

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

10 November 1999

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Wednesday, 10 November 1999

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Broiler Industry Negotiation Committee — Minister for Agriculture's report of 9 November 1999 of receipt of the 1998–99 report.

Murray Valley Citrus Marketing Board — Report, 1998–99.

National Parks Advisory Council — Report, 1998–99.

WAVERLEY PARK

Hon. P. R. HALL (Gippsland) — I move:

That this house calls on the minister for sport, recreation and youth affairs to explain the government's policy on Waverley Park and in this regard to provide a full account of the actions taken by the government to meet their election commitments.

Both before and since the recent state election the Australian Labor Party (ALP) has been giving the community of Victoria mixed messages regarding exactly what its policy on Waverley Park is and what future actions it intends to take in respect of the sporting venue. Today the house seeks clarification on both of those matters. On different occasions the Labor Party has made statements about Waverley Park. Its policy statement entitled 'Building Victoria's sporting life: Labor's plans for building on Victoria's sporting and recreation traditions' states:

... fight to keep and improve Waverley as an AFL venue.

The policy continues:

... demand that the ground be kept open.

The ALP has said in other articles that it will use the powers available to state government to help keep Waverley Park as an Australian Football League (AFL) venue. On other occasions it has said it will work with local government, football clubs and business to enhance the site as a community sporting and recreational precinct. Already contradictions are evident — whether the sole purpose and policy of the ALP is to keep Waverley Park open as an AFL venue, or whether it is to use it as a community sporting and recreational precinct. In other statements the Labor Party has said it will use the Land Acquisition and Compensation Act to forcibly buy Waverley Park. That comment has been heard on several occasions.

Hon. T. C. Theophanous — Where?

Hon. P. R. HALL — I am happy to quote articles stating that during the course of the debate, Mr Theophanous. It has also been said the ALP will put together a financial package to persuade the AFL it can have the funds it needs without having to sell off Waverley Park. What those powers are and what the financial package is we do not know. It has also said it would retain Waverley Park as a football venue, even if used for Victorian Football League competitions. Now there are AFL, VFL and community sporting and recreational precinct possibilities.

The minister has been quoted in the media as saying Labor would definitely keep Waverley Park. Members on this side of the house find that intriguing, as it is not Labor's to keep. The government does not own the asset. In recent days there has been talk of heritage listing for Waverley Park. I will explore some of those proposals.

The opposition seeks clarification of the government's statements. As the wording of the motion makes clear, the opposition wants a full explanation of the government's intent, plans and proposed actions regarding this sporting venue. Given that Waverley Park is owned by the AFL and is not the government's to keep, how do the government and the minister propose to honour their commitment that Labor will definitely keep Waverley?

It appears to me, especially given the attitude of the AFL regarding decisions it has made on the future of the ground, that to keep Waverley Park the government will first have to purchase it from the AFL. That poses further questions on which the opposition seeks clarification. Does the government intend to make an offer of purchase to the AFL for Waverley Park? Is it prepared to pay the reported \$80 million asking price for that venue?

That in turn poses a further question. How did Access Economics, within its assessment of Labor Party policy, evaluate that component of the policy, or did it? The policy clearly says Labor will keep Waverley Park. To do that it has to purchase it for \$80 million. Did Access Economics know about that, or is there already an \$80 million black hole in Labor Party policy? Does Labor intend to acquire it by compulsory acquisition? Has the government ruled that out or in? That is not known. That series of questions poses the further question: if the government purchases the ground, what will it be used for? Once again the opposition demands an answer to those questions.

The final issue I would like to raise later in the debate concerns the government's promised actions. Labor promised that in the first week of a Bracks government it would:

... call in the AFL, [sporting] clubs and local councils to negotiate a means of keeping AFL park open for AFL games.

Those were the words used in policy statements.

An honourable member interjected.

Hon. P. R. HALL — As one of my colleagues reminds me, Mr Bracks promised the first phone call he would make as Premier from the Premier's office would be to Wayne Jackson, the chief executive officer of the AFL, to negotiate with and convince the AFL to keep Waverley Park and stage AFL matches there.

Was that promise delivered? Was that first phone call to Wayne Jackson? Has the government met with the Australian Football League (AFL) clubs involved and the local councils with an interest in the venue? Answers are sought on those issues today during the debate.

I shall explore each of those issues in more detail, but first I will say that the opposition does not oppose outright the government's efforts to save Waverley Park. In government the opposition was keen to see Waverley Park retained for the people in the eastern suburbs and the Cranbourne, Berwick and Gippsland areas. It was considered a fine asset and a venue that was easily accessible for those living in the eastern parts of Victoria.

When in government Premier Kennett personally spoke with the AFL in an effort to ensure that the park retained. He also met with 17 local councils that were interested and keen to see the venue saved. The former government displayed plenty of action in an effort to save Waverley Park. Individual members on this side of the chamber supported their electorates and lobbied the AFL. They were positive in their efforts to see Waverley Park retained.

I chaired a Save Waverley meeting held in Traralgon at the request of the Hawthorn Football Club. I was happy to do so because some sentiment was attached to the venue. Waverley Park, a 200-acre site, was opened in 1970. From 1971 to 1974 I played a number of football matches there. All honourable members have some emotional attachment to the ground and would like to see it retained and developed as a premium sporting facility. The key is that government alone does not have control of the ground; it is owned by a private business organisation, the Australian Football League. It is

irresponsible of the government to say that it will keep it when it is not its to keep.

I make that point from the start because that is why the motion was carefully worded. The opposition is not condemning the government but seeking explanations about why it is proposing such action. The opposition's role is to keep the government honest and ensure that it delivers on its election commitments rather than making irresponsible statements to the people of Victoria.

I shall explore some of the questions I foreshadowed earlier. Firstly, I refer to the Australian Labor Party policy statements made about Waverley Park before the election. Its policy entitled 'Building Victoria's sporting life: Labor's plans for building on Victoria's sporting and recreation traditions', clearly states at page 1 that Labor will:

... fight to keep and improve Waverley as an AFL venue.

It will not guarantee it at this stage but is fighting to keep it. At page 5 the policy states that:

Labor will ... demand that the ground be kept open.

What does that mean? To whom is the demand made? Is it a demand to the AFL or to somebody else? It must be to the AFL because it is the owner of the ground. It is fine to demand but when there is no entitlement or right over the property it is illogical to demand. Page 5 of the policy document says that:

Labor will use the powers available to state government to help keep AFL park, Waverley as an AFL venue and we will work with local government, football clubs and business to enhance the site as a community sporting and recreational precinct.

A number of questions arise from that statement. Firstly, the opposition would like to know exactly what powers the government intends to use because it has not elaborated. Everyone has been left in the dark. What powers does the government have and how will they be used? Secondly, the policy states that the venue will be used as an AFL venue and also as a community sporting and recreational precinct. Which one is it to be? Is it to be an AFL venue or is it to be a community sporting and recreational precinct? In my discussions with the Hawthorn Football Club almost 18 months ago —

Hon. T. C. Theophanous — You wanted it bulldozed!

Hon. P. R. HALL — I should like Mr Theophanous to provide evidence of that. The AFL was the only organisation to investigate the bulldozing of it. The

former government had no right to bulldoze it and never contemplated it because it did not own the ground. The AFL had that option costed and it would have cost \$4 to \$5 million.

Hon. T. C. Theophanous interjected.

Hon. P. R. HALL — You should not make allegations. You can make your own contribution during the debate. During my discussions with the Hawthorn Football Club when I gave my nominal support for the retention of Waverley Park, I was told that private developers were investigating the possibility of turning it into a theme park. I had no problems with that. However, if it is to become a theme park it can hardly be an AFL venue at the same time. It should be one or the other. The ALP policy states that the government wants to keep it as an AFL venue. It also states that it is happy for it to become a recreational precinct. There should be some clarification about what the government has in mind for the future of the venue.

I turn to the state powers that may be available. An explanation is sought from the minister about the exact nature of those powers. Is the government contemplating compulsory acquisition? It may be considering directing the MCG trust on staging matches at the MCG. The government has some control over the trust in that trust members are appointed by the government. Does the minister intend to use those powers? That would be interesting because it would certainly set a precedent if the government usurped the role of appointed trust members. Is that what is planned when it talks of using the full powers of government? Is the government talking about compulsory acquisition?

I refer to compulsory acquisition because I was challenged to say where that statement appeared. It was reported in an article in the *Times* of 27 October headed 'Waverley pledge stays'. The new Minister for Major Projects and Tourism is quoted as saying:

'We will use the full authority of government — there are all sorts of ways in which the government can put pressure on the AFL.'

Mr Pandazopoulos said that the Land Acquisition and Compensation Act, which allows the government to forcibly buy privately owned land, is just one of the mechanisms that could be used.

Under the act, Waverley Park would be valued according to its use as a sporting venue. The park is worth up to twice as much as residential land.

According to my knowledge of the act if the government compulsorily acquires land it must pay a solatium of the order of 10 per cent. If the land is worth \$80 million, the government would have to pay

\$88 million to compulsorily acquire it. Is the government seriously considering spending \$88 million to purchase the land under the Land Acquisition and Compensation Act? Is that the power the minister and the government intend to use?

An honourable member interjected.

Hon. P. R. HALL — We would not classify Waverley as rural. It helps rural people but it is not located in rural Victoria.

The article I have been quoting from refers to a government financial package to assist the AFL. It states:

Mr Pandazopoulos said the government would prefer to work in cooperation with the AFL and planned to put together a financial package to persuade the AFL that it can have the funds it needs without having to sell off Waverley.

Once again members on this side of the house ask: what sort of financial package is the government proposing to put to the AFL? Until today it had no idea at all.

Finally, in today's *Herald Sun* some minute details can be seen filtering through about a financial package that might be provided to the AFL. In an article titled, 'New plan to sell Waverley' it quotes the Premier, Mr Bracks — —

Hon. T. C. Theophanous — I thought you said they have not met with him.

Hon. P. R. HALL — The *Herald Sun* has been talking to Mr Bracks. The article states:

The Labor government has earmarked 10 per cent of revenue, or up to \$3 million a year, from its proposed footy tipping competition for the AFL, which it says is an incentive to keep football at Waverley.

I refer briefly to the footy tipping competition because it is a novel idea that has been raised by the Labor Party. Every office around Victoria has its own local footy tipping competition. Who would want to go to the TAB? Who will run it? We do not know who will run the national footy tipping competition. No details have been released since the pre-election announcement of the policy by the Labor Party. I suggest the government has no idea whatsoever about how a national footy tipping competition will run, let alone whether it will make a profit. My maths tell me that if the government's claim of \$3 million is 10 per cent of the profit, it expects to make \$30 million out of this new form of gambling alone. How hypocritical is that? Every day for the past seven years Labor criticised the former Kennett government for its reliance on funds from gambling. What does the Labor Party do? As soon

as it gets into government it wants to introduce a new form of gambling.

I ask the minister to give some details about the financial package. What sort of proposal, if any, has been put to the AFL about the financial package?

I refer to some direct comments of the minister quoted in an article titled 'Threat to big sports' in the *Herald Sun* of 1 November. If the minister has not been quoted correctly I would be happy for him to correct the record. He is quoted as saying:

Labor would ... retain Waverley Park as a football venue, even it was used for the VFL competition.

Once again a slight divergence from the government's policy — now it is the Victorian Football League (VFL); before it was the AFL.

I turn to the proposal of VFL football being played at Waverley. I have the greatest respect for the VFL and have actively promoted it, particularly country team representation in the VFL. North Ballarat has been a great success and the Bendigo Diggers entry into the competition has been terrific. One of my great disappointments was Traralgon, which was in the competition for two years but then dropped out of it. Perhaps the minister could try to expand and promote the VFL competition and encourage more regional teams to participate because I believe that has excellent potential.

Hon. T. C. Theophanous — You did not do it.

Hon. P. R. HALL — That is not true. I actively promoted and supported the concept of country teams participating in the VFL.

Hon. T. C. Theophanous — Obviously it did not give you any say.

Hon. P. R. HALL — Mr Theophanous, it is not the government that runs the VFL or the AFL. You think that government is God almighty and has a say on everything. It does not have a say on everything. The former government made every endeavour to facilitate and promote sports. We would like to hear your views if you think that is not the case.

As I said, I have the greatest respect for the VFL. But to be honest, if a VFL match was staged at Waverley Park, a ground with a capacity of about 93 000 — that is the number that attended the 1991 grand final — how many people would go to the ground? If the minister wants people to support Waverley Park, he would probably be better off organising a major Auskick competition or something like that at Waverley Park.

The ground could be divided into 8 or 10 areas and Auskick games played, because the parents, the followers and the participation in Auskick would attract a far greater crowd than a VFL game at Waverley Park.

We need to be honest about this. If we are talking about retaining Waverley Park as a football venue, realistically the only football that would make Waverley Park a financially viable proposition would be the staging of AFL matches. The minister has a big problem staging matches there because the AFL schedules its matches at its various venues around Australia. The AFL has clearly made a decision that it will not be staging any more AFL games there from next year. There may be some Ansett Cup games but they are preliminary to the main competition. The minister has a real problem to convince the AFL to reschedule matches at Waverley Park. The opposition parties are interested to hear his comments about that.

The *Herald Sun* of 9 November refers to the minister making the following statement when he was a guest of the key AFL sponsor, Fosters, at the Victorian Derby race day less than two weeks ago:

At the function, he told the audience that Labor would definitely keep Waverley.

How can that commitment be made when the government does not own the asset? How can one promise to keep a property that belongs to somebody else? If taken to the fullest degree, that is almost stealing it. If one wanted to follow that through and — —

Hon. T. C. Theophanous — You are making yourself look ridiculous.

Hon. P. R. HALL — That is rubbish. The government cannot say it will keep something if it does not belong to it — it would be stealing. It is irresponsible of the minister and the government to make bald comments such as it is definitely keeping an asset when the asset does not even belong to it. That is why there are some real problems.

In an article entitled 'Minister Madden's mantra', under the subheading of 'Waverley Park' in yesterday's *Age*, the minister is quoted as saying:

We have got plenty of power but we prefer not to exercise it because I don't think it sends appropriate messages to the business community.

What does the minister mean by that? I invite the minister to tell us about the powers and how he came to the conclusion that it does not send appropriate messages to the business community.

Further in the article, under the subheading ‘Waverley Park’, the minister is quoted as saying:

It is no good throwing money at it if it is not going to be used appropriately. No good throwing money at it just to warehouse it. It has to stack up in terms of community support, viability.

Members of the opposition absolutely agree with that comment. We agree it is no good throwing money at it if it is not supported and used appropriately. When we were in government an offer was made on behalf of local councils to discover whether there would be support for purchasing it at the Valuer-General’s price of \$35 million. Even then local councils were reluctant to chip in and support the purchase. In the end it was irrelevant because the AFL’s asking price was \$80 million. We absolutely agree with the comment that it would be no good wasting taxpayers’ money if it will not be a viable sporting venue.

The last matter I raise about the article is the minister’s comment about forming a super trust, which is another new concept. When I was considering what powers the government could have, I thought that the reference was to the possibility of just that — establishing a super trust. The minister is quoted as saying:

It is worth considering a super trust (to oversee all venues), especially when you have venues competing against one another for major events.

Once again, we on this side of the house invite the minister to explain that point. Is he talking about the trusts that oversee the MCG, Olympic Park, Melbourne Park and the sports and aquatic centre? Is he intending to get rid of them and create a super trust instead, perhaps purchasing Waverley Park so that a super trust will oversee that ground as well?

Hon. P. A. Katsambanis — What about Optus Oval?

Hon. P. R. HALL — I wrote that on my piece of paper. If he intends doing that for all the other sporting venues around Melbourne, what about throwing in Optus Oval? What about throwing out John Elliott and the board and appointing a trust to oversee what happens at Optus Oval? That is the next logical step. We want to hear whether that is the direction the government and the minister propose taking.

In canvassing Labor’s commitment to tackling as a priority the retention of Waverley Park as a sporting venue, I refer again to the Labor Party policy entitled ‘Building Victoria’s Sporting Life’. A media statement dated 11 September 1999 quotes the then Leader of the Opposition as saying:

In the first week of a Bracks Labor government we will call in the AFL, clubs and local councils to negotiate a means of keeping AFL park open.

Has the government met with the AFL? If so, was that in the first week; and if not, when did it meet with the commissioners? If there was a meeting, which was considered a priority, the minister should inform us of the outcome. The Premier said it would be the first telephone call he would make. Opposition members would like to know whether it was the first call he made and whether he has met with the AFL.

Hon. T. C. Theophanous — Why don’t you read the papers? It says so in the paper today.

Hon. P. R. HALL — If it does, we would like to know the outcome and why it was not held in the first week, as the government promised. We would also like to know whether the commitment to meet with the clubs and local councils has been honoured and with which local councils and football clubs the government has met. I presume it is just the football clubs — maybe it includes other sporting clubs. Perhaps the minister could elaborate on what was meant by talking to the clubs, whether that involved other sporting codes and whether that meeting has taken place.

The Labor Party came to government with a promise of being honest, open and accountable. That is what we expect when the minister responds to the issues that have been raised.

The Premier’s comment about the first call he would make appeared in an article in the *Sunday Herald Sun* of 12 September 1999. He is quoted as saying:

The first call I’ll make as Premier is to (AFL chief executive) Wayne Jackson to say you can have improved bus lanes to Waverley and we’ll give you revenue from our footy tipping competition.

I repeat: we want to know whether that was the first telephone call he made.

We seek answers to some key issues. The minister has made the bald statement that Labor will definitely keep Waverley Park. He knows that the only way he can keep that commitment is if his government buys Waverley Park. We ask specifically whether that is the government’s intention. Is it prepared to pay \$80 million to purchase it; and has Access Economics assessed that policy commitment? We also want to know what Waverley Park will be used for if the government purchases it. Will it be used for the staging of AFL or VFL games, will Auskick use it, or will it become a community sporting and recreation precinct?

The minister would have some problems with staging AFL games. He would know better than anybody else that the last tenants of Waverley Park, the St Kilda and Hawthorn football clubs, have already vacated the ground, having decided to go elsewhere. An item from the Australian Associated Press Sports News service of 29 October 1999 states:

Hawthorn, which has staged an emotional battle to retain the ground, said last week it was now committed to playing the next four seasons at the MCG and would not return to Waverley even if the new Labor government saved it from the developers.

Hawthorn and St Kilda are not going back. No other club will use Waverley Park as a home ground again, so the idea of staging any matches there is pie-in-the-sky stuff. We would like to know exactly what it will be used for if it will not be used for AFL matches.

As recently as yesterday the suggestion was made that Waverley Park could be saved if it were given a heritage listing. That novel idea is being promoted by the City of Greater Dandenong, which I understand is putting some money towards achieving it. One wonders if that attempt to save Waverley Park will be successful. Even the Premier is quoted in today's *Age* as saying that he doubts it could be deemed a heritage site. Strict criteria must be met before something is classified as a heritage site, including its having some significance. As I said, even the Premier of the state doubts that it would qualify — so that is a red herring that is designed to further confuse the people of Victoria.

In conclusion, the first general business motion for the session has been moved to seek information from the government. It does not in any way condemn the government for its actions because, as I have clearly said, opposition members do not oppose outright retaining Waverley Park as a sporting venue for the people of Victoria. We are clearly on the record when in government as making efforts to keep Waverley Park as a sporting venue.

However, the opposition has serious doubts about the validity of the promises made and commitments given by the government before the election. It has problems with the way the government is responding to its pre-election commitments.

As I said earlier, the government was elected on a claim of being honest, open and accountable. Today the opposition is giving the Minister for Sport and Recreation an opportunity to meet those promised standards of his government. It is giving him his first real opportunity to prove that he will conduct himself as

a minister who is prepared to be honest, accountable and open. Consequently, the opposition seeks specific answers to the issues I have raised during my contribution to the debate. I will not list the issues in detail again as I am sure the minister has taken note of them.

In brief, why has the government continued to claim it will definitely retain Waverley Park? If it is prepared to purchase the venue, how much will it pay for it? What will it be used for? Has the venue been included in the Access Economics assessment as part of its analysis of the government's policies? How much of Victorian taxpayers' funds will be spent on the government's commitment? I ask the minister to come clean on the issue. I look forward to his response.

Hon. T. C. THEOPHANOUS (Jika Jika) — I am glad the opposition has moved the motion. In keeping with the normal practices of the house, backbenchers will respond to an opposition motion and, at the conclusion of their contributions, the minister may also make a contribution.

Honourable members interjecting.

The PRESIDENT — Order! Mr Theophanous has been on his feet for about 30 seconds, during which time he has been subjected to a bombardment of comments and interjections from the opposition. It is appropriate for anybody to make a contribution — no doubt Mr Atkinson will take up the cudgels next. The house will now hear Mr Theophanous.

Hon. T. C. THEOPHANOUS — The honest opinion of all honourable members would be that they would like Waverley Park to continue to operate as a football venue. I do not have any difficulty with the motion if it seeks to harness the support of the community on what the government is trying to do to keep Waverley Park open.

Hon. P. A. Katsambanis — Have you been there?

Hon. T. C. THEOPHANOUS — I have, actually.

Hon. Bill Forwood — When?

Hon. T. C. THEOPHANOUS — I will talk about that later. Football is a symbol of what Victoria used to be. Football is embraced by most of the migrant groups in Australia, whose members, as honourable members know, are often active participants in the sport. Football unites the community. It will be a sad day if the government is unsuccessful and Waverley Park is lost to the community.

The effort to keep Waverley Park for the community should be a bipartisan one; we should all be committed and try to do something about it. Many people in the community feel that Waverley Park should be kept. For that reason, I move, as an amendment:

That all the words after 'house' be omitted with the view of inserting in place thereof 'expresses its concern at the proposed closure of Waverley Park as a football venue and supports the efforts of the local community and football supporters across Victoria to keep the venue open'.

I shall now speak to the motion and the reasoned amendment, and I look forward to the opposition's support of the reasoned amendment.

Honourable members interjecting.

An Opposition Member — It's an outrage!

The PRESIDENT — Order! It is an outrage that the house is being unreasonable by not allowing Mr Theophanous to develop his argument. I ask the house to settle down, allow him to have his say and then the next speaker can contribute.

Hon. T. C. THEOPHANOUS — The support of the house for my amendment would show that it strongly supports the maintenance of the park as a football venue and that it supports the community in its efforts. We should stop playing politics with this issue and indicate our strong support of efforts to keep the venue and to support the community.

Hon. R. M. Hallam — All we asked for is an explanation of the government's policy. That should not be such a big deal.

Hon. T. C. THEOPHANOUS — The motion moved by the Honourable Peter Hall is a strange one on the first occasion for opposition business in this place in the new Parliament because, were an explanation to be given, presumably the motion would become redundant.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — It seems strange that the motion should be moved because the same effect could have been achieved by putting a range of questions to the government. Obviously the opposition has a range of detailed questions it wants answered, and the appropriate forum for such detailed questions would be during questions without notice, when they would be answered in full by the appropriate ministers.

In response to the interjections from Mr Forwood and Mr Katsambanis, yes, I have been to Waverley Park on

a number of occasions to watch my football team, the Western Bulldogs, compete. On every occasion I have attended they have lost their matches, but that has not deterred me from attending and supporting my team. I remember one occasion when I lost a bottle of brandy in a bet with a Labor luminary, whom I will not name, who supported Collingwood that day — and what more can be said about Collingwood supporters! We had a most enjoyable day except that the Western Bulldogs lost the match.

