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller.

Rural and Regional Committee — (*Council*) Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*) Ms Marshall and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith.

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 Elasmар, Mr Finn, Mr Leane, Mr Pakula, 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

| Member | Region | Party | Member | Region | Party |
|------------------------------------|----------------------------|--------|----------------------------------|----------------------------|--------|
| 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 |
| Elasmар, 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 |

CONTENTS

WEDNESDAY, 8 AUGUST 2007

MEMBERS STATEMENTS

| | |
|-----------------------------------------------------------------------------------------------------------------|------------|
| <i>Australian Labor Party: factional deals</i> | 2265 |
| <i>Federal government: interest rates</i> | 2265, 2266 |
| <i>Water: desalination plant</i> | 2265 |
| <i>Port Phillip Bay: channel deepening</i> | 2266 |
| <i>Education: funding</i> | 2266 |
| <i>Water: north-south pipeline</i> | 2267 |
| <i>Disability services: Bar None project</i> | 2267 |
| <i>Mordialloc Creek Bridge: reconstruction</i> | 2267 |
| <i>Youth: mentoring program</i> | 2268 |
| <i>Robert Plush</i> | 2268 |
| <i>Hon. Steve Bracks and Hon. John Thwaites</i> | 2268 |
| <i>Federal Leader of the Opposition: republic debate</i> | 2269 |
| <i>Planning: Croydon golf course site</i> | 2269 |
| <i>Wantirna Health: new facility</i> | 2269 |
| <i>Fairhills High School: electronic speed sign</i> | 2269 |
| <i>Office of the Australian Building and Construction Commissioner: federal opposition policy</i> | 2269 |

SUMMARY OFFENCES AMENDMENT (BODY PIERCING) BILL

| | |
|-----------------------------|------|
| <i>Second reading</i> | 2270 |
|-----------------------------|------|

SELECT COMMITTEE ON GAMING LICENSING

| | |
|-------------------------------|------|
| <i>Assembly members</i> | 2270 |
|-------------------------------|------|

BUSINESS OF THE HOUSE

| | |
|-------------------------------|------------|
| <i>Sessional orders</i> | 2291, 2306 |
|-------------------------------|------------|

QUESTIONS WITHOUT NOTICE

| | |
|----------------------------------------------------|------------|
| <i>Public sector: debt</i> | 2297 |
| <i>Federal government: interest rates</i> | 2298 |
| <i>Water: desalination plant</i> | 2299 |
| <i>Government: red tape initiative</i> | 2300 |
| <i>Government: financial management</i> | 2301 |
| <i>Film industry: government initiatives</i> | 2301 |
| <i>EastLink: steel imports</i> | 2302, 2303 |
| <i>Planning: government initiatives</i> | 2304 |
| <i>Port Phillip Bay: channel deepening</i> | 2305 |
| <i>Australian Synchrotron: opening</i> | 2305 |

Supplementary questions

| | |
|--------------------------------------------------|------|
| <i>Public sector: debt</i> | 2297 |
| <i>Water: desalination plant</i> | 2299 |
| <i>Government: financial management</i> | 2301 |
| <i>EastLink: steel imports</i> | 2303 |
| <i>Port Phillip Bay: channel deepening</i> | 2305 |

DISTINGUISHED VISITORS..... 2303

OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL

| | |
|-----------------------------------------|------|
| <i>Statement of compatibility</i> | 2310 |
| <i>Second reading</i> | 2311 |

GAMBLING REGULATION AMENDMENT BILL

| | |
|-----------------------------------------|------|
| <i>Statement of compatibility</i> | 2312 |
| <i>Second reading</i> | 2313 |

ACCIDENT COMPENSATION AMENDMENT BILL

| | |
|-----------------------------|------|
| <i>Second reading</i> | 2315 |
| <i>Third reading</i> | 2323 |

ADJOURNMENT

| | |
|-------------------------------------------------------------------------------------------|------|
| <i>Wantirna Road, Wantirna: bus stops</i> | 2323 |
| <i>Office of Housing: election material</i> | 2323 |
| <i>Water: washing machine rebate</i> | 2324 |
| <i>Racial and religious tolerance: Facebook website</i> | 2324 |
| <i>Northern Highway, Kilmore: road markings</i> | 2325 |
| <i>Ford Australia: Geelong plant</i> | 2325 |
| <i>Rooming houses: tenants</i> | 2326 |
| <i>Victorian Environmental Assessment Council: river red gum forests report</i> | 2326 |
| <i>Stawell Gift: government assistance</i> | 2327 |
| <i>Loddon Campaspe centre against sexual assault: funding</i> | 2327 |
| <i>Police: Endeavour Hills station</i> | 2328 |
| <i>Responses</i> | 2328 |

Wednesday, 8 August 2007

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

MEMBERS STATEMENTS

Australian Labor Party: factional deals

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to have been handed a copy of the April 1997 report of the Darebin City Council commission of inquiry. It is amazing how old hands seem to reappear in the inquiries that have popped up. I notice that a number of the members currently in this chamber appear to have been the subjects of that inquiry, in particular a new member, Nazih Elasmr, who was a Darebin councillor. I refer to page 59 of that report, which states:

The appointment of mayor at Darebin and membership of council committees is now highly politicised. Cr Nazih Elasmr became mayor because of a formal ALP factional deal which breached an earlier deal. State parliamentarians Michael Leighton and Theo Theophanous are signatories to the deal.

If members would like to have a look at the report, I have it here; it is quite fascinating to read. It goes on to say:

Whether or not Cr Nazih Elasmr has the qualities to be mayor seemed not to be a factor in his appointment; it is a pure political deal.

Mr Viney — On a point of order, President, I think Mr Dalla-Riva is transgressing standing orders, in that if he wishes to make comments criticising a member of this chamber he needs to do so by substantive motion. I do not believe it is appropriate for him to be using members statements as an opportunity to make those criticisms.

The PRESIDENT — Order! Mr Viney has some argument here. I caution Mr Dalla-Riva and remind him that he cannot use a 90-second statement to make serious allegations. He is sailing a little close to the wind at the moment. I just remind him of that and caution him.

Mr DALLA-RIVA — I am just looking at the process of this Darebin City Council commission of inquiry, which makes references to factional deals and relationships. I implore anyone in the chamber who wants to have a look at the Batman Labor Unity agreement, signed by certain members in this chamber and others. It goes to show that the whole process of the

other side works on factions and not on substantial qualities.

Federal government: interest rates

Mr VINEY (Eastern Victoria) — I understand that this morning the Reserve Bank of Australia has indicated that interest rates in Australia will go up, increasing the burden on homeowners through increased mortgage costs. This is under a federal government with a Prime Minister who made commitments to the Australian community that the community would not suffer these increases in interest rates.

Honourable members interjecting.

Mr VINEY — And what is the Prime Minister's response? The Prime Minister's response is to blame everyone else — to blame the states and everyone else. He reminds me of the Kylie Mole story: 'I didn't. I never. It wasn't me. It was Dolly!'. That is the Prime Minister: 'It wasn't me. It was Dolly!' He wants to throw the blame onto anyone else rather than sheet home the responsibility.

You cannot go to the Australian people and say, 'We are the people you can trust on interest rates' and then deny responsibility when they go up. He is an absolute hypocrite, and I look forward to the coming weeks when the Prime Minister stands after the election with that look of defeat on his face — because the people of Australia are about to throw him out.

Water: desalination plant

Mr HALL (Eastern Victoria) — Last Friday I visited the site for the proposed desalination plant at Wonthaggi and met with a number of concerned local citizens to discuss issues associated with it. In the time that I have available this morning I want to briefly convey some of their concerns to the house.

Make no mistake, this desalination plant is going to be a major industrial facility! The treatment plant alone will stand at a height of 18 metres, which is the height of a six-storey building. The land-base area will be 750 metres by at least 400 metres and then with attached facilities around that. A major industrial facility is being imposed on the communities of Bass Coast shire largely for the benefit of the people of Melbourne.

What really annoys the people in the Bass Coast communities is the fact that there is no evidence that there has been detailed consideration of some reasonable alternatives in addressing Melbourne's

water deficiency. I refer in particular to the harvesting of stormwater, to the greater reusing of treated water within the city of Melbourne and its suburbs, to the feasibility of constructing a number of smaller desalination plants at a greater number of points closer to Melbourne and even to proposals such as that put forward by Kenneth Davidson in last week's *Age*, where he suggested a water pipeline could connect Tasmania with Victoria. We have an electricity connection, so why not a water pipeline?

A rally is to be held tomorrow. I encourage members to attend that rally and listen to the concerns of these people. Country people have had enough.

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

Port Phillip Bay: channel deepening

Ms PENNICUIK (Southern Metropolitan) — On 23 July I made a presentation to the panel inquiry into the supplementary environment effects statement (SEES) process for the channel deepening proposal, to outline my ongoing concerns about this risky and unnecessary project. These concerns have only been heightened by the evidence we heard at the inquiry.

Firstly it became obvious that the SEES was not even complete. Hydrodynamic and other studies were still being carried out and an alarming prediction of the extent of damage from rock falls in our marine parks was presented on the second-last day. The port can only come up with minute savings to shippers, stevedores, importers and exporters, and no evidence of any of this will be passed on to the Victorian community.

There are so many missing costs. Environmental impacts are identified but not costed, and neither is the cost of maintenance dredging included. Of businesses costs, only the cost to fishing and diving are estimated. The environmental management plan has had to be revised twice to include aspects that were missing, and it is still described by the port as a work in progress, yet this is what we are supposed to rely on to protect the bay.

It has also emerged that there is no idea of who is actually looking after the bay and whose role it is to protect the bay. The port cannot be trusted — the Environment Protection Authority says it is not their role. Is it the Department of Sustainability and Environment who is responsible? This issue is of great concern to thousands of Victorians, especially in the electorates of Williamstown and Albert Park, who

value Port Phillip Bay and are not swallowing the spin from the port or the government.

Education: funding

Mr DRUM (Northern Victoria) — For the last three or four years the Bracks government, now the Brumby government, has been trumpeting that education is its no. 1 priority. It went to the last election talking about the fact that education is its no. 1 priority.

One would make an assumption from that that it is funding the education department and education sectors in an appropriate manner to back up its claims. Last week a report was put out by the Ministerial Council on Employment, Education, Training and Youth Affairs, and the picture that it shows is quite the opposite. When you look at the state's funding for all of its government primary schools, it comes last in relation to all the other states — that is, Victoria puts in the least amount for government primary schools.

Mr Hall — What about secondary schools?

Mr DRUM — Secondary schools, Mr Hall! In secondary schools Victoria fares much better. It comes last, but not quite as badly. Of all the other states it come last in funding for government secondary schools. In relation to the non-government sector, Victoria comes last in funding per student.

Mr Hall — What about the TAFE sector?

Mr DRUM — In the TAFE sector, Mr Hall, Victoria is between \$70 million and \$80 million behind New South Wales on a per-student, per-contact hour basis.

Mr Hall — What a disgrace!

Mr DRUM — Here we have a government that claims education is its no. 1 priority, yet it is putting the least amount of funding of any of the states — —

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

Federal government: interest rates

Mr THORNLEY (Southern Metropolitan) — This morning's interest rate rise is a tragedy for Victorian working families because they have made borrowing decisions relying on a promise which has now been broken. That tragedy now turns to farce with the Howard federal government trying to blame everyone else for its 'promises'.

No-one believes it, not even its normally reliable friends in the financial press. I will quote from the journal of record on such matters, the *Australian Financial Review*. An editorial of yesterday states:

... for the federal government to blame state spending for the rate increase expected tomorrow insults the intelligence of voters.

Let me read another one from Alan Mitchell, a normally reliable conservative commentator in the *Australian Financial Review*:

The Prime Minister's claim that his government is in the clear because it is running a budget surplus and that it is all the fault of the states and their budget deficits is nonsense.

Nobody believes the federal government. Nobody is buying what it is selling — not the Reserve Bank of Australia, not a single commentator, not a single business leader, not a single economist and not the Australian people. Even the semi-numerate among those opposite can count from 44 to 56. It is a long way; people are not buying what the Liberals are selling. What I do not understand is why the Victorian Liberal Party is chaining itself to this anchor as it sinks to the bottom of the ocean of economic credibility. The Liberals would not know businesspeople if they fell over them; if they walked down Collins Street and said 'G'day', people would think they were buskers.

Water: north-south pipeline

Mrs PETROVICH (Northern Victoria) — I would like to plead with the Labor government to drop the proposed plan to steal water from the Goulburn Valley and flush it down Melbourne's toilets and drains. This Thursday country communities are bringing their message to Melbourne with a major rally ending at Parliament House. I urge the minister to listen to their concerns.

The proposed pipeline is not the best solution for Melbourne's water security, and by taking this route the government will destroy the country and its agriculture and dairy industries. It will turn Victoria's valuable food bowl into a dust bowl with devastating long-term impacts on both the city and the country. The pipeline will be the Bracks-Brumby memorial the government does not want.

The government cannot deceive my constituents in northern Victoria; they are just not buying it. At a public meeting in Yea two weeks ago, which I attended, it was revealed that the 75 gigalitres we were told would be piped to Melbourne each year was only an average figure. In some years this figure could be as

high as 100 gigalitres, the equivalent of filling 2000 Olympic swimming pools a week.

While no-one can agree on exactly how much water will be saved with the proposed food bowl modernisation project, let us take the figure claimed by Goulburn Murray Water, which administers the 546 gigalitres of irrigation water. We can quickly work out that once these savings are sent to Melbourne there will be little left for the communities north of the Great Dividing Range, the irrigators and the environment. I hope the minister will stand up for the rights of country Victorians, put Melbourne on stage 4 water restrictions and let us keep our water.

Disability services: Bar None project

Ms TIERNEY (Western Victoria) — On 20 July I attended with the then Minister for Community Services, Gavin Jennings, and many supporters, the Alcoa Celebrate All Abilities Festival launch and the Bar None local leadership project. The catchcry of the state government initiative is 'Bar none' because the state government is committed to a world where everyone can participate without exception.

The Bar None project launched by the minister is a statewide search for people and organisations and tackles barriers that exclude people with disabilities from fully participating in community life. They are doing this in many ways, including making buildings accessible and leading the way in providing opportunities for people with disabilities to gain employment and participate in sports and the arts.

Ian Westerland from the Inclusive Events planning group, with his seeing eye dog beside him, gave an inspiring speech, calling on the recognition of all those who contribute countless days and years to people with or without disabilities who are making a difference in their communities.

I am extremely proud of this state government initiative, particularly as one of the first two nominations was a Geelong group called the Karingal Kool Kats Pulse FM community radio program. Nominations can be made on the internet at disability.vic.gov.au. The catchcry of this initiative is, 'We believe in a world where everyone can participate — bar none'.

Mordialloc Creek Bridge: reconstruction

Mrs PEULICH (South Eastern Metropolitan) — I would like to thank the more than 3000 people who signed my petition calling on the state government to review the mismanaged works and schedule for the

reconstruction of the Mordialloc Creek Bridge, forcing the state government to at least do something about it. The people who signed my petition included traders whose businesses were being ruined by the bridge works, motorists who were stuck in congested traffic instead of being at work or with their families and many individuals and families who were socially cut off because they could not travel from one side of Mordialloc to the other. The outcry in the local media was such that government MPs had no choice but to pull their heads out of the sand and respond, however belatedly and inadequately.

Unfortunately the \$2 million increase in the budget for the works — an additional 25 per cent — will not reduce the construction time or inconvenience forced upon motorists, families and traders, including Mordialloc Saddlery, which was reported in the news as being under threat of closure. Why are Labor MPs so shy about giving their communities vigorous representation? Why are Labor ministers so poor at administering tenders and contracts even for small projects such as the Mordialloc bridge? Why is Labor so unmoved by stories of hardship that it has caused through its own incompetence? The answers lie in the employment origins of state Labor ministers and parliamentary secretaries, 78 per cent of whom were party hacks, union officials, electorate officers or advisers and only a handful of whom have experience in real jobs or business, despite Mr Thornley's claims. Is it any wonder that Victorians and Mordialloc residents are in a jam?

The PRESIDENT — Order! The member's time has expired. I am almost tempted to say on behalf of all ex-union officials who are residing in this Parliament that I am almost offended by Mrs Peulich's remarks!

Youth: mentoring program

Mr EIDEH (Western Metropolitan) — The youth of our state are a precious gift. The commitment of the Labor government to our youth, firstly, under Premier Steve Bracks and now under Premier John Brumby, is witnessed in the many excellent and indeed innovative programs we have initiated for them in health, education, fitness and safety. In fact in a number of areas the government has actively sought to do what it can to assist the next generation of community leaders — our future doctors, teachers, tradesmen and tradeswomen, accountants, businesspeople and all of our youth.

It is with both pride and pleasure that I commend the government and Mr James Merlino, the Minister for Sport, Recreation and Youth Affairs in the other place,

on the government's latest initiative of recognising youth mentors from across our wonderful state. Youth mentoring is critical to the positive development of some children. His Excellency the Governor has also recognised this by graciously agreeing to become a patron of the Victorian Youth Mentoring Alliance.

Mentoring enables the growth of self-confidence and assists young people in creating better futures for themselves. To achieve that, volunteers are needed, and I wonder where we would be without these wonderful people who give so much to our state. We owe them a great debt of gratitude.

Robert Plush

Mr KOCH (Western Victoria) — I was delighted recently to attend the crowning of the *Hamilton Spectator* 2007 Sheepvention Wool Monarch. Sheepvention is an icon event for western Victoria in showcasing sheep and wool and attracts some 25 000 visitors to Hamilton each year. The honour and privilege of being crowned Wool Monarch went to Mr Robert Plush of Kerrsville fine wool merino stud at Konongwootong. Robert's impressive contribution to the superfine wool industry over 35 years makes him a most worthy recipient of this accolade.

Roberts's commitment to promoting the wool industry is second to none. His extensive industry leadership involves many achievements, including membership of the Elders Victoria Sire Evaluation Committee; involvement in the Lifetime Wool project; involvement in the Merino Benchmark, Farm 500 and Best Wool 2010 groups; membership of the Australian Merino Sire Evaluation Association; adviser to Sheep Genetics Australia; membership of the Victorian Stud Merino Sheep Breeders Association; and judging at both state and national events. His support of the Victorian stud merino sheep breeders at many wool industry forums and conferences and his involvement in numerous industry groups is well recognised. Robert's optimism for wool reflects a man whose wife, Judy, has described as having sheep on the brain.

I congratulate Robert Plush of the Kerrsville partnership on accepting this premier wool industry award. I know he will enjoy fulfilling the important role of wool monarch over the next two years.

Hon. Steve Bracks and Hon. John Thwaites

Mr SCHEFFER (Eastern Victoria) — The resignations of the former Premier, Steve Bracks, and Deputy Premier, John Thwaites, on Friday before last caught almost everyone by surprise. The suddenness of

the announcement and the reasons the former Premier gave for his decision caused immediate speculation that there must be more to it. Would a Premier at the height of his supremacy really voluntarily surrender power so openly and honestly? Steve Bracks said he resigned because he came to the realisation that he could no longer give 100 per cent into the future and was therefore obliged to tell the Victorian people as early as possible.

Inklings of this realisation must privately unsettle many who hold high public office. Steve Bracks is remarkable because he did not allow himself to be deflected. Once he grasped his situation he knew that his life must take a different path, and he acted. But, more importantly, the resignation was also a consummate political act, because it secured a leadership succession that we have not seen for many years in Victoria. The management of the transition has strengthened good government in Victoria into the future through the leadership of John Brumby and a rejuvenated cabinet.

I pay tribute to Steve Bracks and John Thwaites for their successful leadership and orderly departure, and I extend my congratulations to Victoria's new Premier, John Brumby, and to the cabinet. I have every confidence that Victorian Labor's policies will be successfully implemented and that the party will be returned to government in 2010.

Federal Leader of the Opposition: republic debate

Mr FINN (Western Metropolitan) — I was truly astonished recently to see the political ghost of Paul Keating arise from its tomb and possess the body of the federal Leader of the Opposition. Of course I am referring to Mr Rudd's embracing of the hoary old chestnut of the chattering classes — republicanism. Republicanism is a tofu stopper down in Brunswick Street! I have seen blokes flogging a dead horse before, but I have never seen anybody lift one up and try and carry it across the line. Obviously that is what Mr Rudd is doing with the issue of the republic, with the support of Mr Keating behind the scenes. Those with fading memories might like to think back to 1999, when the republic was comprehensively thrashed in every state and territory in this nation, with the exception of the Australian Capital Territory, and that says far more about Canberra than it does about our constitutional arrangements. The Australian constitution provides the best system of government of any nation in the world. Why anybody would want to change it is totally beyond me. Kevin Rudd throwing himself into this debate reeks

of somebody who has far, far too much spare time on his hands.

Planning: Croydon golf course site

Mr LEANE (Eastern Metropolitan) — I put on record that I delivered to the Minister of Planning over 1000 letters from people in the Eastern Metropolitan Region regarding their concerns about the development of the former Croydon golf course site at 119 Dorset Road, Croydon.

Wantirna Health: new facility

Mr LEANE — On another matter, I would like to thank the people who organised a tour for me of the new Wantirna Health facility. This facility will comprise 30 palliative care beds, 30 rehabilitation beds and a community rehabilitation centre. The eastern palliative care team will be located at the facility, as will the Eastern Health payroll services. This building is due to be operating within a couple of months. There will be an open day next September, and I encourage all people to go and look at the money and effort that the Brumby government is putting into health care.

Fairhills High School: electronic speed sign

Mr LEANE — On another matter, I would like to congratulate the principal, staff and school council of the Fairhills High School on the announcement of a 40 kilometre-per-hour variable electronic speed sign in Scoresby Road. I know that the principal, staff and parents have been lobbying for this actively, and I congratulate them on the announcement.

Office of the Australian Building and Construction Commissioner: federal opposition policy

Mr D. DAVIS (Southern Metropolitan) — I will raise a couple of matters today, taking a lead from Mr Leane. The first concerns the report of the Office of the Australian Building and Construction Commissioner (ABCC) report that shows a dramatic rise in productivity in Victoria's building and construction industry. There is a serious warning here for Victorian business and the Victorian community. Housing affordability is already a significant issue but is being helped by the work of the Office of the Australian Building and Construction Commissioner which has reduced housing costs by between 9 per cent and 10 per cent over the last few years since it began in 2005, following on from its predecessor.

By pushing down the costs of construction it has made housing that bit more affordable and it is a clear point; the royal commission made it very clear that Victoria and Western Australia had particular problems with unsatisfactory arrangements in the building and construction industry, an illegality and a whole range of concerns. That royal commission led the charge and the ABCC has continued. Now the fear is that if a Rudd government is elected, it would unwind the ABCC's powers. The leaders of the federal Labor Party, Mr Rudd and Ms Gillard, have been equivocal about what they will do. There is no doubt that they would take the teeth from the ABCC, they will allow building construction costs to rise and consequently housing costs will rise in Victoria. I warn the community and I put them on notice that Mr Rudd is a wolf in sheep's clothing and he will rip the teeth out of the ABCC.

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

SUMMARY OFFENCES AMENDMENT (BODY PIERCING) BILL

Second reading

Debate resumed from 18 July; motion of Mr DRUM (Northern Victoria).

Mr TEE (Eastern Metropolitan) — I move:

That the debate be adjourned until Wednesday, 19 September.

In doing so, I acknowledge that the issue that the bill seeks to address is an important and worthwhile one, and I am pleased that The Nationals have raised it. From the perspective of those on this side of the house, there are a number of outstanding issues with the current proposal, and it is those issues that we want to consider during the proposed adjournment.

Mr HALL (Eastern Victoria) — I seek leave to make a comment on the adjournment of debate on the bill, given that it is rather unusual. Debate on it has been adjourned once, and the government seeks again to have debate adjourned.

The PRESIDENT — Order! The member should speak to the motion.

Mr HALL — I will make a couple of remarks on the motion to adjourn debate on this bill until 19 September. First of all this is an issue that The Nationals have been pursuing for some years now and in fact we have correspondence between our spokesperson in the other place, the member for

Shepparton, Jeanette Powell, and the Attorney-General going back two years. We believe it is a substantial issue which we have been seeking to have resolved for a long time. We do not want the house to be under any illusion that we are not earnest in our endeavours to seek some resolution this time around.

However, we are encouraged after some discussions with the government that it has matters of importance that it has had to deal with in the last couple of weeks and may not have had sufficient time to dedicate to some of the issues contained within the private member's bill introduced by my colleague Mr Drum. We welcome the government's indication to the house today of its preparedness to look into those matters and to work with The Nationals and other parties the chamber to try to seek some mutually agreeable resolution by 19 September.

I want the house and the public to be under no illusion that we are putting this particular matter on the backburner; we are deadly serious about the matter. We believe it is a serious issue out in the community, and we seek a prompt resolution. But if that resolution requires some further weeks while there is an attempt to come to a consensus agreement, we are prepared to accept that. We will certainly be looking forward to the debate on 19 September when this legislation hopefully can be passed. We sincerely hope it can be resolved in the affirmative by the collective efforts of all members of this chamber.

Motion agreed to and debate adjourned until Wednesday, 19 September.

SELECT COMMITTEE ON GAMING LICENSING

Assembly members

Following message from Assembly disagreeing with Council's resolution considered:

The Legislative Assembly informs the Legislative Council that the Legislative Assembly has refused to consent to the request for ministers and a member to appear before the Legislative Council Select Committee on Gaming Licensing and notes that the request represents interference in the operation of the Legislative Assembly and its members and undermines the traditional Westminster principles that underpin our parliamentary democracy.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

That a message be sent to the Assembly informing them that the Council, having considered the message from the Assembly refusing to consent to the request for ministers and

a member to appear before the Legislative Council Select Committee on Gaming Licensing, regards the intemperate language of the message as unacceptable and contrary to the long-established principles of the Westminster system of responsible government, reaffirms the right of the Legislative Council to act in accordance with its standing orders and notes that the Legislative Assembly standing orders confer similar powers on that house in relation to requests for members and officers of the Legislative Council to be examined by the Legislative Assembly or its select committees.

The Legislative Council's operations are governed by its standing and sessional orders, by the Constitution Act and by the precedents and practices of parliamentary procedure in Westminster parliaments. Members of this house, members of this Parliament and members of the Victorian community would expect the Legislative Council to conduct its affairs in accordance with those orders and practices. The motion before the house this morning is about the Council being entitled to do just that — to act in accordance with its standing orders.

The background to this motion is that in mid-July the Legislative Council Select Committee on Gaming Licensing tabled its first interim report in this place. That interim report went into a number of matters relating to documents that the committee had sought from government and various other parties. It also raised the issue of public hearings that the select committee was commencing. The report noted that the committee had resolved to request that certain members of the Assembly — the Premier, the Treasurer, the Minister for Gaming, the Minister for Roads and Ports and the former Minister for Gaming, the member for Dandenong — be invited to appear before that committee to give evidence.

Hon. T. C. Theophanous — Invited or subpoenaed?

Mr RICH-PHILLIPS — Invited, Mr Theophanous. The resolution of the select committee was that this house, the Legislative Council, seek the leave of the Assembly for those members to appear before the committee and give evidence.

Following the tabling of that report I moved in this place on 18 July that a message be sent to the Assembly in those terms — that is, seeking the leave of the Legislative Assembly for four ministers and a member to appear and give evidence before the select committee in relation to its terms of reference. Following my moving that motion, the Council in adopting that resolution was acting entirely in accordance with its standing orders and entirely in accordance with previous practice and precedent.

I draw the house's attention to the standing orders of the Legislative Council. The standing orders were reviewed in 2006. Subsequently they were adopted by the Standing Orders Committee of the Legislative Council and by the Legislative Council as a whole. At the time the standing orders were adopted by the Council at the end of the final sittings of the 55th Parliament the government had a majority in this house and agreed to their being adopted in their current form, including standing order 18 relating to witnesses. Standing order 18.03 states:

If the Council, or a select committee desires the attendance of a member or officer of the Assembly as a witness, a message will be sent to the Assembly requesting that leave be given to such member or officer to attend to give evidence in relation to the matters stated in such message.

So the resolution of the Council of 18 July was entirely consistent with standing order 18.03. That standing order, which was adopted by the Council in its final sittings in 2006, was supported at the time by the government, which held a majority. Subsequent to that motion being passed by this house the resolution was transmitted by the clerks to the Legislative Assembly.

The Legislative Assembly debated what its response should be and later on the same day the Legislative Council received a message from the Assembly. The response that the Legislative Assembly adopted on the motion of the Attorney-General was:

That this house refuses to consent to the Legislative Council's request for ministers and a member to appear before the Legislative Council Select Committee on Gaming Licensing and notes that this request represents interference in the operation of the Legislative Assembly and its members and undermines the traditional Westminster principles that underpin our parliamentary democracy.

That message would have to be one of the most extraordinary messages from the Legislative Assembly that I have ever heard read in this place. It is worth noting that that motion was moved by the Attorney-General — the chief law officer of this state — and it was supported, according to the divisions contained in the record of the Legislative Assembly, only by the government members of the Legislative Assembly.