Governments can do something about such issues. I do not agree with the approach of the former Premier, which was expressed on a number of occasions through a spokesperson, that the Australian Football League owns the ground. The ground is an AFL asset and the AFL can do whatever it wants with that asset. It is a private business and governments have no role in interfering with private businesses. This government just happens to believe that in this case it is talking about a community asset, a game that is owned by all Victorians.

Hon. Bill Forwood — It is owned by the AFL.

Hon. T. C. THEOPHANOUS — The AFL does not own the game as such. It might own the venue. The government believes governments can play a role. I contrast that with what happened when the Footscray Football Club was under threat. I well remember the long and passionate debate in the caucus about the Footscray Football Club. The Labor Party was in government at the time. A motion was carried, and the vote was certainly not along factional lines. The caucus wanted the government to do something about Footscray, so the government made efforts to keep it. I cannot imagine an AFL without the Western Bulldogs. If it had lost that team it would have been a tragedy.

An Honourable Member — What efforts did you make at the time?

Hon. T. C. THEOPHANOUS — I made lots of efforts. I contrast that with the approach the honourable member suggested, which is to do nothing. Mr Hall criticised the government for wanting to fight to keep Waverley. If that is his criticism the government accepts that. He further criticised the government for wanting to keep the ground as a football venue. The government also accepts that.

Hon. M. A. Birrell — When did he say that?

Hon. T. C. THEOPHANOUS — You were not listening. The Labor government will fight to keep Waverley and will use whatever legal powers it has. It

will not go outside the powers allowed to a government to try to achieve a sensible outcome.

Hon. M. A. Birrell — How will you acquire it?

Hon. T. C. THEOPHANOUS — Governments have many powers, including the power of persuasion. It is unfortunate that the previous government did not see fit to use its powers of persuasion in that regard. Mr Hall quoted the Minister for Major Projects and Tourism in the other place as saying the full authority of the government will be used. The full authority of government means the authority of government as a government — the power to persuade, the power to talk to people and the power to do all sorts of things to try to achieve the outcome the community clearly wants.

Mr Hall also referred to the Premier's telephone call. My understanding is that the Premier said, in effect, 'One of the first phone calls I will make will be to Wayne Jackson'.

Hon. M. A. Birrell — No, the first, not one of the first. You got it wrong.

Hon. T. C. THEOPHANOUS — I understand the Premier said one of the first phone calls he would make would be to Wayne Jackson. I also understand that the Premier rang Mr Jackson during his first week in government. I therefore think it is petty to come in here with something of that nature and try to pretend it has some relevance to the debate. Had opposition members bothered to read page 4 of today's *Age* they would have seen a statement that following discussions between the Premier, the Minister for Sport and the AFL's Ron Evans and Wayne Jackson Docklands and Waverley will remain on the agenda for the government.

Hon. M. A. Birrell — Were you there?

Hon. T. C. THEOPHANOUS — That is in today's paper. It indicates an ongoing desire on the part of the government to try to do something to keep Waverley Park as a football venue for all Victorians. The Labor government is not alone in that. It is important to put on the record that the community has been demanding that the government do something about it. Significant rallies took place about the issue and a number of people commented about the need to save Waverley Park. On 30 August the *Herald Sun* reported a rally where a number of people commented, including Dr Aylett, a former AFL boss. He is reported as follows:

'It will be criminal if it is ever bulldozed,' he said forcefully to anyone who would listen. 'It is still worth the fight for a revival, a resurrection of Waverley Park.'

That is just an example but it goes across all sections of the community. Another article on the same day states:

Catholic Archbishop, Dr George Pell, who trained with Richmond's reserve list before taking up studies for the priesthood in 1958, said the passing of Waverley was a shame.

That shows the depth of community feeling that now exists and has existed for some time. Initially, the former Premier reacted to that community concern. An article in the *Herald Sun* of 2 September states:

Mr Kennett told Parliament yesterday he hoped to find a cost-effective way to keep the ground, which the AFL wants to sell.

'Our point of view is to tell the commission to look at their options', Mr Kennett said.

The former Premier is reported in *Hansard* at the time as saying:

I intend to call in the commission and Wayne Jackson to examine other options that may be available.

The Premier appeared to be reacting to or affirming community concern and anger back in early September last year. Following that, on 4 September the *Herald Sun* reported that a group of 18 prominent persons had come out in support of the retention of Waverley Park. Among them were Gary Ayres, the former footballer, Sir John Gorton, a former Prime Minister, Lindsay Fox and Sir Donald Trescowthick, who are business leaders, Dr Aylett, an ex-Victorian Football League chairman, Dame Elizabeth Murdoch, a philanthropist and Isador Magid, who is a developer. The article then lists a number of other names. There was strong community concern at that time.

A newspaper article of 10 September 1998 reports the Premier's support for the retention of Waverley Park. However, by that time Wayne Jackson had had enough. The same article reports him as publicly slamming the then Premier for supporting Waverley Park. The article states:

Jackson branded the Premier's claims as nonsensical, saying that without strong commitment from the AFL projects such as the Docklands may never have been possible.

Immediately after being slammed by Jackson the then Premier went cold. He simply gave up; he had had enough. Notwithstanding that the Premier claimed to support retaining Waverley, Mr Pandazopoulos, the then opposition spokesman on sport who is now the Minister for Gaming in the other house, made a freedom of information (FOI) request for all documentation relating to attempts by the former Premier to lobby the AFL on the retention of Waverley

Park. That was not an unreasonable request, given that the former Premier had said he supported it. It would have been expected that there would be some documentation, such as a letter or document sent by the then Premier to try to bring it about. However, the FOI request revealed no documents — not a single communication by the then Premier lobbying the AFL seeking to retain Waverley Park. For the now opposition to say, ‘You haven’t contacted the AFL’, or, ‘You are not doing enough to try to bring it about’, is hypocritical, to say the least.

The former government made no attempt to establish a task force, as it had done on a number of similar issues, such as the Docklands. The Premier at the time said he would do something about it, but the FOI request revealed he did absolutely nothing following the public slamming he received from Mr Jackson.

Mr Hall has quoted extensively from the ALP policy. I have tried to find a similar coalition policy document on the issue to compare Labor’s policy with what the former coalition might have been offering Victorians prior to the election. Unfortunately my attempt was fruitless. I was unable to find or identify any document that looked vaguely like a coalition policy on the issue.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — I am talking about a sports policy. Where is a coalition sports policy that mentions anything about this very important community issue? If the previous government did not intend to make any effort to keep Waverley Park it should have at least put out a policy with a statement that it had given up on the matter, did not intend doing anything about it and would do something else instead. The fact is that the coalition had no policy on the matter, so it is a bit much for the now opposition to criticise the policy Labor took to the electorate.

Hon. C. A. Strong interjected.

Hon. T. C. THEOPHANOUS — At least Labor had a policy. The policy was based on a simple notion: it would fight for the retention of Waverley Park as a football venue. Labor’s view was that football is important and ought to be available to people out in the suburbs. It should not be centralised at city venues. It was part of Labor’s general approach to try to decentralise events, a policy that was reacted to positively by the people of Victoria. Major sports events ought to take place not only in inner Melbourne but also in places where they are more accessible — where there is parking and the possibility exists of a huge number of people enjoying them.

I reiterate that there is a huge amount of public support for the retention of Waverley Park. The groundswell of community opposition to its closure has been intense. Petition after petition has been introduced in Parliament. The unanimous resolve of regional municipal councils is that Waverley Park should be retained as an AFL venue. Many people and their representatives believe the government should retain Waverley Park.

The government has been left to deal with the issue. It is approaching the matter with the notion that it will try to do what it can to preserve Waverley Park. The approach should be applauded by the opposition. In opposition Labor consistently supported the retention of the facility and it would be hypocritical for it to now turn around and say that it did not support it. It does support the retention and will make every effort to bring about an outcome that is satisfactory to the community. The government may not get everything it wants in the outcome but is willing to try. That is the fundamental point, and the government should be congratulated on it.

The 1996 census figures show that one-third of all Melbourne schoolchildren live in nine municipalities near Waverley Park. Those young people represent football’s future and should have the opportunity to go to football matches at Waverley Park.

They should be supported rather than simply told the venue will close down. In fact, if Waverley Park closes down there will be no stadium of significance in the fastest growing residential corridor in Victoria. Its closure would be a step backwards rather than a move to the future. It does not take into account the future development of Melbourne. It is a retrograde step and something which the government is trying to address. The Labor government will continue to do whatever it can to find a solution that meets the requirements of the AFL in its obligations to Docklands but still retains Waverley Park as a venue.

Hon. P. R. Hall — Will you buy it?

Hon. T. C. THEOPHANOUS — Mr Hall has been in government before and he knows these matters are negotiated and discussed and attempts are made to resolve them. That is the process being followed by the government. It is talking to people, including the AFL.

Hon. C. A. Furletti interjected.

Hon. T. C. THEOPHANOUS — All Labor has ever said is that it would fight for the retention of Waverley Park and that it would use the authority of government to do so. It does the opposition no credit to

criticise the government for something that, deep down, all of us would like to see happen. The opposition might have started its very long road back to credibility if it had moved a motion supporting the retention of Waverley Park and all the efforts of the community and the government to keep Waverley Park. There could have been support on both sides in that endeavour.

The motion moved by Mr Hall is unnecessary. It seeks to divide and make a political issue of the matter: it simply seeks to score a cheap political point. The amendment I have moved to that motion attempts to persuade the house to support the community and football supporters in the retention of Waverley Park as a football venue. If we are successful in achieving the retention of the park, it is something of which we should all be proud and for which we should stand up and be counted. It is worthwhile to keep Waverley Park for the benefit of our children, football supporters and Victoria. The government will continue to fight for that and to use its best endeavours to ensure the venue is retained for future generations.

Hon. B. N. ATKINSON (Koonung) — I am surprised — astonished in fact — at the amendment that Mr Theophanous has had the audacity to put to the house today. I am also surprised that he is able, without trace of a smile, to speak to the amendment and suggest he is serious in putting the proposition to the house that the opposition has in some way walked away from the prospect of retaining Waverley Park, when that is the very thing the government seeks to do through the amendment.

If the amendment is a rescue attempt for a fledgling minister it will fail badly. It sends all the wrong messages. In fact, it contradicts Labor's policies that have been stated throughout the election campaign, subsequent to the election and in every newspaper report on this issue.

Mr Theophanous has tried, at a million miles an hour, to back the government away from all its commitments to Waverley. I might give some gratuitous advice to new ministers who have come into this house: it is not really a great idea to let Mr Theophanous run strategy for the government because he was appalling at running strategy for the opposition.

Hon. T. C. Theophanous — And we won!

Hon. B. N. ATKINSON — And you are a very big winner back there, Mr Theophanous!

Through this amendment Mr Theophanous has taken the government right away from its election commitments and placed it in a very difficult position.

During Mr Hall's contribution to the debate Mr Theophanous suggested, by way of interjection, that the motion was really fairly tame — that was not the exact word he used — but he was surprised that it was moved today because it was not particularly ferocious as a first exercise in opposition. The fact is that the opposition moved the motion today because it thought the position outlined in the motion was constructive and ought to be explored further. It recognised that the government has committed itself, or so we understand — but commitments seem to be established on muddy ground — to a policy of openness, honesty and accountability in government and in this place. The government has suggested that it is prepared to share with the house a range of issues and positions and the basis on which it is making its decisions.

Mr Hall's motion simply allows the government to elaborate on commitments it made during the election campaign and to elaborate on strategies it says it has for retaining Waverley Park and for the minister to answer a number of very pertinent questions that were put by Mr Hall in his contribution to the debate. A constructive motion was put by the opposition, not one of hostility, trying to hit the minister over the head or tripping up the government. The motion seeks to allow the government to expand on its position on Waverley Park. What is the government's response to that constructive proposition? It is an amendment moved by Mr Theophanous that takes a direct negative to the motion, and not just the motion but one that was based on all the government's propositions and commitments. In other words, the amendment is designed to try to take the government away from all of its commitments in the past. That is how it reads. At one stage in his contribution — —

Hon. T. C. Theophanous interjected.

Hon. B. N. ATKINSON — I hear by interjection from Mr Theophanous that he acknowledges that. The words he used in this debate by way of interjection was that they were true.

Hon. T. C. Theophanous — I said it's not true, you dill.

Hon. B. N. ATKINSON — You said, 'It is true'; you said 'true'. Government members will also find that Mr Theophanous runs fast and loose with the truth.

Hon. T. C. Theophanous — On a point of order, Mr Deputy President, I do not mind if Mr Atkinson makes a speech in the way he wishes, but it is inappropriate for him to insist that I said something

when in fact I did not. He may not have heard what I said, but the words I used were, 'It's not true'.

Mr Deputy President, I ask that you point out to the member that he cannot simply insist I said something in this house when I refute having made that comment.

Hon. Bill Forwood — On the point of order, Mr Deputy President, as Mr Theophanous indicates, the practice of the house is that when members are reputed to have said something they did not say they have the right to have the record clarified — that is, if people accept what that member suggests. But I am sure Mr Theophanous is switching his position. What he says now is not what he originally said. I suggest it is not in the practice of the house for that to be allowed. On this occasion the *Hansard* record should settle the issue.

The DEPUTY PRESIDENT — Order! There is no point of order. The house has enjoyed robust debate since the time it was formed, and it will continue to do so. As has been clearly stated, the opportunity for the member so challenged to record his views in *Hansard* has been adequately taken. There is no point of order. I ask that debate proceed.

Hon. B. N. ATKINSON — Reading the *Hansard* record will be interesting in a number of contexts. Mr Theophanous might well have taken issue with my last remark rather than my first! Whether Mr Theophanous's position is a shifting or static one, the amendment to the motion is definitely a case of the government walking away from all its commitments.

Hon. T. C. Theophanous — It is not true.

Hon. P. R. Hall — It is a sideways shuffle.

Hon. B. N. ATKINSON — Absolutely. It does not matter how many times Mr Theophanous now says, 'not true'. The *Hansard* report will settle whether that was his first utterance. The government's amending motion is an admission by the government that it has abandoned its commitment. The amendment states:

That all the words after 'house' be omitted with the view of inserting in place thereof 'expresses its concern at the proposed closure of Waverley Park as a football venue and supports the efforts of the local community and football supporters across Victoria to keep the venue open'.

There is no mention of government action. You have walked away from it, Mr Theophanous! You have abandoned your commitment. Pontius Pilate, you have said, 'We have washed our hands of this. It is now the community and the football supporters across Victoria

who have to wear this one'. That is what your motion says.

The opposition's motion simply seeks clarification of the government's strategies in the context of its utterances in response to the Independents charter, promising accountability and the restoration of democracy. The Australian Labor Party (ALP) was going to share all this information! Here is a chance for the minister to stand up and talk about Labor's strategies. Instead Mr Theophanous has the audacity to bring to the house this amendment, which handballs the proposition back to the football supporters of Victoria and the local community. Labor says, 'No, it is not us. We can't do anything'. The government is handballing the responsibility.

Mr Theophanous said in the context of this debate that he did not agree with former Premier Kennett's position that it is an Australian Football League property and that the AFL owns not just the land and property but also the fixture. Talk about washing your hands of it all! Mr Theophanous said the government does not agree with that position, which is in direct contradiction to his speech. He suggested there is a role for government. He suggested Mr Kennett was wrong, but his amendment in effect says, 'No, we can't do anything. We are handballing this back to the community'.

Where is the fight in that amendment, Minister? I assume the amendment has been run past the Minister for Sport and Recreation. We have heard about all the phone calls. There is much duckshoving of questions. I assume Mr Theophanous has run this past the minister. I ask the minister the following questions: where is the fight, the strategy and the government action in the amendment? Where is the delivery of the commitments made to the electorate and oft repeated in the media ever since? Where are those commitments met in this amendment?

The amendment is designed to soft-pedal, to get the proposal off the agenda, to extricate the Labor Party in government from a commitment it made to the people of Victoria that it knew all the time to be a false commitment. It was a commitment of luxury in opposition when commitments had no consequences. In government suddenly it has become a responsibility to deliver. Labor has been caught short because it no longer has the luxury of being in opposition, making promises willy-nilly without ever having to deliver to the people.

The government's amending motion is not about accountability. Mr Theophanous asked what the opposition's position was in this debate. The

Honourable Peter Hall suggested clearly in his contribution to the debate that the opposition has come here in the same context as that described by Mr Theophanous a couple of times in his contribution. Yes, all Victorians would like to see Waverley Park retained.

Hon. T. C. Theophanous — What about you?

Hon. B. N. ATKINSON — I would like to see Waverley Park retained.

The DEPUTY PRESIDENT — Order! Comments should be through the Chair.

Hon. B. N. ATKINSON — Mr Deputy President, I am happy to take up that interjection, although I understand your ruling. Yes, I am happy to support the retention of Waverley Park, but I am not at all happy to support the government's amendment because it is a wolf in sheep's clothing. It is not a true amendment that seeks to advance the cause of Waverley Park. It is a marshmallow amendment that tries to get the government out of its past commitments.

Mr Theophanous is very good at selectively quoting material. I suggest to his colleagues in the house that over time they will come to know about Mr Theophanous's selective quoting. Continuing members have had some years of it already. Today Mr Theophanous selectively quoted the Labor Party's sports policy, speaking about it briefly and out of context to some extent in the house today.

Hon. T. C. Theophanous — In government, out of government.

Hon. B. N. ATKINSON — I am tempted to respond to Mr Theophanous's interjection because it is extremely helpful. One problem of Mr Theophanous is that he has forgotten that the Labor Party policies were put on the Internet. Mr Theophanous has not read far through Labor's Internet policy. He seems to have got to the end of the first line. The first line of Labor's policy as stated on the ALP Internet site and stated in Labor's lead-up to the 18 September election is as follows:

... fight to keep and improve Waverley as an AFL venue.

Mr Theophanous mentioned that today. We understand that. However, the government, when in opposition, went much further. Mr Theophanous has said today that all Labor promised in opposition was to fight for the retention of Waverley Park, but the policy statement continues:

Preliminary legal advice indicates that the state government has substantial powers to save Waverley Park from closure. Those include the power to rezone the land as a site of significance to the community, and powers under the MCG Trust and Docklands Authority acts to limit the number of games at these venues to enable more fixtures to be scheduled at Waverley.

Hon. P. R. Hall — I wonder whether that is on the agenda.

Hon. B. N. ATKINSON — Can the minister inform the house whether that is on the agenda now? Can the minister tell us whether there has been a miraculous change in that legal advice now that Labor has taken up the Treasury benches and no longer has the luxury of saying what it likes without having to deliver?

Has the legal advice changed? Has the government already threatened the AFL that it will use planning powers to stop the sale and development of the land and to intervene in the future of Waverley Park? In the short term it may achieve its retention. There was no mention of that in Mr Theophanous's contribution. There was no indication whether that is part of the strategy in the policy document.

The minister made some remarks about the powers he presumed the government had in this matter but backed off because he recognised that the ramifications of intervening on this issue were wide and had serious implications for business investment throughout Victoria.

The *Age* reported the minister's comments at a meeting at the Carbine Club where he suggested he was a little more robust in wanting to keep Waverley Park. In an article in the *Herald Sun* of 1 November he is reported as saying:

We will definitely keep Waverley.

Is this the strategy to be imposed? It appears to be in line with the party's policy, which is intervention and the use of planning powers to stop the AFL from disposing of its asset.

I refer to Mr Theophanous's contribution on party policy and certain newspaper reports. The Premier, the Minister for Major Projects and Tourism, the Minister for Sport and Mr Theophanous comment on those issues, but put different positions on the level of commitment to retaining Waverley Park and how it will be done.

In a charade for the sake of the election to garner the votes of a Save Waverley Park candidate in Eumemmerring Province the strategy failed dismally.

The opposition continues to hold both seats in Eumemmerring Province.

During the election campaign, a national football tipping competition was suggested to support the retention of Waverley by directing funds towards it. The Honourable Peter Hall referred to reports that up to \$3 million from that fund may go to Waverley. The tipping competition is headed for trouble. Like so many ill-conceived notions of the Labor Party, particularly when it was in opposition, the proposal is doomed to be one of the same funny-money schemes that are so often associated with Labor administrations.

In the *Herald Sun* of 5 November — it was repeated in other newspapers — Mr Mark Solonsch, managing director of Synaval, a betting and gaming consultancy that advises on gaming issues, is reported as saying that:

Labor's footy tipping competition could lose \$53 million in 3 years ...

In other words, if Waverley Park is worth \$80 million in three years all but the central wicket will have been lost. The article continues:

Losses could exceed \$800 000 each round under Labor's proposal ...

The Labor Party should not believe that the national tipping competition, which was an extraordinary promise to the electorate given the party's strong anti-gaming comments in many other areas, will work. The Australian Labor Party will run at every chance and say, 'We are opposed to gambling because it is dreadful'. However, its very first policy during the state election campaign was, 'Here is another gambling opportunity. We will have a national tipping competition'. The saving grace was, 'But it will mean more money for the AFL and it will mean more money to save Waverley Park'.

Discussions with the AFL last Monday night may have involved asking whether the league was prepared to subsidise Labor's latest scheme, because clearly the scheme will not make money.

One of the key reasons the motion was moved was that unless there is some plan to broaden the use of Waverley it is not economically viable now or into the future. That was one of the points I made in the party room when debating how to save Waverley Park. There is no way a facility with capitalisation that size can be used for only six months of the year. That would be the case if the AFL continues its existing fixture arrangements in the national football competition. It has its own parameters which must be met.

If it is to have any chance of survival Waverley Park must be used for other purposes. Today the minister may talk about his strategy to make the ground more viable. Media comment has it that the ground may be expanded to involve other sporting activities and become a broader based sporting facility. After meeting with the AFL on Monday night the Premier and the minister see that as the sole purpose of Waverley into the future. If today's *Age* report can be believed, the minister seems to now think, or certainly his leader thinks, the venue would be secured as a sporting facility of significance for the south-eastern suburbs. No mention has been made of the AFL or the continuation of its role as an AFL venue. The *Age* reports the Premier as saying:

Mr Bracks said the AFL was determined to sell it and recoup an estimated \$80 million. But he hoped that negotiations would secure 'a sporting facility of significance' for the south-eastern suburbs.

I understand that the minister would not want to rush to contradict the Premier, but the AFL has continued to say, 'It is for sale and we are selling it'.

Is the government now saying Waverley Park is for sale and it is prepared to accept a smaller sporting facility, perhaps something for the VFL or different sports? Is the government strategy more about using its planning powers to try to stop the ground being sold? Is the government an accomplice of the City of Greater Dandenong and the Independent candidate for Eumemmerring Province who favoured the government's preferences? Is the government an accomplice in efforts to have the facility listed on the Victorian Heritage Register? Again, the proper use of the facility by its rightful owner will be frustrated and the government will improperly use its powers to achieve an outcome.

What is the fate of the footy tipping competition? What is the fate of the government's promised improvements for the ground? Where are the minister's strategies about the proposal?

The minister comes to this place with some celebrity. He needs to understand that celebrity wears thin after a short time in politics. One of the characteristics of celebrity in Australia is that people can afford to take populous decisions. There are no consequences for their decisions. In Parliament and in government there are consequences for every decision. One cannot simply play games and avoid the issues, particularly when there has been a commitment to deliver a result to the people of my electorate — where Waverley Park is situated — and to the broader Victorian community. The government is not prepared to discuss its strategies

to achieve that result for Victorians and the people of my electorate.

A deliberate attempt has been made by way of amendment, which I can only assume has been cleared by the minister, to extricate the government entirely from that commitment and to buck-pass the retention of Waverley Park in its current form to the local community and to football supporters. The community wants to know whether that is the case or whether the government will use planning powers or other powers, as has been referred to obliquely in comments and directly in Labor's pre-election policies, to intervene to keep the ground.

It is time the minister gave an explanation to the house. This constructive motion gives the minister the opportunity to do so. I urge him to provide the house with information on where the policy is.

Opposition members interjecting.

Hon. G. W. JENNINGS (Melbourne) — The minister is here and is happy to be accountable.

Opposition members interjecting.

Hon. G. W. JENNINGS — He will speak.

Hon. G. R. Craige — Have you said so?

Hon. G. W. JENNINGS — The government uses a team-based approach. The government has clear leadership responsibilities and the minister has the capacity to summarise and close the debate.

Hon. B. C. Boardman — Will he address the issues?

Hon. G. W. JENNINGS — I am happy to address the issues because the nature of the debate is what this chamber should be about. My contribution is not based on the theatrics or tone that have been generated during the debate. The opposition has, perhaps for the first time in the past week, clearly and finally determined that its role is to review and expose to scrutiny the actions of the government. The government is responsible for taking action and is accountable to the chamber and to Victorians. This is the first time in recent years that that has been clearly evident.

Opposition members interjecting.

Hon. G. W. JENNINGS — The theatrics will not work with me as I progress my argument through the house. I shall give due recognition to the opposition. Its role is to review what the government delivers and ensure it is accountable.

Honourable members interjecting.

Hon. G. W. JENNINGS — I do not think all honourable members know that. Over the past few days the opposition has had a problem getting its role right. The opposition has placed reasonable demands on the government to give answers and it is incumbent on the government to do so. A valuable message the opposition has given today is that there are responsibilities on Labor in moving from a role of public advocate or expressing concern on community issues that it may have presented in the house and in the community for the best part of a decade in opposition.

Hon. B. C. Boardman — On a point of order, Mr President, the honourable member has been on his feet for 2 or 3 minutes. I agree with my colleagues that the honourable member has not addressed the motion. Last week the house debated sessional orders and I urge the Chair to bring him back to the issue before the house.

The DEPUTY PRESIDENT — There is no point of order. The honourable member has the opportunity to build his case. I am allowing the honourable member to do that. I will give him a short time to build his case and I am sure he will address the motion and the amendment.

Hon. G. W. JENNINGS — In building the case and understanding what we are talking about, I recognise that the argument mounted today by the opposition is that it is easy in opposition to make promises and commitments that you may or may not be able to satisfy in government. That is the point I address. I acknowledge that the role the government has played on a number of issues, of which Waverley Park is one, has been that it has advocated a position that has been popular in the community.

Hon. W. R. Baxter — Is this an admission that you can't deliver this one?

Hon. G. W. JENNINGS — It is not an admission. My contribution to the debate on this issue will take the best part of 20 minutes.

Hon. Andrew Brideson — You can take all day if you want.

Hon. W. R. Baxter — There are no time limits here.

Hon. G. W. JENNINGS — Thank you. The government has taken a strong and strident position on this issue in the community. At times definitive statements might have been made that are hard to address and reconcile when assuming government.

Honourable members interjecting.

Hon. G. W. JENNINGS — The former government, in its transition to opposition, has had difficulty understanding that this was an issue that in a public sense it bled on because it dealt with the issue in silence. Earlier today the Honourable Peter Hall reported his discussions with the Hawthorn Football Club and the former government's consultations and discussions with councils and the Australian Football League (AFL). In some ways there has been more public disclosure today of the various methods and techniques that the outgoing government used in attempting to address the question than has been apparent to the public's eye before. As an incoming government a balance needs to be struck. The definitive nature of statements made in the lead-up to an election, how they may be interpreted, and the difficulties they may create for an incoming government in fully undertaking its legal advice and statutory responsibilities needs to be recognised.

Hon. Andrew Brideson — You are backing down.

Hon. G. W. JENNINGS — No, I am not. I am happy to address all the issues the Honourable Peter Hall addressed for the government's consideration.

Hon. B. N. Atkinson — We understand. You said it but you did not mean it. You deceived the voters.

Hon. G. W. JENNINGS — No. The statements made were that the then opposition, the now government, would fight to maintain Waverley Park.

Hon. B. N. Atkinson — The policy went further than that.

Hon. G. W. JENNINGS — We have had a succession of debates in the house about the nature of the demand that we would maintain Waverley Park. The best the incoming government could do is make demands rather than demand.

Hon. N. B. Lucas — One minute you said you were definitely going to keep it and now you are saying that is the best — —

Hon. G. W. JENNINGS — My specific answer about the word 'demand' is that the government could make demands. As was quite rightly pointed out, the limits to demand the AFL to do something make that commitment somewhat redundant.

Opposition members interjecting.

Hon. G. W. JENNINGS — It was the minister's definite intention to maintain Waverley Park if it was within the government's scope to do so. This morning honourable members have been discussing a range of measures that need to be worked through given the responsibilities of government. Under the former government most issues were dealt with under a shroud of secrecy. Matters such as this were hidden under the heading 'commercial in confidence', so the public had no sense of how decisions were made or of the internal workings of government, including its dealing with the private and public sectors. The people of Victoria saw that as a monumental failing, which led to the change of government at the recent election.

The valuable message that the opposition is giving the government is that we must carefully consider not only the options available to us but the timing of the discussions about them in the public domain. The art of resolving the matter will involve the government's ability to use the options available to it to enhance a belief in government by building a relationship with the AFL and the community. In some ways the ongoing public discussion of such matters does not assist in building the relationships that are required to achieve the best outcome.

If the message from the opposition is that it wants the government to clarify the nature and scope of the available options, the government should respond positively and describe those options.

Hon. P. R. Hall — Who is going to do that? Are you going to do that?

Hon. J. M. Madden — I will address the house.

Hon. G. W. JENNINGS — On the question of the ongoing public discussion of matters that may require delicate negotiation, the opposition should not expect that such negotiations will be broadcast daily in the media.

Hon. C. A. Strong — Commercial in confidence, is it?

Hon. J. M. Madden — You blokes would be experts on that.

Hon. G. W. JENNINGS — That is not what I am saying. The matters will continue to be considered. The former government dealt with too many matters in secret. The opposition's message is that the government has made too many statements about the matter in the public domain, which it claims may limit its capacity to achieve the outcome both sides of the house want.

Hon. B. N. Atkinson — No, we are just saying that you deceived the public. You made an election commitment which you had no intention of delivering and which you are saying today you will not deliver on.

Hon. G. W. JENNINGS — No, I am saying that it is the government's intention to maintain the commitments it made in the lead-up to the election and since.

Hon. B. N. Atkinson — That is a contradiction of what you said.

Hon. G. W. JENNINGS — No. I have said that the government needs to be careful about the way it publicly describes the ongoing nature of the discussions and the options available to it.

Opposition members interjecting.

Hon. G. W. JENNINGS — I am happy to say that in the lead-up to the election compulsory acquisition was considered as an option available to government. How publicly that issue should be discussed is another matter.

Hon. Bill Forwood — Secrecy? Not open, honest and accountable?

Hon. G. W. JENNINGS — If Mr Forwood had been in the house earlier he would have heard me say that the government should disclose which options are still alive. I have said that the ongoing public discussion of the options that may be available may prevent the government from building a successful relationship with those who have the power to determine the future of Waverley Park. One of the lessons members of the government should learn is the ability to successfully negotiate the outcome we seek and the method by which we will negotiate with those we need to negotiate with to achieve that outcome.

Hon. B. N. Atkinson — What does that mean?

Hon. J. M. Madden — Read *Hansard* and have a think about it.

Honourable members interjecting.

Hon. G. W. JENNINGS — As to the options that have been flagged, members of the opposition and members of the community, including people in the private sector and the owners of the property, would all be alarmed if the government's first port of call was to apply the most draconian sanction that could be applied.

Hon. R. M. Hallam — Then why was it publicly canvassed?

Hon. G. W. JENNINGS — It was publicly canvassed in the election campaign to demonstrate that there may be a number of mechanical leverages that the government could apply in trying to negotiate a successful outcome. Whether that should be publicly canvassed is another matter.

Honourable members interjecting.

Hon. G. W. JENNINGS — Mr Deputy President, this is not question time.

Hon. R. M. Hallam — You are saying it was appropriate to canvass it in the election campaign but it is not appropriate to canvass it now. What has changed?

Honourable members interjecting.

Hon. J. M. Madden — Wait until question time, gentlemen.

Hon. G. W. JENNINGS — All the options that have been and will continue to be identified by the government should be part of the careful deliberations of the minister.

Hon. B. N. Atkinson — So you won't rule it out? Compulsory acquisition is still on the agenda?

Hon. G. W. JENNINGS — The options that have been identified and are available will continue to be considered.

In talking about other options for its ongoing use, Mr Hall asked how viable the venue may be. That is a valid point. It is clear that the options must have added or increased value, given that the AFL and the previous government have walked away from the venue. The government must ensure that whatever options are available are viable.

There may be a contradiction in the use of the park by the AFL as a sporting facility and a theme park or entertainment precinct. That is happening in the Docklands facility, as we speak. The plans are to complete Colonial Stadium and to have an entertainment complex adjacent to it.

The centralisation of Waverley Park as a sporting facility used by the AFL and an entertainment precinct are not mutually exclusive ideas. The government believes there is merit in considering the same arrangement for the south-eastern centre of the metropolitan area, which was identified by Mr Theophanous as the centre of development in the

metropolitan area. The park is close to the centre of growth within the metropolitan area; it is a catchment base for AFL supporters and an ideal place where kids and families can participate in activities.

A major problem faced by the Victorian community has been the skewing of infrastructure investment towards the centre of the city at the expense of rural and regional Victoria and, in this instance, the south-east of the metropolitan area. A difficult confrontation faced by the former and present governments is the reasonable and equitable distribution of infrastructure, including sporting and entertainment facilities. The government has a commitment to ensure, wherever possible, that decentralised centres provide activities for families in a family-friendly environment, based on geographical and cost considerations.

Another major problem for the government is the direction of the AFL, in line with its cost structures, in conducting competition in places where there is not easy access to facilities and at a cost that is not conducive to family participation. The restrictive nature of access to Optus Oval and the Docklands arena, and even to the Melbourne Cricket Ground in the past few years, has led to the need for families to reserve seats at those venues, with resultant additional costs.

A major reason why the community rallied so passionately around Waverley Park at the end of its life is that the community recognised that it was family friendly and community based and had the enthusiastic support of football supporters. Probably one of the best demonstrations of community action, enthusiasm and spirit that could be generated in a sporting arena, in both senses of the word, was witnessed this year at Hawthorn's final game at Waverley Park when the people arrived in their thousands to show their enthusiasm and support for their community team and for the park.

I shall speak on the financial measures that may be available to the government in addressing the issue. Quite correctly, the opposition pointed out that in the past 10 years in some ways the Victorian budget has become totally beholden to the ongoing nature of gambling revenues. The opposition has rightly identified that as part of the problem of the state's financial arrangements. The introduction of the goods and services tax (GST) and the consequent flow to state financial arrangements was a godsend to the outgoing government and to state revenues because it meant the structural financial hole had been addressed.

One of the sleepers of the past decade, from the Labor Party's perspective, has been that the outgoing

Premier's enthusiasm for GST reform was founded largely on the basis that the state's financial — —

Hon. N. B. Lucas — On a point of order, Mr Deputy President, I have read carefully the motion and the reasoned amendment about Waverley Park now before the Chair. The house has heard a wide-ranging contribution from Mr Jennings — it has been so wide that both sides would agree that only about 5 per cent of his contribution has been about the motion. The house generally accepts broad arguments, but now the honourable member is moving to a debate on the goods and services tax. That is far and beyond what the house should be debating on the motion and the reasoned amendment.

The DEPUTY PRESIDENT — Order! There is no point of order. I have allowed the debate to be wide ranging. I call on the honourable member to return to the motion and to the reasoned amendment.

Hon. G. W. JENNINGS — I referred to gambling revenues because I accept the valid criticism of the structure. A football tipping competition had been earmarked as a potential source of revenue to provide transport facilities to Waverley Park. That offer to the AFL was on the table.

Hon. Bill Forwood — Is it still there?

Hon. G. W. JENNINGS — That was offered to the AFL. It was a small component of the projections for revenue from a football tipping competition. In the past few years much work has been done on the problems of addictive gambling in Australia. I hope both sides of the house share the community's worry about problem gambling. No study has identified gambling through a football tipping competition as a major source of addictive problems. The long bow has been drawn in the opposition's explicit and implicit accusations that the gambling problems of Victorians may be exacerbated by the Labor Party policy to introduce a football tipping competition. A variety of financial projections has been developed by a number of different modelists on revenue from a football tipping competition. At this stage there is no final implementation plan for a tipping competition. It is expected that funds will become available to alleviate the problem faced by football supporters in travelling to Waverley Park.

My first experience in 1997 was naively getting off the train at Glen Waverley and assuming that I would be able to walk to the ground. I can see why the government has identified that one of the clear problems throughout Waverley's entire history has

been the paucity of public transport and direct access to the ground itself. As the minister has already said in documents referred to in this debate, he recognises that the solution is not to throw money at the problem.

The opposition has flagged its concern that a queue of people seeking handouts will start to form at the door of the Labor government. That was evident from the contributions of the opposition during question time and the adjournment debate. It is very clear that the opposition believes all members of Parliament and representatives of their communities will be queuing up with their hands out for something they have not been able to receive from the previous government for the past seven years. There is an expectation that the new government will be a soft touch.

However, the minister has given a responsible message by saying the government will not be throwing money at issues such as Waverley Park. Instead it will give careful consideration to the commitments made and their costings. The government will deliver in a timely fashion, mindful of the options available and its ability to successfully negotiate through reasonable community expectations and deal in a professional and accountable way with all the bodies concerned with the final resolution.

The government appreciates any scrutiny that the opposition may place on the project and the outcome. It will not necessarily shirk from any option or commitment it has made but will deal with each in a carefully considered fashion as appropriate for an incoming government. I am sure that over time the government will demonstrate the ability to negotiate successfully and to complete the undertakings given to the Victorian community in the lead-up to the election.

Hon. B. C. BOARDMAN (Chelsea) — My colleague Mr Atkinson commenced his remarks by saying that he was surprised by the contribution of Mr Theophanous. After Mr Jennings's contribution, all I can say is that I am completely bewildered! I thought the motion before the house was simple — and it is. However, I will give governments members the opportunity to hear it again. Clearly they have not read it, they do not understand it and they are not prepared to answer it. The motion states:

That this house calls on the minister for sport, recreation and youth affairs to explain the government's policy on Waverley Park and in this regard to provide a full account of the actions taken by the government to meet their election commitments.

It is simple and straightforward. It requires the minister to address the issue and to give certain responses. It wants him to justify the Australian Labor Party policy

during the recent state election and to justify the actions it has taken since.

The first reaction from Mr Theophanous was to duckshove the issue. He shirked it and tried to put the responsibility elsewhere. His was a blatant admission that the government cannot, will not and does not want to address the issue before the house. He sought to move an amendment expressing concern at the proposed closure of Waverley Park as a football venue and supporting the efforts of the local community and football supporters. He did not once look at the policies of the Premier, the sports minister and the Labor Party leading up to the election.

The very first words Mr Jennings said concerned teamwork and cooperation in the Australian Labor Party! I am not sure whether he was addressing something that actually occurred, because he then went on to talk about the goods and services tax, his personal experiences at Waverley Park, gaming and so forth. He did not spend any time at all debating the motion. Irrespective of the two points of order that were raised during his contribution to bring him back on the motion he still shirked the issue and made the bizarre remark that he was happy to address it.

He recognised the arguments put forward and said that he supported the opposition in its role of making sure the government remains accountable. The opposition sincerely welcomes his remarks. It hopes Mr Jennings's remarks are spread far and wide among all government members to ensure that they are kept accountable and that they address the issues not only in the motion but in subsequent question times and adjournment debates.

Mr Jennings said the commitments made by the government and the Premier are still on the table. I shall go through the Labor sports policy on new solutions for building Victoria, which states that it will use the powers available to the state government to help keep Waverley Park as an Australian Football League (AFL) venue. I shall go through the Premier's media statements of 11 September, which state that the Labor Party will support grassroots sporting organisations, promote participation and fight to retain Waverley as an AFL venue. In the first week of the Bracks Labor government, the Premier said, 'We will call the AFL clubs and councils to negotiate means of keeping Waverley Park open'. The *Herald Sun* of 1 November quotes the new sports minister, who was a guest at the AFL sponsor, Fosters, Derby race day function. He is reported as telling the audience that Labor would definitely keep Waverley. His exact words were 'definitely keep Waverley'.

In the *Herald Sun* of 23 September the Premier was reported as saying that the first phone call he would make as Premier would be to the AFL chief executive, Wayne Jackson. The question the opposition asks is simple: has that phone call been made? Was the first phone call of the new Premier made to AFL chief Wayne Jackson to address the Labor Party's policy commitment to ensure that Waverley Park remains open?

That is where the new government will have a couple of problems. All honourable members know that Waverley Park is owned by the AFL and that the AFL wants to sell it. Its corporate plan and objectives state that the facility and the venue are no longer useful to the AFL. All honourable members know that irrespective of any rescue attempt made by the government or private consortia, the AFL still has the discretion to schedule games. There is no point holding on to facilities when there is no run-on investment because the owners or controlling agents do not want to use it. There is therefore an immense amount of contradiction and hypocrisy in the actions of the new government.

However, it does not finish there. The issue has been on the table for more than 15 years. Although I was at school in 1983, I remember very clearly the then Premier, John Cain, intervening about whether the then Victorian Football League grand final should be played at the Melbourne Cricket Ground or Waverley. The VFL commission at that time gave a clear indication that it wanted to move the grand final from the MCG to Waverley. It commissioned Arthur Andersen to conduct a feasibility study to work out which of the two venues was the most likely to meet the objectives of the then VFL. The report concluded that the VFL would save in excess of \$117 000 on rent payable to the MCG and about \$23 000 for ground staff and public ticketing. It would receive \$12 000 from car parking as well as earning an extra \$100 000 from corporate sponsors for the rental of private boxes.

The objective of the VFL commission was to upgrade the then VFL Park to ensure that it was a world-class facility. Which Premier stopped that? John Cain! He decided to intervene in a stand-alone private organisation for his own political purposes. Once again, the current government has decided to go down the track of seeking opportunistic political Brownie points. It misled the public and conned the voters into believing it can do something to an organisation over which it has no control.

I point out to the new government that many people on this side of the house support the retention of Waverley

Park. I have been supportive all along, not only as a frequent visitor to the venue and a strong supporter of the Hawthorn Football Club, but also because I have played on its surface, albeit as a member of the Hawthorn team in the little league.

On 21 March 1997 I wrote to Wayne Jackson in his capacity as the chief executive officer of the AFL stating my strong support and wanting to register as someone who would fight for the retention of Waverley Park. I received a reply letter dated 10 April 1997 from Tony Peek, the communications manager of the AFL. Among other things, it details the AFL's long-term plan for the ground and outlines some issues. It states:

While the stadium has many advantages for the AFL there are some fundamental problems with Waverley Park including:

it is not serviced directly by train or tram

a low percentage of the seating capacity is undercover —

and the very strong point —

the stadium is only half built as a result of the former Victorian Labor government blocking any further development of the ground which would have taken it beyond its current capacity.

Back when the previous Labor government had the power to intervene on the issue and in line with the AFL's corporate objective to bring the facility up to world-class standard to ensure that average punters out there in sportsland could use it, in his usual egotistical manner John Cain said, 'No, it does not suit me personally. I will go completely against the trend and do something which I think is of personal benefit to me and my political organisation but which is to the detriment of the community'. Those times are being revisited. That is what all this is about.

The government has conned and misled the voters. Its members are complete and utter hypocrites. They know full well that the issue is popular. Mr Jennings's words were that they advocated a position that is popular. Labor knew there would be some support. It deliberately put in an Independent candidate to run against Mr Rich-Phillips for the seat of Eumemmerring Province to shore up preferences — to shore up another seat. It knew full well that the AFL as a stand-alone private entity had full autonomy over the future of the park and that any intervention from the government would be completely wasted and nothing more than opportunistic.

The motion is very clear. However, the house is yet to hear from the Minister for Sport and Recreation, who has made public statements on the issue both in the

press and at functions. Those statements have been confirmed by the Premier. Mr Theophanous and Mr Jennings refused to address the issue in the house. They did not want a bar of it because they thought it was a little too difficult.

I wanted to canvass a lot more material regarding 1983 and 1984, when the Cain government tried to intervene and sack the Melbourne Cricket Club, and other such issues. I will not do so because my colleagues on this side want to hear from the minister. The minister must be accountable and explain some of his public statements. He must explain whether the government will honour its policy commitment of retaining Waverley Park as an AFL and sporting venue.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Buildings come to symbolise many things: the past, the present and the future. The vision of Sir Kenneth Luke was of a stadium for 200 000 people. It was a vision of the game being located where the people were. It was a utopian vision of suburbia in the 1970s. Times have changed. The game is still the people's game but now they more often than not watch from the comfort of their lounge rooms and there is no need for a 200 000-seat stadium.

The Labor Party promoted the fight for Waverley Park in opposition and will continue to do so in government. One of the keys to the policy of the Australian Football League (AFL) on the retention or the sale of Waverley Park is the transfer of \$30 million of equity from the facility to the Docklands stadium by December 2000. That is the key in the strategic plan. I should be intrigued to hear members on the other side grapple with the complexities of the Waverley Park situation. The flaw of the Kennett government was that on any community or public issue its attitude was black or white — all or nothing, have or have-nots, winners or losers. Today we are looking at losers.

An Honourable Member — Get to the issues; come on, answer the questions!

Hon. J. M. MADDEN — The opposition is confused because the issues are complex. I will explain them to members on that side so they will understand. They may want to read them later in *Hansard* because they may not be able to fully comprehend them, just as they have struggled to comprehend much of what has been said today.

Despite public announcements of its support for Waverley Park, the Kennett government never really tangibly supported its retention. There were plenty of words and opinions but no actions. The previous

government simply did not want to find a solution to the Waverley Park problem because it did not, and in opposition still does not, care about the outer suburbs. That is why it is in opposition today.

The previous government suffered from an edifice complex. It spent \$2 billion on major projects but not one cent on the outer suburbs or regional Victoria. The sporting philosophy of the Kennett government reflected its approach to broader suburban and regional Victoria. It provided for no consultation, was focused on the central business district and there was no vision for suburban Victoria.

When the AFL determined to build a venue at the Docklands it set in train a series of events that would ultimately undermine the viability of Waverley Park, yet the Kennett government was happy to sit back and allow that to happen. Waverley Park is a family friendly, affordable, AFL venue for all Victorian football fans. Community support for the venue has been massive. Key features of the support are that it is a family-friendly venue, is a purpose-built AFL facility and is the only venue south of the Yarra. One of the keys to maintaining its long-term viability is the fact that the AFL has to play games there.