This issue goes to the very heart of the relationship between the two houses. It also goes to the very heart of the capacity of the Legislative Council to act in accordance with its own rules and practices, because the Attorney-General in the Legislative Assembly message asserts that the Council is somehow acting beyond its powers, that it is somehow acting for the first time in a way beyond Westminster tradition and that it is undermining Westminster principles and

parliamentary democracy. This is an extraordinary response for the chief law officer to move in the other place in respect of a request from this house for members of the other house to appear before a select committee.

Hon. T. C. Theophanous — Contrary to its own standing orders. Contrary to the rules of the lower house.

Mr RICH-PHILLIPS — I take up Mr Theophanous's interjection regarding the standing orders of the other place. They are relevant to this debate because, seemingly unknown to the Attorney-General in moving this motion, there is in fact a similar and parallel standing order to our standing order in the standing orders of the Legislative Assembly that allows the Legislative Assembly to seek the leave of the Legislative Council for its officers and members to appear before a Legislative Assembly committee. So this is nothing new, unknown or different in terms of the relationship between the houses. In fact I refer to standing order 189 of the Legislative Assembly titled 'Request for Council member or officer to attend':

If the house or a select committee of the house (except one on a private bill) wishes to examine a member or officer of the Council, it must send a message to the Council asking leave for that member or officer to be examined on the matters stated in the message.

There are parallel provisions in our standing orders and the standing orders of the Legislative Assembly for either house to request leave of the other house for its members or officers to appear. This is nothing new. It is nothing that has not been used before, and it makes the message moved by the Attorney-General all the more extraordinary.

Looking back through the history of this Parliament one sees there have been at least four occasions on which requests from the Council have been sent to the Assembly seeking leave for members or ministers of the Assembly to appear before Legislative Council select committees. They date from 1858, when leave of the Assembly was sought for a member to appear before a select committee into the Board of Land and Works. There was again a precedent in 1882 when again a member was sought to appear before a select committee into the Railways Construction Bill, and there was a further precedent in 1884 when leave was sought for a member of the Assembly to appear before a select committee into the Legal Profession Practice Bill. I might add that on those three occasions leave was granted by the Assembly for its members to appear before a Legislative Council select committee.

We have a more contemporary precedent from 2001, when this chamber sought the leave of the Assembly for certain members — I think it was the Premier and the planning minister of the day — to appear before the select committee into the Urban and Regional Land Corporation managing director, also known as the Reeves inquiry, to give evidence. On that occasion the Legislative Assembly refused leave for the two ministers to appear.

My point is that this is nothing new. The motion I have moved this morning is not about the merits of the initial request. It is not about whether leave should or should not have been granted for the Premier and others to appear before the gaming select committee inquiry. I recognise, and this house should recognise, that whether its members should appear before a select committee of the Legislative Council is a matter for the Legislative Assembly to determine. It is quite proper for the Legislative Assembly to determine that question however it sees fit. The Legislative Council has to accept the decision made by the Assembly that those members will not be granted leave to appear. But for the Attorney-General by way of his message to assert that somehow this Legislative Council was acting beyond its powers and contrary to the Westminster tradition by merely seeking leave of the Assembly is quite absurd.

It reflects badly on the Attorney-General, who is now the Deputy Premier, that such an argument has been put. We have heard in the past week that we have a new warm and cuddly Deputy Premier and Attorney-General, yet his actions on 18 July in moving in the Assembly the motion that resulted in this message to the Council are in contrast to any suggestion that he has reformed his ways. Frankly the very message conveyed from the Assembly is in contrast to good Westminster practice and contrary to the smooth running of the two houses of Parliament.

Hon. T. C. Theophanous — He's defending the separation of powers.

Mr RICH-PHILLIPS — Mr Theophanous talks about the separation of powers. As I said earlier, I accept, and this house needs to accept, that the Assembly has made a decision with respect to the question of leave, but on the issue of the relationship between the two houses the line taken by the Attorney-General is quite extraordinary. Are we to believe that the Attorney-General is unaware of the precedents for the Council seeking leave of the Assembly for its members to appear? Are we to believe that he is unaware that his own house has the capacity to seek the leave of this house for its members to

appear? It strikes me as a purely political exercise on the part of the Attorney-General that this message was framed the way it was and transmitted to the Council on the last Wednesday that it sat.

Yesterday we heard the new Premier, Mr Brumby, talk about parliamentary accountability. He gave a speech and made some announcements about such things as the webcasting of Parliament. He talked about more disclosure of freedom of information requests through publication on websites et cetera.

An honourable member interjected.

Mr RICH-PHILLIPS — And indeed he talked about quarterly disclosure of details of ministerial overseas trips. I am sure that members on my side of the house — Mr Davis in particular — will look at that register with great interest. But on the fundamental issue of accountability and of members being granted leave to appear before an inquiry on a matter of great importance in the state of Victoria, we have the type of response that we saw on 18 July. It did nothing to enhance the relationship between the houses, it did nothing to recognise the historical precedent for one house to seek the leave of the other for members to appear and it did nothing to enhance accountability in this state.

Over the last four years we have had a lot of rhetoric from the current government in the area of parliamentary reform and upper house reform. We have heard about how this house should function as a proper house of review. We have heard about how the government is supposed to be more accountable to this house, yet at the first test of that we have seen the government resist any attempt for this house to hold it accountable. We have heard the argument, led by the government, that accountability is a matter for the lower house — that the executive is accountable to the lower house. We saw the government oppose the establishment of the Select Committee on Gaming Licensing, and we have since seen, through a series of letters and other correspondence from the Attorney-General published in the first interim report of the select committee, obstacles put in the way of that select committee at every opportunity to frustrate its task of holding the government to account with respect to those matters.

This message from the Assembly on 18 July is the latest example of the government saying one thing in terms of the upper house being a mechanism for accountability, but in practice attempting to frustrate that process and attempting to prevent —

Mr Viney — You'll get nothing because there's nothing to get. You know that too.

Mr RICH-PHILLIPS — I note the interjection from Mr Viney, which could be interpreted a number of ways: 'You will get nothing because there is nothing'. I do not know whether that reflects the government's attitude towards the inquiry — that it simply will not provide any evidence or any of the material the committee is seeking. But if you take Mr Viney's comments at face value — and I assume he is saying there is nothing to this process, or there is nothing that is not pristine about the process — then the question has to be asked: why will the government not cooperate with this inquiry? If there is no evidence that the process is anything other than pristine, there should be no reason for the government not to cooperate with the inquiry.

Mr Viney interjected.

Mr RICH-PHILLIPS — This motion this morning is not about the merits of the inquiry.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mr Viney, as the next speaker on the list, should wait until then to make all his comments.

Mr RICH-PHILLIPS — This motion is not about the merits of the inquiry. It is not even about the Assembly's decision to reject the request for leave. It is about the intemperate way in which the Attorney-General sought to, firstly, reject the motion, and secondly, dispute the very capacity of this house to even make the request given that there are at least four precedents in the state of Victoria where similar requests have been made of the Assembly, three of which were granted — the only one that was not granted was refused by the Bracks government — and where a similar provision exists for the Assembly to make a parallel request of the Council.

It smacks of absolute hypocrisy for the Attorney-General and the government to be, on the one hand, running around saying, 'We support an accountable government, we support an upper house as a house of review and holding the government to account', yet we have every obstacle put in the path of the Legislative Council in conducting that function even to the extent of rejecting well-established precedents and practices for the houses to deal with each other when it comes to the issue of accountability.

The motion here today, as I said, is not about the gaming inquiry. It is about the relationship between the houses. It is about recognising the longstanding convention that one house can seek the leave of the

other for its members to attend, and it is about this Council asserting — —

Hon. T. C. Theophanous — No-one has said you can't do that.

Mr RICH-PHILLIPS — Taking up Mr Theophanous's interjection, I suggest he read the message, because that is exactly what the Attorney-General has said. That is why we are having this debate.

Hon. T. C. Theophanous interjected.

Mr RICH-PHILLIPS — Absolutely. I accept the response from the Assembly. It is a matter for the Assembly whether it grants leave or not for members to appear before the Council, but what the Attorney-General has asserted in his response — —

Hon. T. C. Theophanous — Is a point of view!

Mr RICH-PHILLIPS — The motion the government rammed through the Assembly is that this Council does not even have the capacity to make the request. I can only assume from Mr Theophanous's interjection that he does not agree with the motion of the Attorney-General rejecting the capacity of this house to make the request. This motion today is about the Council asserting its standing in making such requests of the Assembly and acknowledging that the Assembly has a similar capacity. It is not about the issues of the gaming inquiry, it is about the relationship between the houses, and I would urge members of this house to support this motion in asserting the capacity of the Council to make these requests of the Assembly consistent with 150 years of parliamentary practice in Victoria.

Mr VINEY (Eastern Victoria) — Last time we had a debate on the gaming select committee issue I referred to the *Family Guy* characters of Peter Griffin and Stewie. Today we have just heard from Brian.

Mr Guy interjected.

Mr VINEY — The essence of this — —

Mr Guy interjected.

Mr VINEY — You had to admit, Mr Guy, you have never watched it. You had to come over to me and Mr Pakula to find out who Stewie was and what his characteristics were.

Mr Guy interjected.

The ACTING PRESIDENT (Ms Pennicuik) — Order!

Mr VINEY — I am tempted to continue, but I will not. I think this motion needs to be put into context. The government is going to oppose this motion, and I will be proposing an amendment, but I think you need to put into context that it is like physics: for every action there is a reaction. When this house established the select committee on gaming and when that select committee decided to subpoena ministers for documents — not to request them but to subpoena ministers from the other house for documents — as the first step in the process, it clearly set up a confrontation. The opposition was determined to set up a confrontation, and it was determined to set up a confrontation between this house and the other place.

Mr Drum — It was determined to get to the bottom of the issue.

Mr VINEY — It has been determined on that path from the beginning.

Mr Drum — To get to the truth.

Mr VINEY — Mr Drum says 'We'll get to the truth'. We had the truth on Friday, Mr Drum.

Mr Drum interjected.

Mr VINEY — Mr Drum will get his chance, but we had the truth on Friday, when four of the most senior public servants dealing with the lotteries licence tender, under questioning, gave evidence about the extent of their experience in the public service ranging collectively over 100 years in both Victoria and Canberra and under both Liberal governments and Labor governments, and they said that this was by far and away the most rigorous probity process they had encountered as public servants.

Mr Guy interjected.

Mr VINEY — Each of them indicated that, Mr Guy. You were there; you know they did.

Mr Guy interjected.

Mr VINEY — Each of them said that the process had been outstandingly good, and when directly asked by me whether there had been — —

Mr Guy interjected.

Mr VINEY — Mr Guy, you ought to listen to the debate rather than run your little conversation across the

chamber. You made the interjection, Mr Guy, so you might want to listen to the answer.

Mr Guy interjected.

The ACTING PRESIDENT (Ms Pennicuik) — Order! Mr Viney will direct his comments through the Chair.

Mr VINEY — Thank you, Acting President. Each of those public servants, when directly asked by me whether there had been any ministerial or executive interference at all in the process, said no, and each of them indicated in different ways what they would do if such had occurred. Each of them said that it did not occur and they did not have to take those actions. Mr Drum asks about trying to get to the truth. There was the truth. On Friday we heard the truth from four senior public servants, who had served all governments. So what are we investigating?

The thing about this motion before the house today is that the opposition knows full well that there is nothing for it to uncover in this process. So what is it doing now? It is complaining about the process of the process! It is complaining about the way the government is handling the investigation.

Last Friday we had the ridiculous situation of question after question from Mr Guy, who was putting up straw men and then not going anywhere with them. Mr Guy's sorts of questions were, 'Did everyone sign a confidentiality document?'. The answer from the public servant was, 'Yes'. He would then ask, 'Are you sure?'. To which the answer would be, 'Yes, I am sure. No-one refused'. Then Mr Guy said, 'I will come back to that later', but of course he never did. There we were, thinking he had some great big story to dump in the middle of the public hearings, and it went nowhere. It just fizzled out.

Mr Guy interjected.

Mr VINEY — Question after question — it was a pretty pathetic performance!

The opposition was not able to get anything, so what did it do? It started to put up complaints about the process itself. Mr Rich-Phillips, at the opening of the public hearing, complained about a letter he had received the night before from the former gaming minister in another place, Mr Andrews. Mr Rich-Phillips was complaining about how terrible it was that that letter came so late — these were his opening remarks at the public hearing — but he knows full well that the letter was consistent with everything

else the government has been saying to the select committee through the process.

We then get a motion complaining about the so-called intemperate language of the message from the Legislative Assembly. The Legislative Assembly's message reads:

The Legislative Assembly informs the Legislative Council that the Legislative Assembly has refused to consent to the request for ministers and a member to appear before the Legislative Council Select Committee on Gaming Licensing and notes that the request represents interference in the operation of the Legislative Assembly and its members and undermines the traditional Westminster principles that underpin our parliamentary democracy.

Mr Rich-Phillips might take offence that the Assembly did not agree to what he wanted, but that message does not contain intemperate language. He might not agree with the Legislative Assembly's conclusion that the request undermines traditional Westminster principles, but its message has no intemperate language. If the house wants to refer to intemperate language, it should refer to a series of debates, including the debate in this place on the establishment of the Legislative Council gaming licensing select committee. The comments from the opposition, certainly when I was debating —

Mr Rich-Phillips interjected.

Mr VINEY — The debate contribution from Philip Davis during the debate on the establishment of the select committee was awfully close, I suspect, to what the conclusion of the report will be. In fact it will be interesting to do a word comparison. He gave a speech in this place on the establishment of the gaming licensing committee that had already drawn a conclusion. There has been a consistent process from the opposition to run a witch-hunt, to undermine the former Premier and try to create some supposed embarrassment for the government and to suggest that the government is trying to hide things. The opposition has nothing.

Opposition members know full well, because it has been explained ad nauseam to them, that the government cannot release information that is restricted under the Gambling Regulation Act and that the government is not prepared to release information that relates to a live tender. This has been explained in complete detail by the Attorney-General, by the former gaming minister and by Mr Pakula and me at the committee itself. It has been continuously explained. It was explained again on Friday by the public servants. This is a live tender, and the details of this live tender cannot be revealed. It was explained in a letter from the probity auditor to the select committee that says the

details of the tenders, of the bids, of the nature of the bids and of the assessment of the bids cannot be revealed to the select committee because it would blow the tender process.

This has been completely and comprehensively explained to the select committee. What Mr Rich-Phillips is doing, now that he knows he cannot find anything because nothing is being hidden and nothing has been untoward — and it has been explained to him by four senior public servants that nothing improper has occurred in this process — —

Mr Guy — That they know of.

Mr Pakula — They would know.

Mr VINEY — They are managing the entire tender process. There is a team of public servants working on this. We have the details of the team of public servants, including very experienced public servants, lawyers, financial advisers and contract managers. A massive team of people is overseeing this project, and it was explained in detail to the select committee on Friday that nothing improper has occurred.

With the opposition being struck with that situation, what is the next logical step for the opposition to keep this as a live political hot potato? It is to complain about little things like messages from the Assembly. It is to suggest that the government is hiding something. It is to complain about ministers refusing to comply with subpoenas that should never have been issued. The opposition issued a subpoena which it knows was contrary to the standard practices of this place. It is clearly outlined in *May's Parliamentary Practice* and other places that it is an improper process to subpoena ministers in the first place. The opposition knows that, but it set up this select committee so that members would refuse to comply and then it could complain about that.

The opposition has moved a motion today complaining about intemperate language. Frankly the message is not intemperate. Opposition members may not agree with the message. They may disagree with the Assembly's conclusion that the request breached Westminster principles, but it is not intemperate to have said so.

It is a view of the Assembly put back to this house. If members want to talk about intemperate language, they should read Philip Davis's speech in the debate on setting up the select committee, they should read his interjections during my speech on the interim report and they should read the contribution in the Legislative Assembly of Mr O'Brien, the member for Malvern, who said that the Attorney-General's 'snout is so deep

in the Parisienne though he needs an aqualung just to be able to breathe' and that in Victoria we have the sort of state where ministers of the Crown have been warning companies and that companies have been stood over by ministers, all of which is untrue and is denied. There is some intemperate language!

Members should read the contribution of Mr Smith, the member for Bass in the other place, who said that the government is corrupt. Not only did he say that the government is corrupt but he said that I personally am corrupt. It reminds me a little bit of Al Capone complaining about taxes. This is the guy who travels to China on parliamentary trips and does a bit of business on the side — and he has started accusing me of corruption.

Mr Finn — On a point of order, Acting President, Mr Viney is only too aware that he is flouting the standing orders. He is reflecting on a member of Parliament and the standing orders clearly disallow that.

Mr Pakula — Read *Hansard*, read what he said — —

The ACTING PRESIDENT (Ms Pennicuik) — Order! Thank you, Mr Pakula! Mr Finn has a point. I ask Mr Viney to be aware of the standing orders on that matter.

Mr VINEY — Thank you, Acting President. I am well aware of the standing orders. I reminded Mr Dalla-Riva of them earlier today. I just point out to the house that it is a bit rich for the opposition to come in here and accuse the government in the other place of intemperate language when you see the intemperate words that were used against members of the government, including me.

Mr P. Davis — You deserve it.

Mr VINEY — You want to be very careful, Mr Davis. If you want to keep going down this path of these accusations then we can get absolutely personal. I just think that members of the opposition need to be a little careful. Frankly I do not care. I have never asked for a withdrawal, and I do not intend to. I do not care what Mr Smith says about me — I genuinely do not care. It really makes no difference to me what his opinion of me might or might not be. The point I am making here is that the opposition's motion today complaining about intemperate language is absolutely hypocritical when you read the *Hansard* record of the things that have been said about this process and about the lotteries licence process.

If the house has a concern about the sorts of words that are being used in a message from one house to the other, I do not think it is particularly constructive for this house to stamp its feet, so to speak, and send back a foot-stamping message to the other place. I do not think that is constructive at all. If we are to take at face value that opposition and other members in this place are genuinely concerned about the kinds of words that are used in messages from one house to the other, then let us deal with that, but this motion before the house today is not part of a constructive process to resolve these matters.

I propose an amendment to the motion before the house. My amendment, which can be circulated now, is as follows. I move:

That all words after 'That' be omitted with the view of inserting in their place 'this house requests the Legislative Assembly to agree to a joint meeting of the standing orders committees to report on an agreed set of words to be contained in communications between the houses'.

I moved that amendment because I understand there may be some members of this house who think that the message could have been communicated in a better way. We can be like a bunch of children and stamp our feet and the other house can stamp its feet and we can keep sending messages back to one another in that vein, or we can act as a bunch of adults and resolve it with some dignity. The proper process for resolving this difference, if it is genuinely about the communication between the two houses, would be to pass the amended motion and try to find a way to resolve that difference.

I suspect that that is not the of course Liberal Party's intention. It is not the intention here of Liberal Party members to genuinely resolve what they see to be a difference of opinion about the way messages should be communicated, because the Liberal Party's history of addressing differences of opinion between the two houses has been a tradition of obstructionism. I suspect that what Liberal Party members are doing in this debate, in the absence of being able to find anything untoward in the lotteries licence tendering process, is setting up an ability to be critical of the government because of the way it has handled the investigation. I suspect that is what is being done here. What I am proposing in my amendment is that if there is a genuine concern about the way the message has been worded, that can be resolved in an adult way through a joint standing orders committee process.

The opposition has moved this motion as a political exercise rather than because of a genuine concern about resolving the difference between the two houses. I will be interested to see how the opposition votes on the

proposed amendment, and I will be interested to see how the other parties deal with this amendment as well. We will be opposing the motion before the house and will support the amendment moved in my name.

Mr BARBER (Northern Metropolitan) — The Greens will support this motion under standing order 1 of the joint standing orders. Motions such as this are really meant to be just about how the two houses transact business between them. We do not really want to see another avenue being opened for rhetoric to be cast about. We have already got plenty of those here. Nor do I want to start rehashing the debate that we had on the establishment of the select committee or the original message that we sent to the lower house.

I would say, though, that we are starting to see some accountability about what occurred in the process of issuing this particular licence, which is only part of the terms of reference of the committee. We are starting to see a bit of accountability in the sense that a number of senior public servants had to turn up to the hearings and provide an account of the events that have occurred. As a result of that, the public is already a lot better informed about what actually happened. For that reason alone I am very satisfied with the progress of the select committee.

Let us remember that we are talking about accountability here, as distinguished from blame or somebody having to resign or whatever. We are simply asking at this stage for an account of what occurred with the issue of this licence. By pasting together the different versions in the different witness statements given last Friday we are starting to get a public record of some of the events that occurred. We have by no means finished looking at them.

Yesterday the Premier made an announcement, or a quasi-announcement, about FOI laws. Freedom of information would have been another avenue by which individuals or members of Parliament could have obtained more information about the processes being studied by the select committee. There would have been a lot more credibility associated with Premier Brumby's announcement if he had actually introduced and second read a bill outlining the changes he means to make to FOI and then given his speech to the press club or whatever. What we have so far is the sizzle, and it will be a month or so before we actually get a taste of the sausage. I will be very keen to see those amendments.

Certainly there is enough case law to indicate what sorts of amendments the government might like to make to ensure, in Mr Brumby's words, 'only genuine

cabinet documents are to be held back'. Unfortunately the government's process in this committee has been to hold back a hell of a lot more than just genuine cabinet documents — that is, those documents that expose a cabinet decision or the considerations when making a cabinet decision. Whether it is by FOI or a select committee or some other process, we will continue to do our job.

At the time this select committee was first reported in the media the ALP was at its beginning-of-the-year retreat in Bendigo or somewhere in the vicinity. Certainly the dummy was spat into low earth orbit when it realised that the new upper house was going to be doing its job and setting up a select committee to look into a particular process or a particular matter. The reason we know this is because no sooner had government members turned their Ford Territory vehicles onto the Calder Highway than the phones went on hands-free and they all started briefing their favourite journalists about what had just occurred at the ALP beginning-of-the-year MPs retreat.

From there the heat just got higher. Anyway, we will get there with this select committee. We have already got some very useful information. As I said, some senior public servants had to turn up and give an account of their role in the matter and expose at least some of the information associated with it. How much more powerful would it have been if a minister, like the then Minister for Gaming in the other house, Mr Pandazopoulos, had turned up and also given his account of the events and his role in it. Sure, he would not have answered any of the questions that the public servants also refused to answer, but nevertheless he would have been there to give his side of the story. No minister showed up.

In listening to all the points and counterpoints across the chamber I wish there were a kind of magical portal over there in the corner that would allow me to step through and pop up in a federal Senate select committee in a sort of Freaky Friday arrangement and listen to the ALP senators suddenly saying the sorts of things that Mr Rich-Phillips has been saying and the Liberals on the other side saying what Mr Viney was earlier arguing. If I could just zip in and out of that door and listen to both conversations happening, it would be interesting.

This upper house does not have a great record or history to point to holding governments accountable. Mr Rich-Phillips managed to draw upon a couple of examples where that has occurred, but the fact is that those muscles have atrophied over the last 150-odd years or at least during the time when the

Labor or Liberal parties have controlled the upper house. But that does not make the sorts of actions we are proposing any less legitimate.

In summary, the Greens will support this message simply to get on the record that we assert our position that, as delineated under the standing orders, it is a totally legitimate position for the upper house to take. We will not be supporting — and nor should the government have supported it in the lower house — the use of a message between houses as another form of political rhetoric and stone throwing.

Mr FINN (Western Metropolitan) — The response from the Legislative Assembly, the subject of this motion, raises a number of questions. There are important questions that need answers; a lot of people would like to know the answers to these questions. The first of these questions is whether the government actually has any respect for this chamber at all.

We heard from the former Premier, Mr Bracks, before he got the parachute on, that his government had elevated the Legislative Council to a new level of relevance. Such was the respect and the awe — —

Mr Pakula interjected.

Mr FINN — That only helped! Such was the awe in which the government held the Legislative Council that it gave the chamber a political version of mouth to mouth and elevated it to this new position of relevance.

Mr Guy — Where is Panda?

Mr FINN — Where is Panda? We will get to where Panda is in a minute — I might even break into song! This is a question that maybe Mr Viney or Mr Leane or Mr Elasmara can answer — —

Mr Guy — Mr Thornley?

Mr FINN — Minister Thornley! I think he is out reading the Dow as we speak!

This is a question: if this Labor government has such enormous respect for the Legislative Council and regards it with such enormous reverence, why on earth is it treating this chamber with such contempt? Why would it send us a message that basically tells us to get the first train out of town but has fewer syllables? This is a question that needs answering. I hope the minister makes a contribution at some stage and explains to us why the government, of which he is a member, has such contempt for the upper house of the Victorian Parliament — and obviously the members of this house and those who indeed elected us.

Mr Pakula — Diddums!

Mr FINN — Mr Pakula is not concerned because he does not get respect from anyone. That is not something that particularly worries him; he is used to it. That is just a day-to-day sort of activity for him. We can excuse his levity on that particular matter.

But that question needs answering. I challenge members of the government to give us an appropriate answer that will settle the minds of those on this side of the house —

Mr Pakula — Mr Viney's amendment!

Mr FINN — I will get to Mr Viney's amendment in a minute. I think that in itself proves the point of this motion.

Another question that is in dire need of an answer is: what does this government have to hide? Why is it running? If this process is, as it says, squeaky clean, if everything is on the up and up and if government members are all honest and have done everything by the book, why will they not come and face this inquiry, answer questions and set the record straight? Why will they not do that? This is yet another question that desperately needs to be answered. If this government is, as we have so often heard, open, transparent and honest, why are they hiding? Why have they barricaded themselves in the bunker of the Legislative Assembly and refused to face genuine questions that people genuinely need answers to?

To tell members the truth, I can understand why the former Premier and the former Deputy Premier have done a runner. If I had been in the same bunker and had been bunkered down for some time with the member for Dandenong in the other place, Mr Pandazopoulos, the new Premier and the Minister for Roads and Ports in the other place, Mr Pallas —

Mr Guy — Where is Panda?

Mr FINN — We will get to where Panda is in a minute! If I had been locked in close proximity to Mr Pandazopoulos, Mr Brumby, Mr Pallas and the Minister for Health in the other place, Mr Daniels, for as long as Mr Bracks and Mr Thwaites had been, I would do a runner too. I would grab the first opportunity I could to get out of there. Mr Bracks and Mr Thwaites are out; they no longer have the protection of the Legislative Assembly. The members, three ministers and a former minister — and isn't Panda happy and thrilled that he is no longer in the ministry! He has much to say about that particular subject —

The PRESIDENT — Order! I do not want to be too heavy handed, but it is inappropriate for Mr Finn to refer to people in the other chamber as 'Panda' or any other nickname. Mr Finn knows my views on that sort of thing.

Mr FINN — I apologise. Mr Pandazopoulos has very strong views, as I mentioned, about why he is no longer in the ministry. We can make certain assumptions, perhaps we should not, but I will not air them just at the minute because I can see that you, President, are not in the mood to hear what I may have to say.

Mr P. Davis — I'm interested!

Mr FINN — I know. Philip Davis is interested to know why Mr Pandazopoulos is no longer in the ministry. Some might say that it is some sort of factional machination within the Labor Party, that is a perfectly legitimate reason to have somebody's political life ended.

The PRESIDENT — Order! On relevance, Mr Finn!

Mr FINN — I was just responding to yet another question that I was asked. I say this to those members and ministers who are hiding behind the wall of the Legislative Assembly, who have gone into the bunker and thrown away the key: they should come out from wherever they are, because we have questions that need to be answered. That is the point — we have questions for them, the public has questions for them, the media has questions for them, and if they do not answer those questions there is only one assumption we can make. If I refer back to 1992, and the word 'guilty' comes to mind. This might be slightly different circumstances, but on this occasion it may well be the case that we have seen the rebirth of the Guilty Party in Victoria in 2007.

Mr Jennings interjected.

Mr FINN — I ask the minister what the government has to hide. The minister has lots to say, but he will not cooperate in bringing —

The PRESIDENT — Order! This is a bit difficult. I heard someone on my right mention the first name of someone on their feet. Given that that person is on his feet, I am not going to do anything about it other than mention the fact that I heard it. It is inappropriate.

Mr FINN — If the minister would use his authority as a factional heavyweight within the government, I would certainly be keen to bring some of those

questions to the surface and have answers delivered, because the community is demanding the truth. It wants to know what has happened right throughout the process. It is not happy that this government is hiding within the confines of the Legislative Assembly — that it is refusing to come to the party, to answer the questions that need answering and is hiding behind some form of protection it has invented. The community wants answers to other questions, such as: who is David White taking on holidays this year and is he going back to Lorne? These are the sorts of questions that perhaps will be answered as well, but the biggest question in this particular instance is —

Mr Viney interjected.

Mr FINN — If Mr Viney would like to speak to his colleagues in the Legislative Assembly we will find out about the relevance of that question, because we remember only too well that infamous luncheon or engagement between the then Premier and David White down at Lorne. Lorne is one of my very favourite places; a very nice spot indeed. We would really like to know what happened at that particular lunch, but until such time as members of the Assembly come to the committee and answer these questions we will not know.

One of the other questions is about who is behind the mover of this motion in the Legislative Assembly, presumably the man who put the wording together for the particular message that was delivered to the Legislative Council. As Mr Rich-Phillips said earlier, that man is now the Deputy Premier as well as the Attorney-General. Over recent weeks we have been led to believe that the Deputy Premier is all new, has been reinvented, is soft and cuddly and touchy feely — the Dr Feelgood of the front bench. The Labor spin doctors have gone into overdrive and worked themselves into a frenzy over this one. We are being led to believe that the Rob Hulls we used to know — the one that I remember so fondly from my days in another place — is no more and that he is just a big teddy bear. We are being led to believe that if you see him in the street you would want to go up and throw your arms around him.

Honourable members interjecting.

Mr FINN — Yes, it is a bit hard to swallow.

Mr Viney — You shouldn't laugh at your own jokes, Mr Finn.

Mr FINN — No, it is just the reaction, actually. You have to admire the imagination of these spin doctors. They are earning their money, because they have put this yarn out far and wide, but I do not know anybody

who has actually fallen for it. We are being told that Rob Hulls is indeed a changed man, but the wording of the message from the Legislative Assembly tells us something altogether different. I ask you: would this soft, cuddly teddy bear put together a message with the sort of wording that is quite rude? To tell you the truth, it is rude.

Honourable members interjecting.

Mr Pakula — Coming from you!

Mr FINN — I do not know why members opposite laugh, because I do not find it amusing at all. I think respect between houses of Parliament is important in any parliamentary democracy.

Mr Viney — And you have been showing a lot of it in this contribution, haven't you?

The PRESIDENT — Order! From your place, Mr Viney.

Mr FINN — It is important to any parliamentary democracy, and it is something that should be upheld if parliamentary democracy is to continue to be respected and to thrive within our community. What we have seen from the wording of the message put together by the Attorney-General is that the Attorney-General — the Deputy Premier of this state, the man who has featured so prominently over the last week and half in photos telling us that he is the all-new and improved Rob Hulls —

Honourable members interjecting.

Mr FINN — The bottom line is that the wording of this message from the Legislative Assembly tells us that he is still the same, snarling old headkicker that he has always been. For those of us who know him that does not come as any surprise, but I think it is important for it to be put on the record that there is no change. Despite what the spin doctors and public relations merchants have told us, the Deputy Premier of this state is still involved in political thuggery, this time directed towards the Legislative Council. It is a very serious matter indeed.

I turn to Mr Viney's amendment, and the first thing I noted — probably the only thing I noted, to tell you the truth — is that it accepts the premise of the motion that is currently before the house. Mr Viney got up in here and told us that he will not vote for the motion, but he moved this amendment instead. If there was nothing to this motion and it is, as Mr Viney claims, false and does not carry the message that he believes should be carried, this amendment would not be necessary. The

amendment put by Mr Viney is actually solidifying the argument for this motion. There is no doubt that Mr Viney is a very clever man — a legend in his own lunchtime, I understand — but by his actions he has confirmed the concerns that we on this side of the house have had about the actions of the Legislative Assembly toward the Council, and indeed the Attorney-General is the man behind that.

The response of the government towards the Legislative Council leaves very big questions in the mind of the public, and this chamber is endeavouring to answer some very important questions — questions of honesty in government, questions of probity and questions of whether individuals or the government itself can be trusted. These are very heavy matters indeed, and it is incumbent upon us as a chamber to do whatever we can to answer those questions.

If the government continues to show contempt for the select committee and for the Legislative Council and parliamentary democracy in this state, those questions will remain. The public will continue to ask who was involved and what were they involved in. They will continue to ask if there was any dishonesty involved in any of the individuals involved. It is important that these questions be answered and names be cleared, if that is possible. The actions of the government have not allowed that to happen. In fact the actions of the government have stopped that from happening. That is the only thing that has stopped that from happening. Until the government shows sense, a degree of cooperation and respect for parliamentary democracy in this state, those questions will continue to hang over the head of this government for the rest of its days.

Mr KAVANAGH (Western Victoria) — A lot of comments have been made today about the Select Committee on Gaming Licensing and arguments have been made about what the committee should or will find. Those arguments seem to be both improper and irrelevant at this stage. Our concern now should be about the right of this house to scrutinise the government. Contrary to the message from the Assembly, this house, in my opinion, properly fulfils its function when it scrutinises the government. I am surprised that the message from the Assembly did not receive a much better run in the media, because it seems to me to be such an extraordinary message.

Provocative debate is one thing, and that has been referred to by several speakers. Speakers say things that are quite provocative and sometimes excessive in the course of a heated debate, but what we are talking about here is not a heated debate: it is the cold, deliberate, sober determination of a house of Parliament. That

makes both the language and the content of the message that this house received entirely inappropriate.

I asked one of the members of the Assembly on the government side, 'How did you vote for this piece of nonsense? It is untrue and unnecessarily provocative, how did you vote for it?'. The member said, 'I did not know what I was voting for. You have to understand the system is: the bells ring, the whip tells us to sit over there. We sit over there, the vote is counted, but I do not know what I voted for'. That explains, I guess, how a message like this was actually approved by the Legislative Assembly.

It is not in the interest of Victorians for the two houses of the Victorian Parliament to squabble between themselves. However intemperate the language of the message from the Assembly may be, the falsity of many of the assumptions that underlie that message demands a response that strengthens the ability of this house to perform its proper function in scrutinising the government.

Mr PAKULA (Western Metropolitan) — I was surprised when Mr Kavanagh was called because I thought I would have to follow Mr Finn's song-and-dance show which is always a hard act to follow; and he seems to have an unhealthy obsession with the Labor Party's factional processes.

Mr Finn — It fascinates you too.

Mr PAKULA — It is utterly boring compared to your own, Mr Finn.

Mr D. Davis — We don't have any.

Mr PAKULA — Mr Davis has interjected that they do not have any, and that is clearly on display every other week.

At the outset I say that I am not sure it is a brilliant use of the Parliament's time to be sending messages back and forth to one another between the chambers, demonstrating to all and sundry that occasionally we can be delicate little flowers. It is not helpful for any of us to be too precious about either the Legislative Assembly's resolution or indeed resolutions passed by either house more generally. But I will take a few moments to discuss — and Mr Barber got me thinking during his contribution to this debate about — what is really at the core of this entire debate, at the core of setting up the select committee, and at the core of the arguments that have been run by the opposition and minor parties over the last few months.

I watched some of the debate on this resolution in the Assembly and obviously I have been present for the debates in the Council. The opposition members, and members of the Greens, The Nationals and DLP have effectively characterised this discussion about the select committee, as being one about accountability in government. All members of the house would concede that that has been the principal characteristic of the discussions about the gaming select committee.

Let us talk about the issue of accountability in government for a few moments. The fact is that in comparison to its predecessor, the record of this government on accountability is exemplary. This government, in its first term in office, enshrined and strengthened the role of the Director of Public Prosecutions, the Auditor-General and the Ombudsman. The government has introduced fixed four-year terms, reformed the upper house, inserted referendums as the method for constitutional change and taken community cabinet around the state 67 times, which is a far cry from the renowned 'toenails' approach; this government has actually taken the cabinet to the regions.

This government has strengthened freedom of information laws. It requires all ministers to attend hearings of the Public Accounts and Estimates Committee and as alluded to by Mr Barber, yesterday the Premier announced further reforms designed to increase accountability in government.

New legislation will be tabled to further reform and strengthen the Freedom of Information Act. There will be an annual statement of legislative intent so that both the Parliament and the public are aware of the government's legislative program each year. There will be webcasting of the Parliament — for which Mr Barber has been a great advocate — quarterly reports on ministerial travel, publicising the remuneration band and identity of all government boards and advisory committees, and posting transcripts of the Premier's meetings and conferences on the web.

These are actual reforms, not spin. These are things that the government has done over the last eight years to improve accountability from the level of accountability we found in 1999.

Mr Rich-Phillips — They have not been done yet.

Mr PAKULA — Mr Rich-Phillips interjects that we have not done them yet. In fact a whole range of these things have been done, and they stand proudly and in stark contrast to the record of the previous government.

Mr Rich-Phillips — The last half dozen the member has spoken about have only been announced.

Mr PAKULA — Mr Rich-Phillips is a member of a party which, when it was last in government, attacked the independence of the Director of Public Prosecutions — everybody remembers the Bernard Bongiorno saga — that tried to privatise the office of the Auditor-General; that gagged public servants and teachers, and would not let them speak in public; that altered the constitution at whim, and which black-banned the ABC.

Mr Finn — Relevance?

Mr PAKULA — It is more relevant than anything Mr Finn said — and tightened up access to FOI.

Mr Finn — What is the relevance?

Mr PAKULA — It is relevant to this extent: the party opposite has made great play of the issue of accountability. The fact is that over the last seven years, including yesterday, this government has implemented a level of accountability which is light years ahead of anything done by the Liberal Party when in government, and so it is understandable that when government members of the Legislative Assembly are lectured by the Liberal Party about accountability, you can understand why they would chuckle to themselves. You can understand why they would have a view that the opposition has no right to lecture the government on accountability when one compares the record of this government to the record of the previous government.

To go to the motion itself, as Mr Viney indicated, Mr Rich-Phillips in his motion talks about the intemperate language of the message as being:

... unacceptable and contrary to the long-established principles of the Westminster system ...

If we are going to deal with questions of temperance and questions of convention, I think that debate needs to be looked at in totality as well.

The response of government members of the Legislative Assembly is in fact a direct reaction to some of the intemperance which has been displayed by the opposition throughout this entire debate. Numerous examples of intemperance and a failure to respect convention have been evidenced right through the establishment of this committee. We have a committee that was set up primarily in response to media reports, a committee which the government has consistently argued was not about finding truth or imposing

accountability, but about getting headlines and trying to smear the then Premier by association. We had the debate in this chamber about the intemperate way that the numerical balance of the committee was determined, with the government getting 2 members out of 7, even though it has 19 members out of 40 in the chamber. That was just the use of a political anvil by the opposition. It was not about representation but about ensuring that the opposition could maintain a greater level of control of the deliberations of the committee.

We have an intemperate process where the tender process is being put in jeopardy because of the timing of the hearings, even though the government specifically indicated in the last sitting of this Parliament that there was an opportunity for the opposition and the minor parties to deal with the issue of problem gambling up front and allow the process to be completed so that the investigations did not jeopardise or hamper the process. But that opportunity was passed up by the opposition in another display of intemperance. You have had the approach during all the deliberations of the committee of the Liberal-Nationals-Greens alliance ramming through its agenda at every opportunity. You have had the behaviour of the opposition at public hearings whereby every public servant who appeared last week put on the record the fact that there had been no executive interference, that it was an excellent probity process, but they were still subjected to the intemperate bullying of Mr Guy. As Mr Viney indicated, Mr Guy engaged in the old barrister's trick of 'set them up and knock them down', but he just forgot the knock-them-down bit.

Mr Guy interjected.

Mr PAKULA — It was quite instructive. We had this process of questioning from Mr Guy. He asked, 'Did everybody sign the confidentiality agreement?', and the answer was, 'Yes, Mr Guy'. He asked, 'Everybody?', and the answer was, 'Everybody, Mr Guy'. He asked, 'Are you sure?', and the answer was, 'Yes, I'm sure'. He asked, 'Nobody refused to?', and the answer was, 'Nobody refused to'. Mr Guy then said, 'Right, we'll come back to it'. But we never did. It was a clear attempt to intimidate public servants, with Mr Guy pretending that he knew something when in fact he knew nothing. So that was not exactly a temperate display by Mr Guy.

But the real lack of temperance has been displayed by members of the opposition in the Legislative Assembly during the debate which immediately preceded the message which was passed by the Assembly. I witnessed part of that debate and it was scurrilous,

certainly intemperate and almost certainly unparliamentary. Let us go through some of the comments. The member for Malvern in the other place described the Attorney-General as having his snout in the Parisienne trough, compared the then Premier to Saddam Hussein, used terms like 'absolute contempt' and 'lies'. Parliamentary? Almost certainly not. Temperate? Definitely not. He accused ministers of threatening businesses, standing over businesses, looking after their mates and bullying companies. You had the member for Bass accusing the government of being 'corrupt to the core'. Could you be more intemperate than that?

Mr Finn — You won't deny it.

Mr PAKULA — That is an absurd interjection, Mr Finn. He accused individual members of corruption. He accused former members of corruption. He accused ministers of lying to the house. He called all Labor MPs commies, which is interesting given that the member routinely does business in China!

The member for Scoresby in the other place talked about lies and improper influence. There was nothing temperate at all about any element of the debate or about any of the comments by opposition members in the Legislative Assembly. The opposition parties talk about convention. We are talking about this being a process where documents have been summonsed rather than requested, where the opposition parties have sought access to cabinet documents and details of a live tender process, and where they have called Legislative Assembly members to a Council inquiry. They are all examples of overreach; they are all examples of the committee and the opposition seeking to expand convention, seeking to go places where the Legislative Council has not gone before, seeking to go to places where the Senate has not gone and does not go. The government has argued all along and continues to argue that the committee is behaving in a manner that is ultra vires.

As I said at the outset, it is easy to get precious about temperance and about convention, but those casting the allegations need to look at their own behaviour and the behaviour of their colleagues in the Assembly before they start complaining about people behaving in a way that has been provoked by them. If opposition members are genuinely concerned about this rather than simply seeking to make another point, rather than simply engaging in rhetoric, as Mr Barber said, then Mr Viney's amendment is the way this matter should be properly dealt with. Rather than sending a sooky la-la message back to the Assembly, saying, 'We are not happy about the way you talked to us', we should

take this matter to the Standing Orders Committee and have a mature, rational, adult discussion about the way the Assembly and the Council should deal with each other. If the opposition parties are genuinely concerned about making sure there is appropriate communication between the houses in the future, Mr Viney's amendment delivers that. It is the way to deal with it, without making another rhetorical point in this house.

Mr GUY (Northern Metropolitan) — Mr Rich-Phillips's motion is one which ultimately yet again talks about issues of honesty and probity. And yet again we have heard examples from members of the Australian Labor Party, who today are seeking to talk their way around the issue, bringing up issues of the past and talking about issues which have very little relevance to the motion at hand. But the simple reality is that the motion moved here today simply talks about the language sent back from the Legislative Assembly to the Legislative Council, and it highlights and makes note of certainly some of the language that was used by the Assembly in its message to the Council. Mr Pakula's contribution was fairly interesting, and no doubt he and Mr Viney, as they do before our committee hearings, caucused and came up with a couple of lines as to — —

Mr Finn interjected.

Mr GUY — I might be generous, Mr Finn, but the Liberals are fairly generous people. Mr Pakula came up with a couple of lines as to what he was going to say, and what Mr Viney, as he was sent in here to be the attack dog, was going to say to the rest of us to try to bully everyone again. But the reality is that this is not a motion that is talking about being upset with the Assembly's language; it goes to the heart of what the Assembly sent back to this chamber. One of the points in the message that the Assembly sent back to this Chamber was that it noted the 'interference' of the request. I am referring to a simple request from the Legislative Council to the Legislative Assembly that members of the Assembly be asked to appear before an upper house inquiry.

Mr Finn — It is straightforward, really.

Mr GUY — It is very straightforward, Mr Finn. The reply we get back from the Assembly is that the simple request actually 'represents interference in the operation of the Legislative Assembly', and it goes on further to say that it 'undermines the traditional Westminster principles that underpin our parliamentary democracy'. A motion from the upper house of the Victorian Parliament that simply requested members of the Legislative Assembly to appear before a select

committee somehow represented a challenge to the principles that undermine the parliamentary democracy of this state.

Mr Finn — Sheer nonsense.

Mr GUY — It is utter nonsense, and it is absolutely ridiculous. I find it amazing that any members opposite and any members of the Australian Labor Party sitting in the other house would have any genuine belief in the motion they supported — a motion that was no doubt drafted by Minister Hulls, passed and sent back to the Council — because it is clearly and utterly wrong.

The process that the upper house engaged in on Valentine's Day — I think that was the day the upper house passed the motion establishing the committee and gave a Valentine's Day present to the government — was to say to the government, 'If you do not want to adhere to the principles of open, honest and accountable government on which you were elected, then the people of the state of Victoria who elected the members of this chamber will hold you to account'. That is the role of this chamber, and it has been the role of this chamber from the very start of its existence.

The government espouses openness, accountability and honesty. If government members have nothing to hide, then they will participate in the select committee as it operates; they will not gag public servants, they will not refuse to attend, and they will not run and hide behind their own conventions and legal talk and say they do not want to appear before the committee because — as they say — they will not challenge their own principles of public service.

Mr Thornley — It is 150 years of convention.

Mr GUY — No, it is not 150 years of convention, Mr Thornley. It is simply that if the government has nothing to hide, it will cooperate with the operation of this committee. I am not the only member of this committee who thinks this. There are obviously other members who have sat there and thought to themselves, 'We have come into the Parliament and debated this issue twice, but at the end of the day the government comes back with the same argument — that somehow the Parliament does not have the right to ask the questions that we are asking'.

The simple fact is we do have the right and this chamber has the right to ask lower house members to appear before the committee. For the government through the Attorney-General to send this message back to the upper house of this Parliament, stating that

its request somehow represents an interference with parliamentary democracy, is absurd.

Having listened to Mr Pakula's presentation to this chamber, I seriously think Mr Pakula has some memory loss issues — unless he was not around in Victoria from 1992 to 1999. He read out a number of statements that clearly the Labor Party espoused throughout the 1990s — of course, to no avail — and sought to use those for his own advantage and for his own argument.

Mr Finn — It is called selective memory.

Mr GUY — Which, as Mr Finn says, was certainly an episode in selective memory. No doubt Mr Pakula has a selective memory. He has had a selective memory since he came here, as have most members of the Labor Party. Their memories seem to operate from 1982 to 1992 and then from 1999 onwards.

Mr Viney — That is a very convoluted argument. Maybe Mr Guy could get to his point.

Mr GUY — Mr Viney may not like to hear it being said over and over again, but the reality is — and I will say it again — that if government does not have something to hide, then it will not send messages in language like this back to the Legislative Council. If the government has nothing to hide, then it will participate before this committee. If the government has nothing to hide, it will not seek to gag public servants.

If the government had nothing to hide, it would not try to bully people in this chamber into not establishing this committee, as it did in February. If the government had nothing to hide, it would not have voted to stop the establishment of this committee in the first place. If the government had nothing to hide, it would not seek to work against the will of the Victorian people and stack the committee — which is what it sought to do in February.

If government members had nothing to hide, they would not sit here and abuse the Greens, abuse the non-government parties and try to bully non-government parties for their participation in this committee. If government members had nothing to hide, they would not come into this chamber and abuse other members of this chamber, tell them how they should vote, try to lobby behind the scenes and try to abuse people by making personal insults. If government members had nothing to hide, they would participate fully with this inquiry, they would not sit here and use Parliament to abuse this committee, and they would not come in and call the committee a kangaroo court.

We had the absurdity of Mr Viney walking into this chamber just some months ago, waving around an article saying, 'Look, it's proof the committee's leaking'. The article sought to benefit no-one but the Australian Labor Party, and there he was saying, 'Look, it's proof the committee's leaking'. But funnily enough — for the record — since that article was waved around this chamber, nothing else appears to have come out from that committee.

Mr Viney interjected.

Mr GUY — Isn't that funny, Mr Viney? It is very strange. It seems that the committee has operated as a complete and independent unit, and everyone seems to have respect for it, although on a number of occasions material has featured in the media, and the only people who have used it to their advantage, either in the chamber or out of it, have been members of the Australian Labor Party. That coincidence has not been lost on a number of us.

Mr Viney — That is a shocking twist.

Mr GUY — The fact may frighten Mr Viney, but the fact is there. Not only was Labor's behaviour during the setting up and establishment of this committee shameful but the behaviour of its members on the committee has been shameful. It was amazing to see the behaviour of the two Labor members of this committee at the public hearings on Friday. No other member of this committee was disrespectful to other speakers. When members of the committee asked a question, people sat back and just let it occur. The Australian Labor Party members sought to bully. They sought to intervene.

Mrs Kronberg — A sign of desperation.

Mr GUY — It is an absolute sign of desperation, Mrs Kronberg, because if the Labor government had nothing to hide, it would sit back and let the committee operate unto itself, but it does not. What we had were letters, which were remarkably similar, presented to the committee from all the public servants telling us that somehow they could not appear, they could not give evidence, they could not be open or they could not be frank toward the committee. And they all seemed to be drafted, as one of the witnesses said, by the Department of Justice. They were all drafted by the same department and sent out as form letters.

About 5 hours later we received a letter — which was the last act of the former Minister for Gaming — saying, 'Just to remind you that the public servants who are appearing today won't be able to say anything because they are going to be gagged'.

Mr Finn — Which former minister?

Mr GUY — That was Mr Andrews in the other place.

Mr Finn — Thank you. It is hard to keep up with.

Mr GUY — It is hard to keep up with, Mr Finn, because the government has changed its ministers on a number of occasions, and it has certainly changed gaming ministers on a number of occasions. It is interesting because, as I have said in the past in debates like this, Labor has had form. It came in in 1999 and promised in the Independents charter that it would improve the democratic operation of Parliament. It came in and said it would upgrade freedom of information and adhere to the FOI requirement that all responses be provided within 45 days — I do not know whether other Victorians have experienced the same frustrations I have in that regard.

This next promise is a great one, signed up to in the Independents charter by former Premier Bracks: that it would affirm the principles that debate and dissent are legitimate aspects of a democratic political process. It has clearly done that, because it has sought to shut down debate at every opportunity. Every time we have walked into this chamber and talked about this inquiry, the Australian Labor Party has opposed the motion and gone out of its way to try to lobby, heavy and pressure people. 'If you can't win it, wreck it' has been the Labor mantra all through the 1980s and 1990s, and it is a mantra that Mr Viney certainly adheres to. He says, 'If you can't win with a committee and if you cannot influence its outcomes, then you wreck it'; that is what the Labor Party has been up to since the establishment of this committee.

I would simply ask members to refer back to their document, which was much vaunted at the time, *Integrity in Public Life*. It contains a very telling comment at the start. It states that 'when governments set those standards for others, they themselves have a fundamental obligation to the people who have elected them' to apply those standards.

The government clearly sets very low standards in the state of Victoria. It has no standards; they do not seem to apply to the government. It was very interesting to see what Premier Brumby had to say yesterday about how he was going to open up government in Victoria. It was like Groundhog Day to most people on this side of the chamber, because we have heard all this spin: 'We are going to rewrite the FOI act' — that was meant to be something done in 1999; 'We are going to webcast parliamentary proceedings' — something promised,

again, in 1999; 'We are going to have quarterly reports on overseas travel' — we will wait to see how much of it is censored and how much of it is just a one-page statement; 'We are going to have the disclosure of the identity of members of government boards and committees' — and I will be interested to see how many are Labor Party members; 'We are going to have annual statements of the new laws the government intends to introduce' — it must be a blank page, considering our current legislative agenda; and the interesting one is, 'We are going to have publication of transcripts of Mr Brumby's press conferences'. That was something that the Kennett government was doing in 1996. The Labor Party comes out in 2007 and says, 'We have this great new idea about parliamentary accountability — we will put transcripts on the website'. Hello, Sherlock! This was done about 11 years ago, and it has been done it at a federal level for more than a decade.

The fundamentals are missing in action, as is this government. The fundamentals of adhering to parliamentary accountability and participating in parliamentary inquiries are missing in action. At the last election the Labor Party opposed the Liberal Party's plan for an ICAC, an independent commission against corruption. It opposed further transparency in government.

As I said earlier, the government opposed the establishment of this committee — and I wonder why. I come back to what I think Mr Finn said earlier — it comes down to the question of who is the man in charge when it comes to the Labor Party, openness, laws, legal issues and frankness. It comes down to a man called Rob Hulls, the Attorney-General in the other place and now the Deputy Premier, the political bruiser of the Australian Labor Party, who has a record of intemperate language. Mr Viney and Mr Pakula had the audacity to come into this chamber and talk about intemperate language. This is astounding. If I remember correctly, Mr Hulls is a man who in 1999 had some choice words to say to a young lady in a bar, and it came down to intemperate language. Rob Hulls has a record of parliamentary abuse. He prides himself on it.

During the last state election Steve Bracks, the former Premier, did not have the guts to come out and say about the Leader of the Opposition, Ted Baillieu, what he sent out the political bruiser, Rob Hulls, to say about him. They did not play the ball; they played the man. That has been the way of the Australian Labor Party: if you cannot win it, wreck it; if you cannot play the ball, play the man. That has been how the Australian Labor Party has operated from the very start. That is the mantra, the theme and the modus operandi of that

political party. What we have seen throughout the operation of the committee is that the Labor Party cannot play the ball, so it plays the man. We see Rob Hulls send intemperate language back. We see this rubbish come to the chamber. The government plays the man between the chambers.

The Australian Labor Party members on the committee cannot win the debate, so they sit there and personally abuse people. That is what the Labor Party is good at, that is what it prides itself on and that is the kind of attitude it brings to the Victorian Parliament. It dumbs down the Parliament, bringing it to a base level of abuse. That is what the Labor Party as a political movement has been on about from the very start, from the Paul Keating years onwards. The Australian Labor Party has shown petulance and arrogance while this committee exists simply to try to get to the truth and no more. The committee has never sought anything else but the truth. Labor Party members sat in on the committee hearings on Friday and sniggered at, scorned and abused other people. At the end of the day the committee is trying to find answers. It is trying to find the truth. This is not a one-day process. This is a process that will take, as the committee's terms of reference say, right through the year.

There are simple and legitimate questions that should have been answered by the Labor Party. Some of the Labor members could not answer them. Mr Thornley would not answer them. He is making calls and trying to save his career. That aside, since November 2006 no other political party but the Australian Labor Party has sought to gag the upper house and gag the people of Victoria. No other party has sought to stand in the way of a committee that is simply trying to find the truth, to find answers and to find out what genuinely occurred during a tender process the government was involved in. The government, which has prided itself on being open, honest and accountable, in fact has a record of nothing more than stifling, gagging and bullying. That is what the Australian Labor Party has been about since the moment this gaming inquiry has begun. That is what the message from the Legislative Assembly says to the Legislative Council. It has nothing to do with facts; it has everything to do with intimidation, threats and bullying. That has been the mode of operation of the Labor Party from the moment this committee started, and it continues today. I ask all members to vote for this motion.

Mr LEANE (Eastern Metropolitan) — I follow Mr Guy's noble pursuit of the truth! This committee has been investigating the truth, but when it finds the truth it is not happy, because it is not the truth it wants to find. The truth is that since this committee was set up

it has been a political witch-hunt — a witch-hunt that has found nothing improper in a tender process that is not even finished. As much as the opposition, in league with the Greens, has been looking under rocks and walking around in circles looking for conspiracies, it has found nothing. There is nothing there. This is a dilemma for it. It has found nothing, so what does it do? It attacks the process. That is what this motion is all about. It attacks the process because it has not been able to find anything wrong in all its searches under the terms of reference of the select committee. It tries to pump a bit of oxygen into the corpse of the committee by trying to find something wrong. This was supposed to be the opposition's shining light, but it is really a bit of a dead duck.

I saw a very strange thing last night when I went for a walk down Little Collins Street. On one side of the street I saw a 10-speed racing bike chained up. On the other side of the street, in the lane — and this is the strange thing — I saw a stationary exercise bike chained up to a building with a bike chain.

Honourable members interjecting.

Mr LEANE — I thought the same thing, Mr Drum — what is this all about?

Mrs Coote — It was advertising a gymnasium.

Mr LEANE — No, it was not.

This is the best joke someone has played for a while when you stop and think; why would someone put a bike chain — —

The PRESIDENT — Order! This might sound like a joke to Mr Leane, but it is not sounding like one to me at the moment. I am talking about relevance. I am not sure where Mr Leane is going with his comments about chaining up an exercise bike, but he had better get to the point quickly and get on to the issue.

Hon. J. M. Madden interjected.

Mr LEANE — It is a metaphor, President, and once again Minister Madden has been quicker than most. I was thinking this is so symbolic of the opposition and the Greens pursuit in this select committee where they are looking across the road. They have been on their exercise bike, and they have been pumping their legs. 'We will find something. Just keep pedalling. We will get there', they say, and they are looking across the road, yearning for the 10-speed racer. It has to be the 10-speed racer, but the reality is the 10-speed racer is not there, so it is a case of saying, 'Let's attack the process. Let's keep throwing mud, and then we will

keep it alive. We might keep it in the media. We might somehow obtain some sort of relevance, which we have been on our exercise bikes trying to find for a long time. We have been pumping our legs. There has been no relevance there, so let's keep going'.

As far as the message from the Assembly is concerned, and about people in this chamber being offended by that message, you have to relate that to the mud that has been thrown by the opposition as far as the number of individuals in the government. They might say, 'That's all fair; it is politics; that's their job — nothing personal'. That's probably fair enough. We cop it on the chin.