Last Monday evening the Premier and I met with Wayne Jackson, the chief executive officer of the AFL, and Ron Evans, the chairman of the AFL commission. We discussed many items. One of particular significance and a key priority was Waverley Park. Others were the national socioeconomic impact of Australian football, the development of grassroots football, the Colonial Stadium, a board to oversee football in Victoria below AFL level and the future development of the Melbourne Cricket Ground. The AFL indicated its belief that the best interests of the game will be served by the transfer of the equity I referred to earlier from Waverley Park to the Colonial Stadium.

As I have said previously, the key to its viability is having the Australian Football League commit itself to having games played there. Regardless of our policy in relation to land acquisition and maintaining the venue, we cannot and are unable to force the AFL to play their AFL games at Waverley in order to maintain the ongoing viability of the park.

This is a very complex issue. Honourable members on this side of the house are determined, as a party and as a government, to ensure that the best community outcome is delivered. That is where the difference lies between the government and the opposition parties. The government is interested in the best outcome for the

community, not black and white, winners and losers, haves and have-nots. We will continue to negotiate with the AFL about the way the land at Waverley is developed and to ensure an ongoing community consultation process is undertaken on the outcomes for Waverley Park.

The government is continuing to negotiate with the AFL on what the AFL believes is an acceptable level of community involvement and facilitation in the process involving Waverley Park and it will ensure we arrive at an outcome that is best for the community.

Honourable members interjecting.

Hon. J. M. MADDEN — If the opposition wants to continue to listen, I shall continue my remarks. As I have said, the venue has come to symbolise a number of things. It symbolises the lack of community commitment from the previous government, which was prepared to let regional Victoria bleed, and allow post offices, banks and infrastructure to close.

Hon. Bill Forwood — On a point of order, Mr President, I suggest the motion is specific and the amendment is quite specific as well. This is not about rural and regional Victoria. It is about the Labor Party and Waverley Park. I suggest that the issues of irrelevance are just that — irrelevant — and that the minister should return to the motion.

The PRESIDENT — Order! It is obvious that the motion is very specific. I have allowed a bit of latitude, particularly in the initial stages of the debate, but basically the motion is what the debate should be about. The minister has been addressing some of those issues, but I do not think closures of post offices or banks are matters for the state.

Hon. J. M. MADDEN — As I have continued to say, the government is committed to the best possible outcome in ensuring the community is involved in the process. The process is complex. A substantial amount of land is involved. The AFL needs to redeem \$30 million by December 2000 in order to transfer that equity into Colonial Stadium. That will mean that the sale of the entire site will not necessarily have to take place at one time and it may well be better for the league's finances that the whole site not be sold at once.

The government will continue to discuss the matter with the AFL and maintain a dialogue about what the government and the league can do to achieve the best community results. The AFL has indicated that it is prepared to take on board the best possible outcome for the community, and the government is keen to continue to facilitate that. Black or white, all or nothing, haves or

have-nots, winners or losers, the government will ensure the community is a winner in the outcome regarding Waverley Park.

Hon. P. A. KATSAMBANIS (Monash) — It took a while to get the Minister for Sport and Recreation up on his feet. Despite what he tries to portray to the house, this is a very simple motion about a very simple issue. Mr Jennings touched on it in his contribution to the debate — that is, a commitment that this minority Labor government made to the people of Victoria during the state election campaign. The motion asks that the government explain its actions based on the commitment and policy with which it went to the election. It is simple; it is black and white. I shall repeat the motion just in case members of the government have not read it:

That this house calls on the minister for sport and recreation and youth affairs to explain the government's policy on Waverley Park and in this regard to provide a full account of the actions taken by the government to meet their election commitments.

I will also repeat the election commitments. Page 1 of the Labor Party's sport and recreation policy document entitled 'Building Victoria's Sporting Life' states:

Labor will: —

its no. 1 commitment —

... fight to keep and improve Waverley as an AFL venue.

I note that Mr Jennings said that it is easy in opposition to make promises that you may or may not be able to keep in government and that sometimes you can take strong, strident positions that may be popular but, unfortunately, those decisions are hard to reconcile in government. Unfortunately, that is the problem. Occasionally when you make promises that are not based on fact or any costings or relevant issues, you may be unable to keep them; and when you make promises that you are unable to keep, if you do get on to the government benches — as this minority government stumbled on to the government benches — you will find in the cold, hard light of day that those fancy and strident promises come back to haunt you.

Right now the promises regarding Waverley Park have come back to haunt the minister. Despite the fact that during the election campaign the Labor Party promised to fight to keep and improve Waverley Park as an Australian Football League venue, the minister has said today that he and the Labor Party are unable to force the AFL to play any games at Waverley.

That is what the minister said in here today, but that is not what the minister and the now Premier said during

the election campaign. Those people blatantly misled the public of Victoria. They blatantly misled the people of the outer eastern suburbs of Melbourne. Today the minister tries to cloak it all in complexity. He should plainly and simply put it on record that the Labor Party is and always has been unable to deliver on the first promise in its sport and recreation policy. Today the minister made it clear — it is black and white — that Labor has failed to deliver.

During the election campaign Labor told us more. Its policy statement suggests that preliminary legal advice indicates the state government has substantial powers to save Waverley Park from closure, including powers to rezone it as a site of significance to the community and powers under the Melbourne Cricket Ground (MCG) Trust and Docklands Authority acts to limit the number of games at those venues to enable fixtures to be scheduled at Waverley Park. Not only did Labor promise it would keep Waverley Park as a venue; it suggested in the election campaign it had legal advice that it would have the power to do so. Where is that legal advice today? The minister now says in the house that he is unable to force the AFL to play any games at Waverley. Where is that legal advice today, Minister? It is not there.

Furthermore, Minister Madden tries to confuse the issue by raising the spectre of some \$30 million payment the AFL is committed to. That is right. As has been made clear in debate, the AFL, as a private organisation under the chairmanship of Sir Kenneth Luke, bought the land at Waverley in the 1960s and developed a stadium there. That was a strategic investment for the AFL. As Mr Boardman pointed out in his contribution, the AFL was able to extract some wonderful concessions from the Cain Labor government in the 1980s, using Waverley Park as a bargaining chip in playing off the MCG. The AFL used that strategic asset well.

As a private corporation the AFL, together with member clubs, has determined that that asset no longer meets its needs. Not only has it decided it will dispose of the asset but it has committed some of the funds it hopes to realise from the sale. The minister rightly points out that the AFL needs \$30 million by December 2000 to meet its own commitments to the Colonial Stadium. That is a commercial contract the AFL expects to be able to meet. But why does the minister raise the matter of the \$30 million?

Hon. R. M. Hallam — Now.

Hon. P. A. KATSAMBANIS — Now! What is the minister getting at? What is the hidden agenda? Why

does the minister say that is the key to the whole deal? Did he not know about that before the election? It is on the public record. Why does he raise it today, and why has he started talking about that and not the election promise — I assume that has been wiped off the agenda — but improving Waverley Park as an AFL venue? Labor could never deliver on its promise. We have found that out! Today Labor members have started talking about working towards a best possible outcome. What is that best possible outcome, Minister? You were not prepared to tell us today. You probably do not know. It is too confusing for you but it is plain and simple to us.

In government you cannot keep your policies and promises. It may well be that you fell into this by mistake, that you had no intention of ever keeping that promise. More to the point, you were probably hoping to God you would never be in a position to have to keep your promise! You should have thought about that when you made your promise — not now, because now is too late.

By his words in the house today the Minister for Sport and Recreation stands condemned as probably the first minister to admit categorically to being unable to deliver a core election promise. That is a matter of shame. It is something the people of Victoria and especially the outer eastern suburbs will hold him to account for.

Hon. Bill Forwood — They will remember.

Hon. P. A. KATSAMBANIS — We will be here to ensure the people of Victoria remember the first of what I imagine will be many about-faces in the term of this government. It is clear that no matter what pressure Labor applies, it cannot force the AFL to deliver its election promise for it.

Furthermore, Labor has raised the draconian spectre of the compulsory acquisition of Waverley Park, a measure available to governments that I would have thought would not be considered the day after the 10th anniversary of the fall of the Berlin Wall. I would have thought the spectre of compulsorily acquiring citizens' assets would not be bandied about so flippantly as it has been by Mr Jennings. The minister did not in any way, shape or form rule that out.

That sends a terrible message to investors in this state, a message that the government has learnt nothing from its past actions in a previous guise in the Cain-Kirner years. It tried to introduce utopian, socialist policies in the state, run its own businesses and compete with the private sector, and it drove investment from this state.

If the government continues to float the concept of compulsory acquisition, if it continues to float the concept of amending the Docklands Authority Act and therefore calling into question all contracts entered into with the developers of the Colonial Stadium, the key lessees of the Colonial Stadium — I assume the AFL — and all other contracts put in place with vendors and providers of services, including the providers of those supposed portable alcoholic beverage services the Minister for Small Business was so proud to tell us about today — —

Government Members — Light.

Hon. P. A. KATSAMBANIS — Alcoholic beverages, be they light or otherwise. If the government continues to float the possibility of renegeing on contracts, not only will it scare business investment away; the government had better come into the house and tell the people of Victoria how much that will cost them. If the government engineers a situation where contracts entered into in good faith by third parties have to be reneged on and renegotiated, the government will be held accountable to pay compensation. What will that cost the people of Victoria?

The minister should explain that, but he does not know how. It is too confusing and complex for him. He should have thought about that when he swore his oath in becoming a minister of this government. It was going to be hard, but the people of Victoria expected him to execute his duties faithfully at all times. When for the first time the heat is on, the minister has backflipped on a core promise. Thank you very much, Minister! The people of Victoria will hold the government accountable. The opposition is here to make sure the government is accountable. On its first real test, the government has failed the public and the state of Victoria.

Hon. I. J. COVER (Geelong) — I thank the Honourable Peter Katsambanis for taking the time to cool down and hence allowing me a couple of minutes to contribute to debate on the motion. I particularly thank the Minister for Sport and Recreation for such a fulsome contribution, which has also provided me with the opportunity to make a few concluding remarks in the debate. Sadly, I find myself on this side of the house supporting the motion, having once partnered the minister in a 500 Club debate. But happily that was the first and will be the only time I will be supporting him in debate.

The key words of the motion call on the minister to explain the government's policy on Waverley Park and to provide a full account. The chamber has heard

neither an explanation nor a full account of the position of the Australian Labor Party — now the government — on Waverley Park.

As opposition speakers have said, it was heard about before the election. The ALP's policy was that it would fight to keep and improve Waverley as an AFL venue. Subsequently, as recently as 1 November at a Derby function the minister said Labor would definitely keep Waverley. Honourable members have heard election promises but today they did not hear an explanation of the government's policy on Waverley.

I have a range of highlights — and some lowlights — in my experience of attending Waverley. Although I have not graced the turf I have visited Waverley as a supporter. Waverley Park opened in 1970 and Geelong, my side, played the very first game against Fitzroy. Geelong was victorious with Doug Wade kicking the first goal in the main game and Shane Molloy kicking the first goal in the reserves.

Hon. T. C. Theophanous interjected.

Hon. I. J. COVER — It is on the topic of Waverley. Mr Theophanous never got near it.

I first went to Waverley in 1971 with a couple of mates from school to watch Geelong play. It was an adventure to travel by train from Geelong, then on the bus from Clayton station and finally to Waverley to see Geelong unfortunately lose its match. I later worked as a sports reporter on games that were held there. One of my most memorable occasions was the 1994 final when the undermanned Geelong side ran over the top of Carlton. I am sure the minister recalls the game and the fact that he was dragged from the ground, an action that unfortunately was unable to be carried out in the chamber during his address! I recall a Geelong game on an earlier occasion when Carlton was in the lead and the minister, who was then playing in the ruck for Carlton, either fainted or received a severe bout of sunstroke as he went to ground. Geelong lifted its game and won. I believe the minister has been KO'd in the debate today, too. His response did not exactly enlighten the opposition about the government's policy on Waverley Park.

The minister has pointed out that the matter is not black or white. I would have thought it was black and white, either save Waverley Park as promised or not. The amendment moved by Mr Theophanous includes the words:

... expresses its concern at the proposed closure of Waverley Park.

The ALP expressed its concern at the proposed closure of Waverley Park before the election, demanded that it be kept open and said it would pursue all available avenues to ensure that it was kept open.

Hon. T. C. Theophanous — You don't support the community.

Hon. I. J. COVER — I challenge Mr Theophanous to come to Geelong on 21 November and support the Geelong community that supports the Geelong Football Club in its fight to save the club.

One must acknowledge that the AFL is a business organisation that must conduct its affairs in the manner it sees fit with the right to fix games where it wants to. However, the government says it will support the AFL and come on board to the extent of financially supporting it. If that is the case, why not support the Geelong Football Club? It is no different from the AFL. It is a member club and a commercial operation. It is a business organisation. The government should help the club address its \$7.5 million debt. That is what my constituents are saying to me and why I have pleasure in supporting the motion. I look forward to an explanation and full account of the government's moves towards the AFL.

Hon. P. R. HALL (Gippsland) — I thank all honourable members who have contributed to the debate. The motion moved by the opposition was a genuine attempt to seek information and an explanation from the government. It was moved not to be critical of the government but to genuinely discover its policy on Waverley Park and how it would go about meeting its election commitments.

It was also a challenge to be honest, open and accountable, words the Australian Labor Party espoused during the election campaign. The motion gave the minister the opportunity to set the benchmark for his government. He failed in every respect. He failed to deliver a policy based on the government being open, honest and accountable.

I posed a series of 30 questions to the minister and received only two answers. The opposition welcomed the contribution from the Honourable Gavin Jennings. My hope for a good outcome was heightened when Mr Jennings said the role of the opposition was to raise matters such as those raised today. He said it should examine the government's actions. Honourable members waited with anticipation for the outcome of the debate when he said the minister would respond to the issues raised. Two answers were given. The first was that last Monday night the Labor government met

AFL representatives. Has it also met with clubs and local councils? No information was offered.

Secondly, the minister admitted that retaining AFL games at Waverley Park was essential for the venue's ongoing viability. The opposition has taken that on board. The minister did not answer about how the government intended to purchase Waverley Park or what powers it will use to keep it. He did not answer questions about how much it was prepared to spend or what financial package it would put to the AFL. The government did not talk about the super trust and the future use of the ground. It failed in every respect to answer the questions the opposition asked today. Consequently the first test has failed. The opposition rejects the amendment moved by Mr Theophanous and urges the house to support the motion.

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

Ayes, 29

Ashman, Mr	Furletti, Mr
Atkinson, Mr	Hall, Mr
Baxter, Mr	Hallam, Mr
Best, Mr	Katsambanis, Mr
Birrell, Mr	Lucas, Mr
Bishop, Mr	Luckins, Mrs
Boardman, Mr	Olexander, Mr
Bowden, Mr	Powell, Mrs (<i>Teller</i>)
Brideson, Mr	Rich-Phillips, Mr
Cootie, Mrs (<i>Teller</i>)	Ross, Dr
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Smith, Ms
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Forwood, Mr	

Noes, 14

Broad, Ms	Madden, Mr
Carbines, Mrs	Mikakos, Ms (<i>Teller</i>)
Darveniza, Ms (<i>Teller</i>)	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms	Smith, Mr R. F.
Jennings, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms

Amendment negatived.

Motion agreed to.

Sitting suspended 1.07 p.m. until 2.11 p.m.

QUESTIONS WITHOUT NOTICE

Electricity: winter power bonus

Hon. B. C. BOARDMAN (Chelsea) — I refer the Minister for Energy and Resources to her unclear response yesterday regarding the winter power bonus in 2000. Will there be a winter power bonus next year?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am interested in the fact that members of the opposition want to keep on about this. The budget papers make it clear that there was provision for the power bonus in the budget this year. Also, the former government's own budget papers make it clear there is provision in the forward estimates for the following year. If we then go to the forward estimates for the year after that, we see the amount provided for is zero — or to be precise, 0.0! In the forward estimates for the year after that the amount is also zero. It is clear from the previous government's budget papers, under a heading that talks about phasing out payments, that provision was made for the power bonus in the current budget and in the year after that.

Hon. B. C. Boardman — Is that your way of saying no?

Hon. C. C. BROAD — You asked the question! The Labor government will provide for those budget commitments, and I will be interested to hear what the previous Kennett government's intentions were regarding the forward estimates.

Bankruptcies: employee entitlements

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Industrial Relations inform the house of the government's intentions to protect employees' entitlements in the event of employers becoming insolvent?

Hon. M. M. GOULD (Minister for Industrial Relations) — The Bracks Labor government and I am concerned about the plight of Victorian workers and their families when organisations from time to time become bankrupt or insolvent. Labor supports a national scheme that would protect Victorian workers and would guarantee that workers' entitlements would be paid out to them in those unfortunate circumstances.

The Bracks Labor government is most concerned about what happens to families when their income is reduced because companies go out of business. Discussions have been held over some time about setting up a national scheme. Unfortunately, the proposals put do not cover the full entitlements to be paid out to workers who lose their jobs through no fault of their own, nor do they cover the fact that all Victorian workers should be covered.

A couple of proposals put forward refer to a compulsory insurance scheme which would be funded by medium to large companies. However, that proposal has not been put forward nationally through the commonwealth, state and territory governments.

Another proposal is that insurance for a place of employment with fewer than 20 employees would be funded by the government.

The options to date do not go far enough to protect families when a parent or parents lose income because a company has gone bankrupt or become insolvent. It does not ensure that they receive the benefits to which they are entitled.

Next week, at the workplace relations ministers council meeting, I will strongly advocate to the federal minister and my state ministerial colleagues that we push forward and get a scheme that protects workers and their families if an employer goes broke. I will strongly advocate that we have a scheme that guarantees workers will receive all their entitlements, and that all Victorian workers and their families are protected.

Rural Victoria: gas supply

Hon. I. J. COVER (Geelong) — The Minister for Energy and Resources has revealed she was unaware of binding commitments made by other ministers about her portfolio. I refer to an article in the *Geelong Advertiser* of 6 November this year in which the Honourable Elaine Carbines, a member representing Geelong Province, is quoted as having said:

... Ms Broad had obviously not been aware of the commitment, and defended the minister's ignorance of the pledge.

I think it's early days and it's obviously a huge portfolio to grapple with, but I have already taken the opportunity to brief her on the issue.

Is the minister aware of any other binding financial commitments made by other ministers for gas reticulation in rural Victoria and will she now advise the house accordingly?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am pleased to advise the house that the *Geelong Advertiser* is high on my reading list. I had previously read that article so I am fully aware of its context and will continue to be, I am pleased to say.

I am a little surprised that members of the opposition want to keep going on about gas reticulation. A number of matters have been raised in the house about gas connections. When seeking information from government departments about those arrangements it has become apparent to me that they are very complex. The complexity arises from the privatisation and corporatisation of the state's gas supplies under the previous Kennett government. As part of those privatisation and corporatisation arrangements,

commitments entered into by Gascor have been passed on in various memorandums of understanding and arrangements. Following those arrangements there have been various transfers of ownership and memorandums of understanding and there are some question marks about the extent to which new owners in some cases will honour those undertakings.

That would not be a problem if Gascor were still in state ownership. I am certainly obtaining advice on the matter and endeavouring to get responses from privately owned companies as to whether they will honour undertakings given by the previous Kennett government. Clearly when selling off those companies the Kennett government did not take sufficient care in all instances in its undertakings to some rural communities.

Hon. W. I. Smith — On a point of order, Mr President, the minister is clearly debating the issue and not answering the question.

The PRESIDENT — Order! The minister should give an answer and not debate the issue. I ask the minister to continue.

Hon. C. C. BROAD — I conclude by saying that I am fully aware of the commitments given by my colleagues. The government will do its best to ensure that those undertakings are put in place, given that they relate to privatised companies and undertakings by the previous Kennett government and are now the province of privately owned companies.

Small business: e-commerce

Hon. D. G. HADDEN (Ballarat) — Will the Minister for Small Business inform the house of the government's plans to encourage the use of e-commerce for small business?

Hon. M. R. THOMSON (Minister for Small Business) — The honourable member's question relates to an issue that concerns honourable members across both sides of the house. All honourable members have shared concern about the take-up rate of e-commerce by small business. All honourable members understand how important it is to compete globally. It is necessary to have a critical mass of consumers on line and a local e-commerce-smart business community to service the demand. There does not seem to be one single issue that is stopping small business from becoming e-commerce-wise and using it. However, surveys suggest that security and privacy concerns are an issue, as well as the ability to use the technology and a sense of lack of knowledge. Concerns about costs also worry small business considerably as

well as the fact that the consumer mass is not sufficient to use e-commerce.

The government is concerned to rapidly increase e-commerce on line for small business. As part of that I am looking within my portfolio for ways in which Small Business Victoria can assist to get information to small businesses to alleviate some of their concerns.

Honourable members interjecting.

Hon. M. R. THOMSON — A program will be delivered in 2000 to look at ways in which programs being delivered also encompass information on increasing the awareness of small business of the value of e-commerce.

Hon. P. A. Katsambanis interjected.

Hon. M. R. THOMSON — Yes, less than 20 per cent. It is very low. About 29 per cent of small businesses are using computers regularly.

Hon. P. A. Katsambanis interjected.

Hon. M. R. THOMSON — You need a computer to do e-commerce. I am trying to point out how low the take-up rate is. The Bracks Labor government recognises just how critical e-commerce will be in giving small business the access to the market place it would not otherwise have. It can open up the world to small business and put it in a competitive position.

Minister assisting the Minister for Planning: responsibilities

Hon. C. A. STRONG (Higinbotham) — I address my question to the Minister assisting the Minister for Planning. During the adjournment debate last week when I sought clarification on a planning issue from the minister he simply referred it to the Minister for Planning in the other place, in the way one would expect from a minister representing another minister. Will the minister therefore explain precisely what his role is as minister assisting in planning?

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — My role in assisting the Minister for Planning is to carry out administrative duties as directed by the minister.

Port of Melbourne

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Ports advise on the progress towards re-establishing a slipway in the port of Melbourne for vessel repair?

Hon. C. C. BROAD (Minister for Ports) — The imminent closure of the Duke of Orr slipway at Victoria Dock, which for those who do not know is downstream from the Bolte Bridge, has galvanised concerns of key owners and operators of vessels up to 1000 tonnes. That includes vessels such as tugs and pilot vessels that are crucial to the port operation. There is concern that without such a slipway in the port those vessels would have to go to Tasmania and that important jobs would be lost to another state.

I note that the former Minister for Roads and Ports gave a commitment to assist the market to fill this need where possible. It now seems that as the new minister I am in a position to be able to make some announcements about what is to be done about it. As the Labor government's new Minister for Ports I support the retention of a slipway able to handle repairs for such vessels. I am pleased to advise that there has been a very positive response to the work of the Department of Infrastructure in resolving the matter. I am also pleased to advise the member for Melbourne West that a company in her electorate of Williamstown by the name of Tenex Pty Ltd is currently investigating a new site for a new ship repair facility in Port Philip.

The facility would service vessels to 6000 tonnes and provide a much wider range of services to ships visiting Melbourne. It would enable larger tugs and barges to be serviced, which is essential.

In addition, several consortia are vying to supply a smaller slipway based on a travel-lift system for river craft and recreational vessels under 100 tonnes. On that basis the government is looking forward in the new year to an expansion of the slipway services in the bay.