The opposition is frustrated; it is looking for relevance. It is playing the man, as Mr Guy says, but they take offence to the wording in the message from the Assembly — a message that gives their witchhunt the relevance it deserves. It has hurt their feelings, but I would be saying that if they are that precious, they are in the wrong job. If they are so precious and if it hurts them — I can tell by the way they are carrying on now, there is pain. I can feel their pain — if they are thin-skinned and precious, I would be suggesting they are in the wrong job. I am trying to think of the least offensive thing you could probably do for an occupation — maybe they should be selling puppies and kittens.

I can just see it now. I can see Bernie Finn's Puppies and Kittens R Us. I can just see Mr Finn. I think he would excel in that, but I know they are going to stick at it. I know they will probably get some counselling for their hurt feelings, and I suspect they will probably get back on their stationary bikes and they will pedal and pedal, but I would be suggesting maybe let's deal with this in a more adult way, support Mr Viney's motion and do something that respects this Council.

Mr P. DAVIS (Eastern Victoria) — I have heard some amazing contributions in the 15 years I have been in this place, but what I have heard today almost leaves me speechless. Clearly, the proposition which the government is trying to put during the course of this debate is to imply that the Legislative Council does not have a role in undertaking a scrutiny of government. I would put it to the house that indeed the obligation of the Council is to review and examine the performance and competence of the executive, and notwithstanding the argument that is being led by members of the government today, that is clearly the function of the upper house.

Indeed the rhetoric of accidental Premier John Brumby in the last 24 hours has been about heightening the

accountability and transparency of government, and that implies the scrutiny and review function of this place.

Were we not to pursue this with some vigour, we would be delinquent in our obligations, but I want to come back to essentially the facts that are being argued here. For the information of members, I will remind them that the core of this debate rests on the motion adopted by this house, I think on 18 July, which said:

The Legislative Council requests that the Legislative Assembly grant leave to the Honourable S. P. Bracks, MP, Premier of Victoria, the Honourable J. M. Brumby, Treasurer, the Honourable D. M. Andrews, MP, Minister for Gaming, the Honourable T. H. Pallas, MP, Minister for Roads and Ports, and the Honourable John Pandazopoulos, MP, member for Dandenong, to appear before the Legislative Council Select Committee on Gaming Licensing to give evidence and answer questions in relation to the committee's terms of reference.

That was the motion adopted by this house. Was it within the competence of the house to consider that motion? Indeed it was, because if we turn to page 62 of our standing orders, we see that standing order 18.03, under 'Attendance of Assembly member or officer', says:

If the Council, or a select committee desires the attendance of a member or officer of the Assembly as a witness, a message will be sent to the Assembly requesting that leave be given to such member or officer to attend to give evidence in relation to the matters stated in such message.

That is the standing order to which the motion related. I make the point that the standing orders that grant the power to request that a member from the Assembly attend on the Council or a select committee were adopted at the end of the last Parliament. These standing orders were adopted notwithstanding that the opposition opposed them — that is, the opposition and The Nationals voted against the adoption of these standing orders. The government had a majority in this house and imposed these standing orders notwithstanding the difficulty the opposition had with some aspects of the.

These are the rules by which the house operates. Standing order 18.03 gives the power to this house to invite the Assembly to allow a member of that house to attend on an inquiry. I thought it might be interesting to review the competence of the Assembly to deal with such a motion, so I looked at the Assembly standing orders adopted in December 2006 by the government, which has a controlling majority in that place in this Parliament and had such a majority in the last Parliament. What do those standing orders provide? For

those who want to seek the reference, standing order 189 at page 78 states:

Request for Council member or officer to attend.

If the house or a select committee of the house (except one on a private bill) wishes to examine a member or officer of the Council, it must send a message to the Council asking leave for that member or officer to be examined on the matters stated in the message.

That is exactly the same provision as in the Council standing orders. But more importantly, the most significant aspect of the standing orders of the Assembly, which were adopted by the government in December last year, is standing order 198 at page 79. It states:

Council request for Assembly member or officer to attend.

If the Council or one of its select committees wishes to examine a member or officer of the house, the house may:

- (1) Give leave for the member to attend if the member thinks fit.
- (2) Order an officer to attend.

I put it to the house that the standing orders of both houses of the Parliament of Victoria provide specifically that the resolution carried by this place on 18 July inviting the Assembly to consider a message are within the competence of both the Council and the Assembly, and further, that there are precedents, which I will not recite but which have been mentioned in this debate previously, where this has occurred in the past. I remind members of the proposition put by the Assembly to which we are responding. This is the message as moved by the Attorney-General, who is now also the Deputy Premier, the Honourable Rob Hulls:

That this house refuses to consent to the Legislative Council's request for ministers and a member to appear before the Legislative Council Select Committee on Gaming Licensing and notes that this request represents interference in the operation of the Legislative Assembly and its members and undermines the traditional Westminster principles that underpin our parliamentary democracy.

I put it to the house that if ever there was a classic example of the executive abusing its numbers in the Parliament to take advantage of the fact that the government — the executive in the Assembly — can do whatever it will in that place, this is it. This is candidly an example of the nature of the Deputy Premier. It is an example of the abuse of the Parliament of Victoria by somebody who in my view is yet to be proven fit to hold the high office of Deputy Premier.

I say that this is unacceptable. It is an unacceptable use of this Parliament's process. It is a contempt of the respect that members of Parliament ought to display for each other. Irrespective of parties, irrespective of houses and irrespective of the political contest, there should be respect for the process. It is unacceptable that Rob Hulls should use the numbers in the Legislative Assembly simply to grind through a motion that brings into contempt the work that all members of this place are doing. This is not about the opposition. This is not a contempt of the Liberal Party, the Greens, the Democratic Labor Party or The Nationals; this is a contempt of every member of this house. It is a contempt of the people who work in this place to represent the views of Victorian people to ensure that we have good governance. This is a contempt — and an outrageous contempt!

For the Deputy Premier to have said in his motion that the request represents 'interference' in the operation of the Legislative Assembly is, apart from being a contempt, utterly absurd in every sense. As I have pointed out, both the Council and the Assembly standing orders make it explicitly clear that both houses are at liberty to invite members from the alternate house to attend. It is a matter for each house to address the question of privilege. We respect the right of the Assembly to deny that request, and indeed I have no difficulty with the first part of the message, which simply says, 'the Legislative Assembly has refused to consent to the request'. What is wrong with that? A full stop might have been in order, but Rob Hulls could not help himself. Why did he not stop there? Why? Because it is not in his nature; because he has not proven himself fit to be Deputy Premier of this state. I suggest to all in this place that Rob Hulls has a great deal to do to undo the damage to his credibility not just with me but with this house. Rob Hulls, the Deputy Premier, has shown the most incredible contempt of every member who is committed to serving the people of Victoria in the Legislative Council.

I believe personally that this is a disgrace and an absolute abuse. For that reason I think it would be a farce in every sense to agree to the amendment proposed by Mr Viney, which suggests that this issue simply be referred off to some committee to have some discussion of it. The effect of Mr Viney's motion is simply to throw a blanket over the contempt for the Legislative Council displayed by the Deputy Premier. Therefore I simply say that I oppose it, that I will not tolerate it and that I will support strongly the motion before the Chair, which refers to:

... the intemperate language of the message as unacceptable and contrary to the long established principles of the Westminster system of responsible government ...

and:

reaffirms the right of the Legislative Council to act in accordance with its standing orders and notes that the Legislative Assembly standing orders confer similar powers on that house ...

Were we not to carry this motion today it would be an acceptance of the contempt displayed for the Legislative Council of Victoria by the Legislative Assembly inspired by somebody who has yet to demonstrate he is fit to hold the office of Deputy Premier.

Mr LENDERS (Treasurer) — I was not going to enter this debate today, but listening to the Leader of the Opposition in my room has inspired me to come in. I think there are a couple of very simple propositions here. A lot of the members of this house think the message from the Assembly was intemperate. We have heard that in the debate. Members have taken offence at it. There is an amendment from Mr Viney which says, 'If there is an issue about dialogue between houses, here is a way to go forward and to try and have the dialogue in a joint standing orders committee, which can determine how you deal with messages'.

We can have a message from the Assembly that the Council finds intemperate, and the Council can send a message to the Assembly which it finds intemperate — we can bounce this backwards and forwards like it was a discussion on a tertiary campus for as long as we like — but if we are serious about trying to resolve this, I suggest to the house that Mr Viney's amendment is actually a way forward.

We can work through a joint standing orders committee, like we did last year when we actually had the standing orders of this house reviewed. There were some areas of agreement and some of disagreement but it was extraordinary in a standing orders committee how we actually went forward and came up with, from my recollection, about two areas of disagreement after a process of 20-odd meetings of that committee. We actually came up with almost unanimous support, other than in two areas. For the first time in about 140 years we actually amended the joint standing orders of the two houses, and again that was done, remarkably, by the two standing orders committees getting together and actually resolving difficulties.

There really are two ways forward. One way is that you keep on bouncing messages from one house to the other about the form of language, and that can go on for years

and months and days, and it might make the Leader of the Opposition feel very good and it might make people feel that they have sent a message to whoever in the Assembly, but is that going to resolve the problem of how the two houses communicate in a time when this is a house elected by proportional representation?

Circumstances have changed in this state for all time. Harold McMillan said in 1960 that the winds of change are blowing through Africa. Well, they have well and truly blown through this chamber, and it is about how we have the ongoing discussion between the houses. I support Mr Viney's amendment. I think it is a way forward. It means that the two standing orders committees can actually have a discussion. We can ask: is there anything historical, is there anything in practice, is there anything in procedure that we need to address? If we cannot resolve it between the standing orders committees, so be it — we will continue to send messages to each other. But I think it is a positive way forward that would keep the dialogue going between houses and would enable us to solve our problems rather than rant and rave and beat our chests and think we will make statements to each other, as if we were a debating club on a tertiary campus.

House divided on Mr Viney's amendment:

Ayes, 21

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

Noes, 19

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

Amendment agreed to.

House divided on amended motion:

Ayes, 21

| | |
|---------------|-------------|
| Broad, Ms | Pakula, Mr |
| 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 |
| Lenders, Mr | Tierney, Ms (<i>Teller</i>) |
| Madden, Mr | Viney, Mr (<i>Teller</i>) |
| Mikakos, Ms | |

Noes, 19

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

Amended motion agreed to.**BUSINESS OF THE HOUSE****Sessional orders**

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

That the sessional orders adopted by the Council on 28 February 2007 relating to the business of the Council be amended as follows to take effect from 1 September 2007:

1. In sessional order 3(1), omit 'Until 30 August 2007'.
2. In sessional order 9, omit '30 August 2007'.
3. Omit sessional order 10 and insert —

'Standing Order 5.08 is suspended and the following arrangements will apply in relation to general business:

- “(1) General business is business initiated by members who are not members of the government party or parties.
- (2) General business will take precedence over all other business on Wednesdays in accordance with the order of business prescribed by the sessional orders.
- (3) Government business may only be taken on Wednesday when general business is concluded before 10.00 p.m.’.

I will speak very briefly because all members will know that the sessional orders which are operating were introduced on a trial basis at the commencement of this year and that that trial has nearly concluded — that is, there was a sunset provision in relation to the sessional orders. It would appear that generally speaking the arrangements in this house are working reasonably

satisfactorily, and I believe members are looking forward to continuing to operate under this combination of sessional orders and standing orders for the remainder of this parliamentary term.

There are two issues which are in a sense outstanding. One is the decision in relation to the sessional orders to remove time limits during question time. This is a good initiative, but it is open to some level of abuse. At least that is a subjective view, but it is certainly a view I am tempted to consider is a valid view — that it is being abused by some ministers. It is certainly not being abused by members asking questions, because the questions have been relatively to the point, but certain ministers seem to think that question time is an opportunity to make ministerial statements and often the responses are a great deal more extensive and less relevant and to the point than they used to be when we had time limits.

However, I would argue, as I have consistently done, that the time limits in this place hinder useful engagement across the chamber. As a matter of fact the Assembly has not found it necessary to have time limits to constrain ministers who are inclined in that place to give relevant and apposite responses and are, generally speaking, relatively brief, unlike some ministers who are present here at this time. In any event the importance of question time is fundamental, and ministers should be able to give a response to any examination of public policy and administration.

The other area where there has been some discussion relates to the notion of general business, which is an opportunity each week for the non-government parties to raise matters. For example, today we have dealt with — in a surprising manner, I suspect — a matter coming out of the gaming inquiry. That has been a useful exercise in public accountability, and the parties which have participated in that debate will be exposed for their consistent behaviour. It is important for the Parliament, particularly the upper house, to be able to have a proper process of scrutiny and to have the upper house constrained in time — that is, to a maximum of 3 hours each week out of a total sitting week of generally three days but possibly four — is limiting that scrutiny.

What we have found from experience in relation to the guillotine is that motions for extensions on an hourly basis have been agreed to by the government and so far it has not caused any practical difficulty — that is, the house has worked cooperatively to get through both the government and the non-government business of each sitting week. My view is that the motion before the house, which effectively does two things — it removes

the sunset clause on the sessional orders and states there is a priority for non-government business on Wednesdays — will have no material effect on the way the house operates but will recognise the important scrutiny role of the upper house.

The upper house is here not just to process legislation brought forward by the government. It is here to examine the government at every opportunity to ensure that there is proper transparency and accountability. Consequently the current constraint, which means there is an as-of-right opportunity for the non-government parties to raise issues for a maximum of only 3 hours during a sitting week, is a limitation. My motion is that the sessional orders which we have become comfortable with should in effect be continued except for one modification, that being the removal of the requirement to seek leave to conclude non-government business on a Wednesday.

It is a fact that members have now had the experience of having had at least six months of operation of this house. I have not heard, either privately or publicly, many concerns about the way the sessional orders are operating. Some members have not been here for long; some of us have been here longer than others. I think the Minister for Industry and Trade, Mr Theophanous, and Mr Hall are clearly the more senior members —

Mr Hall — Just say ‘longer serving’.

Mr P. DAVIS — They are the longest serving members of this place. We well know that the introduction of a whole series of arcane time limits and definitions of how to conduct the business of the house which were introduced when the government gained control of this place following the 2002 election have not really led to the advancement of our deliberations. In fact those of us who have a long experience would say that we were able to get through business more expeditiously before we had those time limits. I believe the trial of new sessional orders over the last six months has confirmed that.

We are wasting less time listening to speeches that may have taken longer because members were watching the clock and speaking out their time. We have generally heard speeches that have been much to the point, although the quality of some of those speeches has not lived up to my expectations. I will not reflect on individuals, but we heard one contribution earlier this morning which emphasises the point that the chair can provide guidance, as the President did, and be completely repudiated. But it is the President’s job to help the Council and advise members. I suppose if

those members have limited intellectual capacity, they will not get the hint.

In any event I recommend the motion to the house. It is in the hands of members to decide whether or not we are going to have an extensive debate about it. I am sure that Mr Viney will have a great deal to say, because he always has a lot to say. But for my own part I believe a limited debate around this motion to redefine the sessional orders is desirable. I urge members to support the motion before the house which is a commitment to adopting the existing special orders for the remainder of the Parliament, save for one modification which is to remove the requirement to seek leave from the house to extend general business on Wednesdays.

The DEPUTY PRESIDENT — Order! As I understand Mr Viney will propose amendments to this motion, I am of the view that it would be opportune for him to speak next to give further speakers an opportunity to discuss both the proposed amendments and their impact on the substantive motion. Therefore I call Mr Viney.

Mr VINEY (Eastern Victoria) — I actually thought the government got the next call regarding general business; however, I appreciate the indulgence of the Deputy President. I felt like I was being verbally by Philip Davis who suggested that I was going to take a long time to make my contribution and — —

Mr P. Davis — It will be unusual if you don’t.

Mr VINEY — I do not think I am a speaker who makes long speeches. I am certainly not an abuser of time limits in this place. Most of my contributions go for 10 or 15 minutes; occasionally my contribution about a general business item may have gone 20 or 30 minutes. Only on one occasion have I spoken for 1 hour to fill in the entire government’s time when we previously had time limits for general business matters.

Before I move my proposed amendments I will say that my contribution will remain consistent with the government’s position in regard to the management of the operation of this house. In relation to time limits, which in most cases is 15 minutes — and I think we made some changes to them in the last standing orders prior to the election — we take the view that if a member cannot say what they need to in 15 minutes, on most occasions they are repeating themselves or they are not speaking with particular relevance to bills.

Philip Davis moved a motion in this place to in effect remove time limits and then started arguing why we might need them by suggesting that ministers were abusing question time because of the time they were

taking to answer questions. Shadow ministers, who are first to speak on legislation, routinely take an hour to speak; David Davis particularly does this. I have heard Mrs Peulich speak at length on a couple of motions. I do not think it is reasonable to propose that just ministers take a reasonable amount of time to answer a question. Most of the time their answers to questions take between 3 and 6 minutes, which is pretty consistent with what happens in the lower house. I know this because I have actually been a member of the other place.

The opposition cannot propose to remove time limits for members of this house and then accuse ministers of speaking for an excessively long time when answering questions. If time limits have gone, they should be gone for everyone. If that is the opposition's view, and that is the motion that the house passes, the opposition has to expect that there might be answers to questions which are longer than 4 minutes, a time limit that existed under the previous sessional orders. The opposition cannot propose to remove time limits on speeches for members of this house and then accuse ministers of taking an excessively long time when answering questions. As I said, if there are no time limits, they are gone for everyone. If that is Mr Davis's view and that is what the house agrees to, he should accept that answers will go for longer than 4 minutes, which was the time limit restriction which previously existed —

Mr P. Davis interjected.

The DEPUTY PRESIDENT — Order! I remind Mr Davis that Mr Viney is quite capable of contributing to the debate, without assistance.

Mr VINEY — Thank you for the endorsement, Deputy President. In relation to the general business debate, there has never been disagreement from members on this side with the proposition that the general business debate is the business of the opposition — or non-government members, if you like. In fact at meetings of the Standing Orders Committee in the last Parliament we agreed to changes to the words of the standing orders relating to the general business debate to expressly state that the motion needed to be moved by a non-government member. We have no argument with that.

What we say is that it is an indulgence for this house to allocate an entire day to that, which is the effect of Mr Davis's motion — that is, that the entire Wednesday be allocated to the business of non-government members, apart from question time, which frankly exists as a means for non-government members. Obviously government members ask questions, but we

understand that the reality of question time is that it is an opportunity for non-government members to hold the executive to account.

The effect of this is to allocate a substantial part of our sitting week to the business of non-government members. There is only the Tuesday afternoon and evening and the Thursday — after procedural matters and statements on reports — so in effect, there is only until 4 o'clock. We can go beyond that — until 4.30 p.m. — but the standard practice is to cease at around that time.

Our concern in relation to this proposed amendment is that a disproportionate amount of the day would be wholly in the control of non-government members. Clearly the government of the day always has a business program and needs the time of the Parliament to debate the legislation it wishes to have debated and resolved.

Substantial opportunities are provided in this place for accountability of the executive, including the making of member statements, raising matters on the adjournment debate, question time, general business and the time allocated for making statements on reports. Significant time is allocated in this chamber to allow that. I might say that this chamber is different from the other in that in the other the chamber the ability to raise a matter for debate of a Wednesday morning is shared equally between the government and the opposition.

In this house there has been a tradition that it is non-government members who move general business motions, and this government has respected that tradition, but it has never been a tradition of this place that the entire Wednesday be allocated to it. The effect of Mr Davis's motion is that it will give the opposition — in essence, the Liberal Party — the power to continue to debate motion after motion until the 10.00 p.m. adjournment, with the exception of question time at 2 o'clock.

I think it would be a far better practice for this house to retain control of that day after the traditional 3 hours of general business discussion. In other words, I think we should retain the practice we put in place when the opposition originally put forward this sessional order at the beginning of this parliamentary term — that is, that each hour after the first 3 hours the house must positively resolve to continue to stay in general business and continue with the discussion on general business. I stand to be corrected, but I do not believe there has been a division on the house resolving to continue with general business.

It is true that we have to interrupt business and put the motion, but it has been agreed to on the voices every time. I do not think the government has ever said no, and I do not believe the government has called a division once on such a motion. There has been cooperation, but I think it is a good practice and a good check on the way that we do business in this house to have the house stay in control of its business.

I believe the third part of Mr Davis's motion essentially would give the opposition complete control of Wednesdays in this place. I think that would be a bad practice. There has been cooperation up until now, and you only have to look at the history of the way in which parliaments have worked to see that it would not be difficult to construct a circumstance where the opposition would abuse that situation in the business of politics.

I am one who completely respects the business of politics, and I respect it absolutely. Everyone knows that I am happy to come in here and debate the business of politics, but I am actually trying to talk about the practice of the way the house works. It is not asking too much of this house for its members to ask themselves, 'Should we give control of Wednesdays in essence to one political party, the members of which would have the numbers to continuously move forward, motion by motion, to keep the business of the house going or should we as a house retain control, whereby every hour we ask ourselves whether we are happy to continue?'

I think the current practice is good practice. It is a good brake on the way in which we do business in here to say that after the first 3 hours the house should keep control of its own business program. What is being set up here is a very bad practice, and it will lead to confrontation at some point in the future. It is a bad practice that we should not allow to occur on a permanent basis for the rest of this parliamentary term.

Having said all that, I propose to move three separate amendments. The wording seems a bit complex, but it is what is necessary to achieve the result. What I am attempting to achieve with the first two amendments is to continue the practice we have put in place in relation to there being no time limits until 29 February 2008. In other words, I propose having a sunset clause on the proposal of Mr Davis to have no time limits — although I think there are a couple of exceptions — and to keep that practice until 29 February.

We believe there ought to be time limits, and we are happy to accept that. We do not have the numbers on

this, and we are happy accept it and put a sunset clause on it until 29 February 2008. Therefore, I move:

1. In proposed amendment 1 to sessional order 3(1), after "Until 30 August 2007" insert 'and insert "Until 29 February 2008".'

The same applies to my second amendment. I move:

2. In proposed amendment 2 to sessional order 9, after "30 August 2007" insert 'and insert "29 February 2008".'

I know the wording sounds complex, but if members look at the sessional orders and note that I have had the advice of the clerks, they will realise that it is the correct way to achieve the objective of moving the sunset clause forward another six months to 29 February next year.

I also move:

3. In proposed amendment 3 to sessional order 10, omit all words and expressions after "and insert —" and insert —

'Notwithstanding the provisions of standing order 5.08, the following arrangements will apply in relation to 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.'

Essentially what we are saying and what our amendments are saying is, firstly, that we accept that the current practice that has been put in place by the sessional orders will continue until 29 February 2008, and secondly, we accept a continuation of the current practice of general business continuing on after its first 3 hours for the rest of Wednesday if the house so desires, provided the house positively determines to do so every hour. Should my amendment 3 be lost, Mr Tee will propose a further amendment, and he will foreshadow that in his contribution.

What we are putting forward is that we accept the current practice and the way it is working. We accept that there has been reasonable cooperation in this house in the way we have managed business and that there

have only been a few occasions where that has been abused. The opposition seems to think it is ministers who abuse it, but we may have a perception that some other members perhaps speak for too long. We should continue the current practice during general business of the house staying in control. I note for the benefit of Philip Davis that my contribution lasted 14 minutes and nearly 45 seconds.

Mr HALL (Eastern Victoria) — I rise to indicate that The Nationals will be supporting the motion moved by Philip Davis and will not be supporting the amendments that have been moved by Mr Viney. When sessional orders were changed on 28 February and 14 March, The Nationals supported those changes, but there were some qualifications to our support. Again, our support for this motion today carries some qualifications as well.

I take the house back to the period when the sessional orders were first introduced and made changes to the standing orders with respect to time limits and remind members that time limits have not been dropped for all contributions. During members statements and the adjournment debate time limits are still imposed on members, but for the asking and answering of questions and for participation in general debate the time limits have been dropped. At the point earlier this year when the new sessional orders were adopted, we indicated that if there was consistent abuse of the removal of time limits, we would revisit our views on the matter and seek the support of other parties or individuals in this chamber to revert to the previous situation and reimpose time limits and restrictions on members.

Today the debate on this motion gives me an opportunity to comment on the previous qualification we put on the changes to sessional orders. Indeed a pattern of abuse is developing following the dropping of time limits during question time. By way of example, I note that during question time just yesterday the Minister for Industry and Trade, Minister Theophanous, took 7 minutes 43 seconds to answer a particular question, and following on from that the Minister for Environment and Climate Change, Minister Jennings, also took 7 minutes 15 seconds to answer a question. Moreover, the questions that were asked came from members on their own side.

That rebuts the point made by Mr Viney in his contribution that question time is largely an opportunity for members of the non-government parties to hold the government to account. In part it is, but in equal part it is an opportunity for the government, through its ministers, to answer Dorothy Dix questions in the way that it wants to, and I think that unnecessarily wastes

the time of Parliament. Taking 7 minutes to answer a question is certainly unwarranted in any circumstances whatsoever, especially when it is a question from the government's own side. The absence of time limits in question time is being abused, and there is an increasing pattern for government ministers to increase the length of their answers.

Mr Kavanagh is in the chamber, and I point out in his presence that he asked a question which took 1 minute 44 seconds to ask. I thought that was an inordinate length of time to use in asking a question. Mr Kavanagh can be excused because he is a new member to the chamber. The previous guidelines were that members had 1 minute to ask a question and ministers were given 4 minutes to respond to the first question. We all need to make sure that we clean up our acts and tidy up the way in which we ask questions, and ministers in particular need to do so when they are answering questions. I warn the government on the issue of time limits that we will keep a watch on the length of time it takes ministers to answer questions, and if there is a continued pattern of unnecessarily lengthy answers to questions, we will seek the involvement of other parties or individuals in this chamber to reimpose time limits during that part of the day's proceedings.

Moving to the issue of the current need to extend general business by an hour at a time by separate resolution, it seems to me to be consistent with the decisions previously made by the house to drop time limits that we should also drop that requirement to extend business by an hour at a time each time there is still unfinished general business. Again, I put other parties in this chamber on notice that if there are parties or persons who abuse that privilege of an unrestricted time for general business on a Wednesday, we will be prepared to revisit that. I do not think that will occur because generally the way the house has operated has been pretty good. We have tended to cooperate on all sides of the chamber to make the place work efficiently. Mr Viney says there is a potential for one party or another — it cannot be one party, it would require a number of parties — to abuse that provision. I do not think it will happen, but if it does, we will be prepared to revisit that decision and potentially impose some time restrictions on the extent of general business.

I also make the point that in the government's business program presented to this chamber in recent weeks there has been scant reason for not extending general business anyway. The legislative program has been minimal; indeed the government has actually welcomed the extensive time being spent on general business, because otherwise we would have had little to do during the course of the week. The Nationals accept

and are prepared to support the motion moved by Philip Davis. We reject the amendments moved by Mr Viney. They simply extend a sunset provision by a further six months. In reality that achieves little, and we will just be revisiting this in six months.

We have already had a six-month trial. Generally it has worked very well, apart from the exception that I mentioned before, so there seems little point in accepting these amendments that will prove to be of little worth or value to the chamber, but we will continue to watch how members on both sides of the house, and that includes us, perform in terms of reasonable length of contributions to all aspects of debate in this chamber, and if necessary in the future we will always be happy to go back and revisit some of the decisions taken by the house.

The DEPUTY PRESIDENT — Order! I understand Mr Tee has an amendment that he would be advising the house of in the event that Mr Viney's amendments fail. On that basis if Mr Hall felt it was necessary subsequently to indicate The Nationals position on that amendment, he might do that by seeking leave at the appropriate time.

Mr TEE (Eastern Metropolitan) — Deputy President, I foreshadow that in the course of my contribution I will be moving an amendment, should the amendments moved by Mr Viney fail. I want to focus my remarks on that part of Philip Davis's motion that deals with general business and in particular the proposal that — —

The DEPUTY PRESIDENT — Order! I ask Mr Tee to formally move his amendment so it can be circulated to the house, so that members are aware of where he is going with that as well, in the event that Mr Viney's amendments are not successful.

Mr TEE — In the event that Mr Viney's amendments are not successful, I propose that the following amendment to Mr Davis's motion be considered. I move:

1. In proposed amendment 3 to sessional order 10, after paragraph (3) insert —
 - (4) After the first 3 hours of the transaction of general business, any member may move, without leave, that all remaining general business be postponed until the next day of meeting. This motion will be put without amendment or debate.

As I indicated, the focus of my amendment is dealing with the proposal that general business be initiated by members who are not members of the government party or parties and that that general business then take

precedence for the entirety of the Wednesday. I must say I oppose that on the basis that it appears to be a somewhat audacious attempt to really subvert the democratic principles upon which this house operates. It appears again to be an attempt by essentially the one group to impose its will on the business of the house.

If the motion is successful, my concern is that you then have opposition business from any of the members who are not members of the government party or parties and that that business will prevail over the will of the house; that that will prevail no matter how trivial or mundane or inappropriate or irrelevant the house considers that business to be. The house is essentially being asked to give up all constraints on the way in which business is conducted here.

Under the motion, opposition business would prevail no matter how pressing or urgent other business was before the house and, as I said, it would prevail irrespective of the views of the majority of this house. In fact we are being asked to agree that any one member of the house other than a member of the government can dictate the business of this house on a Wednesday.

I suppose I am concerned that the consequence of what we are being asked to do would be essentially that the will of this house and the business of this house would be held to ransom by any member of the non-government parties. I think this is a somewhat absurd proposition. It is clearly undemocratic, and that is why in essence I am very supportive of the amendments proposed by Mr Viney, which represent a very common-sense approach. It is an approach that allows general business to take precedence for a reasonable period of time, for 3 hours, and thereafter a majority of the house to decide in a democratic way to extend the debate for an hour, and thereafter for another hour and so on.

The outcome proposed by Mr Viney's amendments would allow the majority of this house to control general business in this house. The majority, and not individual members, would decide if general business continued for the entire Wednesday, if that was the will of the house. My amendment is consistent with the democratic principles that certainly we on this side of the house espouse. It allows a majority — again, not a small minority or indeed an individual — to determine the destiny and control the business of this house.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the motion of Philip Davis. We have decided we will not be supporting the amendments circulated by Mr Viney and Mr Tee.

I refer the house to the debate we had on the changes to the sessional orders back in February, when we agreed to a trial period of six months for changes to the sessional orders. I feel that was a good idea at the time, as it enabled us to see how they were working out. I think Mr Davis and Mr Hall have already made the point that generally they are working out pretty well.

What we had before that were rigid time limits of 1 hour for the lead speaker from the government or the opposition on non-government business, followed by 45 minutes and followed by 15 minutes for subsequent speakers. It was very rigid. I have spoken to quite a few members about a benchmark speaking time for debate. For example, in the Senate there is a 20-minute time limit for every member. We have been discussing amongst ourselves whether that is a good benchmark to aim for. But, as Mr Viney said, if you cannot say what you want to say in 10 to 15 minutes, you are probably starting to repeat yourself or go off the track or off the subject.

I think the change has resulted in fewer people speaking at length on specific subjects, and that is allowing more people to speak on bills and motions, which is a good thing. In particular we now two new parties in the chamber, the Greens and the Democratic Labor Party (DLP), and the old, rigid time limits did not work for the new arrivals. We have freed that up to allow much more flexibility to enable everybody to have a fair say when they wish to and to allow all parties to be equally or fairly represented in debate. I think the changes have worked very well.

My being a new member of the Parliament and as the whip for the Greens I have spoken with The Nationals, the DLP, the Liberal Party and the ALP about speaking times, and we have been able generally to work that out with a lot of goodwill and cooperation. It has been my experience that there has been goodwill and cooperation on speaking times and the time allowed for all bills. We have worked through that with negotiation and cooperation. In fact I think our sessional orders are working well, so I do not see any need for us to put on another sunset clause. As Mr Hall said, we would just end up revisiting that on 29 February next year when there would be no real need to do so.

There may be some small problems, and Mr Hall referred to question time. As I just said in relation to having a benchmark for time spent on speaking in debates, we should refer back to the old time limits for question time — which were 1 minute for a question and 4 minutes for a response — and not impose those but use them as the benchmark for how long a person should spend asking a question and how long a minister

should spend answering a question. Perhaps we need little 4-minute egg timers on ministers' desks which they can turn over when they start answering their questions.

The DEPUTY PRESIDENT — Order! The time for general business has expired.

General business extended on motion of Mr P. DAVIS (Eastern Victoria).

Ms PENNICUIK (Southern Metropolitan) — In terms of the removal of the hour-by-hour provision, as I was saying before about negotiation, cooperation and goodwill, I think we should be able to deal both with important non-government business on a Wednesday and with any urgent government business that is before us within a sitting week. We have had a trial period, and there is no need to extend that, so we would be supporting its removal.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Public sector: debt

Mr P. DAVIS (Eastern Victoria) — I direct my question without notice to the Treasurer. Will the Treasurer assure the house that public sector net debt will not exceed the budget paper forecast of \$15.3 billion in 2011?

Mr LENDERS (Treasurer) — I stand by my answer of yesterday.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — I thank the Treasurer for his expansive answer. Given his answer, will the Treasurer — —

Honourable members interjecting.

Mr P. DAVIS — Do you all want to help the Treasurer? I will rephrase the question. Given that the Treasurer will give no assurance as to projected debt levels, I ask: what is the government's upper limit for debt — \$20 billion, \$30 billion, \$40 billion or more?

Mr LENDERS (Treasurer) — The Leader of the Opposition tries almost as hard as Mr Rich-Phillips. I thought I was being succinct in my answer to him, because he is asking essentially the same question as he did yesterday, but for the benefit of the Leader of the

Opposition I will repeat what I said to the house yesterday. When the Labor government was elected in 1999 we had public sector debt at 3.1 per cent of gross state product. This Labor government, in its forward estimates going out four years — papers that have been trawled over by the Auditor-General, the Public Accounts and Estimates Committee and both ratings agencies — has indicated that in the forward estimates period we are anticipating net debt of 2.9 per cent of gross state product.

Mr P. Davis — So you are the New Age Rob Jolly, are you?

The PRESIDENT — Order! Mr Davis has asked his question. He might want to listen to the answer — I know I do.

Mr LENDERS — If Mr Davis wants to reflect on history, I draw him back to the midpoint of the Kennett government.

Mrs Coote interjected.

Mr LENDERS — Mrs Coote says, ‘Get off’, but Mr Davis actually invited me to refer to history. At the midpoint of the Kennett government net debt was 15.3 per cent of gross state product; at the midpoint of the Bolte government — when there had not been any Labor government to blame for generation upon generation — net state debt was 50 per cent of gross state product.

For the benefit of the Leader of the Opposition I will say as succinctly as I can that this government will bring forward a budget every year to deal with the needs of Victorians; a budget that will keep recurrent expenditure of this state in the black. It was one of the six pledges we made in 1999, and we have delivered every year in every budget. In addition to keeping the budget in the black we will not forget that we were elected to deliver targeted services across Victoria, and we are committed to delivering targeted infrastructure across Victoria, because they are the things that are necessary to make Victoria an even better place to live, work and raise a family.

Federal government: interest rates

Mr TEE (Eastern Metropolitan) — My question is to the Treasurer. The Reserve Bank of Australia today announced the fifth successive rise in the cash rate since the last federal election. In the light of the promise made by the Prime Minister at that election, can the Treasurer outline to the house the impact this rise will have on Victorian families and the reasons cited by the bank for the rise?

Mr LENDERS (Treasurer) — I thank Mr Tee for his question, for his interest in the plight of working families across Victoria and the whole country and in particular for his interest in what the decision announced this morning by the Reserve Bank of Australia board to increase interest rates by 25 basis points or 0.25 per cent means to Victorian families.

Let us stick to plain English here; let us not talk about 25 basis points. For the average Victorian family with a \$200 000 mortgage this will mean \$32 a month. For a Victorian family on a \$300 000 mortgage this will mean \$50 a month. Under the Howard-Costello team, since it promised in the 2004 election that under its government interest rates would be in safe hands, for the average family in Victoria the cumulative effect of the five rises over the life of a mortgage has been \$65 000. This will hurt Victorian families — and this comes from a Prime Minister who says these families have never been better off. What the Prime Minister does is: he makes his promises and he keeps blaming other people.

Mrs Peulich interjected.

Mr LENDERS — The Reserve Bank of Australia figures show that households are losing a record 9.5 per cent of their disposable income in mortgage interest repayments — this is for the benefit of Mrs Peulich who interjected earlier — and this is the highest in our history. It is 55 per cent higher than the rate of 6.1 per cent under Paul Keating — 55 per cent higher than the percentage of their disposable income paid by the average family then — and 80 per cent higher than when interest rates started rising under John Howard in 2002, and it is up from 9.3 per cent at the start of the year. The Reserve Bank figures show that households are losing a record high 9.5 per cent of their disposable income. Today we hear that it might go up again before the end of the year.

Victoria has delivered budgeted surpluses year after year since we were elected. We will continue to work hard to keep the budget in the black while delivering the services Victoria needs. We have a AAA credit rating.

Mr Guy interjected.

Mr LENDERS — And we are investing in the skills, infrastructure, health and education that people need — and for Mr Guy’s benefit, they were not things the Kennett government did. It closed 300 schools, closed hospitals and slashed doctor and nurse numbers.

The Howard government’s failure to address capacity constraints is putting upward pressure on interest rates.

It is its shameless pork-barrelling, vote-buying road trips around the country that have caused this. That is what every economist in this country argues, and it is a pity that those opposite do not accept that argument. We have seen experts in furious agreement, as I alerted the house to yesterday.

The Reserve Bank governor, Glenn Stevens, in response to a question before a House of Representatives committee from Patrick Secker of the Liberal Party, who nearly lost his preselection for asking the question, said that state government balance sheets are in 'very good shape' and that the investment in infrastructure 'would not feed directly into the consumer price index per se'.

Today the Reserve Bank issued a statement outlining reasons for the rise in the official cash rate. The reasons included higher than expected underlying inflation, and there was not a single mention of state government debt. The Reserve Bank did not mention that as an issue, yet the federal government continues to make it one. What we are seeing in Australia today is the fifth rise in interest rates since John Howard made his infamous promise at the last election that this would not happen. We are seeing it affecting Victorian families across the board. Unless the federal government stops politicking and gets back to its core activity of managing the country, Victoria will not be a better place to live, work and raise a family, so the sooner the Howard government moves on, the better.

Water: desalination plant

Mr HALL (Eastern Victoria) — My question without notice is directed to our new Minister for Environment and Climate Change, and I wish him well in that endeavour. I noted the comments of the minister yesterday in his answer to a question without notice, where he said:

... I am charged with the responsibility of looking after Victoria's precious lands, its catchments and its coasts, and to make sure that we protect the biodiversity we have inherited.

In respect to the government's decision to construct a desalination plant on the coast near Wonthaggi, what role will he as the Minister for Environment and Climate Change take in ensuring that the environmental values of the coastal reserve, the coastal waters and the nearby Bunurong Marine National Park are not compromised?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Hall for his reference to the introductory comments I made in the chamber yesterday in assuming my new responsibilities and for

reminding me of those obligations. I am very happy to be reminded of them on all occasions. I will not shirk from responsibilities with which I am charged by statute or administrative process or by the programmatic responsibilities that I have. I will use my best endeavours to deliver on what I have outlined to the chamber, and I am happy to be accountable to the Victorian people.

In regard to the specific project that Mr Hall has referred to, within the realm of government I will play the role of ensuring that those issues are identified and responded to. Mr Hall and all members of the chamber and the community would be aware that if there are environmental approval processes or EES (environment effects statement) processes that are appropriate to apply to this, those decisions will be made within government. In terms of the responsibility for EES processes, Mr Hall would be acutely aware that if they are undertaken, they are the responsibility of the Minister for Planning, my colleague in this chamber. I would imagine over the life of the preparation for and the consideration of this proposal that probably Mr Hall and others in the chamber may swap and change between asking me questions or asking the Minister for Planning questions.

The good thing about it is that we are in the same place, and we are prepared to be accountable to each other, to the chamber and to the community for our various statutory obligations and responsibilities. In fact, as we work through that process I would anticipate being very clear about what my role may or may not be at various points in time, depending upon the stage of consideration that we are undertaking. But I will be particularly alive to the concerns of Mr Hall and his constituents and indeed the environmental values that he has referred to as being incorporated within that process.

Supplementary question

Mr HALL (Eastern Victoria) — I thank the minister for his answer. Further to that same issue, I ask the minister what role government organisations like the Victorian Coastal Council, the Victorian Environment and Assessment Council and other organisations for which the minister is responsible will play in the decision-making process with respect to the desalination plant at Wonthaggi.

Mr JENNINGS (Minister for Environment and Climate Change) — Again, in accordance with my substantive answer, I would say that as to the various roles and responsibilities that those organisations have and their vantage point and their interests and their

knowledge about the various matters, I would envisage those being incorporated within my understanding and appreciation of those issues and the role that I may play within government and beyond that in terms of the formal process we may embark upon in the environmental approval processes. Those are subject to further consideration within government.

Some of those will be the responsibility of the Minister for Planning and some of them will be my responsibility, but from my vantage point I do not think anyone should be jumping too far ahead of the game in relation to whether they will be ruled in or out of bringing their expertise and their responsibilities to bear. From my vantage point, I will be very inclusive of the aspirations of those various stakeholders within these important processes.

Government: red tape initiative

Ms MIKAKOS (Northern Metropolitan) — My question is to the Treasurer, John Lenders, and I take this opportunity to congratulate him on his historic appointment as the first Treasurer to sit in this house. In his previous role he told the house how this government was easing the red tape burden on schools and on employers. Can he inform the house what the Brumby government is doing to reduce Victoria's red tape burden and how that is affecting the lives of ordinary Victorians?

Mr LENDERS (Treasurer) — I thank Ms Mikakos for her kind wishes and for her interest particularly as to how the red tape burden affects the lives of ordinary Victorians. It is quite amazing sometimes how the rhetoric of dealing with red tape is something that is seized by many in politics, particularly on the conservative side of politics, because it is something that actually affects citizens in their daily activities with government.

In my previous portfolio of education a message that I got again and again from principals, for example, was they were in the job because they wanted to teach students. They were not in the job because they liked to fill out paperwork. They did not like filling out paperwork. So as part of the reducing the regulatory burden initiative that came into effect on 1 July last year, the previous Treasurer announced that we were cutting the existing administrative burden of regulation by 15 per cent over three years and 25 per cent over five years. This was all done to ensure —

Mr Drum interjected.

Mr LENDERS — I will take up Mr Drum's interjection about it all being said, because it is unbelievable. I am surprised at the naivety of what Mr Drum is saying, because governments that focus on red tape actually assist citizens. I will take Mr Drum back, not just to the initiatives that this government is undertaking step by step — the world best practice of the Netherlands and the UK to cut red tape and provide financial incentives in government to do it — but to a couple of examples in education so that he can talk to schools in his own electorate. A red tape cutting initiative of this government — —

Mrs Coote interjected.

Mr LENDERS — I take up Mrs Coote's interjection; I am Treasurer now, but Mr Drum has asked me for an example. Victorian school principals have been required to fill out paperwork regarding the performance of their school as to get funds from either the state government or the federal government. This government has instituted concrete initiatives to reduce red tape. Every school in Mr Drum's electorate — —

Mr Drum — What were they? What were these initiatives?

Mr LENDERS — Hear me out, Mr Drum. All of the 200-plus schools in Mr Drum's electorate are required under federal regulatory law to report on testing results every year. Rather than their just having to respond to federal minister Julie Bishop's foibles in doing this reporting, what happens now is that at the start of every year the education department provides to every school principal all the testing data that has been collected. Rather than the data being collected by the school and given to the education department and then the school being asked again to give that data to the federal education department, what happens in Victoria — under a red tape cutting initiative — is that it is done in one go. That is but one concrete example.

I would also say to Mr Drum that the State Revenue Office — and every single business in Mr Drum's electorate will appreciate this — is bringing in online transactions, which will save Victorian businesses more than \$10 million per year and cut the compliance costs of the State Revenue Office by more than 50 per cent.

Those are but two examples — to take up Mr Drum's point — of what our red tape cutting initiatives are actually doing out there in Victorian business to make it a better place to invest and work. It is not a coincidence that Victoria has the strongest investment rate of the non-resources states.

Members should not just take that from me as a Labor Treasurer. A Business Council of Australia media release of 27 May confirms Victoria's leadership in the area of red tape. It says:

The Victorian government has led the way in implementing red tape reforms and should be congratulated.

The release also says:

The scorecard found that only Victoria has consistently achieved 'good' ratings in the way it has implemented reforms of its regulation-making regime.

We are leading the way in cutting red tape, not just because we do not like red tape but because businesses, not-for-profit groups and everyone in this state is telling us it is an issue. We have a couple of significant reviews in this area for identifying relevant areas, and we have prioritised a couple of areas to deal with. The Victorian Competition and Efficiency Commission will be inquiring into food regulation, and we will be doing a report into not-for-profit regulation. I say to Mr Drum that they are the areas he should investigate. He will find his constituents in the non-for profit sector and in the food regulation sector alone are more than interested in them.

I will conclude by saying that this government is about cutting red tape. We are not about responding to the frantic foibles of those such as Julie Bishop, who want to control everything — and it is not just Julie Bishop. Her Treasurer, Peter Costello, her health minister and her local government minister are in hospitals in Tasmania and in local government in Queensland. They are like a Soviet-era central control commission. They cannot help themselves. Moscow on Molonglo lives, but this state government will cut red tape, because that is the way forward to making Victoria an even better place in which to live, to work, and to raise a family.

Government: financial management

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. I refer to a statement by the Premier in the House of Representatives on 22 September 1983, when he said:

The Cain government has led the way. The Victorian Treasurer is the most adventurous and at the same time responsible Treasurer of any state ... All honourable members opposite would do well to learn something from the Victorian Treasurer ...

Will the Treasurer assure the house that he will not follow the example of the Cain government and then Treasurer Rob Jolly as apparently advocated by the current Premier?

Mr LENDERS (Treasurer) — This reminds me a little bit of my previous portfolio. It is like it is a history lesson today from Mr Rich-Phillips and Philip Davis. This government, as I have made quite clear, is committed to keeping budgets in the black and using the resources the Victorian community entrusts to the government to deliver on important human services, whether they be education, health, public transport or any of the other important human services. We do not shy away from that and we do not shy away from delivering on infrastructure in this state — and we do not shy away from contesting the Albert Park by-election either.

We are talking about delivering services to all Victorians. We will do it by keeping budgets in the black, because that is what Victorians expect of the government — to make this an even better state in which to live, to work and to raise a family.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Can the house assume from the Treasurer's response that the Treasurer does not agree with the Premier's assessment of the Cain-Jolly government?

Mr LENDERS (Treasurer) — Premier, I — —

Mr Jennings — President.

Mr LENDERS — Mr Rich-Phillips's earlier reference to the Premier being in the House of Representatives unsettled me, President.

I stick by my substantive answer. I think the Premier is a wise man. He is an inspirational leader for this state. He has outlined seven initiatives, as I mentioned in the house yesterday, which are a way forward in Victoria to make this an even better place in which to live, work and raise a family.

Film industry: government initiatives

The PRESIDENT — Order! I call Mr Thornley. Would Mr Thornley like a taxi called?

Mr THORNLEY (Southern Metropolitan) — Thank you for your indulgence, President.

My question is to the Minister for Innovation, Mr Jennings. Could the minister inform the house how the Brumby government is supporting innovation in Victoria's important film industry?

Mr JENNINGS (Minister for Innovation) — A number of members of this chamber went and had a

look at question time in the other place last night, and members there move at a very slow place, so I can understand. There were a lot of pauses between questions and answers on the other side there. We are actually moving right ahead in this chamber.

I thank Mr Thornley for his question, and I look forward to the opportunity to work with him in a very collaborative fashion in relation to our various responsibilities for innovation. What a difference a week has made with respect to the various matters that I get to talk about in this chamber. What a significant change there has been for me during the course of the week. In fact I have been so busy this week I have not had an opportunity to go to the Melbourne International Film Festival, which has been on during the course of this week and is the highlight of the cultural calendar in Victoria, as it has been for 56 years.

This is the 56th year of the Melbourne International Film Festival. It is Australia's finest international film festival, bringing together the over 390 films which are on display and bringing together hundreds of thousands of Victorians. Our best guess would be that somewhere in the order of 180 000 Victorians will visit the festival this week. There has been a significant increase in the patronage of the festival over the last decade — a 230 per cent increase in the number of people who go to it.

I am sorry to say that I used to be a regular subscriber but that during my life in the Parliament I have not been there as regularly as I used to be. I think that is about to change, because in fact this government recognises the film industry's significant contribution to the economy and to our community wellbeing by investing in it. During the life of the Labor government, from 1999 through to this year, it has invested \$75 million in a variety of projects, including the creation of the Docklands Studios, the Australian Centre for the Moving Image and the Digital Media Fund.

Honourable members interjecting.

Mr JENNINGS — I am pleased to see that members of the Liberal Party are a bit more enthused about this matter than they were about environmental matters yesterday. They fell asleep during the course of the discussion about the environment yesterday. They did not care a jot about the environment yesterday, but today they seem to be a bit enthused about the film industry.

In the most recent budget \$2.4 million has been allocated to provide ongoing support for the Melbourne International Film Festival by way of generating

investment in new films. Out of that \$2.4 million a fund is being established to create the seed money for new films, whether they be feature films or documentaries, with the intention that they will premiere at the Melbourne International Film Festival in the future.

Within that \$2.4 million a significant amount of money has also been allocated to facilitate industry development marketing opportunities through what is known as the 37 South — Bridging the Gap program. The reference point is 37 degrees south, which happens to be the latitude that probably unites most of the Victorian community. That is an indication to the world about where Melbourne sits on the globe, and it provides a very tangible message that Melbourne is the centre of film activity within the nation of Australia and indeed is a growing market for the world.

The most recent assessment by the Australian Film Commission, which was made in 2005–06, indicates that somewhere in the order of 36 per cent of Australia's film and television capacity comes out of Victoria. Indeed in the course of that year \$130 million was generated in the state of Victoria through that important industry. Last year, 2006, the Melbourne International Film Festival was the direct stimulus for the injection of \$7 million of activity into the sector, which has led to some significant products being produced — 47 film, TV and digital productions, 15 of them feature films — and the generation of somewhere in the order of 4000 jobs.

Supporting innovation is a wonderful opportunity for us to be a part of driving the new economy and driving creativity in the state of Victoria. I look forward to working with Mr Thornley and other sections of the Victorian community on this very exciting part of the government's responsibility.

EastLink: steel imports

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Industry and Trade. Does the minister support the purchase from a Chinese fabricator of 1000 tonnes of fabricated steelwork for the sign gantries on the EastLink project by Thiess John Holland joint venture, and does he believe this sends the right signal about the future of Victoria's and Australia's steel and other manufacturing industries?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question. Of course it is the case that as the minister for industry and as the minister for trade I am very much interested in increasing the amount of export and trade between other countries and Victoria. As the minister

for industry I have an interest also in ensuring that our industries here are healthy and are capable of continuing the high levels of job creation that have been a hallmark of the Bracks, and now Brumby, government. Indeed, as I have indicated in this house in the past, I am happy to say that employment is at record high levels in Victoria because of the right set of policies that has been put in place to reduce business costs across a range of issues, particularly costs arising from taxes, which have been reduced significantly for the business community, WorkCover costs and so forth. That has led to increased competitiveness for our industries, and we are very keen to maintain that increased competitiveness going forward.

In addition to that, the government has instituted a number of programs, including the Victorian industry participation program (VIPP), which I have reported to the house on in the past and which involves our own purchasing policies. We do not play favourites, as Mr Davis is aware. What we do is try to give our own industries a fair go at these major purchases through the program. What VIPP says, especially in its new manifestation, is that where there are projects which are more than \$10 million in scale — a significantly lower number than in the past — they will be subjected to a set of requirements under VIPP to consider whether local providers of those products might be able to be competitive in providing those products to government. Members will understand that the basis of VIPP is that, all things being equal, if an Australian company is able to deliver the product in a competitive way, then it should get that contract and be allowed to contribute in that way.

We also said that in that process we would extend the VIPP program a little bit further to look at the whole-of-life usage of what is available of the product itself so that we could also service the product and so forth, which I think provides a bit more advantage to — perhaps ‘advantage’ is the wrong word — or at least assists local providers in being able to also offer servicing of the product that is being purchased by government over a number of years and therefore have a bit more of a chance of being able to get that business.

Ultimately we operate in a global economy. In that global economy private sector firms make decisions on the basis of their own competitiveness and on their capacity to deliver a project in the most efficient way possible. As the honourable member is aware, there are rules, including international rules through the World Trade Organisation, which would not allow a government to intervene. That is why the VIPP program has been very carefully crafted so that it does not breach the WTO rules. In circumstances where

there is an overseas company that wants to make a bid we do not have the right, nor should we have the right, to exclude it from making a bid if it is more competitive and able to provide a product in a more competitive way than Australian firms are able to do. That is the world we live in; that is the global economy. I do not believe anyone on any side wants to change that.

What we do want to do, however, is make sure that our companies are competitive. That is why we reduce their costs, help them with a whole range of business facilitation and assist them in a whole range of ways to be competitive, not only in relation to what is produced here or what happens here but also in relation to what happens overseas. I am happy to be judged, and the rest of the government is happy to be judged, on the basis of the macro factors such as jobs growth, economic activity, economic growth and the wellbeing of the people of Victoria.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I wish to draw the attention of the house to a delegation of members of the New Zealand Parliament in the gallery. They are members of the Justice and Electoral Committee, ably led by Mr Charles Chauvel.

Questions resumed.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I understand the minister’s response in its detail and about the position of Victorian industry, but the reality is that the cost structures in Victoria — the tax and regulation structures — mean that in this case this contract has gone to a Chinese company, and in effect Victorians will pay tolls on EastLink to fund the Chinese steel industry jobs. I therefore ask the minister: why has the Victorian industry participation policy failed so spectacularly in this case?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I must say that that kind of comment from David Davis is again indicative of the way he attempts to manipulate public opinion on something like this. The fact of the matter is that tolls would be paid and the revenue from those tolls would go to whoever it was who was contributing to the construction of EastLink. Those tolls would be paid in any case and those revenues would go. Mr Davis tries to create the impression that somehow the tolls would not have to be paid if — —

Mr P. Davis — And he is doing a very good job of it.

Hon. T. C. THEOPHANOUS — The Leader of the Opposition said he is doing a very good job of it. If he thinks it is good to mislead the public by suggesting somehow that those tolls would not have to be paid if the steel were sourced from somewhere else — —

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — That is the impression you are trying to create. You know it is false, you know it is not true, so why make a statement like that when it is patently and obviously untrue?

Mr Davis knows what happens when he makes a statement like that. The source of his original question was a reasonable question to ask, but when he makes a statement of the sort he just made he just diverts attention to the fact of his trying to mislead the Victorian people in relation to a very important project.

As I said initially, I am prepared for us to be judged on the economic fundamentals in relation to the whole of the industry. That includes the highest number of jobs of any state in 2007. There are 41 600 Victorian families which now have jobs as a result of the policies of this government in the course of the year — 41 600 people! I am happy to be judged on those sorts of fundamentals and the way in which we have been able to deliver those fundamentals as well as on our delivery of important pieces of infrastructure to this state for the future benefit of all Victorians.

Planning: government initiatives

Mr LEANE (Eastern Metropolitan) — My question is to the Minister for Planning. As a result of this government Melbourne has become such a great place to live, work and raise a family that projections show Melbourne will grow by 1 million people by 2030. Can the minister outline what initiatives have been introduced by the Brumby government to assist local councils implement structure plans to better manage growth across Melbourne?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Leane's interest in this matter and his enthusiasm for all matters relating to planning. Where I come from it is well known that failing to plan is planning to fail. We have a plan — it is about Melbourne 2030, it is about accommodating growth. We know what the contrast is, do we not? We know that the contrast is to deny the fundamentals of that growth. We also know when you deny those

fundamentals you also deny the fact that you have a plan.

We know this side of the chamber has a plan, and we know the opposition does not have a plan. It has no plans; it has not a single plan. It does not even have a plan for its shadow portfolio allocation. We are still waiting. I am still waiting to know whether Mr Guy is the shadow planning minister. We have no idea. How many days is it, and we still do not have an allocation of shadow portfolios! Not only do opposition members not have a plan for Melbourne, they do not have a plan for themselves.

We plan because we believe making Melbourne and the rest of Victoria a better place to live, work and raise a family is created by choice and not by chance. This is a party of choice. The other side of the chamber is a party of chance, and it seems to have absolutely no chance given that it does not run candidates in relevant seats. Can I just say — —

The PRESIDENT — Order! I am more than a little surprised that a point of order on the minister's answer has not been raised. We have had this discussion on a couple of occasions. The minister is unable to overtly criticise the opposition, and he should contain his answer to the question and make it as relevant as possible. I suggest that he consider what I am saying seriously. I ask the minister to continue.

Hon. J. M. MADDEN — To get back to the fundamental proposition of my answer, according to the projections of Melbourne's growth, more than 1 million people will have arrived in Melbourne by 2030. It is an interesting figure, because it does not reflect just that there will be an extra 1 million people — I am informed that we will see an increase in the population in the order of 28 per cent — but more importantly that we will need an increase of 48 per cent in the number of dwellings to accommodate that growth. We have a plan for accommodating that.

The 2007–08 budget delivered on the government's commitment to help councils and local government implement the Melbourne 2030 plan to manage that growth in their areas. It is planned growth through choice and not by chance. This budget provided \$3 million for an expert assistance program to help councils more effectively drive growth and change in metropolitan activity centres. I formally launched the program at the Melbourne Museum. This two-year program is specifically aimed at assisting councils with the finalisation and implementation of structure plans for principal and major activity centres.