Minister assisting the Minister for Planning: responsibilities

Hon. R. M. HALLAM (Western) — My question is directed to the Minister assisting the Minister for Planning. It goes to the issue raised by my colleague the Honourable Chris Strong and particularly the response the minister just gave. To paraphrase it kindly, I think the minister said he would follow the administrative instructions of the minister in another place. Will the minister advise the house whether he has been given any administrative instructions in that capacity?

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — At the moment I am involved in consultative meetings with the minister in relation to various issues and being briefed by the minister on most issues passing his desk. As I said previously, I will carry out duties as directed by the minister.

Industrial relations: system

Hon. E. C. CARBINES (Geelong) — Will the Minister for Industrial Relations inform the house of Victoria's need for a better and fairer industrial relations system?

Hon. M. M. GOULD (Minister for Industrial Relations) — The Bracks Labor government supports a single industrial relations system based on a national approach and with comprehensive standards. Unfortunately such a system does not currently exist in the federal system under the Workplace Relations Act. More than 700 000 Victorian workers have no protection because the previous government referred its powers to the federal government.

The federal Workplace Relations Act provides for a minimum 20 allowable conditions but Victorians did not get the full benefit. They were awarded five lousy conditions — four weeks annual leave; unpaid adoption, paternity and maternity leave; a minimum rate of pay; a termination notice; and one week's sick leave. There is not even a minimum set of hours in any given week. They can work 60 hours a week and get no extra payment, or not even be paid once they work over the set of hours an employer chooses to give them — because the former government referred schedule 1A of the Workplace Relations Act to the federal government.

The Bracks Labor government will contact Minister Reith, the federal Minister for Employment, Workplace Relations and Small Business, and put it on the federal government to improve the lot of Victorians. If he does not do it, the government will — and I will, as minister.

Honourable members interjecting.

The PRESIDENT — Order! I am not sure whether other honourable members heard the latter part of the answer. I certainly did not. Will the minister please repeat the last two sentences?

Hon. M. M. GOULD — If the federal government does not fix it, I will look after Victorian workers in my capacity as Minister for Industrial Relations — and not like you lot did!

Bankruptcies: employee entitlements

Hon. M. A. BIRRELL (East Yarra) — Will the Minister for Industrial Relations give a guarantee that costs to small business will not rise as a result of the industrial relations scheme for insolvent companies she outlined in her earlier answer?

Hon. M. M. GOULD (Minister for Industrial Relations) — The Leader of the Opposition may have missed the comments I made in my answer to the last question, which was about insolvency. I drew to the attention of the house that the proposal was initially established by the Howard and Kennett governments. A need was recognised to put into place a national scheme that would apply right across Australia, a national scheme to protect workers — —

Hon. Bill Forwood — I raise a point of order, Mr President. It goes to the issue of relevance. More to the point it goes to the issue of ministers answering questions directly and in a manner that does not waste the time of the house. That is a direct commitment of the Bracks Labor government to the Independents and their charter.

As honourable members would know, included in the sessional orders adopted in the other house are comments or instructions along the lines that ministers are required to answer questions factually, responsibly and accurately.

The PRESIDENT — Order! What is the point of order?

Hon. Bill Forwood — Mr President, the point of order is that it was a specific question on a specific topic about costs to small business, which the minister has come nowhere near answering. I ask you to bring her back to answering the question.

The PRESIDENT — Order! The minister's answer is clearly responsive to the question, although she has not yet dealt with the major element of the question. No doubt she is moving towards that.

Hon. M. M. GOULD — Thank you, Mr President. Again I refer the Leader of the Opposition to my comments about the options currently before the federal Minister for Employment, Workplace Relations and Small Business. One proposal is that there be compulsory insurance for medium-size businesses with 20 or more employees. Nothing has been finalised — that is what next week's meeting is about. One of the other options is that governments would directly fund payments for small businesses with fewer than 20 employees.

The current proposals do not go far enough, because they are capped. I argue that the scheme proposed to be established across Australia would protect workers and ensure that they get their full entitlements.

Small business: retail market share

Hon. R. F. SMITH (Chelsea) — Is the Minister for Small Business aware of recently published data that suggests that department stores and supermarket chains are experiencing relatively high sales growth, which is having an adverse impact on smaller businesses?

Hon. M. R. THOMSON (Minister for Small Business) — I am sure all honourable members welcome the high retail sales heard about recently. Recent media reports indicate that according to data provided by Byvan Professional Services supermarket chains are showing growth rates ahead of the average national retail sales growth rates. It has been suggested that by using extended trading hours and greater product diversity, department stores and supermarkets are having a detrimental impact on smaller specialty stores.

An Honourable Member — What are you going to do about it?

Honourable members interjecting.

Hon. M. R. THOMSON — Just wait!

Honourable members interjecting.

The PRESIDENT — Order! As this is the last question, I ask honourable members to hear the minister in silence and to settle down.

Hon. M. R. THOMSON — The issue of retail concentration has been examined by the joint select committee's federal inquiry into industry concentration in the retail sector. That committee released a report entitled Fair Market or Market Failure at the end of August, and I understand the federal government will be releasing its response to that report in December.

The committee's recommendations are relevant to the data that is now emerging regarding the concentration of big business in the retail market. Some of the recommendations are: giving the Australian Competition and Consumer Commission wider powers to bring representative actions in respect of predatory pricing and to seek damages rather than leaving individuals in a position where they have to take their own actions as to damages; providing for mandatory notification to the ACCC for approval of store acquisitions by the major chains — that would require that the ACCC consult local authorities and other relevant parties so as to make an informed assessment of the impact on local businesses of such acquisitions; and the establishment of an independent retail industry

ombudsman to which retail industry participants can bring complaints or queries for speedy resolution.

I understand the assistance of state and federal officers from the relevant departments is sought in that respect.

Hon. C. A. Furretti — The small businesses want you to take your hands out of their pockets.

Hon. M. R. THOMSON — My hands aren't in their pockets — your government's might have been!

Overall, I am well aware of the arguments put forward by the National Association of Retail Grocers of Australia regarding market share of the three major grocery retailers. The government is looking forward to the federal government's response and will do all it can to support a response that supports diversity in that marketplace.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 9 November; motion of Hon. C. C. BROAD (Minister for Energy and Resources) for adoption of address-in-reply.

Hon. KAYE DARVENIZA (Melbourne West) — One can hardly imagine a more auspicious time to join other honourable members in this place. We stand just weeks away from a new millennium. Victorians have recorded very significant support for a republic after considerable bipartisan support in Victoria. Australia's armed forces have recently been instrumental in bringing independence to the people of East Timor, and, significantly, particularly for honourable members on this side of the house, the Bracks Labor government has just taken office in Victoria.

I feel a tremendous sense of optimism about the future of our nation and of Victoria in particular. Our postwar history is characterised by tolerance, moderation, political stability and economic progress. No state displays these characteristics more than Victoria. Yet many in our community feel isolated, insecure and uncertain of the future, while too many Victorians continue to bear the burden of economic and other social disadvantage.

On the one hand, our state and nation are young, dynamic, forward looking and culturally diverse; on the other hand, many in our community feel, rightly, that they have missed out on a fair share of our social goods. It is this tension in our society which poses the most

fundamental problems. These are issues that we must squarely address.

I, of course, feel deeply privileged to have been elected by the people of Melbourne West Province to represent them in this place along with my colleague the Honourable Sang Nguyen. The Melbourne West Province has existed since 1904 and I take great pride in being the 20th member to be elected from it. My more recent predecessors include the former honourable members, Jean McLean, Licia Kokocinski, Joan Coxsedg, and of course, Joan Kirner, who began her parliamentary career in this place. It is very satisfying for me that my four most recent predecessors are women, and include the former Labor Premier.

The people of Melbourne West have been electing women representatives since before the issue became more publicly prevalent. Indeed, of the six members of state Parliament elected from within the Melbourne West Province, three are women, a balance of which other provinces would, I believe, do well to emulate.

Thanks to the tireless work of many people at the last state election I was fortunate enough to receive 63 per cent of the primary vote. However, that level of support carries with it significant obligations.

The people of Melbourne's west have a very bright future, but they seek and deserve that government help to provide the conditions in which that future can be secure.

Recent electoral history shows that the support of no part of our community can be taken for granted. The Bracks government was elected in part with the goodwill and expectation that government and Parliament will do their part to address the problems arising from the historic, comparative under-resourcing of Melbourne's west.

In much the same way the people of rural and regional Victoria have indicated their concern that they get a fair share of government services and infrastructure.

The fact is that Melbourne's west can and will go forward in leaps and bounds. There is a great community spirit to harness. But we have some catching up to do and the community looks to government and Parliament to help in that task.

Several critical issues continue to concern the people of Melbourne's west. These issues are ones which affect all Victorians but the impact falls more heavily in the west.

For example, the impact of the boom in gambling disproportionately affects the western suburbs. There is a resource imbalance in favour of other parts of metropolitan Melbourne in terms of access to health and educational resources. The need for new strategies to combat the drug epidemic and its associated crime implications is very evident, while the need to attract further investment to the west is paramount.

But there is a very positive story to tell about the west. Melbourne's west is changing fast. Its population base is steadily moving away from the inner city to new housing estates in the growth corridors of Werribee and Hoppers Crossing. Young families, attracted by favourable land prices, are moving into the area.

The west cannot be pigeonholed as an area of low economic performance with major social problems. While problems exist, the west is an area of new building and construction, and of parks and gardens and beaches. It is rich in historical significance, with a budding tourism industry.

When one thinks of the advantages of businesses operating out of the west, it is little wonder that many have chosen to do so, with more, I am sure, to follow. Apart from its proximity to the central business district and to Australia's only 24-hour international airport, the benefits of doing business in the west are many.

The cost of industrial land in Melbourne's west is approximately one-third of the Melbourne average. Factory construction costs are among the lowest in South-East Asia and office rental costs are almost half the Melbourne average. The area affords ready access to an established manufacturing base as well as national rail and road networks. Developed commercial infrastructure, including business services, research and development such as the Werribee technological precinct, and access to raw materials already exists.

Melbourne West has a large and multilingual labour market. In fact, 41 per cent of all factory construction throughout metropolitan Melbourne occurs in the western region, as does 18 per cent of all housing construction. Businesses based in Melbourne's west employ 15 per cent of Melbourne's total of those employed in manufacturing and 20 per cent of the total employed in the transport and storage sectors. With this environment some of Australia's largest companies have been attracted into the electorate, companies like Toyota, Mobil, Orica, Hoechst, Transfield and UWA.

Throughout the province many items of historical interest can be found. One current project combines one of Victoria's most significant historical sites, Werribee

Mansion, with a major hotel and tourist development. The Werribee Park Mansion Hotel is a \$6.5 million development that aims to uphold the area's environmental and historical integrity while serving the business and tourist market. This project builds on the important tourist and recreational facilities already in the area, facilities such as Victoria's open-range zoo and the Werribee Park National Equestrian Centre. Both the equestrian centre and the open-range zoo are not just top-class Australian facilities but world-class facilities.

The open-range zoo, in particular, is probably known to all Victorian children and their parents but has more recently received proper recognition for its pioneering work in the captive breeding of endangered species such as the white rhinoceros project and its trendsetting work in the humane exhibition of large ranging animals.

Other topnotch educational and environmental resources in the area include the Scienceworks museum at Spotswood and the internationally significant wetlands and bird sanctuaries of Lake Borrie and Cherry Lake, Altona. These features are part of the reason young families are moving to the west. They certainly help to debunk the image of the west as solely an industrial region. Yet while these and other facilities are significant and important to the character of the west, we cannot forget that this is a region that has been neglected in the past.

What is of foremost importance to families in the west, like families everywhere, is social and economic stability. In a time of globalisation and economic uncertainty, families need to know that their jobs are secure and new jobs will be available. Parents need assurances that there are quality local schools for their children. Vitaly important, too, parents want to know that their streets are safe and that drugs and crime are taken off the street. That is where policies such as the government's drugs policy, including plans for safe injecting houses, will, I believe, be vital.

Figures produced by the Parliament show that the number of students attending secondary schools in Melbourne West Province is the fourth lowest in the state. Similarly, the proportion of those taking part in post-secondary education shows that the Melbourne West Province was again among the lowest when compared with other metropolitan provinces. Employment figures show that Melbourne west has the highest level of unemployment, including youth unemployment, of all metropolitan provinces.

Since the state election much attention has been paid to the message sent by rural and regional voters that country Victorians expect a fair go. As a country woman myself I understand that message all too well. In responding to that call we need to acknowledge that significant metropolitan areas suffer disadvantage too. In developing our response to ensure a fair go for all Victorians we need to give areas such as Melbourne West a very high priority. For the people of Melbourne West are open for business and raring to go.

Like many people in the Labor Party, I learnt about the importance of community spirit growing up in rural Victoria. My grandparents came to Australia before the war from farming communities in Italy and the former Yugoslavia. Like many migrants of that time they settled in Shepparton in the hope of re-establishing themselves on the land. Shepparton today still has flourishing communities, founded on successive generations of Greek, Italian, Albanian, Yugoslavian and other mostly Mediterranean migrants. From modest beginnings, my family established a successful grape growing business and members of my family established one of Victoria's earliest wineries — sadly, no longer in operation — reflecting my family's long association with the production and, I admit, the consumption of good wine.

When I was growing up my parents, Mijo and Pat, were — and still are — active in community affairs and in the church and other philanthropic organisations. Victoria has been good to my family. A lesson that has been driven home to me from an early age is that, wherever you receive advantages, you have to give something back. My family has lived by the credo that wherever the opportunity arises, we must endeavour to serve the community that has served us so well. One of the best ways of achieving this is to become involved in the political process.

Both my parents are heavily involved in the Shepparton branch of the National Party, of which my father is president. My sister, Gail Gago, has stood as an ALP candidate in federal elections in South Australia, where she is the state secretary of the Australian Nursing Federation. I know it will come as no surprise to honourable members who are members of the National Party that staunch Nationals like my parents have raised children strongly committed to the Labor movement. The old Country Party of my childhood was a movement not far removed from the Labor Party. Then, as now, people in rural Victoria understood the importance of fighting for one's community, delivering services that made a difference and not letting ideology and divisiveness stand in the way of doing the practical and sensible thing.

The political lessons I have learnt from my Shepparton upbringing are that consensus is better than division and that discussion is better than dogma.

When I was 18 I left Shepparton and came to Melbourne to study to be a nurse. I left Shepparton like many young country women of my generation because at the time opportunities for young women were limited. One married or one became a nurse or a teacher. I married shortly after becoming a registered nurse and spent much of my early working life in a variety of nursing positions. Nursing gave me first-hand experience in many aspects of the health care industry, including psychiatric services, aged care, pathology and acute care.

I venture to say that a career in nursing or in the health and community care area is ideal preparation for a parliamentarian. My experiences as a health worker included some of both the saddest and most uplifting of my life. I have seen people in total despair yet willing to fight back against seemingly insurmountable odds.

In particular my experience in psychiatric services reinforced my view, if any reinforcement was necessary, that psychiatric illness can be at once comparatively invisible to the community at large yet be grossly debilitating and potentially destructive to the lives and families of sufferers. We must continue to strive to build on our achievements in psychiatric care.

More generally my experience as a nurse has shown me just how vulnerable many in our community are to the decisions of government. For those on the brink, good government services of all types are the difference sometimes between life and death and, more often, between stability and despair. This, more than anything else, is my litmus test of good government.

In 1989 I was elected state secretary of the Health and Community Services Union, a position that I held until my election to this chamber. In that capacity I worked closely with community groups, industry representatives and government departments to improve important health and community services and to ensure fair employment conditions for all health and community care workers. Health and community care workers in all spheres of human service delivery are special people. For the most part they are people drawn to human services because of a desire to help and support. They are women and men of good conscience, working often under pressure, and with few thanks. They ask for little recognition and, sadly, often receive little. Many make up budget shortfalls in the programs they deliver from their own time and resources. Many are young people, and the majority are women. As both

a nurse and a health unionist it has been my privilege to work with and for health and community care workers for 20 years. They reflect, in my view, the best values in our community — ideals of duty, service and concern for others. They retain my unending thanks, admiration and affection.

There are, of course, many others I wish to thank for their support and assistance leading to my election to this place. I would like to pay particular thanks to my husband, Rob Elliott, who as well as being a supportive partner has throughout the past 13 years been there to offer his advice, comfort and considerable insight.

I would like to record my gratitude to the former Australian Council of Trade Unions president, now the federal shadow minister for regional development, Martin Ferguson, who, along with my colleague Michael O'Connor, offered tremendous support, advice and encouragement, particularly on the tortuous path to preselection.

To the staff, officials and membership of the Health Services Union of Australia, I acknowledge my heartfelt appreciation. Together we have weathered some of the most difficult times imaginable and their courage in adversity has been an inspiration. I particularly acknowledge the support and friendship of Lloyd Williams, Kathy Jackson, David Stephens, and the Health Services Union of Australia national president, Michael Williamson. I thank my good friend Julie Ligeti of the Australian Nursing Federation for all her encouragement, advice and good humour. I extend, too, my warmest thanks to my parents, Pat and Mijo, my sister Gail, and brother Michael.

Finally, I want to thank my daughters, Paley and Amelia. I said earlier that when I left my Shepparton home there were few opportunities for young women. But that was a situation that could not be allowed to continue and a generation of Australian and Victorian women have over the past 30 years embarked on the vital work of building a better future for our daughters, and in so doing, for our sons as well.

If my own daughters are anything to go by that mission has been successful. Today, my elder daughter, Paley, is a pilot and engineering graduate, flying commercially in Queensland. Amelia is studying liberal arts at Mont Clair University in the United States of America.

My daughters and their generation are bright, vocal, eloquent and, most of all, courageous young women. They take on challenges which, as a girl, I would never have considered. So when I say that I am optimistic for the future, I am particularly optimistic for this

generation of young women. That they have achieved so much already, when only a generation ago opportunities were so limited, is almost miraculous.

Within the lifetime of honourable members one of this generation of young women surely will be an Australian President. To understand this is to understand that we live in a time when everything is possible.

Finally, I wish to say something of the new government's plans for reform of this chamber. There has been much comment on this matter already and, no doubt, much more is yet to come. There will be many arguments presented for and against proposed changes. Like other honourable members on this side of the house, I support the proposed reforms. Honourable members on both sides of the house will, of course, wish to see this place operate as a genuine house of review. Ideally reform of this chamber would see not just the electoral system for the chamber change but see an enhanced role for this place perhaps similar to the role the Australian Senate now enjoys in national political life.

I am confident that in this I share common ground with many honourable members on both sides of the house. We live in fascinating but difficult times. These circumstances will pose many challenges to honourable members during the current Parliament. I assure honourable members that I am resolved to play a constructive role in the deliberations of this chamber. I am confident that I share the view of all honourable members when I say that I look forward to engaging with members on both sides of the house with goodwill, good humour and good faith.

Hon. W. R. BAXTER (North Eastern) — I congratulate Ms Darveniza on her maiden speech. It was a magnificent contribution if I may say so, coming as she does from good Goulburn Valley stock and a parentage with participation in the National Party! How could I expect anything less. I look forward to further contributions from the honourable member along the lines she has so eloquently outlined to the house today.

As I do for all new members, I commend the well-prepared speeches of the three new members from this side of the house. That was despite the fact that I was somewhat alarmed to realise from the Honourable Gordon Rich-Phillips's discourse that I was a member of this place before he was born! I am unsure what sort of message that may be sending me. I also thoroughly enjoyed the speech of the Honourable John McQuilten yesterday. It was a heartfelt contribution to the house. I shall contemplate later some of the points

he made. I regret that I was not in the house when the Honourable Elaine Carbines made her contribution, but I read it with interest in *Hansard*.

We all come to this place with high aspirations. I came and come to this place as a proud National Party member, but firstly I come to this place as a parliamentarian. I hope all honourable members come to this place as parliamentarians and that they hold this chamber and this Parliament and its traditions and integrity in high regard. Honourable members have only to look around many places in the world to see what a fragile flower democracy is. However, in this nation and in this state and in many places of the British commonwealth democracy can be a robust flower as well, surviving many tribulations.

I recently went to Guyana, the only British commonwealth country on the South American mainland. Although it has been ill-served by some of its past governments, so far as I could see parliamentary democracy was thriving.

Australia is fortunate that it can change governments, as Victoria did on 18 September, and as it has federally, without the slightest indication of civil unrest in the streets. Australia can have a referendum, as it did last Saturday, to contemplate changing its longstanding constitution. While it may have generated debate, angst, some terse words, and perhaps words that may be regretted by their users in the fullness of time, nevertheless that historic vote was held without an indication, suggestion or mere rumour of violence. Australians should never forget how fortunate they are that democracy as they know it has been so well maintained in this nation for so long. It devolves a responsibility on all of us to ensure that in our time, no matter how short or how long it may be, as members of the Victorian Legislative Council, we maintain a commitment to the fairness that is so much a feature of our democratic process.

I could not help but think when His Excellency was reading the his speech last Wednesday how well served we have been by Governors in my time.

When I was first elected, Major-General Sir Rohan Delacombe was the Governor of Victoria. Sir Rohan was a British general, and one might say the last of his line because the governors have been Australian-born since his retirement. The next governor was Sir Henry Winneke, a man of outstanding character, talent, intellect and wit. Sir Henry was followed by Sir Brian Murray, a navy man; Dr John McCaughey; Mr Richard McGarvie; and Sir James Gobbo. I pay special tribute to Sir James and Lady Gobbo. They have carried out

their duties with skill and dignity. Last year or the year before I attended the McKay Oration in Wangaratta where Sir James spoke on the contribution of the Italian community to the Ovens Valley in north-eastern Victoria. One could not have found a more fitting speaker, bearing in mind Sir James's Italian background. The manner in which he held such a diverse audience in rapt attention was a guide to the measure of the man.

My time as a minister of the Crown was spent mainly serving on the Executive Council with Mr McGarvie, but in the latter years with Sir James, and I appreciated the great wisdom that he brought to the office. Victoria has been well served by its Governors and I wish Sir James well as he serves his term as Governor of Victoria.

I have been involved in many address-in-reply speeches. I was first elected to Parliament in 1973, and elected to this place in 1979, 1985, 1992 and 1999. There have also been address-in-reply speeches on occasions when the Parliament has been prorogued. I cannot help reflecting on the Governor's speech on this occasion in that perhaps to some extent it was deficient. In all the times I have listened to Governor's speeches never before has one been prepared by a government that was so surprised, ill-prepared and ill-equipped to be in office. Clearly the government did not expect to be in office. In all the time I have been a member this is the first time that in the second week of the session there has not been one skerrick of government business for the house to undertake and give consideration to — a most extraordinary set of circumstances. Nevertheless, the government is the government. I am standing by to deal with its legislative program, which I hope will be brought forward in the next few days.

However, as I read through the Governor's speech I noted several points of interest, not the least being the commitment of \$170 million for a rural infrastructure program. I was interested to note that commitments made in the speech as well as during question time and on the adjournment debate indicate that the \$170 million will not go very far: \$40 million has been allocated to rail standardisation; \$20 million for rail to Ballarat; \$20 million for rail to Bendigo; the heavy rail out to the airport; and the gas pipeline in Mr Cover's electorate on the Bellarine Peninsula. The \$170 million seems to have been chewed up already and scarcely any of the issues that concern country Victorians have been addressed. The government will have to lift its sights if it is to match the rhetoric with which it went to country Victoria and keep the promises it has made. Clearly, the priorities it has already enumerated are not those

particularly expressed by the people, and they certainly go well beyond the \$170 million promised.