The Melbourne 2030 activity centres expert assistance program has been developed to assist in a responsive and proactive way. In a proactive way the first of these streams will provide significant financial support to a small number of selected activity centres, principal or major, that are ready for development by assisting them to finalise their structure plans, to fast-track enabling planning controls and achieve ongoing developments in the short term. The responsive stream, the second stream, will be flexible and responsive to help councils tackle short-term issues or gaps in structure plan completion and implementation. The program is specifically designed to assist councils that are ready and willing to finalise their structure plans. This will assist councils and will include issues like commercial feasibility, transport planning, community consultation, and built or form designs outcomes.

We are conscious of the need to manage growth into the future — to allow for growth, to accommodate it and to make sure that we maintain the livability of Victoria and Melbourne. We have a plan. We are not planning to fail, but we know that the lack of planning by others will allow them to undoubtedly fail while we continue to make Victoria and Melbourne a better place to live, work and raise a family.

Port Phillip Bay: channel deepening

Ms PENNICUIK (Southern Metropolitan) — My question without notice is to the Treasurer, Mr Lenders. Given the revelations that the panel inquiry hearings into channel deepening included incomplete studies, the need for more geotechnical studies and other studies, serious shipping safety concerns and a twice-revised, expanded and unfinished environmental management plan, does the government have any new estimates of the total cost of channel deepening?

Mr LENDERS (Treasurer) — I welcome Ms Pennicuik's question. The Victorian government is absolutely committed to doing everything it needs to in this state to drive economic growth with a triple bottom line, which has been our position at all times. The obvious and most significant first step in that particular issue regarding the channel deepening project is under the jurisdiction of the Minister for Planning. I know Ms Pennicuik has asked him about this on a number of occasions. He is the appropriate minister to ask general questions about channel deepening.

Mrs Peulich interjected.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — In its closing submission, the Port of Melbourne Corporation admitted that the financing of the project is not finally decided and is ultimately a matter for the government to determine. Given the government's in-principle support is predicated on a sound financing strategy, has the government determined a financing strategy?

Mr LENDERS (Treasurer) — I am not quite sure that the supplementary question actually relates to the substantive question.

Mr O'Donohue interjected.

Mr LENDERS — Mr O'Donohue said, 'Answer the question', but I am just trying to get my head around what the supplementary question is and how it relates to the substantive question. I can certainly assure Ms Pennicuik that this government is transparent and that unlike the previous government's handling of major projects in these sorts of areas, these issues are ones — assuming we go down all the paths — that we disclose. We are also not afraid of facing the Public Accounts and Estimates Committee and answering questions. We are not afraid to answer questions in this Parliament. I think that is certainly an issue.

Mrs Peulich offered an invitation for a comment about Albert Park. I have heard interesting information around the traps that Ms Pennicuik may be a candidate, although she denies it. I will certainly reflect on the question that Ms Pennicuik asked, but I think the most appropriate person to be asked that question is my colleague the Minister for Planning.

Australian Synchrotron: opening

Mr VINEY (Eastern Victoria) — My question is to the Minister for Major Projects, the Honourable Theo Theophanous. Can the minister inform the house of recent milestones in the synchrotron project and what benefits it will bring to Victorians now and into the future?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I thank Mr Viney for his question. I know that he has had an abiding interest in the synchrotron project, particularly when he was Parliamentary Secretary for Innovation. He was a great proponent of the synchrotron in that period and still is now.

I am pleased to inform the house that last week Premier John Brumby officially opened the Australian Synchrotron in Clayton. It was an auspicious occasion. I think the Australian Synchrotron will be one of those

pieces of infrastructure which, having been built in this state, will contribute to our capacity to provide jobs for Victorians and to position Victoria as a place of research and development into the future for many years. It will be a boon to the Victorian economy. Now that the project is up and running an extra \$110 million a year is expected to flow into the national economy, potentially creating over 2000 extra direct and indirect jobs.

Five state governments, the commonwealth and New Zealand governments, 25 Australian universities, CSIRO, ANSTO (Australian Nuclear Science and Technology Organisation) and other research institutions have come together to fund this unique research platform that will drive Australian innovation for years to come.

I attended a function later that night, at which I spoke. Also present were Sir Gustav Nossal and Nobel laureate Professor Barry Marshall, as well as many other distinguished persons. They were at one in commending the government, and in particular the previous Premier and the current Premier, for having the courage to make this decision. Back in 2001 the issue was floating around and the various governments were not prepared to bite the bullet on what has become one of the most important pieces of infrastructure. I want to commend those five governments for being involved, and the 25 Australian universities, CSIRO, ANSTO and the other research institutions that have all come together to fund this project.

I also want to commend Major Projects Victoria. The Australian Synchrotron demonstrated Victoria's ability to build large and technically demanding infrastructure, and I am pleased that Major Projects Victoria was part of that. Garry Seaborne from Major Projects Victoria led the team and was able to focus and discipline the capacities of all of the people and encourage them to bring the project to conclusion — and it has been delivered on time and on budget.

I might say that this is the sort of project that both sides of Parliament ought to be able to get behind and support. The synchrotron will be used by many scientists from around the world, and it will stop what we call the suitcase scientists from going abroad. More than 300 scientists pack up their suitcases and go abroad in order to use synchrotrons around the world. We now believe 10 times that many scientists will be able to access the Australian Synchrotron in Clayton and be able to develop research and development in a wide range of areas as a result. I would now say to the opposition that it is time for the opposition, and particularly David Davis, to stop bagging — —

Mr D. Davis — I have always supported the synchrotron! I have always, going back into the 1990s in fact.

Hon. T. C. THEOPHANOUS — You say you have always supported it, Mr Davis, but let me quote from what you said in the house on 14 September 2005:

It is probably a copybook example of how not to run a major project ...

Mr Davis was bagging the project back in 2005, and he continues to bag the project. It is no wonder, therefore, that when the opening occurred we had Julie Bishop — —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — I am pleased to say that Julie Bishop and the federal government did come to the party and are providing \$50 million over five years for the running of the project. What is interesting is that David Davis turned up as well. He has been shamed into finally turning up to a function. He did turn up; he was there. After three no-shows he turned up, but — guess what? — not even Julie Bishop acknowledged David Davis at the opening of the synchrotron function. I am happy to say that she did acknowledge Kim Carr, but she did not acknowledge David Davis at the function. I am not sure what that says. She obviously thinks more of Kim Carr than she thinks of David Davis. So, there you go! Maybe it has got something to do with this Moscow on the Molonglo that my colleague keeps talking about; I do not know. This is a serious issue. It is a fantastic piece of infrastructure that will assist Victorians in the future, and we will look back with pride that this was one of the great pieces of infrastructure delivered by a Bracks-Brumby team in 2007.

BUSINESS OF THE HOUSE

Sessional orders

Debate resumed.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise and make a contribution to the debate on standing orders. I do not support the motion that has been put forward by the opposition. I do support the amendment that has been put forward by Mr Viney and, failing that, the amendment that has been put forward by Mr Tee.

Like many in this chamber I have been here through a number of parliaments where we have had a variety of sessional and standing orders that have allowed for a

range of different rulings about the length of the periods of time that we are able to speak in debates and the time that we are given to make a contribution on adjournment debates and on general business. I am also very aware that there is some difficulty in constraining some members of Parliament. There are some members of this chamber — I do not want to name them, and they are on both sides of the house — who find it very difficult to stay within some reasonable time constraints when they are making their contributions.

I have also experienced the times when we had very strict constraints on the time we had to make our contributions. Generally I would have said that that worked well and that works better than the arrangement we have now, where we have no time constraints. I also recognise that the current sessional orders allow us to make more lengthy or more detailed contributions in some areas where we feel very strongly about a particular bill or about a particular issue that is up for debate, but, generally speaking, I would say that we are not really all that good at sticking to reasonable times. As I said, there are a number of people on both sides who like the sound of their own voices and who are prone to standing up and speaking for long periods of time — much longer than is actually necessary to get the substance of their argument across the chamber and into *Hansard*.

I think the sessional orders we have at the moment, which have no time constraints — except for general business, where after 3 hours we have to seek an extension and the chamber has to agree to that — have been working reasonably well, but I think one of the reasons that they have worked well is that we have had to come back and have the debate about how well it is working.

Philip Davis is smiling at me across the chamber. I secretly think he might be agreeing with me there, but he is shaking his head. Generally speaking, we have done pretty well.

Mr P. Davis — Has the member heard of the adjournment motion?

Ms DARVENIZA — Mr Davis mentions the adjournment motion, but I think 3 minutes for the adjournment debate works well. Being given that amount of time, generally speaking members are able to keep to the time allowed.

One of the reasons it has been working well is that we knew we would get to the point we are at today, where we really have got to look at whether or not we continue, and we are reviewing the situation, which has

kept some members of this chamber in check. It has also assisted the whips in keeping the business of the house flowing. It has kept a bit of heat on and therefore more constrained those who are likely to run off at the mouth for longer than they should.

I actually like the amendment that has been moved by Matt Viney, which says we should come back on 29 February 2008 and review the situation again. If it is then working well, that would be all well and good; but if people have been abusing the lack of a limit or the lack of restrictions, then we will be able to do something about it. It is just one of those checks in place that keeps us on the straight and narrow.

The sessional order that has debate on general business on a Wednesday set down for 3 hours is a good one. It is positive and a good thing if members agree to extend that period for an hour at a time; that has not been a problem. There have been times when motions have been debated almost to the point of every member who has wanted to have a say on it getting to have their say; members have spoken, put forward their views and arguments, to the point that basically the debate has become exhaustive. In those instances there has been no filibustering; every member who wanted to speak has been able to do so; then the house has wound up the debate and the motion has been put to the vote.

There have been times, like today, when the time for general business has been extended beyond the 3-hour limit. I am very pleased that the time allowed today has been extended because I have had an opportunity to speak on the motion. If a large number of members want to contribute to a debate, it is a good idea for the chamber to allow that by extending time. We, as a chamber and as members of Parliament, can decide whether or not we think it is a good thing on the day according to the merits of the particular debate in progress, and depending on how many members from whichever parties want to make a contribution.

Generally the arrangements on all sides of the house are good in that members who want to make a contribution are able to do so. When members have exhausted the arguments they want to put, we then are able to wind up debate. I think the amendments moved by Mr Viney are good. We should not support a motion that there should be no time limits at all, that we are not going to review the procedures from here on in, that it should become open slather, that members can speak for as long as they like — we have been there before and done that, and we know what that looks like. It is not at all pretty!

Mr P. Davis — When did the member see that?

Ms DARVENIZA — I came in to the house in 1999 — responding to Mr Davis through you, Chair.

Mr P. Davis — Did the member see Mr Theophanous in full flight when he was Leader of the Opposition and he spoke for 25½ hours?

Ms DARVENIZA — We did not have time limits at that time. Admittedly I cannot remember the sorts of lengthy contributions that the Leader of the Opposition is referring to, but I take Mr Davis back to 1999 when I came into this place; that was my experience. We had some inordinately long contributions that became particularly uninteresting and boring, and which did not lend anything to the debate. So that I do not get put into that category today, I think the prospect of a review of the practices in February 2008 will keep us in check.

Mr P. Davis — That is the job of the whips. The whips keep people in check.

Ms DARVENIZA — Through the Chair, the whips are not always able to keep members in check and the opposition knows it as well as we do. I could name some names, and I could look at particular members.

Mr Koch — On a point of order, Acting President, I take offence at the previous comments made by Ms Darveniza and request her to kindly withdraw.

The ACTING PRESIDENT (Mr Pakula) — Order! I do not believe Ms Darveniza was necessarily referring to current whips, and I do not uphold the point of order.

Mr Koch — On a further point of order, Acting President, as there are no other whips in the house, I strongly believe that it was pointed at me.

An honourable member — What about Mr Drum?

Mr Koch — I am sorry, I did not see Mr Drum, and I would be surprised if he did not take offence.

The ACTING PRESIDENT (Mr Pakula) — Order! I inform Mr Koch that there are other whips in the house. I do not uphold the point of order.

Ms DARVENIZA — I do not support the motion before the house. It will be a good idea next February to review how well we have done and how much we have been able to constrain ourselves. The idea of being able to extend general business after 3 hours on an hourly basis is a good way to go, and it has worked well. On that basis I do not support the motion, but I support the amendments that have been moved.

Mr P. DAVIS (Eastern Victoria) — I will sum up very briefly because all the major points that need to be made in the debate by either side have been made. But I want to respond in particular to Mr Viney's comments when he said in effect it is a matter for the house to stay in control of its business. Without verballing him, again I actually think what he is implying is that there is a presumption that when he refers to the house he is referring to the executive — the government — staying in control of the business of the house. This presumes in my view that the executive is actually more important than Parliament and that Parliament reports to the executive.

I have news for Mr Viney: the fact is that the executive is accountable to the Parliament. The very reason for this motion is to ensure that that is and will continue to be the case, so that matters of public importance with regard to the scrutiny of the executive are able to be pursued without fear or favour within the house. For the edification of members, I remind them that if they turn to the standing orders adopted by a majority of the house in 2006, which as I recall was a government majority at the time, they will see that they do provide that in the event that a debate has come to a point where collectively members of the house feel they wish to not pursue it further for the time being, a motion can be moved by a member of the house and with the support of a majority the debate on that matter can be adjourned until another time.

Mr Lenders — A half-hour filibuster.

Mr P. DAVIS — The Leader of the Government interjected and said, 'A half-hour filibuster'. My retort to that is to say that any debate limited to 30 minutes is hardly able to be described as a filibuster. I remind the Leader of the Government that his predecessor as Leader of the Labor Party in this place, Mr Theophanous, has a record which would be envied, I suggest, by anybody in the Victorian Parliament who would aspire to be a filibusterer.

Mr Lenders — On a point of order, Acting President, I take exception to the description of Ms Monica Gould as Mr Theophanous, and I ask Mr Davis to withdraw.

Mr P. DAVIS — In response to the point of order, I think I said 'a previous Leader of the Labor Party in this place'. I also note that the so-called member, Monica Gould, the former President of this place and a former minister, is actually not a member of this house anymore. I ask that you rule on this point of order, Acting President, because I believe it is out of order.

The ACTING PRESIDENT (Mr Pakula) — Order! There is no point of order.

Mr P. DAVIS — I think I am still batting 99 per cent on points of order. Thank you, Acting President, for upholding my proposition.

In conclusion, I want to say that the opposition will not support, indeed it will oppose, each of the four amendments proposed variously by Mr Viney and Mr Tee. The reason is that they materially change the intent of the motion before the Chair. It is my intention to bring that matter to a conclusion without delay by sitting down and letting the house get on with a decision.

House divided on Mr Viney's amendment 1:

Ayes, 20

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

Noes, 20

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

The PRESIDENT — Order! The result of the division is ayes 20, noes 20. As there is no definitive result or outcome, the amendment is lost. In fact I think that is historic.

Amendment negated.

House divided on Mr Viney's amendment 2:

Ayes, 20

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

Mikakos, Ms (*Teller*)

Viney, Mr

Noes, 20

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

Amendment negated.

House divided on Mr Viney's amendment 3:

Ayes, 19

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

Noes, 21

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

Amendment negated.

House divided on Mr Tee's amendment:

Ayes, 19

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

Noes, 21

| | |
|----------------|---------------------------------|
| Atkinson, Mr | Kavanagh, Mr |
| Barber, Mr | Koch, Mr (<i>Teller</i>) |
| Coote, Mrs | Kronberg, Mrs (<i>Teller</i>) |
| Dalla-Riva, Mr | Lovell, Ms |

Davis, Mr D.
Davis, Mr P.
Drum, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Hartland, Ms

O'Donohue, Mr
Pennicuik, Ms
Petrovich, Mrs
Peulich, Mrs
Rich-Phillips, Mr
Vogels, Mr

Amendment negatived.

House divided on motion:

Ayes, 21

Atkinson, Mr
Barber, Mr
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Hartland, Ms

Kavanagh, Mr
Koch, Mr
Kronberg, Mrs
Lovell, Ms (*Teller*)
O'Donohue, Mr (*Teller*)
Pennicuik, Ms
Petrovich, Mrs
Peulich, Mrs
Rich-Phillips, Mr
Vogels, Mr

Noes, 19

Broad, Ms
Darveniza, Ms
Eideh, Mr
Elasmar, Mr
Jennings, Mr
Leane, Mr
Lenders, Mr
Madden, Mr
Mikakos, Ms
Pakula, Mr

Pulford, Ms
Scheffer, Mr
Smith, Mr
Somyurek, Mr
Tee, Mr (*Teller*)
Theophanous, Mr (*Teller*)
Thornley, Mr
Tierney, Ms
Viney, Mr

Motion agreed to.

OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL

Statement of compatibility

For Hon. T. C. THEOPHANOUS (Minister for Industry and Trade), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Outworkers and Contractors Legislation Amendment Bill 2007 (the bill).

In my opinion the bill, as introduced in the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Outworkers (Improved Protection) Act 2003 and the Owner Driver and Forestry Contractors Act 2005.

In respect of the Outworkers (Improved Protection) Act 2003 it ensures that all Victorian outworkers are entitled to the wages and conditions contained in the Australian fair pay and conditions standard.

In respect of the Owner Driver and Forestry Contractors Act 2005 it provides that where a hirer terminates a contractor and elects to make payment in lieu of notice of termination, the payment will consist of an amount in lieu of the fixed costs of a contractor in accordance with the rates and costs schedules developed under the act. It will clarify that contractors are not entitled to payment in respect of variable costs, and only contractors subject to finance arrangements are entitled to a component of notice referable to these costs.

1. Human rights protected by the charter that are relevant to the bill

As a result of the federal government's amendments to the Workplace Relations Act 1996, the Outworkers (Improved Protection) Act 2003 no longer entitles an outworker to the same benefits, terms and conditions as a federal award employee because it only makes reference to benefits, terms and conditions contained in a relevant federal award. The change has had a disproportionate effect on women and persons of a non-English-speaking background, who comprise the majority of outworkers. The bill introduces a provision to ensure that outworkers are entitled to the same benefits, terms and conditions as those that would apply under a federal award or the Australian fair pay and conditions standard.

The bill does not intrude on the right of every person to the equal protection of the law without discrimination contained in section 8 of the charter. Discrimination is an impermissible differential treatment based on one or more of the attributes listed in the Equal Opportunity Act 1995. The bill does not contain any provisions which constitute discrimination. In fact the bill contains a measure taken for the purpose of assisting or advancing a group of persons (outworkers) which are disadvantaged, and is therefore consistent with the aims of section 8(4) of the charter.

2. Consideration of reasonable limitations — section 7(2)

The bill does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with, and does not limit, the human rights protected by the charter.

Theo Theophanous
Minister for Industry and Trade

*Second reading***Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Treasurer).**

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

In the current climate, with the Howard government attacking ordinary working people through its WorkChoices and independent contractor legislation, the Victorian government is doing everything it can to ensure fairness for vulnerable workers and contractors in Victoria.

This bill is a further demonstration of the Bracks government's continuing commitment to ensure fairness for Victorians across the many non-standard work arrangements which exist in our community.

The Victorian Outworker (Improved Protection) Act provides protection from exploitation for clothing outworkers in Victoria.

The Owner Driver and Forestry Contractors Act ensures that contractors in those industries have the information and assistance necessary to operate their own businesses, bargain on equal footing and seek redress where unfairness occurs.

These two acts are supported by relevant industry councils and stakeholders.

This bill makes technical amendments to the two acts to ensure their ongoing effectiveness.

Outworkers

The government has a longstanding commitment to protecting clothing outworkers in Victoria.

Outworkers are an extremely vulnerable group of workers. They are a largely invisible workforce, predominantly migrant women, with poor English skills, working alone from their homes.

In 2003, the government introduced the Outworkers (Improved Protection) Act to ensure outworkers in the Victorian clothing industry received their lawful entitlements, and in 2005, we made amendments to that act to strengthen those protections.

Sham contracting arrangements are often used in the clothing industry to exploit outworkers and give them no say over their working hours or conditions. The Outworkers (Improved Protection) Act gives all outworkers equal protection of their terms and conditions, regardless of whether they are called independent contractors or employees.

However, as a result of the federal government's WorkChoices legislation, many outworker entitlements to pay and conditions have been moved from federal awards and are now contained in the Australian fair pay and conditions standard.

The Australian fair pay and conditions standard only protects outworkers who are classed as employees. This creates confusion, complexity and uncertainty for both outworkers and the businesses that engage them, and allows unscrupulous operators to create sham contracts to avoid their obligations.

The amendments we propose in the bill will ensure that all Victorian outworkers are entitled to the pay and conditions which are now contained in the Australian fair pay and conditions standard, regardless of whether they are called independent contractors or employees.

Provisions protecting outworkers' pay and conditions will have application from 26 March 2006, to ensure that outworkers' entitlements are protected from that date notwithstanding the changes to the federal law made by WorkChoices. However, penalty provisions for failure to provide these conditions will operate from a future date to be proclaimed.

Owner drivers and forestry contractors

The Owner Drivers and Forestry Contractors Act has ushered in a new era for owner drivers and forestry contractors, providing them with a fairer operating environment and greater protections. The act and the new resources have been very well received by industry participants.

The bill makes minor technical amendments to provisions of the Owner Driver and Forestry Contractors Act regulating how payment in lieu of notice of termination of a contract is to be calculated. These changes reflect experience gained in the operation of the act to date, and are directed to ensuring these provisions operate consistently, fairly and effectively in accordance with stakeholders' expectations.

The amendments will provide that where a hirer terminates a contractor and elects to make payment in lieu of notice of termination, the payment will consist of an amount in lieu of the fixed costs of the contractor in accordance with the rates and costs schedules developed under the act. They will clarify that contractors are not entitled to payment of variable costs, and only contractors subject to finance arrangements are entitled to a component of notice referable to these costs.

Summary

The Outworkers and Contractors Legislation Amendment Bill ensures that existing protections for outworkers and owner drivers remain effective and fair. It continues the government's longstanding commitment to protect vulnerable groups of workers in our community, in the face of the Howard government's attacks on working people, employees and contractors alike.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Wednesday, 15 August.

GAMBLING REGULATION AMENDMENT BILL

Statement of compatibility

For Hon. J. M. MADDEN (Minister for Planning), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Gambling Regulation Amendment Bill 2007.

In my opinion, the Gambling Regulation Amendment Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The objectives of the Gambling Regulation Amendment Bill 2007 are:

to enable ministerial orders to be made to limit the number of gaming machines in municipal districts and to amend the way in which regional limits are set

to improve customer protection by prohibiting a venue operator or gaming operator paying out \$1000 or more in accumulated credits from a gaming machine except by cheque

amend the requirements for venue operators to lodge community benefit statements

to extend the time frame by a further four years regarding payments to the Community Support Fund.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill.

Section 20: property rights

A person must not be deprived of his or her property other than in accordance with the law.

Clause 6 provides for the setting of regional and municipal limits on gaming machines. It enables the minister responsible for the administration of the Gambling Regulation Act 2003 to make orders:

determining regions in the state for the purpose of regional limits for gaming machines

for a region or municipal district:

determining the maximum permissible number of gaming machines available for gaming, or

requiring the Victorian Commission for Gambling Regulation, based on criteria specified in the order, to determine the maximum permissible number of gaming machines available for gaming.

The effect of an order made under clause 6 may be that the licensed operator of a gaming venue is deprived of the right to use one or more gaming machines that the operator was previously licensed to use.

As the right to use one or more gaming machines is established by licence issued by the Victorian Commission for Gambling Regulation, and is already subject to a number of conditions, it is probable that this licence does not give rise to a form of property that would engage section 20 of the charter.

However, if clause 6 does engage section 20, clause 6 does not limit that right as it does not unlawfully or arbitrarily deprive a person of property. This is because:

the limitation would result from a ministerial direction made in accordance with the requirements of the Gambling Regulation Act 2003

a determination about the removal of gaming machines would be made by the Victorian Commission for Gambling Regulation in accordance with the requirements of the Gambling Regulation Act 2003, including the application of the ministerial order and any criteria specified in the order

orders and determinations made in accordance with this clause are required to be published in the *Government Gazette*.

The process established by clause 6 for the setting of regional and municipal limits is sufficiently confined, precisely articulated and formulated and accessible to the public, so as to ensure that it is not arbitrary.

In addition, the Charter of Human Rights and Responsibilities requires the minister and the Victorian Commission for Gambling Regulation to act compatibly with human rights (as both are public authorities), and in setting any criteria, making any order and issuing any direction, must act compatibly with human rights and in making a decision, give proper consideration to human rights.

The remainder of the bill does not raise any human rights issues.

2. Consideration of reasonable limits — section 7(2)

As the bill does not limit any human rights it is therefore not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities as, if it does raise human rights issues, it does not limit any human right.

JUSTIN MADDEN, MLC
Minister for Planning

Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Treasurer).

Second reading

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

I am pleased to introduce the Gambling Regulation Amendment Bill 2007. This bill is a significant step in implementing Taking Action on Problem Gambling, the Bracks government's comprehensive strategy to combat problem gambling over the next five years.

In this strategy, the government has committed \$132.3 million over five years in initiatives — representing the biggest funding commitment for problem gambling in Australian history.

It will ensure a coordinated and integrated approach to addressing problem gambling, integrating consumer protection measures with prevention, early intervention and treatment of gambling-related harm.

Much has already been achieved by this government. Since coming to office in 1999 the Bracks government has introduced a range of strategies that have resulted in a more responsible gambling industry and reduced the incidence of problem gambling in Victoria. These strategies include:

- the introduction of caps on gaming machines in vulnerable areas
- elimination of 24-hour gaming venues outside the casino
- a ban on smoking in gaming machine areas
- changes to the configuration of gaming machines, for example, a ban on autoplay facilities and a freeze on spin rates
- limits on access to cash via ATM and EFTPOS facilities in gaming venues
- restrictions on gaming venue signage and a ban on gaming machine advertising
- social and economic impact assessment of applications for more machines and new gaming venues
- the hard-hitting Think of What You're Really Gambling With media and community education campaign highlighting the risks associated with gambling.

Independent research has shown that, to date, our strategy for addressing problem gambling has seen the number of problem gamblers in Victoria halved — falling from 2.14 per cent of the adult population in 1999 to 1.12 per cent in 2003, and the number of problem gamblers seeking help tripling.

Whilst much has been achieved, there is still more that can be done. The government considers the removal of gaming machines through regional caps as a part of its broader strategy, not a stand-alone solution. Our strategy seeks to

tackle all aspects of problem gambling from prevention, early intervention and treatment through to ensuring that the right regulatory framework is in place to create a responsible gambling industry.

The initiatives in *Taking Action on Problem Gambling* will maintain the momentum and build on the government's success in combating problem gambling to date.

The Gambling Regulation Amendment Bill 2007 forms an integral part of the government's overall problem gambling strategy and provides for the implementation of two aspects of the *Taking Action on Problem Gambling* statement.

The bill also introduces important amendments to the community benefit provisions in the Gambling Regulation Act 2003. The amendments will remove the need for hotels to provide an annual community benefit statement and will ensure that clubs are more accountable for making a community benefit contribution of 8.33 per cent of their net gaming revenue. In addition, the bill facilitates implementation of the government's commitment to extend funding of drug and alcohol programs from electronic gaming revenue.

This important commitment to extend gaming revenue funding for drug and alcohol programs was made by the government as part of its policy on Investing in a Fairer Victoria. The programs will involve a stronger focus on alcohol, amphetamine and marijuana use.

I will now turn to the provisions in the bill.

Problem gambling measures

The Gambling Regulation Amendment Bill 2007 amends the Gambling Regulation Act 2003 to prohibit a venue operator or gaming operator paying out \$1000 or more in accumulated credits from a gaming machine except by cheque. As accumulated credits will include both the credits staked and credits accumulated through play, this amendment means that each time a player receives a payout from a gaming machine of \$1000 or more, the entire amount must be paid by cheque. This will stop the practice where payment is made to a person partly by cheque and partly in cash. This will improve consumer protection by reducing the risk of cash being immediately reinvested into gaming machines.

The bill also amends the Gambling Regulation Act 2003 to enable ministerial orders to be made to limit the number of gaming machines in municipal districts and to vary the way in which regional limits are set.

While 19 regional limits for gaming machines are already in place under the Gambling Regulation Act 2003, the government also proposes to set a maximum density limit for all local government areas (with the exception of the central business district, Southbank and Docklands in the city of Melbourne). This will prevent high concentrations of gaming machines occurring in local government areas in the future.

The government recognises the importance of establishing both an overall limit for all parts of Victoria and retaining regional limits for areas of the state that are identified as particularly vulnerable to the harm caused by problem gambling.

The bill provides a single framework for the setting of both regional and municipal limits. Where a regional limit is to

apply, the minister will also be required, as is currently the case, to determine the region. In setting either a regional or a municipal limit, the minister will specify either the maximum permissible number of gaming machines or the criteria the Victorian Commission for Gambling Regulation will be required to use to determine that number.

As is currently the case for regional limits, the Victorian Commission for Gambling Regulation will be responsible for the implementation of limits that the minister has set.

No part of a municipal district will be subject to two different limits at the same time. A municipal district limit will only apply to any parts of a municipality that are not covered by a regional limit.

The minister will also be able to specify the criteria to be used by the Victorian Commission for Gambling Regulation in determining how gaming machines are to be removed if the number in the affected region or municipality exceeds the limit set.

Community benefit contributions

Hotels and clubs with gaming machines are subject to different rates of taxation under the Gambling Regulation Act 2003.

In particular, hotels are required to pay an additional 8.33 per cent of their net gaming revenue under section 3.6.6(2)(c) of the Gambling Regulation Act 2003. Clubs are not required to pay this tax on the basis that they make an equivalent contribution directly to their local community and are effectively provided with a tax exemption. This enables clubs to make decisions for themselves about how best to contribute a proportion of their gaming revenue for local benefit.

While only clubs are required to make a community benefit contribution in this way, both hotels and clubs must lodge an annual audited community benefit statement. A community benefit statement quantifies the community benefits provided by the hotel or club and states whether those community benefits meet or exceed an amount equal to 8.33 per cent of the venue's net gaming revenue. The purposes and activities that constitute a community benefit are set by ministerial order.

If a club fails to spend at least 8.33 per cent of its net gaming revenue on activities that benefit the community, then it may be required to pay the additional 8.33 per cent tax as if it were a hotel.

Hotels already make a community benefit contribution because they pay an additional 8.33 per cent in tax to the Community Support Fund. There is, however, some confusion within the community about the nature and extent of the contributions that are actually made by hotels and clubs from their net gaming revenue and about the purpose of community benefit statements.

The government recognises the need to reform the existing requirements to ensure their appropriateness and relevance.

Accordingly the bill amends the Gambling Regulation Act 2003 to:

- remove the unnecessary administrative burden imposed on hotels by the current requirement to prepare, audit and lodge a community benefit statement when hotels

- already make a community contribution by paying an additional 8.33 per cent of their gaming net revenue to the Community Support Fund;

- require a club that fails to make a community benefit contribution of 8.33 per cent of its net gaming revenue to make up the shortfall by the payment of additional tax.

The amendments will remove the confusion that currently exists about what community benefit statements show and will ensure, when combined with a clarification on the activities and purposes that can be claimed as a community benefit, that clubs make a meaningful contribution from their net gaming revenue directly to their local community.

While it has been possible in the past for a range of normal business expenses to be claimed as a community benefit, the range of activities and purposes that constitute a community benefit will, in future, be more focused on expenditure of direct community benefit.

I have released a draft of the revised direction that sets out what can be claimed as a community benefit and am seeking comment from clubs and others about the proposed new requirements. I will publish the new direction once this consultation is completed. The new requirements will be in place by 1 July this year.

Funding for drug and alcohol programs

Section 3.6.12(1A) of the Gambling Regulation Act 2003 prescribes the amount of money that is to be paid into the Community Support Fund from hotel gaming taxation revenue and provides for \$45 million of that amount to be retained in the Consolidated Fund each year for five financial years from 1 July 2004.

The bill amends section 3.6.12(1A) of the Gambling Regulation Act 2003 to extend the current time frame by an additional four years. This will fulfil a government election promise to provide a further \$180 million funding over four years from gaming taxation revenue for the provision of drug and alcohol programs in Victoria.

Conclusion

The amendments to the Gambling Regulation Act 2003 contained in the bill form an integral part of the government's commitment to reducing the harm caused by problem gambling and to ensuring that gaming revenue is used in an appropriate manner for the benefit of local communities and to help promote a fairer Victoria.

I commend the bill to the house.

Debate adjourned for Mr GUY (Northern Metropolitan) on motion of Mrs Coote.

Debate adjourned until Wednesday, 15 August.

ACCIDENT COMPENSATION AMENDMENT BILL

Second reading

Debate resumed from 19 July; motion of Mr LENDERS (then Minister for Education).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The Accident Compensation Amendment Bill makes a number of amendments with respect to the provisions applying to what are categorised as self-insurers under the Victorian WorkCover scheme. There are five key amendments in this bill that are picked up predominantly relating to the self-insurer provisions.

The first and key amendment to the bill removes the entitlement for an employer who is a self-insurer and ceases to be a self-insurer to retain any liability for WorkCover claims that arose during the period of self-insurance and automatically transfers that liability to the Victorian WorkCover Authority (VWA) when the self-insurer ceases to be a self-insurer.

The second provision allows the VWA by notice in the *Government Gazette* to revoke an election by a previous self-insurer, a company who was a self-insurer but ceased to be a self-insurer, and upon ceasing to be a self-insurer elected to retain their tail claim liability. This bill will allow the VWA to publish a notice in the *Government Gazette* revoking that election by the self-insurer and requiring that the tail claim be assumed by the VWA and therefore subsequently paid by that employer to the VWA.

The third provision clarifies that section 172, which deals with guarantees from non-WorkCover employers in relation to their tail liabilities, provides the required guarantees be maintained for six years. The bill also allows the VWA to issue evidentiary certificates as proof in proceedings against employers where the VWA is commencing proceedings to recover under a guarantee.

The final key provision of the bill is to create a criminal offence of failing to comply with part VIA, which is the non-WorkCover employer provisions of the principal act, applying a penalty of up to 120 penalty units or 60 penalty units per day for a continuing offence, which is an offence where an employer has previously been found guilty and continues to offend.

There are a number of provisions relating to self-insurers that are picked up under the bill, and I particularly want to focus on the first two. There is no doubt that the concept of a self-insurer is to a degree

anathema to the current government, and the government's real concern with self-insurers is their shift from self-insurance to the federal Comcare scheme.

Legislation has been previously brought into this Parliament which made it harder for a self-insurer or any insurer to shift from the Victorian WorkCover Authority or the Victorian WorkCover regime to the commonwealth regime. The statements of the Minister for Finance, WorkCover and the Transport Accident Commission have made it very clear that the government does not support the shift of employers from the Victorian scheme to the commonwealth scheme, Comcare. I have to say that it has also been the position of the Victorian Liberal Party to be in favour of a strong, viable Victorian WorkCover Authority and WorkCover scheme. We have been reluctant to support the transfer of Victorian employers from the Victorian regime to the commonwealth regime; that has been a longstanding position of the Victorian Liberal Party. However, we equally recognise that the Victorian scheme — —

Mr Lenders interjected.

Mr RICH-PHILLIPS — I take up the Treasurer's interjection. The Treasurer would well know, given his former role as WorkCover minister, of the position taken by the Liberal Party in Victoria when Bill Forwood was the shadow WorkCover minister. We were not supportive of a mass exodus of employers from the Victorian scheme to Comcare, and that remains that position. However, we equally recognise that if employers are to remain under the Victorian WorkCover scheme and in the Victorian occupational health and safety framework then the framework provided in the state has to be the best possible. It is our view that the scheme needs to be competitive and that the occupational health and safety regime needs to be reasonable if Victorian employers are to remain under the Victorian scheme and not seek to exit to the Comcare scheme.

To put this bill into context, I understand there are now 38 self-insurers in Victoria. Under the WorkCover scheme the vast majority of Victorian employers are required to be insured by the Victorian WorkCover Authority, so they are fully within the Victorian WorkCover system. There is a second set of employers, the self-insurers, of which there are currently 38. These are generally very large employers in Victoria who have received approval under the Victorian legislation to self-insure. Rather than paying premiums through an agent to the VWA they maintain their own insurance scheme for their employees. The kinds of companies

we are talking about as being in the self-insurance regime are companies like BHP Billiton, BP Australia, Cadbury Schweppes, Alcoa, CSR, the Commonwealth Bank, Inghams, Kraft, Bosch, Qantas, interestingly the University of Melbourne, Westpac et cetera. They are very much the largest employers in Victoria, those that have demonstrated to the VWA the capacity and capability to manage their own insurance and compensation regime and that are sufficiently financially viable to be able to assume the liability for any workplace injuries that may arise in their various workplaces that may need to be managed over a long period of time.

Some of these self-insurers went into self-insurance upwards of 20 years ago. Looking at the list, I see that the ANZ bank and BHP have been self-insurers for over 20 years. Many of the others are more recent transfers from the VWA to self-insurance such as Rinker Group and Bosch. I note that the number of employers who have been approved for shifting from VWA to self-insurance has dropped off in the last five or six years, and there have been relatively few new approvals in the last couple of years under the current government.

The third group of employers in Victoria are those that have left the Victorian regime altogether. They are not insured by the VWA and are not self-insurers; they have elected to transfer to the Comcare system. As I understand it, these are employers that have been able to demonstrate that they are in competition with either a commonwealth government agency or a company that was previously a commonwealth government agency. An example of that is a company like Optus which, by virtue of being in competition with Telstra, which was obviously at one stage a commonwealth-owned department, was able to make the case that it should be covered by Comcare rather than by the Victorian regime. As I said earlier, it is very clear that the government does not like companies leaving the Victorian scheme or Victorian self-insurance and transferring to Comcare. The reason offered by the government for that relates primarily to occupational health and safety coverage rather than coverage on the insurance side of the equation. Through this legislation the government is seeking to put a further disincentive in the path of current self-insurers that may seek to shift to the Comcare scheme.

The bill will require any self-insurer that ceases to be a self-insurer by virtue of shifting to Comcare to assign any liability for workplace injuries that arose during their period of self-insurance to the VWA and to pay the VWA an amount equal to the actual liability as assessed by an actuary appointed by the VWA.

I have to say that the bill in this regard was from our reading not entirely clear. I know that the WorkCover minister in the other place provided some clarification as to exactly how that provision would work. The upshot is that an employer ceasing to be a self-insurer — whether it goes to Comcare or goes back to the Victorian WorkCover Authority — is required to pay to the VWA an amount equal to any tail liability that is assessed by the actuary appointed by the VWA. Under the current legislation if an employer ceases to be a self-insurer, it can elect to retain that liability and manage that liability with respect to its self-insurance period, even though it has gone back to the VWA or gone to Comcare. This is one provision in the bill that we have some concern about. I place on the record that the opposition Liberal Party is not opposing this legislation, but it is concerned about the provision that will allow the retrospective claiming of that tail liability by the VWA. The bill will allow the VWA to publish a notice in the *Government Gazette* revoking a previous election by a former self-insurer and requiring it to transfer any residual liability to the VWA and pay an amount equal to the VWA.

From discussions I have had with the VWA I understand that there are only three employers who have ceased to be self-insurers but have decided to retain their tail liability. However, we have concerns about the VWA being able to retrospectively revoke the decisions of previous self-insurers which have in good faith made a decision to retain their liability, expecting to manage that tail liability for the life of it, and which suddenly find that potentially the VWA could revoke that election and require them to transfer the liability and pay an amount equal to that liability to the VWA. We have some concerns about the retrospective way in which that will operate, given that these companies have made a decision in good faith to retain their liability. Again, from discussions with the VWA I am not aware that the VWA has any concern as to how those three employers are managing that tail liability they have retained. Therefore I have to say the question is unclear as to why the VWA feels it is necessary to have the capacity to revoke the previous decisions that were made by those three former self-insurers to retain their tail liability.

Following the introduction of this bill I received some representations from the Self-Insurers Association of Victoria, which raised a number of points regarding the bill. I also received representation from Unilever, which made a number of criticisms of the management of this bill. I would like to place on the record the comments made by Unilever, which are representative of the comments made by the Self-Insurers Association in its discussion of the bill.

On 13 June, in a letter to the then Premier, Mr Bracks, Unilever wrote:

I am writing concerning a bill I understand that your government has recently introduced which we believe will adversely affect a large number of employers in Victoria seeking to provide fair treatment for their employees under the Victorian self-insurance scheme.

Unilever Australasia (Unilever) is a long-standing self-insurer in the Victorian workers compensation self-insurance system. We support the position of the Self-Insurers Association of Victoria Inc. (SIAV) that this bill should be withdrawn or modified — specifically to enable ongoing management of claims by self-insurers, regardless of the status of their company parent, and/or transfer to another scheme. Consultation with the SIAV should have preceded the bill's presentation in Parliament. We urge you to engage in a full round of consultation with all interested parties, including ourselves, so that you are fully aware of the adverse consequences of this bill for companies such as Unilever.

You may be aware that Unilever has manufacturing operations in Victoria and employs a large number of Victorians. You may recall the recent joint announcement with your government concerning the expansion of manufacturing operations in Victoria through a new capital investment in our manufacturing plant at Tatura in regional Victoria.

Unilever's principal concern is that this bill has unintended consequences. We believe that a restructuring of our operations (and these restructurings are a feature of a competitive environment) may cause Unilever to lose control of the management of our claims without leaving the Victorian self-insurance system. Recent representations from the VWA on this aspect seemingly acknowledge this issue. They advised us that they would exercise a discretion not to comply with the strict terms of the bill — despite the fact that no such discretion has been allowed for in the bill. The fact that such comments are being made is an indication that this bill has been rushed through to the house without sufficient consultation and rigour. It creates a major uncertainty for businesses such as Unilever.

Your support is sought to ensure a proper process of consultation and rectification of issues in the current bill. We are happy to participate in constructive discussions on this subject with the government.

The letter is signed by the chairman of Unilever Australasia, Peter Slator.

I raise that because the concerns expressed by Unilever encapsulate the matters raised by the Self-Insurers Association of Victoria, and they are matters about which the opposition has some concerns. Firstly, as the Unilever letter notes, a number of concerns have been expressed about the unintended consequences of this bill with respect to the mergers and acquisitions that occur from time to time with many of the participants in the self-insurance scheme. I believe it is not the intention of the government with this bill that a merger or an acquisition or other change of capital structure of a company that remains in Victoria and intends to

remain a self-insurer should be picked up by this bill, with the consequent requirement that that self-insurer is deemed to have ceased to be a self-insurer and has the follow-on effect of needing to surrender its tail liability and pay an equal amount to the VWA.

In a similar vein it appears that any attempt by a self-insurer to cease self-insurance and revert to being an insurer under the Victorian WorkCover Authority would similarly be picked up by this legislation and the insurer would be required to surrender an outstanding liability and pay an amount to the VWA. I am sure that would be an unintended consequence for the government. It would effectively create a disincentive for self-insurers to revert to the VWA. While it is fairly clear from discussions with the VWA that the intention of this legislation is to create a disincentive for self-insurers to shift to Comcare, it is also clear that an unintended consequence could be to create a disincentive to self-insurers reverting to VWA insurance.

There are concerns about the scope of the bill and the fact that it may have unintended consequences for companies that change structure through mergers and acquisitions, there are concerns that it may have unintended consequences for companies that cease to be self-insurers with the intention of reverting to VWA cover, and, as I outlined earlier, there are concerns with respect to the retrospective application of an order made in the *Government Gazette*. Clearly employers that have elected to cease to be self-insurers have gone through a deliberative process in reaching that decision. They have elected to manage their tail claims internally for the life of those claims. We have some concerns that with the passage of this bill the VWA will be able to retrospectively come along and claim those tail claims from such companies and require a payment to the VWA.

Given that the intent of this legislation appears to be to create a disincentive to shifting from the Victorian scheme to Comcare, which as I outlined earlier is not a position the Liberal Party has ever endorsed, it seems unclear why there is a need to put a retrospective provision in this bill with that aim in mind. While the Liberal Party does not oppose this legislation, it is concerned about some provisions. We are concerned in particular about the seemingly unintended consequences that have been raised by Unilever in particular as an employer but also by the Self-Insurers Association of Victoria. I seek from the Treasurer some clarification of those unintended consequences as the bill proceeds through the house this afternoon.

Mr DRUM (Northern Victoria) — The Nationals will not be opposing this legislation. In looking through the key aspects of this bill we are happy to acknowledge that the intent of this legislation is to simply facilitate and assist with the 2005 legislation. The government is quite keen to suggest that it was excellent legislation in 2005 even though we are now here looking at some of the aspects of it that need to be amended and improved slightly to make it work in the way that it needs to work going forward.

Key aspects in relation to this involve ensuring that the Victorian WorkCover Authority (VWA) can enforce compliance with all of the obligations involved in employers swapping from the Victorian scheme to the Comcare scheme. There has been a strong push for some employer groups to take that path. Obviously if we are going to have that situation, it is going to create a very strong financial liability on behalf of the VWA as it attempts to carry out its responsibilities in respect of many claims made at an earlier date, because the care and rehabilitation expenses will need to be continued once an employer decides to change over.

The bill will also remove any uncertainty about the provisions relating to the necessary financial guarantee that must be provided by those companies. It will put in place some accounting procedures and some actuarial details about how these financial guarantees will be provided. I will mention that a little bit later. The bill is also going to remove a discretion that existing self-insurers have relating to tail claims. The bill will mandate that they hand back the management of such claims to the Victorian WorkCover Authority should the self-insurers go with a Comcare arrangement. The bill will also clarify the obligations of employers and put in place penalties for non-compliance. It will also prevent large companies exiting the Victorian scheme from retaining the management of their tail claims and effectively preventing the Victorian WorkCover Authority from ensuring cash claims are managed appropriately. The bill will ensure that those cash claims are managed appropriately in the interests of the workers.

In the context of all of that there are some distinctive areas to mention. Whilst we have mentioned five key aspects, there are three main aspects that need to be reiterated — that is, we need to ensure the financial viability of the Victorian WorkCover Authority, we need to put in place financial mechanisms to ensure that can happen, and we need to protect the rights of and rehabilitative processes for injured workers going forward. When Mr Rich-Phillips went through the bill in detail he mentioned that there had been a distinct

lack of consultation in relation to this legislation. That in itself is disappointing.

The Self-Insurers Association of Victoria indicated that whilst it will play a major role in the success or otherwise of this legislation going forward, it was effectively bypassed in the process leading up to the drafting of this bill. From the actuarial figures that have been put forward by the VWA, the Self-Insurers Association of Victoria is concerned that employees will have to pay moneys far in excess of the value of any of their potential claims. It would seem at first glance that the VWA is in line to receive a substantial financial windfall when these compensation amounts are paid as companies hand over these tail claims to the VWA and move off into other insurance schemes.

It would also be fair to suggest that there is no independent umpire in relation to the amounts of money that these employers are being forced to pay. There has been a sense of uncertainty created by the fact that there has been just a single decision worked out on an actuarial basis. It has been handed down and that has been the end of the discussion. It has been mentioned that under section 146 of the act these amounts are set at one and a half times the amount payable, which would be the actual value of any future claims, or \$3 million, whichever is the greater. While this decision has created significant financial stability and viability for the VWA, it has put onerous pressure on many employers. It will cover the VWA against ongoing expenses created by the tail claims and is necessary, but we are concerned about some of the outstanding issues.

We need to ensure with this legislation that employers, whether self-insurers or employers who are currently insured under WorkCover, can move across to Comcare in a smooth manner. We need to make sure that we protect the position of injured workers and that we give employers the confidence of knowing what their future liabilities will be. We also need to know that they can handle those liabilities going forward. As I said, this bill has been introduced to create a disincentive for any other employers who are planning to exit their status as a self-insurer or effectively head over to Comcare.

The concern that Mr Rich-Phillips had about Unilever needs to be addressed by the government. Unilever is a huge employer in my electorate, specifically around the Goulburn Valley. It has been through a substantial process of merger acquisitions in the recent past. It very nearly decided to take its venture elsewhere, which would have been an absolute disaster for employment in the Goulburn Valley. For Unilever to have concerns

about its actual status, because it is going through merger acquisition processes, or whether it has been classified in cessation in terms of its ability to be and continue to be a self-insurer, is certainly an unintended consequence of this legislation. We hope that none of those large companies that Mr Rich-Phillips spoke about which are quite often embroiled in merger talks, merger processes, acquisitions and so forth would be caught up in any unintended consequences of this legislation going forward.

As I have said, The Nationals understand that this issue is very important. This is an issue that threatens to undermine the financial viability of the VWA. We need to understand that these provisions need to be put in place. The Nationals will not be opposing this legislation on the understanding that while there are some concerns, we hope the government will be able to address them when it wraps up debate on the bill.

We hope this bill will pass and that it will create confidence in the employment sector, that it will create stability in the VWA and that it will ensure that the employees who are unlucky enough to have suffered injury in the workplace will have the security they know they need to enable them to re-enter the workforce in the fastest time possible and also recover from the injuries in the best possible way.

Ms HARTLAND (Western Metropolitan) — The Greens will be supporting this bill, which we believe is very straightforward; it should be supported. As Mr Drum has gone through many of the technical details of the bill, I will not repeat them, but I would like to add that as someone who has been a shop steward for most of her working life, I understand the absolute importance of accident compensation for workers. It is pleasing that the government is closing all of the loopholes that would stop an employee receiving their full entitlements.

Mr TEE (Eastern Metropolitan) — This bill reinforces legislative provisions that were adopted in 2005 when the government sought to protect Victorian workers and the WorkCover scheme from the adverse impacts of the commonwealth incursion into workers compensation. The government is seeking to ensure that the financial burden of managing the tail claims of large employers who exit the WorkCover scheme does not fall on employers, many of whom are small businesses, who may be left behind. In many ways the Victorian government is standing up for small businesses against another commonwealth assault.

The fact that we need this legislation is in itself a damning indictment of the commonwealth government

and its approach to issues like accident compensation. The bill is a response to the Howard government which appears to be hell-bent on a unilateral take-it-or-leave-it approach in commonwealth-state relations. I welcome Mr Rich-Phillips's opposition to the commonwealth's incursion into the state scheme.

Comcare is an example of the Howard government's bullyboy approach that has been seen to be very ineffective in terms of the Murray-Darling scheme and on a number of other occasions. By raiding the Victorian scheme the commonwealth government is seeking to bolster what is in essence a second-rate Comcare scheme. There is no public policy rationale for this attack on Victoria's WorkCover scheme. Victoria has the nation's best performing statutory workers compensation scheme; WorkCover delivers more for employers and workers than the commonwealth scheme.

The victims of the commonwealth's irrational Comcare approach are the workers who are injured at work. They, through no fault of their own and at the behest of the commonwealth, are being dumped into the inferior commonwealth scheme. Workers and their families are receiving the Howard government's double whammy. When they are at work, the Howard government uses WorkChoices to reach into their pockets and take money out of the family budget; then when the workers are down, injured and unable to work, the Howard government uses Comcare to take money out of the family budget. Today in addition to Comcare and WorkChoices we have the third slug on families, which completes the trifecta — that is, another increase in interest rates.

I want to compare some of the benefits provided by Comcare with those received by most injured workers under WorkCover. When workers are left with 80 per cent or more permanent impairment after a workplace injury, under the Victorian scheme they are eligible for up to \$370 000. However, under the commonwealth's scrapheap scheme, a worker who does the same work and suffers identical injuries would be eligible for less than half that amount — that is, \$180 000. Not only do seriously injured workers receive less compensation under WorkCover but also workers are at a greater risk of injury under the commonwealth scheme.

The WorkCover scheme has a robust and well-resourced inspectorate; Comcare does not. Victoria has 230 inspectors; Comcare has a target intake for the whole of Australia of 50 inspectors — 230 inspectors in Victoria versus 50 for the whole of Australia. This means that under the commonwealth scheme there are fewer inspectors helping employers

who want to do the right thing. There are fewer inspectors out there helping employers and their workers to work safely and to work smarter. We all know that education is a great way to reduce workplace injuries. Unfortunately under the commonwealth scheme very little education is going on and, tragically, having fewer inspectors means that Comcare has less enforcement capacity than WorkCover. This means that those employers who want to cut corners on safety have a free hand under Comcare, so there is a greater risk of safety being compromised and a greater risk of injuries to Victorian workers.

I would like to give one example of what happens when you do not have enough inspectors. It is one example of the neglect, pain and suffering that happens when you have an underresourced Comcare. The example involves Australia Post, one of the largest employers in Australia with more than 35 000 employees. Australia Post is a bit of a pin-up boy for Comcare. In 2004 it was highly commended in an award category for workplace safety and innovative solutions but with only a handful of inspectors in Victoria Comcare would not have a clue about what happens at businesses like Australia Post. Comcare would not have a clue what happens, because it allows companies such as Australia Post to self-audit on their OHS (occupational health and safety) performance. As you would expect when OHS standards are not being enforced, accidents happen.

Less than a year after Australia Post received the pin-up award, a postal delivery officer at the Bundoora delivery centre was involved in a near-fatal accident. The officer lost control of her motorbike and collided with a truck. Her long recovery has involved 33 operations. What was Comcare's response? Initially it did not have the resources itself, so it asked WorkSafe inspectors to investigate, and WorkSafe made some damning findings. Some of these findings were that employees were not provided with sufficient training in the correct use of motorbikes; that employees had not been given sufficient time to perform safety tests on equipment to identify any potential risks; that motorbikes were not being maintained by suitably qualified people — that is, they were not being maintained by mechanics; and that Australia Post was not providing health and safety representatives with relevant training within a reasonable time. The health and safety representative at the Bundoora centre had not received training after six months. A subsequent investigation found that 26 out of the 32 motorbikes tested at the Bundoora delivery centre failed a roadworthy test. There was a near-fatal accident, a WorkSafe investigation that made a number of damning findings and, in the face of all this, complete inaction from Comcare. Two years after an employee

nearly lost her life there have been no prosecutions and no findings from Comcare — and two years later Comcare is yet to complete its investigation. This is a farce.

Every family deserves to have its breadwinner come home every night. Unfortunately under Comcare — under the commonwealth scheme — there is a great risk that a breadwinner may come home injured or may not come home at all. Clearly in terms of the benefits to injured workers and the risk to those workers at work, the Victorian scheme is better. This means that under the state scheme you are more likely to have a safer workplace and fewer injuries, which is obviously of benefit to both the employer and the employee.

What about the cost of premiums? Is there a benefit to employers through lower WorkCover premiums? The answer again is a resounding no. The commonwealth scheme has seen premiums skyrocket by 80 per cent since 2001. In 2006 premiums were on average 1.77 per cent of payroll. Under the Victorian scheme the premium paid is on average 1.46 per cent of payroll, so the cost of the better Victorian scheme is less than that of the inferior commonwealth scheme. What about the benefits for employers operating across state boundaries? Do they get the benefit of having a one-stop shop? Again the answer is a resounding no. In Victoria now we increasingly have the complexity of a two-tiered OHS system. Comcare employers are subject to both state and federal regulation. Comcare means that employers have to deal with two systems, which is a recipe for inefficiency, for increased red tape and for injury at work.

For reasons of worker safety, efficient enforcement, premium levels and pure simplicity the Victorian government has opposed the move to Comcare, and this bill is part of that opposition. This bill will ensure that the liabilities of employees who leave the Victorian scheme will not be met by the remaining scheme members, particularly those small businesses who would be left carrying the financial burden. This bill will ensure that the Victorian WorkCover Authority can enforce compliance with all obligations by employers swapping from the Victorian scheme to Comcare. The bill will remove any uncertainty about the necessary financial guarantees that must be provided by those companies and will remove the discretion that existing self-insurers have with regard to their tail claims.

I turn briefly to Mr Rich-Phillips's concerns about self-insurers that either leave the scheme or want to return to it and the concern he raised about how claims will be managed by WorkSafe. Again, I want to assure Mr Rich-Phillips that there are no unintended

consequences for self-insurers. If those self insurers — both those who leave and those who return — are managing their injured workers appropriately, they will continue to do so. But if those injured workers are not being managed properly, then yes, WorkSafe will step in and manage them. Again, those employers who are doing the right thing — the overwhelming majority — will not require the support and assistance of WorkSafe, but there is the opportunity for some intervention when claims are not being properly managed.

In summary the bill has everything to do with fiscal and social responsibility. It is in the best interests of all Victorians, particularly those who are vulnerable — who are injured at work and who are unable to work because of their injuries. For those reasons I urge the house to support the bill.

Mr PAKULA (Western Metropolitan) — Mr Tee has, in some detail, compared the benefits of the Victorian WorkCover scheme with Comcare, and I certainly do not propose to revisit his comments in that regard. Mr Tee has comprehensively explained why it is in fact an irrational choice, both in regard to the interests of workers covered by WorkCover, but also in the interests of the employers, for them to move to Comcare. Nevertheless employers, particularly large multinational employers, continue to do it. This bill is all about protecting Victorian workers, their employers and the state's finances from what is, yet again, another poorly disguised commonwealth power grab.

It is entirely clear that the commonwealth has been encouraging employers to desert state schemes across the nation and insure with Comcare. As anyone who understands the history of Comcare would know, it is encouraging employers to enter that scheme in a manner that goes far beyond the original intention of Comcare and what it was created to do. The government has already passed one amendment in 2005 which protected Victorian employers and workers from any increased financial burden caused by companies swapping out of the scheme.

The amendments that are contained in this bill do three things. Firstly, they beef up the enforcement powers of the Victorian WorkCover Authority in its dealings with employers who scheme swap but fail to meet their compliance obligations when they do so. In many circumstances the VWA is dealing with large multinational employers and civil penalties, or a one-off civil penalty, in those circumstances where it is hardly any deterrent at all. The prospects of a criminal penalty for employers, and particularly those employers that deliberately endeavour to avoid their obligations, is far

more likely to ensure compliance with the intention of the act.