I turn to the issue Mr McQuilten mentioned yesterday about the need to generate jobs and encourage industries in country Victoria. Mr McQuilten advised the house of some of his activities in that regard and in particular his past and potential successes. I wish him all the best; I hope that he succeeds. I congratulate him on the success he has had in getting the factories that he mentioned to Maryborough, for example, and other places.

Honourable members are all on the same wavelength. We are not at opposite ends at all. If one considers the record of the former government, one recognises it endeavoured to put in place conditions and infrastructure to enable industry to establish in country Victoria. The first example relates to water supply. The former government committed more than \$1 billion to improve water supply and waste-water treatment in country towns. That makes the Labor government's \$170 million rural infrastructure fund look puny. That investment was based on the little hope of attracting industry to a country town if the town is not able to offer that industry water of the highest quality — to world health standards — and is not able to offer facilities to treat its grey water, particularly a food processing industry, where we have a natural competitive advantage.

I commend the former Deputy Premier and Leader of the National Party in another place, Mr McNamara, for his commitment to correct the sorry record of only 28 per cent of country towns having water of world health standard by ensuring every town other than the smallest villages had water of that standard within the next year or two — an extraordinary achievement. It is all very well for some people to say governments are expected to do such things. Those towns have been waiting 100 years for governments to do that. No government had done it until the Kennett–McNamara government committed the funds and set about doing it — an extraordinary achievement that will bring industry and jobs to country Victoria.

When I was Minister for Roads and Ports in the first term of the Kennett government I was instrumental, with my colleagues in cabinet, in introducing the Better Roads levy. I did not for one moment relish the prospect of adding an additional impost on Victorian motorists, bearing in mind the way they have been bled dry by federal governments of both persuasions by the fuel excise. However, it seemed to me that unless we were in a position to improve the road infrastructure of the state we would not be globally competitive,

particularly with our exports, and we would not be in a position to attract people to country towns. I made a deliberate decision, supported by the cabinet at the time, to skew the Better Roads funds in favour of country Victoria. Victorians who live outside the Port Phillip district total 28 per cent of the population. The former government committed more than 33 per cent of the funds to road infrastructure in country Victoria — referring again to the issues raised by Mr McQuilten — to create circumstances where industry could be attracted to country Victoria. One has only to look at the other infrastructure expenditure of the former government.

Honourable members well know that at the end of the Labor years not only did the former coalition government inherit a \$32 billion debt in Victoria, but it also inherited run-down infrastructure in schools, hospitals and roads. That debt would not have been so bad if we had been able to point to magnificent facilities such as hospitals and schools. However, all through country and metropolitan Victoria there was a backlog of some \$600 million in urgent maintenance on schools. Hospitals were in dire disrepair. All those issues were addressed by the Kennett government.

I can go through each and every hospital in the North Eastern Province and enumerate major expenditure — for example, \$15 million in Wodonga, \$9 million in Wangaratta, or \$300 000 or \$400 000 on smaller hospitals such as Tallangatta and Cohuna. That infrastructure has been maintained throughout the electorate.

That brings me to some of the points made by Ms Darveniza. I am troubled, as I think she would be, by the suspicions about city versus country — that is, the perceived schism that appears to have developed. All parliamentarians have an obligation to overcome and correct that division. That was exemplified by the referendum result, when the affluent suburbs of Melbourne — for want of a better word, the elitist suburbs, although I do not like the word — tended to vote yes but the struggling suburbs, perhaps the western suburbs or the remote country localities, particularly in the north-west and east, strongly supported the no vote. The result had little to do with whether the people wanted a monarch or a president but reflected some degree of suspicion of big government and the big city.

That is an unfortunate development in our community and, although I do not want any divisions to occur, I know that any schism in the community should be based not on artificial divisions but on facts or reality. All parliamentarians face the task of trying to bring the community together again.

If honourable members look back over the years they will see that a small section of the community has had immense wealth and there has been a relatively well-off middle class and perhaps another section that could be said to be struggling economically. That situation still exists, but now we have a larger middle class doing much better than it has in the past. Its members have tended to leave behind those who felt their opportunities were limited. The extremely wealthy group consists of people who previously had, to use an old-fashioned term, a sense of noblesse oblige but who are finding they can no longer continue to be like that.

Statistics published in today's newspapers reveal that the average wealth per household in Australia is fantastically high. Those who could be said to be wealthy now tend not to believe they are obliged to help those less wealthy. I do not suggest it is because of greed; it simply shows their failure to understand that they have been able to seize upon the opportunities given them, in the same way as the Honourable Kaye Darveniza mentioned the opportunities her daughters have had that others have not been able to seize.

My evidence for making that suggestion is the way Victoria's volunteer organisations are struggling. When I was a young man who had left school, church attendances were high and service clubs were active in country towns. I was a member of the Apex Club in my town, but the Apex organisation no longer exists because not enough people were willing to participate in it. A number of community organisations find that 30, 40 and 50-year-old middle-class people no longer consider they need to participate in community activities. They have become somewhat disconnected. To a degree that fact underlies the difficulties we now face in having a cohesive community.

Another example of my point is participation in the political process. Membership of Australian political parties is at an historic low. I do not know how many members the Liberal Party or the Labor Party has, but I suspect that they, like the National Party, are having difficulty recruiting active participants and that they hold meeting after meeting with few attendees. Instead of the political parties having broad bases of participation in the democratic process, the numbers are becoming fewer. At times that trend can lead to pernicious activity such as branch stacking, which occurs not only in the Labor Party. It can lead to small groups formulating and dictating policy.

When I first came to this place I was complaining about that issue. A longstanding member said, 'Don't worry, son, there are only a few there; you can have all the power'. That worried me. I was not after power because

I was more interested in being part of a larger organisation that made decisions on behalf of society and for society's good.

I am deeply concerned that a situation has been reached where active participation in the political process at the grassroots level is at a record low. Everything possible should be done to address that problem, whether through civic courses in the school curriculum or other means, and encourage people to become members of and actively participate in the activities of political parties. If that could be done the suspicion that has now become deeply embedded in the community that politicians are grasping, greedy and dishonest people could be overcome. I do not believe I am any of those things; I do not want to be and if I am, I want somebody to tell me so. People do not tell me that personally, but they refer to politicians and members of Parliament as a group in those terms.

The community has a suspicion that is causing deep angst and a great deal of tribulation and is making it more difficult for governments to actually govern in the interests of the community. That situation must be addressed. I tie that back to my opening remarks about being parliamentarians first rather than party members. Honourable members have an overriding responsibility to be parliamentarians rather than partisans when they come into this place, otherwise the result will be an unhappy harvest. I fear the seeds of that harvest have been sown in the community and will germinate unless something is done about the situation.

Too many people now feel left behind. They feel lacking in self-worth and that they are not considered by the community as a whole to be worthy citizens. That issue needs to be addressed. I do not have all the answers, but I have spent a good deal of time thinking about it. I am beginning to turn my mind more to that inclusiveness that is often talked about but which perhaps too few of us have practised in the past.

I wish to deal with one particular issue that will probably dominate this Parliament, the nation and governments for the next few years. I refer to water. Australia is the driest continent in the world, yet it is the food bowl of much of the world. It has tremendous potential if only water resources are used properly. As has already been experienced, that issue can be most divisive. I do not simply refer to the Snowy River situation but to the broader issue of water usage.

Australia developed its water resources over a long period, starting from scratch in terms of experience. This country differs from Europe and North America in geography, geology and rainfall patterns. Australia may

have water of the same magnitude as that in some other places but its supply is irregular. Australians do what people in other countries do not do; they have to chart their own course.

Perhaps our predecessors failed to understand that the irregularity of the water supply and the fact that the land mass, as old as it is, is embedded on salt would mean that water supply would become crucial in the future. Some of the past decisions were unwise. However, because they were based on the best knowledge and understanding available at the time I do not criticise the people who made them. We need not get too despondent about the fact that some of those decisions have been found to have been wanting.

The community is showing a great deal of maturity in the way it addresses the issues of water, the environment, salinity and the like. This generation will be the first for a number of generations to hand the land on to its successors in a better condition than when it was inherited. I sincerely believe the corner has been turned in dealing with salinity and drainage issues. I have only to look at the area represented by the Honourable Barry Bishop, for example, to see some of the improvements made by reclaiming land that had become almost a moonscape.

Much has been achieved in the area I represent. That is not to say there is not a lot more to be done or that not much more capital expenditure is needed and no more research needs to be undertaken. However, I am not one to throw my hands up in horror and say it is all too difficult, the land has been ruined and farmers need to just walk away from it. That is not the case. It is recoverable and I have great confidence.

Similarly a great deal of maturity has been shown in the way the Murray–Darling basin is being dealt with. The basin covers four states — Queensland, a large part of New South Wales, all the northern part of Victoria and a fair slab of South Australia. The community has acknowledged that licensed diversions have reached their limit and that something needs to be done about that now rather than waiting until the water runs out and we have a crisis on our hands and start engaging in emotive arguments. All honourable members know that emotive arguments tend to get out of hand and wrong decisions can be made.

The community has shown its maturity by introducing, through the government, a diversion cap on the Murray–Darling basin that was set at 1994 levels of development. The trading of water rights has been introduced so that people who wish to engage in

irrigation can acquire entitlements without any fresh diversions being made from hard-pressed rivers.

Twenty years ago the concept of selling the water entitlements of a parcel of land was unheard of and would have been vehemently opposed. I might have told the house previously that I received one of my greatest encouragements at a meeting I attended in Kerang in August 1998. During the many discussions on water one of the leading farmers of the district complimented the government on the introduction of tradeable water entitlements. That practice commenced in the term of the Cain and Kirner Labor governments. I give David White due credit for that. The farmer noted how vigorously he had opposed the practice earlier but now acknowledges that had it not been introduced the very low allocations that were available in 1998 would have wreaked havoc on his irrigation area.

The tradeability of water entitlements enabled water to be shared equitably. It gave me great encouragement that people were prepared to change their minds. I hope I am prepared to change my mind if I am confronted with a convincing argument. However, too often there is a tendency for people to be backed into corners and to be unable to acknowledge that a better argument is being put. Again I return to my opening comments about being a parliamentarian and not a partisan. We have to be ready to acknowledge that one side does not always hold all the wisdom and that we must be ready to work together.

Traditionally Victoria has administered its water resources in a far better manner than has New South Wales. The proof of the pudding is now being seen this year. In saying that I wish no ill will at all on new our New South Wales neighbours. I represent 700 kilometres of the Murray River and many of them are just across a narrow stretch of water. About 14 days ago a protest rally was held on the Union Bridge that links Albury and Wodonga. The rally blocked the Hume Highway. It comprised irrigators and, more particularly, shopkeepers from the small towns of the Riverina such as Finley, Berrigan and Moulamein. They were protesting about the lack of water in New South Wales for rice growers and demanding more water. I later said to someone, ‘Did you notice that no Victorian irrigators were there?’. The person replied, ‘No, I did not, but now that you draw my attention to it, you are right’. Where were the Victorians?

The answer lies in the fact that Victoria runs its water system on a much more conservative basis. This year Victorian Murray Valley irrigators are getting 100 per cent of their water allocations. Irrigators in the New South Wales Riverina are getting 17 per cent of their

allocations. It is little wonder they are upset about it. The difference is that New South Wales used water when it was available; Victoria allocates water over and above its water rights year on year only when it already has the next year's supply in the Hume and Dartmouth dams. I admit that is a very conservative regime. Had they operated a system like New South Wales, Victoria's irrigators could have done a lot better over the years and made a lot more money. However, they would also be getting 20 or 30 per cent of their water rights this year instead of 100 per cent. This is the year when conservative management has absolutely paid off. Victorian irrigators should be proud that there have been no demands in this state to run a system that would have enabled them to make more money in some years and fly by the seats of their pants in others in the hope that a series of dry years would not arrive. The dry years have arrived. New South Wales is paying for the past, and Victoria is getting by.

Having said that, I draw the attention of the house to the fact that irrigators in my area and that of Ms Darveniza who rely on the Eildon system are, for the first time ever, facing receiving less than 100 per cent of their water entitlements. Thus far they have been allocated 70 per cent. The board meets again on Thursday of next week. There has been some rain since it last met, so it is hoped the allocation can be jacked up to 80 or 85 per cent. Spring is drawing to a close. The chances of getting to 100 per cent this year are remote. That situation has never before confronted Victorians. I have been asked — I will do so — to take a deputation to the Minister for Environment and Conservation to discuss how irrigators can be assisted if the allocation is less than 100 per cent of the allocation.

Bearing in mind the government's correct commitment to country Victoria during the election campaign I look forward to its coming on board to deal with that unique situation. Although it is not a major crisis in the irrigation industry there are high expectations that in this time of crisis the Goulburn Valley community will be able to look with some confidence to a sympathetic hearing from the government. However, 2 inches of rain in Eildon over this weekend would avoid the deputation having to take place. Perhaps we can hope for that.

In conclusion, I find myself the second-longest serving member of the house, only Mr President having been here longer. In that time I have seen a lot of members come and go. I have a great deal of confidence in the house. I believe it has served the people of Victoria exceedingly well over many years, particularly since universal franchise was introduced here in 1952 by a Country Party government.

Hon. Bill Forwood interjected.

Hon. W. R. BAXTER — It does not hurt to get these things on the record, Mr Forwood, because often one is wrongly accused. I believe the people of Victoria have acknowledged the worth of the place. So often they vote differently for the membership of this house than they do for that of the Legislative Assembly. That is why I have no difficulty with the Premier's view that there be a plebiscite for the future of this place. I think Victorians will demonstrate to the Premier that they actually like this place as it is, and the fact that often it has a different complexion to that of the government in the Lower House.

On the other hand, Victorians also like the aspect of accountability, with members having specific electorates — albeit two members for each province — rather than the proportional representation of the Senate or the New South Wales system. Some people never see a senator or a member of the New South Wales Legislative Council. I know that is so because I watch what happens, being just over the river. They all have their offices in Sydney. So far as the Legislative Council of New South Wales is concerned, rural New South Wales is a complete black hole. I am quite happy for the Premier to go off to the people. I think the arguments will be well put, and bearing in mind the history of this place and the way Victorians have voted in the past, I do not believe people will easily change how they vote.

The proposal is one of the challenges for Parliament and the government. The argument was gone through in 1985. At that time the Nuclear Disarmament Party was the flavour of the month. It disappeared off the horizon, just as this issue will disappear off the horizon. Come the republic, whenever it does come, this place will still be going on.

Hon. R. F. SMITH (Chelsea) — Thank you, Mr Acting President and fellow members of the Victorian Legislative Council. I start by thanking the officials and staff of the Legislative Council for making my transition into this place as smooth as possible. I am a working man. I am not wealthy or highly educated, but I am glad to say that in a democracy such as ours I feel as comfortable in this historic chamber as any Toorak millionaire might feel. The fact that I am here as a newly elected Australian Labor Party member for Chelsea Province is testament to the disillusionment of people in Melbourne's south-east suburbs with the harsh social policies and rigid economics of the previous state government.

More particularly, I pay tribute to the Labor Party candidates who in the recent Victorian election contested the four Legislative Assembly districts that together make up Chelsea Province. I am delighted that Tim Holding, Jenny Lindell, and most excitingly Matt Viney, are my Legislative Assembly colleagues. I cannot forget Darren Koch, who put in a great effort on behalf of the Labor Party for the Assembly seat of Frankston. Labor winning in three districts and getting a significant swing in the fourth gives me a clear and strong focus for the coming years. I hope that my efforts assisted Tim, Jenny, Matt and Darren in their campaigns. I know that the credibility and goodwill they built up in the communities around Chelsea were the essential foundations of my victory.

I migrated from England in 1956 with my family — my father, Robert; my mother, Christina; and my sisters Katherine and Valarie. It was a working-class family from the north of England. We settled in Brisbane where I was raised in a housing commission estate until I joined the navy at the age of 17. During my service I travelled the world and broadened my views and experiences. That has helped me in later life, and I hope it will help me in this house.

I saw active service in Vietnam in the late 1960s and early 1970s, and of that service I am very proud. In 1980 I left the navy to settle down with my wife, Margot, and new daughter, Jorja. I started work immediately at the BHP steel mill at Hastings on Western Port and there joined the Victorian branch of the Federated Ironworkers Association of Australia. Because of amalgamations the FIA now exists only within the structure of the Australian Workers Union. I draw great pride from being one of the last officials of the old FIA — a union that produced legends of the Labor movement, such as Laurie Short, Harry Hurrell, John Ducker and Bob Lundberg. Laurie Short was responsible for initiating secret ballots for union elections and was a great fighter for democracy in the union movement. Laurie is a friend of mine.

At Hastings in 1980 I started as a tradesman's assistant, then quickly rose to a position as operator within 12 months. I was elected as my crew's union delegate. Two years later I was elected to the position of senior plant delegate, in which I was responsible for the welfare of 800 members of the association.

In 1984–85 we at the Hastings plant were confronted with a difficult situation. There was a worldwide recession and the Japanese steel makers were flooding our Australian markets with high quality steel, delivered on time and at a lower price. The pressures meant we had to change. Our options were — either to

compete or to turn the steel mill into the biggest chook shed in Victoria. We changed, and in doing so turned the BHP Hastings mill into the jewel in BHP steel division's crown. Our members were the beneficiaries of the changes, which included better wages, better superannuation, better training and qualifications and a better future. The superannuation benefits meant that we contributed 4 per cent of our wages and the company contributed 15 per cent — there were none better for a working man in this country.

Getting agreement on the changes was not easy. Our members were quite fearful of change, as people are. In addition, while only three unions were present on the Hastings site there were three different contending positions. Each union was trying to protect the interests of its members in the way that it saw fit. I was determined to see the changes implemented, and I did. As a result of my success at the BHP mill my union offered me a position with its national office. My role was to assist and guide officials and members on the road to restructuring their enterprises. I achieved our goals in a number of industries, including plants in aluminium, steel, chemicals and metal manufacturing.

One success in particular is worthy of mention — the aluminium smelter at Point Henry in Geelong. In the mid-1980s the Point Henry plant was faced with possible closure. I think all honourable members can imagine what a disaster that would have been on top of all the other closures in Geelong at the time. Alcoa had a worldwide network of approximately 30 smelters. Point Henry was rated 29th in terms of efficiency, productivity, quality and unit labour costs. After the restructuring, which included new training systems, new shift arrangements — we went to a 12-hour shift system, new pay systems — we went to a salary packaging system, the first I am aware of in the country for blue-collar people, and new quality control systems, Point Henry's rating improved to no. 2 in the world. There was no new investment in technology. Alcoa simply utilised its best asset — its workforce. It is worth noting that many companies from around Australia and politicians from both sides of the political spectrum have visited the plant on many occasions and have all learnt something. As a union we learnt that we had to cooperate or we would evaporate.

During 1990 it was obvious that a split was developing in the Victorian branch of the FIA — the result of differing ideologies. I decided to run for the position of Victorian branch secretary and offered my leadership to the union, together with a team of like-minded democratic unionists. We contested the union elections and were elected to lead the union into the 1990s.

The Federated Ironworkers Association became known as a modern, progressive, forward-looking union. We understood that to gain job security and material benefits for our members we had to work on developing partnerships with responsive employers. That required a significant paradigm shift by sections of the union's membership and some employers. We won some and we lost some, but overall I believe the Smith leadership of the FIA improved the quality of workplace life for our members.

My view on work then and today is simple: to compete in the marketplace, employers need to produce high-quality, reliable goods at a competitive price. To do that employers need to utilise every ounce of intelligence available to them. They must get a better trained, flexible work force committed to the productive process. I saw that as a real window of opportunity for our members. They would get a better say in how to improve the process of production in their workplace, quality would improve, profits would flow, and the union would negotiate a fair slice of a bigger cake for its members. It was simple, really!

In addition to my role as Victorian secretary of the FIA, I had some interesting experiences as the vice-president of the Victorian Trades Hall Council, and as a member of the Australian Council of Trade Union's national executive. I have also been a member of the Engineering Skills Training Board and, from 1994 to 1997, a member of the State Training Board. I was fortunate in 1994 to win a scholarship to Harvard University and completed an executive course at the Kennedy School of Government.

Now I am 51 years of age and I have arrived in this place. I was motivated to run for Parliament when working men and women were being attacked by the previous government, their common-law rights were removed and, for 700 000 Victorian workers, their safety net in the form of state awards was removed. I want to be part of a government that returns to a fairer and better balanced system. I am also greatly concerned about drugs in our society and the impact they are having. Although there is no simple solution we must be courageous in dealing with this insidious problem.

I believe I have served a suitable apprenticeship to make a contribution to this house and to be one voice among those of my colleagues in the Australian Labor Party to speak up in this place for the working men and women of Victoria. I thank the voters of Chelsea Province for their trust. I won't let them down.

Hon. B. W. BISHOP (North Western) — Again it is a pleasure to speak in the address-in-reply debate. I

take the opportunity of thanking the Governor, Sir James Gobbo, for his continued support of the Victorian Parliament. He has always been steady and has always been there.

As Mr Baxter said, the Governor's address was interesting. I suppose it is a blueprint for the way the Labor government will operate for its next term, however long that might be. I sometimes wonder where all that resource might come from. We are entering a most interesting time in politics in Victoria. We have had an interesting past seven years as well, but some of us, particularly those members of the National Party, would say it was a character-building time as we were part of a reformist government rebuilding the state from where it had been in the past. I am very proud of having been part of that coalition government for the past seven years because we brought Victoria from what is often described as a basket case to what is now a showcase in Australia.

The next term will obviously be different. It will be very challenging for many of us who are used to being in government, but it will also be full of opportunities to be positive in opposition. That is probably the challenge for us in opposition: to be positive, not negative, as we have seen many people become in the past.

I place on record that I am pleased with the partnership that has been formed between the National Party and the Liberal Party. I believe that partnership will provide a good, solid, and positive opposition with an extreme commitment to win government at the next election — which every opposition should have firmly in its sights.

I also take the opportunity of commending and congratulating the President of the Legislative Council on entering his second term as President. He has done an extremely good job as President, sometimes under extremely difficult circumstances. He has always been firm, and in the past two weeks of sittings he has shown he is fair as well. I thank him, and also the previous Deputy President and Chairman of Committees, Peter Hall, for their assistance while I was a temporary chairman. Their support was tremendous in that time of what I call apprenticeship and I look forward to their support and that of others as I move into the role of Deputy President and Chairman of Committees.

I shall also make some brief comments about maiden speeches. I note that in the other house last week the speeches were called inaugural speeches. I shall stay with tradition and call them maiden speeches. It has always been the custom in both houses of Parliament in Victoria to allow new members the privilege — and it is a privilege — to be heard uninterrupted while making

their speeches. For those who have been in Parliament for a number of years it probably tests us when we would like to interject and interrupt during a maiden speech, which we believe we should be able to do. I commend both sides of the house for their ability to respect that tradition as the speeches have been made.

I also point out that the custom puts responsibility on new members as well, because their speeches should not be provocative. I can assure new members that during their parliamentary careers they will have more than ample opportunity to be outspoken. Therefore, I urge all new members who have not yet made their maiden speeches to take up that responsibility, because it really is a great opportunity. When I speak I am always accused of running honourable members all around my electorate; we should all take that opportunity. I might add also that my electorate is a bit bigger to run around than a few others.