Secondly, the bill provides for bank guarantees. That requirement is a prudent one, and given the character of the companies which primarily swap to Comcare it is not an especially onerous obligation. Most of the employers which exit to Comcare are, as I indicated earlier, likely to be multinationals or indeed very large national employers. Quite frankly, if they are not employers of that nature they have no business endeavouring to move to Comcare in the first place. The bank guarantee will offer better protection for the Victorian WorkCover Authority and employees as well should their employer not be able to meet its financial obligations.

Thirdly, the bill ensures that the Victorian WorkCover Authority will retain control of tail claims, and that will again help to ensure that the long-term needs of injured workers are met and that there is no threat to their entitlement to compensation brought about by their employer fleeing the Victorian scheme for the commonwealth scheme.

All in all, the bill amending the Accident Compensation Act once again demonstrates the fundamental difference between the government and the Liberal Party when it comes to workplace rights. Labor has, not just through this piece of legislation but through a number of pieces of legislation in recent years, sought to protect injured workers; to enhance the rights of outworkers, as it did with the Outworkers (Improved Protection) Act 2003; to improve protection for contractors, as it did with the Owner Drivers and Forestry Contractors Act 2005; and to defend workers who query their employment conditions, as it did this year in this chamber through the Equal Opportunity Amendment Bill 2007.

The Liberal Party, although its support of this bill is welcome, has WorkChoices as its primary contribution to the rights of workers. WorkChoices tears away people's rights, their entitlements, their protection and effectively leaves them at the mercy of the employer's whim. I have not often seen a cartoon encapsulate not just a piece of legislation but the media campaign around it, but there is a fantastic cartoon by Weldon which says, 'Just because we can screw you, doesn't mean we will. Let's give WorkChoices a go'. It sums up perfectly the approach of the Liberal Party to WorkChoices. It basically says, 'Look, trust us. We know all these bad things exist in the act, but you shouldn't assume that employers are going to use them'. In the vacuum where workers' rights used to be there is instead a campaign of deception. There is the

bogus fairness test and there is the most outrageous government advertising campaign that I have ever seen or ever will see.

Mr Rich-Phillips — Has the member spoken to the Attorney-General about it?

Mr PAKULA — I take up the interjection of Mr Rich-Phillips who asked whether I have spoken to the Attorney-General. What we have in the commonwealth advertising which we have not seen in any other government advertising is the final politicisation of the public service. It is the use of public servants to run out a government line in the lead-up to an election campaign. The so-called independent head of the Workplace Authority, Barbara Bennett, not just appearing in an advertisement but rebutting key elements of the Australian Council of Trade Unions campaign in a taxpayer-funded advertisement, effectively allowed herself to be used as a political skill by the federal government. It is an appalling misuse of public office and she should resign. That, however, is by the by in regard to this piece of legislation. This is a terrific bill. It protects injured workers, it protects honest employers and it protects the state's finances in the best traditions of Labor. I commend it to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on and support the Accident Compensation Amendment Bill 2007. All Victorian workers should have the right to workers compensation. There are some companies which, in 2005, opted out of the Victorian WorkCover scheme, and as a consequence they have created a potential for injured workers to be left high and dry and with no possibility of re-entry into the workforce in any meaningful way.

This amending bill seeks to undo the potential harm caused by the federal government's introduction of self-insurance arrangements in the Comcare scheme. Just as importantly, Victorian employers who remain in the Victorian WorkCover scheme should not be financially disadvantaged either, but crucially nor should injured workers be left in a perilous situation because the company they were working for prior to their workplace injury chose to opt into Comcare.

Without the protection that this bill enshrines families would be without any income protection, and all medical expenses would have to be met by the individuals. A return to work would be a dim possibility.

The bill also carries punitive arrangements for those employers who do not comply with the new provisions of the act and meet their obligations under the

legislation. The 2005 provisions are sufficiently ambiguous as to allow employers to swap schemes without any regard to the recovery of financial guarantees. This is clearly unacceptable, as the major emphasis of the reforms in 2005 was to ensure that ordinary working people had protection against insolvency, notwithstanding company assurances with an authorised deposit-taking institution.

We need to establish clarity around the tail obligations of those employers who opted out and who already have existing claims. Those claims should have the proper protection as if the employer had remained in the WorkCover scheme. The object of the exercise is to safeguard and protect Victorian statutory employees against some unscrupulous employers who seek to take advantage of the current legislation as it now stands, to the disadvantage of ordinary Victorian workers who deserve better. I commend the bill to the house.

Mr THORNLEY (Southern Metropolitan) — Other speakers have covered the provisions of this bill in depth, and I will not try to repeat too much of what they have said. I want to focus on just two aspects primarily that are compelling arguments in favour of the passage of this bill.

The first is the simple observation that the WorkCover system in this state is the best in the country and one of the best in the world; and that consistently throughout its introduction and its amendment by this government it has been opposed by those opposite, claiming that it would introduce unfair imposts on business, claiming that the actions we have taken similarly to protect workers' safety are somehow going to put people out of jobs and raise costs to business, and a whole range of other bogus arguments that essentially contend that you have to sacrifice human suffering in exchange for economic growth. Of course that has been proven by the facts to be completely and utterly false.

We have now had four years in a row of reduced WorkCover premiums. They have been reduced because there have been reduced incidents. This is a win for business; it is a win for the employees who were not injured in ways they would have been without this and related legislation. This is a win for the economy, and this is a win for the employers. This is a win for everybody. That is what is so good about the changes in the WorkCover act and with related changes. It is with that track record of success for all parties that this government has some credibility in that it is concerned about the way the federal government is again doing a quick grab for power in an area that requires no intervention solely for the purpose of creating trouble in this otherwise satisfactory area.

I come to the second point I want to raise. Particular concerns have been expressed by some about the requirements for bank guarantees and other forms of security to ensure that scheme-swapping employers actually cover their tail claims. This reminds me of one of the most ignominious episodes in Australian corporate history, that of the James Hardie company. These people went so far out of their way to avoid their tail claims that they tried to swap jurisdictions, not just from state to commonwealth but from Australia to foreign jurisdictions solely to avoid those types of tail claims.

Anybody who does not think this sort of legislation is necessary to protect both the scheme and the employees from unscrupulous employers who might go forum shopping for a more preferable jurisdiction and not quite get around to making sure they are going to look after the existing claims they already have from the previous scheme need look no further than James Hardie for evidence of the fact that such safeguards are required. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — By leave, I move:

That this bill be now read a third time.

In so doing I would like to just make some comments in response to some of the issues raised about the bill in the second-reading debate. The first is that former self-insurers who have retained the management of their tail-claim liabilities with the Victorian WorkCover Authority (VWA) would take back their tail claims. I think that is the first thing. Sorry, the question from Mr Rich-Phillips was actually why they would take back their tail claims.

The response to that is that the VWA has no interest in taking away the management of tail claims from former self-insurers. It would do so only where there had been a pattern of poor employer performance in the management of injury claims and only after consultation with the former self-insurer concerned.

Secondly, I think Mr Rich-Phillips had a question about self-insurers who change their structural arrangements — that is, they take over or are taken over by another body corporate; in other words they may lose control over their tail claims without intending to do so. I think that was the question. The response to

that is that again the VWA has no interest in taking over control of tail-claim liabilities in such circumstances. The VWA is currently developing a broad policy to provide some administrative flexibility and clarity in relation to the VWA's response to self-insurers who are involved in merger acquisition activity. I hope that satisfies the questions asked by Mr Rich-Phillips and that the bill will be allowed to proceed.

Motion agreed to.

Read third time.

ADJOURNMENT

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I move:

That the house do now adjourn.

Wantirna Road, Wantirna: bus stops

Mr DALLA-RIVA (Eastern Metropolitan) — My adjournment matter is for the attention of the Minister for Roads and Ports in the other place. It relates to an issue which I have previously raised but which was ruled out of order. I have now sought further details in relation to that matter. It relates to road work that has been done along Wantirna Road between Canterbury Road and Boronia Road. My understanding is that a series of bus stops that were located along that road have now been filled in. The residents who live along that roadway are trying to get some clarification from the minister as to the purpose of those particular roadworks and, in particular, how they will affect the progress of the buses along that stretch of road. My request is for the minister to take action to advise the residents along that particular road as to what the purpose of the roadworks is so that they have a clear understanding of why those roadworks have been undertaken.

Office of Housing: election material

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Housing in the other place. A Greens candidate in the federal election by the name of Adam Bandt has been distributing, or attempting to distribute, a leaflet.

Hon. T. C. Theophanous — Adam who?

Mr BARBER — Adam Bandt — B-a-n-d-t. He is a good bloke too. He is going to give federal MP Lindsay Tanner a shake. He is distributing a leaflet which

informs public housing tenants that the state Labor government intends to raise their rents, particularly those who receive family tax benefits. Unfortunately a number of individual officers of the Office of Housing have determined, in conflicting fashion, either that he is or he is not allowed to distribute this leaflet to public housing tenants' letterboxes that are under the control of the Office of Housing. We have not yet approached the Office of Housing regions that cover Albert Park or Williamstown, but I am sure we will get around to it shortly.

My request of the minister is that he make a policy decision about whether or not political parties — particularly, in this case, my political party — have access to the letterboxes of Office of Housing tenants. It is not just a matter of our political rights, it is also a matter of those tenants' rights to receive information from all political parties.

Water: washing machine rebate

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Water in the other place. I will present the new minister with somewhat of a challenge and ask him to resolve a problem that I have come across. It originated when a constituent of mine inquired about whether a rebate might be available for a water-efficient washing machine. As a consequence of that inquiry I wrote to the then Minister for Water, Environment and Climate Change in the other place seeking some information on whether such a rebate might be available. The minister replied to me promptly. Within three weeks I got a positive reply from the minister indicating that, yes, there is a water rebate available for high-efficiency washing machines, and that the Premier had announced that on 17 April this year. He advised that the rebate was for \$100 and that the organisation administering that scheme was Sustainability Victoria. The minister also referred to two other sources of information, the www.ourwater.vic.gov.au website and my local water authority, Gippsland Water, and gave a contact number for Gippsland Water.

I looked up the press release announcement made by the office of the then Premier, Steve Bracks, on Tuesday, 17 April, which indicated that there would be a \$100 rebate if one replaced an old washing machine with a highly efficient new model which reached at least a 4-star water rating. I dutifully then advised my constituent that he was in luck and that that was the case. He then made inquiries on the www.ourwater.vic.gov.au website and found no mention whatsoever of any such rebate on that site. He also rang Gippsland Water and Sustainability Victoria

without any success. They had no knowledge of any such scheme.

My constituent came back and reported this to me. I said, 'This can't be the case. I will do it myself'. I therefore looked at the www.ourwater.vic.gov.au website. There was no mention of the former Premier's announcement about a rebate for washing machines. I then rang my local water authority, Gippsland Water. It also had no knowledge of such a scheme. I then rang Sustainability Victoria, and the phone call was returned the following day by somebody who had some knowledge of the matter. Their knowledge extended to the fact that they knew that the then Premier had made an announcement on 17 April about this matter, but they had no knowledge of and had received no direction from government about how and when this scheme would operate. We are left in the dark. Despite the advice from the then water minister on 18 July to me that a scheme exists, nobody knows about it.

My challenge to the new Minister for Water is, first of all, for him to put in place as a matter of urgency the mechanisms to enable people to claim the rebate promised by the then Premier on 17 April this year, and then perhaps he will have the courtesy to advise me how my constituent can go about actually applying for and getting his \$100 rebate.

Racial and religious tolerance: Facebook website

Mr THORNLEY (Southern Metropolitan) — My matter is for the Minister Assisting the Premier on Multicultural Affairs, Mr Merlino, who is in the other house. I draw the minister's attention to a page that has been established in Facebook by some people claiming to be members of the McKinnon Cricket Club. The purpose of this page appears to be to make comment and to try to cause trouble for members of the Maccabi Ajax Cricket Club, who are of course members of Melbourne's Jewish community. What is very disturbing about the content of this Facebook website is that it contains outrageous racist and anti-Semitic statements. It is exactly the type of material for which the Racial and Religious Tolerance Act was enacted to ensure that we would not tolerate that type of incitement to hatred in our community.

Whilst we all understand that in the heat of battle in sport people sledge in a range of ways, it is now customary for all major and respected sports to ensure that racial and religious vilification is not part of that. I am sure the Victorian Turf Cricket Association, when it is aware of this material, will act accordingly to sanction the people who are responsible for this

conduct. I do not want to read into the record all of the material here, as it is deeply offensive. To give an example, one fellow said:

Being of German heritage, I think I need to apologise for ACC —

the Maccabi Ajax Cricket Club —

to still be in existence; my grandparents tried to get them all ...

If that is not enough, another fellow — I will not dignify him by putting his name in *Hansard* — said:

Even the coach is on board now. I wait with bated breath to view his comments. If he insinuates any holocaust references, I know we have the right man leading us.

This sort of material is really appalling. It is un-Australian, it is unnecessary and it is exactly the type of material for which the Racial and Religious Tolerance Act has been passed. I ask the minister to investigate whether the act has been breached, and if so, whether the full sanction of law can be brought against those responsible.

Northern Highway, Kilmore: road markings

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the attention of Tim Pallas, the Minister for Roads and Ports in the other place. It concerns an issue that has caused great alarm in the community of Kilmore. If it were not such a frighteningly bad and dangerous decision, it would be laughable. Instead I am angry and so is the community. Imagine going to your office one day and finding a 1.6 metre-wide white line painted down the middle of the road outside. It is ridiculous, is it not? But that is what is about to happen along the Sydney Road stretch of the Northern Highway outside my office — at, I might add, a cost of \$250 000!

According to VicRoads, this white line is supposed to have a calming effect on the traffic. The result of course is just the opposite. The white line has caused enormous angst within the community. Although the line has been designed as a haven for pedestrians, they will use it at their peril. Quite simply there is no room for the white line. In places the road is barely 9 metres wide. If you take 1.6 metres away, you have barely 4 metres either side to accommodate normal cars, let alone the wide-load transports that go through the town at a great rate.

Truck drivers are up in arms because they know their trucks barely fit down one side of the road already. Small business owners are up in arms because they are going to lose a number of car parking spaces. But

despite these protests, this is the answer VicRoads has come up with as the solution to the traffic problem in Kilmore. It shows total disregard for the wishes of the community, local council and common sense. This white-line smokescreen was first mooted last year; back then it was for a 1.8 metre line. The community and local council objected on the basis that it would not make pedestrian movement easier or safer. Everyone thought VicRoads got the message, but somehow the white line has re-emerged; only this time VicRoads thinks the solution will be to cut the white line back to 1.6 metres.

The reality is that VicRoads has not addressed the fundamental issue: Kilmore and Wallan need a bypass. Let us not fool ourselves; VicRoads thinks that by putting a white line down the middle of a road that has no room for a white line it will be able to claim to have fixed the traffic problem. On behalf of the people of Wallan and Kilmore I want to send a loud message to the Minister for Roads and Ports that this smokescreen will not work. At a packed public meeting in Kilmore last Wednesday night the residents were angry with the way that VicRoads had ignored the community.

The action I seek from the Minister for Roads and Ports is that he instruct VicRoads to heed the wishes of the local community and immediately and for all time quash the white-line plan. Furthermore, given that the southern end of Mitchell shire is growing at twice the rate as the rest of the state, I ask that he provide a commitment and timetable to build the urgently needed Wallan-Kilmore bypass.

Ford Australia: Geelong plant

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Industry and Trade. Ford Geelong recently announced it would close its in-line six-cylinder engine plant in 2010 with the loss of 600 full-time jobs. The Geelong economy is vibrant at the moment with over 6000 jobs created in the last 12 months. As a matter of fact, this represents an employment growth rate of 3.2 per cent, taking the total to 186 475 jobs in the 12 months to May. The Ford closure will be a significant setback to these great jobs and growth figures. The multiplier effect of this closure is in the order of three to four times, which means that the Geelong community will have to endure the loss of 1800 to 2400 jobs with the closure. Therefore the state government, in conjunction with the commonwealth government and Ford, has created a new \$24 million investment and innovation fund for Geelong to offset the job losses from Ford. The Innovation Investment Fund will offer competitive grants for projects which create new jobs in the region.

It will have an advisory committee chaired by a prominent local businessperson with representatives of both governments.

Manufacturing has played an extremely important role in Geelong, underpinning its economy. Geelong is well positioned to be the home of ongoing manufacturing. We need to know that ongoing manufacturing in Geelong is strongly supported by governments, because it is strongly supported by the community. We also need to know what measures will be taken to ensure that manufacturing will continue in Geelong, such as the community support for the declaration of the Ford Geelong site as a manufacturing precinct. Many people who live in Geelong want to know what the state and federal governments will be putting in place to align the skills held by former Ford workers with those required for newly created jobs in Geelong. I ask the minister to advise me of the strategy and subsequent implementation that will be adopted so that Ford workers will have a reasonable shot at securing employment in manufacturing, and future employment in general, in the local area.

Rooming houses: tenants

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Housing and the Minister for Consumer Affairs, both in the other place. This issue overlaps both portfolios, so it is a shared responsibility. The issue relates to the failure of government to provide public housing for disadvantaged residents in particular, especially those in the transient population, and to the lack of housing affordability in the private sector, which has led to the proliferation of rooming houses in the community. I am aware that Consumer Affairs Victoria has initiated a much-needed review of rooming houses.

The matters that need to be addressed were concisely drawn to my attention by the Seaford North Action Group, which derives its membership from homeowners in and around Airlie Grove and McKenzie Street, Seaford, most of whom are longstanding residents. Apparently over seven residents of those streets have sold their homes because of problems that have arisen as a result of the operation of three rooming houses in Airlie Grove and McKenzie Street.

In excess of 90 people have stayed at the rooming houses, which have a very high rate of turnover. This has caused considerable concern to parents, some children and other local residents in relation to issues involving trespass, drug dealing, nuisance behaviour, assaults involving weapons, other physical assaults, verbal assaults, solicitation of sexual favours, damage

to property, theft, drunk and disorderly behaviour and substance abuse. The needs of those who require affordable housing must be met, as must the needs of the community. There is a need to better regulate rooming houses, particularly when it concerns people with special needs in terms of mental health, and to provide a higher level of supervision.

I urge the ministers responsible to take note of these submissions and needs and make sure that these matters are addressed once and for all. If it requires having qualified live-in or part-time supervisors or managers — in particular for people with mental health problems, justice department clients or former justice department clients — this is clearly a responsibility that the government must meet, rather than having the community pick up the tab, as it has been. I have great empathy for people with special needs. We need to look after them, but I think the balance has not been met. The government needs to look at this issue speedily and resolve it as soon as possible.

Victorian Environmental Assessment Council: river red gum forests report

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Environment and Climate Change. It has to do with a Victorian Environmental Assessment Council inquiry. The council recently handed down its recommendations in a report on the river red gum forests in the north of the state. The inquiry's recommendation will in effect see the loss of 80 per cent of the red gum timber industry in the northern regions around Koondrook and Barham. In the report the council has identified the fact that that is going to have a direct impact on the mills and the forestry logging, the flow-on output and the value-added income which obviously comes from the furniture and the timber products that they produce there.

The report goes on to mention that nearly 4000 people are going to be affected by an inability to go duck hunting, which is something that the whole area derives substantial economic benefit from. That in itself will see the loss of approximately 20 jobs. There will be grazing jobs lost, and so many communities that are also going to be without a future in the grazing industry as well when those cattle are kept out of those forests.

It also goes on to state in the report that the towns of Cohuna, Koondrook, Nathalia and Picola are likely to be the most sensitive to any job losses and potential population losses. We are talking in the timber industry alone about 90 direct jobs that are going to be lost if these recommendations are followed up by the minister.

It says that at an individual level there is going to be a range of potential impacts over the loss of employment for individuals and their families, including poverty and financial hardship. It says that reduced future work opportunities, reduced participation in mainstream community life, strains in family relationships and intergenerational welfare dependency will be a result if this recommendation is picked up by the minister.

I therefore ask the minister if he would meet with these affected stakeholders, the affected communities and the affected industry who are likely to lose their jobs, industries and businesses if these recommendations are picked up by the minister. I ask him to meet with these stakeholders as soon as possible so that he can identify that these job losses are not just numbers; they are real people in these towns who are going to be affected with intergenerational welfare dependency. He can see these communities first hand before he makes a decision to cut their throats for good.

Stawell Gift: government assistance

Mr KOCH (Western Victoria) — My matter is for the Minister for Sport, Recreation and Youth Affairs in the other place and concerns recent reports about the future running of the Stawell Gift. In 2007 over 10 000 visitors saw more than 1300 elite national and international athletes compete at Stawell. With an estimated \$5 million injected into the local economy over the Easter weekend and a further 1.2 million people watching the carnival on TV, the Stawell Gift is a major sporting event for Victoria.

The Stawell Athletic Club's dedicated committee of 24 works tirelessly throughout the year to ensure this world-class event lives up to its reputation of being the premier footrace in Australia. The groundsmen and women put in a fantastic effort to prepare Central Park. All this work is undertaken on a shoestring budget by an army of volunteers who are justifiably proud of showcasing their community to the world.

The gift has been run for 126 years and has grown from strength to strength with many national and international visitors returning year after year to watch the competitors fight for the privilege of running in the Stawell Gift. But like any major event, it costs money to run and it is always a challenge to raise the \$500 000 it takes to organise and run the richest footrace in the world, especially when you consider that this event is hosted by a community of little more than 6000 permanent residents. Currently major sponsorship is provided by Australia Post, with additional sponsorship from local businesses, individuals, the Northern Grampians shire and the state government

funding of \$120 000, provided under the Make It Happen in Provincial Victoria program through Regional Development Victoria.

While the state government sponsorship has been most welcome, it is due to cease in 2008, and there is community concern that when it ceases the reduced funding may threaten the future running of the gift. I believe that rightly the Stawell Gift is seen as having the calibre and status, along with national and international recognition, that qualify it for consideration as a Victorian tourism hallmark event.

I urge the government to reassure the Stawell community that it will not leave the Stawell Athletic Club high and dry when the current funding ceases and it will look favourably on the Stawell Gift as a possible Victorian hallmark tourism event. My request is for the minister to reassure the Stawell Athletic Club and the Stawell community that the government will continue to financially support this icon event.

Loddon Campaspe centre against sexual assault: funding

Ms LOVELL (Northern Victoria) — My adjournment debate issue tonight is for the Minister for Community Services. It concerns the Loddon Campaspe region centre against sexual assault (CASA), which is based in Bendigo, and its need for assistance to relocate to new premises.

The Loddon Campaspe region centre against sexual assault delivers services to victims and survivors of sexual assault in the Bendigo, Loddon, Campaspe, Mount Alexander, Central Goldfields and Macedon Ranges local government areas. In the 2005–06 financial year the Loddon Campaspe CASA assisted 1160 registered clients with counselling services, with 464 of these being new clients. There were 45 clients who were provided with information and referrals, and there were 67 women and children experiencing family violence who were provided with after-hours support and 23 clients who were assisted through after-hours support for sexual assault crisis care responses. Thirteen of these required forensic medical examinations. Overall, there were 3889 face-to-face and 2201 telephone client contacts.

This valuable service that provides immediate response and ongoing counselling to victims of sexual assault, which is one of the most personal of all crimes, is currently located in cramped premises in a house within the grounds of the Bendigo Hospital. The service has not only outgrown this cramped space but it has also been given 12 months notice that it will have to vacate

the premises as the Bendigo Hospital, which is also very short of space, will require these premises for its own use.

The Bendigo Hospital has been very generous to the Loddon Campaspe CASA. It has not only given the centre 12 months notice but has also given it 12 months free rent to assist it with the cost of relocating. But the Loddon Campaspe CASA is currently looking for new premises that will give it the space it needs to adequately provide all services, from counselling and education through to highly sensitive forensic examinations. Premises of this type are not easy to come by. They do not come cheaply and may even need to be purpose built. This has created an enormous problem for the Loddon Campaspe CASA as currently all its funds are needed to run the existing programs and services.

My request is that the minister provide additional funding to Loddon Campaspe CASA to specifically enable it to relocate to new premises that are suitable for the sensitive and vital services it delivers in the Loddon Campaspe region.

Police: Endeavour Hills station

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services in the other place. It relates to the Endeavour Hills police station. In 1999 the Labor Party promised to build a 24-hour police station in Endeavour Hills. It was some five years before that commitment was delivered, but in around early 2005, or it might have been 2004, the then Minister for Police and Emergency Services in the other place, Mr Holding, attended an opening with great fanfare and eventually, five years after it was promised, the 24-hour police station was delivered for the people of Endeavour Hills.

That police station, however, has now been scaled back to only 16 hours a day without any notification or announcement to the Endeavour Hills community, and in fact people attending that police station through the night, expecting to receive a service from Victoria Police, are confronted with a sign telling them to either visit the Narre Warren police station or to telephone the Narre Warren police station.

It is not acceptable to have a grand opening of a 24-hour police station and then by stealth scale it back to 16 hours. The spokesman for the government has said that the hours of the police station are an operational matter for Victoria Police. That is simply not acceptable when the government has promised to

provide the people of Endeavour Hills with a 24-hour police station. It is not then appropriate to say it is a matter for the police when that promise is not delivered. If it is a matter for the police, the government should not be promising it. But having made the promise of a 24-hour police station in Endeavour Hills, it is incumbent upon the government to ensure it is delivered, and it is not good enough to have a grand opening for a 24-hour police station and then scale it back to 16 hours a day.

Mrs Peulich interjected.

Mr RICH-PHILLIPS — Mrs Peulich says ‘Only one’, and I think it was only one opening on this occasion. The promise was made, and it should be honoured. I ask the Minister for Police and Emergency Services to ensure that Victoria Police is sufficiently resourced so that that police station at Endeavour Hills can be reopened immediately as a 24-hour station as promised.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — Richard Dalla-Riva raised an issue for the Minister for Roads and Ports in the other place relating to Wantirna Road and the advising of residents about works there. I will pass that on to the Minister for Roads and Ports.

Greg Barber raised a matter for the Minister for Housing in the other place relating to Adam Bandt and a leaflet that he was concerned was not able to be distributed. Mr Barber is not in the chamber. I will pass that on to the Minister for Housing.

Peter Hall raised a matter for the Minister for Water in the other place in relation to water-efficient washing machine rebates. I will certainly pass that on for a response.

Mr Thornley raised a matter for the Minister Assisting the Premier on Multicultural Affairs in the other place in relation to the McKinnon Cricket Club and a web page containing alleged racist comments. I will pass that on.

Mrs Petrovich raised a matter for the Minister for Roads and Ports in the other place in relation to a white line, which I did not quite understand but will pass on.

An honourable member — You were not listening.

Hon. T. C. THEOPHANOUS — I don’t know whether it was the colour of the line or the location of

the line, but I will pass on the comments for a direct response.

Ms Tierney raised a matter with me as Minister for Industry and Trade which related to the loss of the 600 jobs at Ford and the impact of that on Geelong. I concur with her that it is unfortunate that those jobs are targeted to go in 2010. There is a little bit of time, however, for us to meet the challenge of ensuring that the Geelong community and the Geelong economy are able to withstand that occurring in three years time. That is not to take away from the fact that it will have a significant impact. However, I point out to the member that it was followed up by Ford announcing the production from 2011 of the new Ford Focus at its Broadmeadows plant, which, according to what Ford has said, will create 300 or 400 direct jobs and a considerable number of flow-on jobs. That was important, but I recognise that it will not necessarily help Geelong. There may be some jobs from Geelong that can be transferred over to Ford at Broadmeadows, but I accept that probably the majority cannot be transferred.

Ms Tierney also mentioned the Innovation Investment Fund, to which the Victorian government has contributed \$6 million, the federal government \$15 million and Ford itself \$3 million. That is a substantial amount of money. The fund is designed to try to increase the jobs in the Geelong region and the skills available in that region. I can say to the honourable member that the development of proposals around that fund has not as yet occurred, but I am mindful of the fact that this needs to be done and that we need to work out a program to ensure that this money is spent in a way which will benefit the Geelong economy. As the fund is developed and as areas in which investment can be made begin to be identified, I am happy to keep the member informed about how the program is going to work and how it will assist the Geelong region.

Mrs Peulich raised a matter about public housing for the Minister for Housing in the other place. I will pass that on for a response.

Mr Drum raised a matter for the Minister for Environment and Climate Change in relation to the river red gum industry. I will pass that on for a response.

Mr Koch raised an issue for the Minister for Sport, Recreation and Youth Affairs in the other place about the Stawell Gift. I will pass that on.

Ms Lovell made a request to the Minister for Community Services in the other place. I will pass that on.

Mr Rich-Phillips raised a matter for the Minister for Police and Emergency Services in the other place in relation to the Endeavour Hills police station, which I will also pass on.

The DEPUTY PRESIDENT — Order! The house stands adjourned.

House adjourned 5.18 p.m.