Hon. W. R. Baxter — Give us a Mallee tour.

Hon. B. W. BISHOP — I shall resist. I recognise the people who have helped us during the campaign, as well as those who have helped me. It was not easy, and there was a big swing throughout the electorates. I suppose some of us saw a move coming but probably misjudged the weight of the swing as well. I thank the people who assisted me in the election. I am delighted to be here representing them again for another term. I congratulate all the new members who have come into the house. It is a great place to represent people, but I particularly welcome you into a great occupation. Nothing is ever the same after you have been a member of Parliament. You never know what is going to happen next — you have no idea — be it in this house or in the electorate office. You just do not know what is going to come through the door. Our doors are always open, so members represent their constituents particularly well.

I find being a member an absolutely exhilarating job. The day I get a little stale is the day I should walk out. Members should assure themselves and the people they represent that they will never allow that to happen because of their enthusiasm and initiative, wherever they work and live.

I also congratulate returning members, who bring to the house the experience they have gained from their time in Parliament and before that. I commiserate at the same time with those who were defeated. Yesterday the Honourable Andrew Brideson ran through the names of defeated and retired members so I will not do that again. It is important to recognise the people who were defeated and also those who retired. Their company and

camaraderie was enjoyed throughout the years they were here.

I wish the ministers in the new government well. It is a steep learning curve for three of the new ministers, particularly because of the adversarial position in which members find themselves in Parliament. It may be said there are no prisoners taken, but a great deal of fairness and respect is shown, particularly in this house. I wish the ministers and the shadow ministers well. The shadow ministers will combine to present a strong opposition.

I note with interest that the Labor Party eventually appointed a Speaker, Mr Alex Andrianopoulos. I congratulate Alex on his appointment. Some years ago I served with Alex on the parliamentary Public Bodies Review Committee, a great committee. Alex is an extremely good choice as Speaker. At the committee level he was always fair and reasonable, and he will carry that approach on in his role as Speaker. I also congratulate the honourable member for Essendon, Judy Maddigan, on her appointment as Deputy Speaker in the other place.

In the same breath I commend the members of the National and Liberal parties who resisted the temptation to take up the position of Speaker, which would have made it simpler for the minority Labor government — or perhaps I should say the minority Labor government in coalition with the Independents — to govern. As I have reminded constituents in my electorate, while the Independents have decided to put the minority Labor government in office and have guaranteed they will support it on supply bills and confidence motions, the fact is that they have put the Labor Party into government. Our communities should remember that.

One of the frustrating aspects of having been in government for the past seven years and having worked hard to bring the state back from having a debt of \$32 billion to one of around \$5 billion and putting the current account into the black is that we have handed to the present government the key to Aladdin's cave. That is okay; I am not worried about that so long as the government spends the money wisely. Opposition members should act as a strong and positive opposition to ensure that happens.

Former Premier Jeff Kennett — an interesting man — has now left Parliament. Love him or hate him, he led Victoria out of a difficult position to become a showcase state throughout Australia. I must tell the house about one of my experiences with the former Premier. We were driving from Mildura to Hopetoun, a drive of about 2¼ hours. He decided he wanted a drink,

so we stopped at Ouyen. It was a terribly warm day. I suggested he go into the Mallee Bakery, run by a friend of mine, Dennis Gniel, who is a great baker. He offered the Premier all his wares, including his champion pies. The Premier of the day said he did not want a pie but a vanilla slice. He ate one and enjoyed it.

Some months later the Premier rang me. He said, 'Remember that vanilla slice I had at Ouyen?'. I said, 'Yes, I do'. He said, 'How about we have a vanilla slice competition at Ouyen? That will catch their fancy!'. I said, 'That's not a bad idea'. He said, 'Would you get on to the people of Ouyen and the Mildura Rural City Council to see whether they would support such an idea?'. I said, 'Certainly; when do you want the answer?'. He said, 'In 15 seconds. I am going on the Neil Mitchell show and I want it now'.

That was the launch of the vanilla slice triumph competition. It has been running for two years and has been a wonderful initiative for Ouyen, putting it on the map. That story illustrates the former Premier's style — can do. I am sure the Ouyen community will be able to carry on that highly successful event. In future we might look to the new Premier for his support of the vanilla slice event.

In the past few days my own leader, the Honourable Pat McNamara, has decided to step down as leader after this session of Parliament, some time towards the end of the year. I admire Pat for that courageous decision. He has been in Parliament over 18 years — 11 years as leader and 7 years as Deputy Premier. It was a tough, exciting seven years — again, character building. Pat has always been welcome in rural and regional Victoria, whichever portfolios he held. His first portfolios were police and emergency services, corrections and tourism. Pat's standing joke when he held those portfolios was, 'I can fit you up with a bed anywhere. I have corrections and tourism, so you are sure of a bed'. He made the tourist business in Victoria come of age. It has become a major industry, and it was his initiative and drive that started that off. It is being ably continued by many people.

Then Pat moved to the agriculture and resources portfolio, a good portfolio for a Leader of the National Party to have. He always showed a keen interest in the portfolio and was prepared to travel. He was enthusiastic about science and research in agriculture, and keen to promote new issues such as the Deakin development, whose aim was to double the size of the Sunraysia irrigation area. I will talk more about that later.

After Pat steps down he will have to decide in the new year what he wants to do. Certainly he will be able to spend more time with his family and growing wine grapes, and no doubt getting fitter rowing on Lake Nagambie.

I have never been in opposition before, so I thought about what I would do in opposition. I have committed myself to being as positive as I can, ensuring as far as possible that projects the Kennett government put in place are continued and hoping those about to be put in place will get the green light from the new government.

The Deakin project, the project closest to my heart, would double the size of the Sunraysia irrigation area, affecting the area around Mildura and Robinvale. A study has just begun, and must be finished. The \$6 million committed to water and agriculture issues must continue to be committed if irrigation development along the river is to be consistent and coordinated. The study for the Deakin development is well founded and researched, and its terms of reference will give us the information necessary to ensure the project is well coordinated.

I would like the house to note this is not the privatisation of an irrigation system but simply a response to the private sector in an investment thrust to ensure that all is coordinated properly and that planning, marketing and funding are appropriate. As the Honourable Bill Baxter said, the development along the Murray River and in the Goulburn Valley is fantastic. Not all development concerns the growing of wine grapes, as some people might be led to believe.

Hon. W. R. Baxter — Good ones.

Hon. B. W. BISHOP — They are good ones. The wine-grape industry is a big development along the river. At Robinvale Rocky Lamattina, the carrot king of Victoria, grows hundreds of hectares of carrots in one hit. There is a story about former Premier Kennett and Rocky Lamattina. The Premier and I were inspecting Rocky's property, a huge property using high technology. Standing on the bank of a dam full of water looking at 600 acres of carrots under irrigation — most impressive — the Premier, having been told what Rocky had done over the years, said what any of us would say to a developer, 'Rocky, what can we do as a government to help you?'.

Rocky said to the Premier, 'Get out of the so-and-so way'. That was the way Rocky looked at it. If the government provided the parameters he would use his initiative to develop the area not only with wine grapes and carrots but also with more innovative crops such as

asparagus. The Minter family in the Sunraysia area has revolutionised the industry and is exporting asparagus to Japan. There is also a huge table grape industry, which is highly labour intensive. Dried fruit production is highly mechanised with new drying techniques, and plantations of willow trees are being grown for cricket bats. Those are ways in which people are diversifying. There is also citrus, avocados and the wineries. Some of the family industries, such as Andrew Peace Wines, have received awards. Andrew, Kathryn and his mother and father are a great team who have put together the Ashwood Grove winery, which has done well. That gives honourable members an idea of what people can do with government initiatives that allow them to make decisions with confidence.

Activity is occurring along the rivers at Mildura, Swan Hill, Kerang and Pyramid Hill as well as along the Murray and Loddon valleys. Swan Hill is an interesting example where there is no unemployment; in fact there is an employment problem. There are not enough people to work in the booming industries. It makes one wonder about the mindset of the electorates. The work of the honourable member for Swan Hill in another place generated much of that investment in his role with Food Victoria. During the election he was challenged by an Independent, a famous footballer, and almost lost the seat. It makes one wonder what one must do in politics to get one's ideas up. However, that is the way it goes.

When I think about the honourable member for Swan Hill I think about water. So does Mr Baxter and he talks about it. One of the most successful projects, the Wimmera–Mallee pipeline, is a joint venture between the state and federal governments. That innovative and bold project was put in place to maintain water supply to the Mallee. Thousands of kilometres of pipeline have been funded as a joint venture between the state and federal governments. Enormous waste was created by using earthen channels. Some 45 000 megalitres of water will be saved by the time the project is completed. Where it used to take 50 000 megalitres to supply water in the channels now it will take only 5000 megalitres. Those water savings will benefit the environment and increase the surety of supply. Stages 6 and 7 have yet to be completed. I urge the new government to support the previous government's financial underpinning of those next stages.

Mr Baxter is an expert on water, as is the honourable member for Swan Hill in another place. Some people say the development of irrigation means more water is used. That is not the case. In the Murray–Darling basin water usage has been capped. That has allowed

technology and initiative to come to the fore. Transferable water entitlements have enabled high returns. It is interesting to note that only a small percentage of water is used for horticulture whereas much more is used to grow grass and other pastures. It will be interesting to see how it develops over the next few years. We receive critical comments in the Pyramid Hill and Kerang areas where the water has been transferred north into the higher return water use areas. Those areas are picking up the challenge and have the necessary initiative and technology. In the years to come we will see developments move just as quickly there as they have in other areas.

When talking about water I cannot help but comment briefly on the Snowy River. The government promised to increase flows to 28 per cent. A study by Webster showed that 15 per cent, driven by capital expenditure on irrigation infrastructure to create water savings, was more than adequate to achieve a sensible result. Everybody would support that. I am a strident supporter of putting money into capital works to ensure that water is transferred to wherever it does the most good. It must be put in the right context.

The study ensures that we know where to get the most water return for the least capital expenditure and to gradually build up to the end result. Practical commonsense must exist in this debate to avoid destabilising the water industry in Victoria, New South Wales and the commonwealth. I call on every honourable member in this place and in other places to ensure that practical commonsense is exercised because the matter will be debated in this place again in the near future.

Dryland areas have found it tough in the 1990s. The end of the seasons have been hard and hot and there have been frosts and poor prices. Exceptional circumstances led to a joint federal–state government venture to assist people in difficult times across parts of the Mallee. I commend the committee that assisted to put that in place. I refer to committee members such as Ian Hastings from Ouyen, who chaired the committee, and Jeff Storer, a financial counsellor. The departments also did a good job putting it together. Some areas always miss out. The system requires assessment to make it fairer and less frustrating so that its true intent can be realised. At the end of the day farming communities should have a set of structures that provide them with an opportunity to consolidate their financial positions so that they can stand alone and do not need help. However, it will take a number of good seasons and practical changes in the financial and taxation systems to enable them to reach that position. The government must continue with those programs to

ensure that people have a safety net when difficult circumstances arise. The harvest is just beginning in the Mallee area and I suspect it will be an average crop with its highs and lows.

It has been interesting to see the reaction of school communities to self-governing schools. It was interesting when members of Parliament, school communities and school councils examined self-governing schools, such as Mildura Senior College and the Mildura South and Irymple primary schools. They went into it knowing it was not privatisation and knowing full well the benefits that could accrue from using their own initiative. A number of schools have signed up but will now not go into the program. Those schools are bitterly disappointed that the program has been stopped. They saw it as a great initiative that responded to individual opportunities in areas like Mildura where curriculums could be designed to suit the needs of students and give them a better run in the future.

I note the media comment about the return of the passenger train to Mildura. I commend the Minister for Transport in another place and the Independent for Mildura for their interest in returning a passenger train to Mildura.

I urge those two gentlemen to make a priority the speedy completion of the north-west transport study which will address all issues. It will address the dual-gauge rail line from Mildura to Lascelles and the installation of a new standard-gauge line from Lascelles to Hopetoun to give access to the port of Portland as well as Geelong and Melbourne. That will provide enormous flexibility and also upgrade the line. The flexibility will be required when the mineral sands industry comes on stream. It may be necessary to use the deepwater port of Portland to access the bigger vessels required for the mineral sands industry.

The completion of the study is most important to ensure the upgrade of the line and that trains can be run over that line quickly. Currently the train speeds are low. If the track is upgraded high-speed Sprinter trains may be introduced, which will reduce the travel time and make it attractive for the community to travel by train again. I urge the government to complete that north-west transport study as soon as possible to ensure that we get those upgrades in place quickly.

Another point I raise for the attention of the government, which I recommend it continue, is the rural health joint-venture process. Over the past few years public hospitals and Victorian Bush Nursing Association agencies have been clustered. There are

some great examples all over Victoria, but I will refer to just a couple of them. One of the first and the best is the Ouyen public hospital. It is linked through a multipurpose service to the Underbool, Murrayville and Patchewollock Victorian bush nursing agencies. It has put in place excellent primary and allied care and has worked extremely well.

I am not sure whether it was the Honourable Justin Madden or his brother — I cannot remember, for which I apologise — who assisted in the organisation of a men's health night in the Mallee, but more than 300 people attended the evening. To attract 300 people from the Mallee to a men's health night is a wonderful achievement because men in country areas do not get sick. That philosophy has carried through for years. It was a highly successful evening.

Hon. J. M. Madden — I think it was my brother.

Hon. B. W. BISHOP — It was Simon Madden. That is an example of how such joint ventures have been successful in promoting and delivering health services to rural Victoria. There are others as well and I urge the government to maintain that process. It is a great way to deliver health to rural and regional areas.

I note the Labor Party and the Independent members thrust to restructure the upper house. Mr Baxter spoke about the issue in his contribution. I did not think it was part of the election campaign — I did not see it although I took pretty fair note of the campaign. I did not see a big push for it anywhere, but suddenly it appeared — I am not sure from where. The talk has been all about accountability. I suspect a number of people who support the restructure are new members to the house who may well have changed their minds over the past couple of weeks after witnessing how accountability can work — for example, in the debate on Mr Hall's notice of motion this morning or question time where accountability is firmly driven home in this house.

I refer to accountability in another sense. When honourable members are directly elected across four lower house seats, responsibility and accountability are strong. One cannot escape it. I can speak with some authority on that because in the past three and a half years I have effectively been operating as a lower house member in the Mildura electorate because my party was in government. The people who came into the office did not distinguish between upper and lower house, or federal or state members. They came in looking for representation. Upper house members can certainly give that as well as lower house members. It

might not be their technical application if one wrote a book of rules, but in rural Victoria it works that way.

I have looked at the proposed plans for the restructure with five regions, three in the city and two in country areas. I suspect one of the country areas would have to cover the western suburbs and Werribee and the other side of the state would have to cover Cranbourne and other places to make up the numbers in the proposed restructure. It will reduce the representation of parliamentarians in country Victoria. As Mr Baxter said, show me an office of an upper house member in New South Wales country areas. I could not find one and I used to travel around New South Wales. Show me a senator's office in rural Victoria. I could not find one. Country Victoria would certainly be left behind if the proposal came to fruition. There would not be a parliamentary office in Wodonga, Shepparton, Traralgon, Sale, Mildura or Bendigo. The Victorian community should closely examine this and understand the ups and the downs. I believe there are more downsides. I challenge anyone to question the accountability of this chamber. I believe it could stand up to any scrutiny.

I conclude by saying that I am looking forward to this session of Parliament. I again thank the Governor, Sir James Gobbo, for his support for and interest in not only the Parliament but also the Victorian community.

Debate adjourned on motion of Hon. D. G. HADDEN (Ballarat).

Debate adjourned until next day.

LABOUR AND INDUSTRY (STATUTE LAW REVISION) BILL

Second reading

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

This is a privilege bill and is very short. The bill removes from part 7 of the Labour and Industry Act 1958 the heading 'Division 1 — carriage of goods'. The sections relating to the heading were removed at an earlier time.

I commend the bill to the house.

Debate adjourned for Hon. M. A. BIRRELL (East Yarra) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

FEDERAL COURTS (STATE JURISDICTION) BILL

Second reading

Hon. M. R. THOMSON (Minister for Small Business) — I move:

That this bill be now read a second time.

Introduction

The Federal Courts (State Jurisdiction) Bill is the government's legislative response to the High Court's decision in *re Wakim*, which struck down the cross-vesting of state jurisdiction in federal courts. The High Court in *re Wakim* considered the validity of certain provisions of the commonwealth Corporations Act 1989 and the commonwealth Jurisdiction of Courts (Cross-vesting) Act 1987 and the related provisions of the state corporations acts and jurisdiction of courts (cross-vesting) acts. These statutes collectively provide for the cross-vesting of jurisdiction between federal, state and territory courts.

The majority of the High Court found that the vesting of state jurisdiction in federal courts is ineffective. The decision impacts on the general cross-vesting scheme introduced by the commonwealth and state jurisdiction of courts (cross-vesting) acts under which state and federal courts have reciprocal jurisdiction. Also affected is the jurisdiction of the federal court under the Corporations Law, which operates throughout Australia as state and territory laws, and which is reliant on cross-vesting arrangements. In addition, other state laws associated with commonwealth–state cooperative schemes apply certain federal laws as state law and also confer jurisdiction on the federal court. These cooperative schemes include the agriculture and veterinary chemicals scheme, competition policy scheme, gas pipelines access scheme, National Crime Authority scheme and the price exploitation scheme associated with the federal government's goods and services tax. All these schemes are affected by the decision in *re Wakim*.

The effect of the High Court's decision is to render decisions previously made by the federal court and the family court relying purely on cross-vesting arrangements liable to be set aside for want of jurisdiction. Another effect is to prevent the further exercise of purely state jurisdiction by federal courts.

On the other hand, the cross-vesting of jurisdiction between state and state and state and territory is not

affected, nor is the vesting of federal jurisdiction in state courts under the commonwealth Judiciary Act 1903. Similarly, the decision does not affect the exercise by a federal court of accrued jurisdiction, where the court has jurisdiction to resolve a whole controversy containing both federal and state law elements.

Description of the bill

The bill was developed under the auspices of the Standing Committee of Attorneys-General by state and territory parliamentary counsel and Solicitors-General over a lengthy period leading up to the High Court's decision.

The main features of the bill are:

the rights and liabilities of persons affected by invalid decisions of the federal and family courts — 'federal courts' — are declared to be the same as if those decisions had been valid Supreme Court decisions;

invalid judgments of federal courts can be enforced in the same way as Supreme Court judgments; and

matters on foot in the federal courts can be dealt with as though they had commenced in the Supreme Court.

The bill declares that in relation to state matters, as defined, the rights and liabilities of a person affected by a judgment of the Federal Court or the Family Court, including an appeal judgment of one of those courts, are the same as if the judgment had been a valid judgment given by the Supreme Court. The bill specifically provides that such rights and liabilities are exercisable and enforceable as if they were rights and liabilities under judgments of the Supreme Court. Similarly, any acts or omissions in relation to such rights and liabilities are taken to have the same effect and consequences as if occurring under a judgment of the Supreme Court. The Supreme Court is also given power to vary or otherwise deal with any such rights and liabilities.

The bill provides a mechanism for the transfer to the Supreme Court of current proceedings in federal courts relating to state matters where a federal court determines that it has no jurisdiction to hear the state matter.

The High Court decision was handed down on 17 June 1999. The previous government released a version of

the bill for consultation and a number of substantial submissions were received from legal and other bodies and individuals relating to the bill. Some changes have been made to the bill in consequence of those submissions. I thank all those bodies and members of the public who made submissions with regard to the bill.

The bill contains consequential amendments designed to remove exclusions of the jurisdiction of the Supreme Court appearing in the Competition Policy Reform (Victoria) Act 1995 and the New Tax System Price Exploitation Code (Victoria) Act 1999. Those exclusions cannot stand now that the Federal Court is unable to hear matters arising under those acts.

It is shortly proposed to finalise a bill containing the remaining consequential amendments to affected acts, including the Corporations (Victoria) Act 1990. The reason for the delay in finalising these less urgent amendments is that commonwealth provisions, which need to be taken into account, are still under discussion.

Section 85 statement

It is the intention of part 2 of the bill to alter or vary section 85 of the Constitution Act 1975. I therefore make the following statement under section 85(5) of the Constitution Act of the reasons for altering or varying that section.

This is very much a technical provision inserted out of an abundance of caution, and not one that should alarm those members concerned to protect the jurisdiction of the Supreme Court.

Part 2 of the bill does not in terms deem invalid judgments of federal courts to be judgments of the Supreme Court. Rather, what the bill does in clause 6 is to declare the rights and liabilities of all persons to be the same as if the invalid judgment had been a valid judgment of the Supreme Court. That course has been adopted very deliberately to minimise the potential for challenge to the bill on constitutional grounds. Nevertheless, for technical reasons clause 7 provides that, for the purposes of an appeal, an invalid federal court judgment is to be deemed to be a valid judgment of the Supreme Court. Arguably, this deeming mechanism alters the jurisdiction of the Supreme Court by creating by a legal fiction a judgment of the Supreme Court where previously there had been none.

To take another example, clause 12 provides for functional equivalence between an invalid federal

court judgment and an order of the Supreme Court for the purposes of the law of contempt. It might be argued that by doing so, the clause takes away from the Supreme Court's discretion by presenting the Supreme Court with a legal fiction that it must treat similarly to one of its own orders. There might be similar arguments made about other clauses contained within part 2.

To the extent that part 2 alters or amends section 85 of the Constitution Act, it does so purely for the purpose of making better provision for dealing with ineffective judgments of federal courts. Absent the bill, many decisions of the Federal Court and the Family Court given over a period of more than 10 years would be liable to be set aside. Such cases would need to be relitigated, with all the attendant expense and, in some cases, misery, that that might entail. Many litigants would find themselves out of time if forced to recommence litigation in the Supreme Court. The bill deals with this problem both for matters already heard and for matters that are still on foot. The minor and theoretical variation in the jurisdiction of the Supreme Court, in the government's view, is amply justified by the mischief that would be caused by failing to pass the bill.

Conclusion

This bill will restore certainty to the legal process that has been lacking since the High Court handed down its decision in June of this year. The legal profession, business groups and others have repeatedly called for the legislation to be passed without delay in the strongest possible terms.

The Standing Committee of Attorneys-General is also investigating possible ways to restore the status quo that existed before the High Court's decision. As members will appreciate, there are difficult constitutional and policy issues involved. There may be a call to bring further legislation before this house in this regard in the medium term.

The bill has now been enacted in similar form in the other five states. Passage will put in place the last piece of the jigsaw in terms of the immediate legislative response by the states to the decision.

I commend the bill to the house.

Debate adjourned on motion of Hon. BILL FORWOOD (Templestowe).

Debate adjourned until next day.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the Council, at its rising, adjourn until Tuesday, 23 November.

Motion agreed to.

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the house do now adjourn.

Schools: sibling entry

Hon. B. C. BOARDMAN (Chelsea) — I raise with the Minister for Sport and Recreation, who is the representative in this place of the Minister for Education, the current entry criteria into Victorian government secondary colleges for students who reside outside the catchment area of a specific school — that is, the geographic zone for which a school has catchment rights. Exceptions to that rule exist, such as whether a student has disabilities or abilities that are specific to a program exclusive to another school. I refer to programs such as those for gifted students, languages other than English or pursuits of sport or recreational practices which place a student's right to entry above and beyond those of other students.

I bring to the minister's attention the question of sibling entry. Previously sibling entry was granted if the potential student's sibling had been a student of the school in question. The education department changed that policy in the southern region from applying to potential students with siblings who had been students at the school before the commencement of the 1998 school year to students with brothers or sisters who reside at the same residential address.

That disadvantages potential students of families who have moved out of the distinct catchment area and where there is an age difference between the siblings. If the older sibling has since left a school outside the catchment area, the sibling at primary school soon to enrol at secondary college will have to attend a school in his or her zone. That creates an unfair advantage to some students who want to attend specific schools for either historical reasons or educational standards.

It has been brought to my attention that there is some disparity between specific regions and that only the southern region has adopted that policy. I ask the

minister to pass on the matter to her colleague in another place so she can try to rectify the situation.

Toxic waste

Hon. A. P. OLEXANDER (Silvan) — I refer the Minister for Energy and Resources, who represents the Minister for Environment and Conservation in another place, to the critical issue of the storage of toxic and hazardous waste materials in Victoria. The minister should be aware that on 29 August this year the ALP launched its policy for the urban environment known as Greener Cities. That policy states:

... under no circumstances will a Labor government support the disposal of toxic wastes to landfills in Victoria.

The policy further states that:

By-products that cannot be reused or recycled must be stored in purpose-built repositories for later recovery pending the application of better technology.

There is growing concern in my electorate of Silvan about the government's stated policy, which springs primarily from a clear lack of environmental safety standards associated with above-ground toxic waste dumps overseas.

I ask the minister to advise me when above-ground toxic waste dumps will be established in Victoria and where those dumps will be located. Given the significant proportion of my electorate that comprises state and national parks of great environmental value and distinction I ask the minister for an assurance that an above-ground toxic waste dump will not be established within Silvan Province.

Workcover: premiums

Hon. W. I. SMITH (Silvan) — I raise with the Minister for Industrial Relations, who is the representative in this place of the Minister for Workcover, an issue relating to the Bracks government's Workcover policies, in particular its pledge to restore the common-law right to sue. The concern has been raised in the media and in one of the local papers in my area, the Maroondah *Mail* of 26 October. The Croydon Chamber of Commerce has also raised the issue and said that business and industry will be worse off under the Labor government's Workcover policies. Labor's pledge to restore the common-law rights of injured workers and motorists to sue instead of gaining statutory benefits will make employers think twice about hiring staff and will ultimately lower employment in the area.

The Cain–Kirner governments left a legacy of \$2 billion unfunded liability and forced injured workers to the courts for compensation. The Minister for Workcover has refused to rule out an increase in Workcover premiums. What guarantee does the minister give that Workcover premiums will not rise, thereby slugging more businesses with additional costs to fund a policy that obviously failed dismally under Labor in the past?

Planning: broiler farms

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise for the attention of the Minister assisting the Minister for Planning the important issue of broiler farms. As the minister may be aware, the eastern end of my electorate contains large rural tracts interspersed with new urban development. Broiler farming is a significant and important industry in those rural areas.

As honourable members will appreciate, the integration of rural and urban areas raises a number of issues relating to land use, amenities, pollution and environmental concerns. Although those issues are significant, it is recognised that both rural and urban activities have a right to exist. To facilitate the co-existence of urban and rural farming interests, the former Minister for Planning and Local Government produced a draft code for best practice in the broiler farming industry that addressed the planning concerns of that industry. The period for comment on the draft guidelines closed on 10 September.

Will the minister assure the house that the government will address the planning guidelines for broiler farms as a matter of urgency?

Planning: Luna park precinct

Hon. ANDREA COOTE (Monash) — I raise with the Minister assisting the Minister for Planning an article in the *Herald Sun* of 26 August reporting a \$200 million plan for a Luna Park precinct foreshore facelift in the St Kilda area. BCR Asset Management floated the idea of developing the triangle of Acland Street, the Upper Esplanade and Jacka Boulevard as a cohesive entity.

The Honourable Peter Katsambanis and I have met independently with the mayor of the City of Port Philip, Dick Gross, to talk about the matter. Currently this very busy tourist precinct is bisected by Jacka Boulevard and is separated from the traffic flow between the foreshore and the Upper Esplanade. Will the minister advise the house of the Bracks government's intentions and plans for the development of that area?

Police: Heidelberg stations

Hon. C. A. FURLETTI (Templestowe) — I address my question to the Minister for Sport and Recreation, who is the representative in this place of the Minister for Police and Emergency Services. The Heidelberg police station and court complex were chosen by the previous government for a substantial upgrade at a total cost of \$7.5 million. Works on the currently dysfunctional courthouse and expansion of the police station were intended to double the size of the existing court area and almost double the size of the police station, improvements for which the users in that area are anxiously waiting.

In addition, the previous government was committed to providing Eltham with a new police station to alleviate similar problems of overcrowding and inappropriate facilities. Those two commitments were made in the 1998–99 budget and considerable consultation has already taken place at Eltham with the Nillumbik shire, the local police command and the staff of the former Minister for Police and Emergency Services.

I seek the minister's assurance to my constituents that the Kennett government's commitments made well before the last election was called will be honoured by the government and that work will commence in this budgetary year.

Mornington Peninsula: fox plague

Hon. R. H. BOWDEN (South Eastern) — I raise a matter with the Minister for Energy and Resources as the representative of the Minister for Environment and Conservation in another place. Several rural land-holders on the Mornington Peninsula have over a period reported to me their concerns about a plague of foxes that is causing substantial damage to primary production, particularly in the large broiler and chicken-egg industry. The foxes are quite widespread. They have been well established for a long time and their numbers indicate they are of continuing concern. On several occasions I have seen wild foxes crossing the paddocks very close to my home. Recently one of my constituents, who lives in the Balnarring area, reported to me that he had been injured by a wild fox that was not in good condition and that he had to have substantial ongoing medical treatment for the injuries he suffered. My constituent markets commercial free-range eggs.

What measures will the minister take on this serious rural industry matter, when will they be taken and what form will they take?

Drugs: safe injecting facilities

Hon. P. A. KATSAMBANIS (Monash) — The issue I raise for the attention of the Minister assisting the Minister for Planning concerns what, if any, planning controls the Labor minority government intends to introduce in relation to the mooted introduction of safe injecting houses in Victoria.

As honourable members know, the government has indicated that it is likely to introduce five such safe injecting houses, pending the findings of a review committee headed by Dr Penington. It is intended that one of the facilities be set up in St Kilda, in my electorate. The City of Port Phillip, the local government authority in the area, has already indicated its commitment to supporting the establishment of injecting houses.

I have been approached by a large number of my constituents who have expressed concern about the nature and effect of any planning regulations and controls that will apply to the establishment of a safe injecting house within my electorate and in the other areas in which it has been mooted they are to be introduced should the proposal take effect. Like me, the constituents are fully aware of the problems associated with intravenous drug use and its effect not only on users but also on the local communities in areas in which the users live and inject drugs. They are concerned about the safety not only of users but also of the people who live, work and go out in local areas.

I note what has occurred in other areas — for example, the regulation of brothels. The Prostitution Control Act imposes strict controls on the granting of permits for brothels and relates specifically to residential areas. Brothels are banned from areas that are primarily for residential use. They are prohibited from being established within 100 metres of any dwelling and within 200 metres of a place of worship, hospital, school, kindergarten, children's service centre or other such facility regularly frequented by children.

My constituents raised with me with almost one voice their concern that the establishment of a safe injecting house in St Kilda should be subject to strict planning controls to ensure it is not set up in a residential area or close to a place of worship or hospital, and particularly not near a school, kindergarten, playground or other facility frequented by children. Moreover, many of the constituents have made clear that they would like any establishment of a safe injecting house to occur only after specific community consultation about the granting of a planning permit. They are concerned that by some sleight of hand, by agreement between the

council and the government, the community will not be able to have a say in the granting of a permit through the usual public notification and objection process.

I ask the minister to clarify what specific planning restrictions and controls the government proposes to place on the introduction of injecting houses and whether the establishment of each and every injecting house will be subject to normal planning controls, including a public consultation process.

Casey: leisure centre

Hon. N. B. LUCAS (Eumemmerring) — I raise a matter for the attention of the Minister for Sport and Recreation. Yesterday evening I raised with the minister the matter of the indoor leisure centre proposed by the City of Casey. As yet I have not had an answer from the minister. I had not yet expected one. Will the minister add an answer to this evening's query when responding my request of yesterday?

Yesterday I referred to a meeting of 21 June at which the Premier, the then Leader of the Opposition, said to the City of Casey that if elected to government he would see that a grant of \$2.5 million would be given to the council for the proposed leisure centre.

Today I was faxed a copy of an article that appears in today's Pakenham *Gazette*, which is distributed in part of the Casey city area. The article indicates that the latest cost estimate for the project has blown out from \$14.5 million to \$17.4 million. Given that the City of Casey is in the fastest growing area of Victoria, with 40 families moving there each week, and that the majority of residents in the municipality are young people who will find the new leisure facility, which includes an aquatic centre, of tremendous benefit, will the minister consider raising the amount the government promised for the facility to assist the council?

I do not say that in a joking way; I am just aware that a lot of young people live in the area and need such a facility. Albert Park is a long way for such people to go for a similar experience. It would be worth while giving consideration to further funding for the facility. I ask the minister to consider the matter.

Oakleigh police station site

Hon. M. T. LUCKINS (Waverley) — I raise with the Leader of the Government for the attention of the Minister for Finance in another place the future of the old Oakleigh police station and court building located in Atkinson Street, Oakleigh.

In its last term the Kennett government established a new 24-hour state-of-the-art police station in the Oakleigh area, making the buildings previously used for that purpose surplus to the needs of the Department of Justice. The matter has been handed over to the jurisdiction of the Department of Finance, which is currently conducting a feasibility study to investigate whether the buildings are required for future state government use.

During the election campaign the new member for Oakleigh in another place made a promise on which the *Monash Journal* of 7 September reported as follows:

If elected, a Labor government would provide a long-term lease to the council for the site.

An article in the Oakleigh–Monash *Times* of 1 September states:

Making the announcement last Friday, Mrs Barker supported calls by people including Monash Arts Council ... Hughesdale Art Group —

and others —

that the courthouse be turned into a community arts centre or neighbourhood house.

And she went a step further, committing a Labor government to retaining the disused police station — which shares the Atkinson Street site — as headquarters for Oakleigh's Bonnie Babes Foundation.

The Bonnie Babes Foundation is a voluntary, community-based organisation which provides counselling for families that have suffered the loss of a baby through miscarriage, stillbirth or prematurity and also funds research into reasons why such losses occur. I am proud to be a patron of the foundation, together with many other public figures. It is a tremendous, non-political association.

The Springvale–Dandenong *Times* of 8 September quotes Rachel Stanfield-Porter, the founding director of Bonnie Babes, as saying the foundation had backed away from the Australian Labor Party's election campaign promise to find it a new home in Oakleigh. The article reports her as saying:

The foundation was 'not comfortable with being involved in a political situation', and that the former police station might not be a suitable venue ...

'We are grateful for suggestions made, however, our charity seeking a new premises really has nothing to do with politics'.

Notwithstanding the rejection of Labor's offer to assist Bonnie Babes, the new member for Oakleigh has clearly raised the expectations of other local community

organisations and promised that the building would be handed over to the council for community use.

I ask the Labor minority government to assure the Oakleigh community that that promise will be upheld. Has the Minister for Finance held discussions with the Monash City Council over a long-term lease option for the premises, or is this undertaking in the same category as other campaign promises made for the retention of Murrumbeena police station and Waverley Park?

Fishing: trout restocking

Hon. E. G. STONEY (Central Highlands) — I raise with the Minister for Energy and Resources, who is the representative in this house of the Minister for Environment and Conservation, my concern about the future of inland trout fishing. Trout fishing is an important tourist attraction in country Victoria. The regular restocking of inland streams and lakes administered from Snobs Creek has been financed by the former coalition government for many years. There are strong rumours that the restocking program is to be reduced. I ask the minister whether the minority Labor government will reduce the number of trout being restocked in inland waters, thus affecting recreational and tourism opportunities in areas like Lake Eildon.

Eastern Freeway: extension

Hon. B. N. ATKINSON (Koonung) — I raise a matter for the attention of the Minister for Energy and Resources, who is the representative in this house of the Minister for Transport. I address my remarks to her in the context of the extraordinary speech given by the Honourable Gavin Jennings this morning. He said the government has resorted to a core policy strategy, whereby some core promises and commitments that were made in opposition are no longer commitments. That will cause some dismay to the residents of Koonung Province and the constituency of Victoria.

I refer particularly to the extension of the Eastern Freeway from Springvale Road, Nunawading, to Ringwood. The honourable member for Mitcham in another place was very strong in the commitments he made on behalf of the government, with the support of the now Premier, Steve Bracks, and the now Minister for Transport, Peter Batchelor, about what would be done with the Eastern Freeway extension. There was a definite commitment that the Labor Party would extend that freeway promptly and that it was committed to a long-tunnel option that had been promoted by community groups in the area.

At a public rally held prior to the state election to discuss the freeway extension I was heckled and booed for supporting the then government's position on adopting due process in the assessment of a report that had been commissioned by the previous Minister for Planning, Mr Rob Maclellan, to provide an independent examination of tunnel options in the corridor and the specific area between Springvale Road, Nunawading, and Ringwood.

At the same rally the honourable member for Mitcham won loud applause by telling the people that Labor in government would release that report immediately, that the report was being held by the then government as a matter of secrecy, that he had freedom of information requests left, right and centre, and that he had been pushing the then government and ministers. In fact, the honourable member was showing a flagrant disregard for process, particularly in the context of an election. He was reported in the Maroondah *Mail* of 26 October as continuing to hold that position, saying the report would be released almost immediately — he suggested within days. Given that it is now 10 November and the report has still not been released, despite Labor's comments before the election, and in line with the specific comment in the last week of the state election campaign — —

Hon. G. W. Jennings — On a point of order, Mr President, if the honourable member had not taken the opportunity to misrepresent what I said in the house this morning, he may have come to a conclusion earlier and wound up by now.

The PRESIDENT — Order! If a member believes he or she has been misrepresented there is a procedure to be followed. In this case I had signalled to Mr Atkinson that I wanted him to wind up. I ask him to put his request so that the house can move on to the next matter.

Hon. B. N. ATKINSON — I think my interpretation of Mr Jennings's speech will stand. Will the minister advise the house when the report will be released? If she is unable to do so on this occasion, is she prepared to seek to persuade the Minister for Transport and cabinet, in support of her colleague from Mitcham and my constituents in Koonung, to release the report together with a timetable for the construction of the freeway?

Stud Road upgrade

Hon. G. B. ASHMAN (Koonung) — I raise with the Minister for Energy and Resources, who is the representative of the Minister for Transport in this

house, an issue concerning the Dandenong Valley Highway, which is also known as Stud Road. In 1997 the former coalition government invested \$2.4 million in some urgent traffic management upgrades along the highway. With the recent announcement of the deferral of the construction of the Scoresby freeway, the traffic situation will become worse.

Between 40 000 and 60 000 vehicles, many of them heavy vehicles, travel along the Dandenong Valley Highway each day, and between 50 000 and 70 000 vehicles use Springvale Road each day. Both of those roads are not able to deal adequately with the traffic volume. They are very important roads for industry in the south-eastern and eastern suburbs. Industry was looking forward to the construction of the Scoresby freeway to reduce travel times and provide greater efficiencies in the movement of goods and services. Now that the government has indicated it will not proceed with the Scoresby freeway there is an urgent need for major upgrading of the Dandenong Valley Highway, or Stud Road. The section of road between Dandenong and Bayswater has 26 traffic signals. The average truck can change gears up to 500 times while travelling from one end of the highway to the other.

Clearly that cost adds a significant burden, and the resultant fuel consumption is not friendly towards the environment. The pavement now needs urgent rehabilitation over almost the entire length of that road, as do most of the intersections. Also some duplication is required between Boronia Road and Dandenong Valley Highway.

There has been an indication that the government will commit some funding to an upgrade. I seek from the minister an undertaking that the upgrade funding will be substantial, that the rehabilitation of the road surface will be substantial and that intersection improvements will at least allow local industry to move its goods and services in a timely and proper way.

Mining: government policy

Hon. M. A. BIRRELL (East Yarra) — I direct to the attention of the Minister for Energy and Resources the absence of a published ALP policy on minerals. I raised this matter with the minister in question time yesterday, and the response was that the minister had had dinner with members of the mining industry and was going to talk things through with them. I am sure that is a factual statement, but it does not address the core issue.

The Australian Labor Party published a number of policies prior to or during the election campaign under

the leadership of Steve Bracks. As I indicated, we regarded some of those policies as a touch bizarre — for example, the bowling policy, as legitimate an issue as that is. The existence of an ALP bowling policy only highlights that the Labor Party sought to have policies on a wide range of areas. I am at a loss to understand why there is no ALP policy on mining and minerals.

Given that the minister is clearly responsible for the minerals industry and mining in Victoria, the concern raised by the industry and interested members of the public is how there can be any sense of knowing what the government will do and, just as importantly, how there will be any sense of holding the government to the commitments it makes. Therefore I call on the minister to explain how we will ever know what the Bracks government wants to do regarding mining in the absence of any policy statement on the topic and whether the minister intends to fill the void or simply not address the issue by saying she will talk to people.

Parkhill Primary School

Hon. D. McL. DAVIS (East Yarra) — I seek the assistance of the Minister for Sport and Recreation, representing the Minister for Education in another place. I draw his attention to the Parkhill Primary School in my electorate, a small primary school of around 200 students, a number that is slowly growing. It was in receipt of a grant under the former government, announced on 3 August this year by the Honourable Phil Gude, Minister for Education at the time. That grant is about to be actioned. The process is slowly being put in train. Within the next week or two I understand works will commence on the establishment of an oval — a level playing field, dare I say — at the Parkhill Primary School, which is situated on a steep slope.

It is important to understand that this should be looked at as just the first step in the completion of the levelling of the Parkhill Primary School site. It will level around four-fifths of the site — about 100 metres by 50 metres. Some 5000 cubic metres of soil will need to be moved to enable the school to implement that grant.

Will the minister, in his capacity as minister representing the Minister for Education in another place, begin procedures to investigate the feasibility of completing the process? It could be looked at as stage 2 of levelling the Parkhill Primary School site. Stage 1 is just about to begin, but it would be worth while if the minister took some early steps to investigate the feasibility of completing the project.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — Two matters were raised with me. The first matter, raised by Ms Wendy Smith and directed to the attention of the Minister for Workcover in another place, concerned Labor's commitment regarding common-law provisions and referred to an article in the Maroondah *Mail* of 26 October. I will refer that matter to the minister, and he will respond in the usual manner.

The Honourable Maree Luckins raised a matter to be directed to the attention of my colleague the Minister for Finance in another place. It concerned the long-term viability of the Oakleigh police and court building. I will refer that matter to the minister, who will respond in the usual manner.

Hon. K. M. Smith — On a point of order regarding clarification, the minister this morning in question time answered Workcover-related questions from members on her side, yet tonight she redirects adjournment matters relating to Workcover, matters raised by members on this side of the house and directed to her for referral to the minister in the other house. I would like to know what the minister's responsibility is in regard to Workcover-related matters and whether members on this side of the house will be treated fairly.

The PRESIDENT — Order! Mr Smith has raised a point of clarification, not a point of order. He has made his point. The minister may care to respond but does not have to.

Hon. C. C. BROAD (Minister for Energy and Resources) — The first question I received was from the Honourable Andrew Olexander and was for the attention of the Minister for Environment and Conservation. His question concerned the important issue of the above-ground storage of hazardous wastes and in particular safety standards and the location of such storage. He asked for an assurance similar to that for which many communities ask — that such storage not be located in his electorate. I will certainly raise that matter with the minister. She will respond to him on that matter.

The second question was from the Honourable Ron Bowden, and it was also for the Minister for Environment and Conservation. He raised constituent concerns about a plague of foxes on the Mornington Peninsula and the damage the foxes have caused, including in one unfortunate case injury to a constituent. Mr Bowden asked what measures the minister will take to ensure his constituents and their

businesses are protected. I will certainly raise that matter with the minister, and she will respond.

The third matter was raised by the Honourable Graeme Stoney. It concerned fisheries and more specifically the important matter of trout fishing and the stocking of Lake Eildon. Fisheries come within my portfolio of resources. I am pleased that, along with the Premier, I have already been able to meet one of the foremost advocates on this issue, Mr Rex Hunt. A stronger advocate could not be found. The government is pleased to be able to tell Mr Rex Hunt that it will continue in the vein of the funding assurances made by the Kennett government in addition to the funding already provided under the budget. Certainly there are no plans to reduce those resources.

The next matter, raised by Mr Bruce Atkinson, was to be brought to the attention of the Minister for Transport in another place. It concerned further matters relating to the Eastern Freeway extension. I will refer those matters to the minister, and he will respond.

Hon. B. N. Atkinson — The question asked whether the minister would use her offices to persuade the minister and cabinet to release the report. It was not asking for a referral but asking whether she was prepared to persuade them.

Hon. C. C. BROAD — I am well aware of the question. I will refer the matter to the Minister for Transport.

The next matter was raised by the Honourable Gerald Ashman, requesting that I raise with the Minister for Transport the important issue of the need to upgrade the Dandenong Valley Highway, including upgrading to do with resurfacing, duplication and other improvements. I will certainly raise those matters with the Minister for Transport.

The Honourable Mark Birrell referred to Labor's policies on mining and minerals. It is pleasing that the Leader of the Opposition in this house is keen to know about Labor's policies in that area. I am confident that the Labor government will, in consultation with the industry, establish policies with which I suspect he will be pleased.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Cameron Boardman asked about the catchment areas for siblings claiming entry into particular schools. I recognise that as an issue of concern and shall refer it to the Minister for Education in the other place.

The Honourable Gordon Rich-Phillips referred to difficulties experienced by broad-acre farming. I recognise that industries on the urban fringe have some difficulties with the urban sprawl. I shall refer that to the Minister for Planning.

The Honourable Andrea Coote referred to areas in St Kilda alongside Jacka Boulevard. I recognise that as an issue and shall refer it to the Minister for Planning.

The Honourable Carlo Furletti referred to the police facility in Heidelberg. I shall refer it to the Minister for Police and Emergency Services in the other place.

The Honourable Peter Katsambanis asked about safe injecting houses. I recognise that as a matter of concern. While the drug issue is a broad health issue, I recognise the concerns of nearby residents, particularly in relation to the domestic setting, schools, churches and public facilities. I shall refer the matter to the Minister for Planning and the ongoing consultation in relation to people in those areas as a matter of urgency.

The Honourable Neil Lucas raised a matter concerning the City of Casey indoor leisure centre, which was also raised yesterday. I have notification from the department that the City of Casey swimming pool has been granted \$2.5 million from the Better Pools Fund of the Community Support Fund through the Department of Premier and Cabinet. I shall bring the potential cost blow-out to the attention of the relevant people in my department and the Department of Premier and Cabinet and seek clarification.

The Honourable David Davis asked about the levelling of the second stage of the Parkhill Primary School site. I shall refer the matter to the Minister for Education in another place.

Motion agreed to.

House adjourned 5.23 p.m. until Tuesday, 23 November.

