

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FOURTH PARLIAMENT
FIRST SESSION**

**10 May 2000
(extract from Book 7)**

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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Standing Orders Committee — Mr Speaker, Mr Jasper, Mr Langdon, Mr Lenders, Mr McArthur, Mrs Maddigan and Mr Perton.

Joint Committees

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Family and Community Development Committee — (*Council*): The Honourables G. D. Romanes and E. J. Powell. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella, Mrs Peulich and Mr Wilson.

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Public Accounts and Estimates Committee — (*Council*): The Honourables Bill Forwood, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Asher, Ms Barker, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

Road Safety Committee — (*Council*): The Honourables Andrew Brideson and E. C. Carbines. (*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

Scrutiny of Acts and Regulations Committee — (*Council*): The Honourables M. A. Birrell, M. T. Luckins, Jenny Mikakos and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Mr Dixon, Ms Gillett and Mr Robinson.

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Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Secretary: Ms C. M. Haydon

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Speaker and Chairman of Committees: The Hon. J. M. MADDIGAN

Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella,
Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

Leader of the Parliamentary Labor Party and Premier:

The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:

Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
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Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	MacIellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John	Benalla	NP
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Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Naphtine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
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Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
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Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warmambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP
Leighton, Mr Michael Andrew	Preston	ALP			

¹ Resigned 3 November 1999

² Elected 11 December 1999

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Joint Sitting of the Legislative Council and the Legislative Assembly

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Wednesday, 10 May 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

JOINT SITTING OF PARLIAMENT**Centenary of Federation**

The SPEAKER — Order! I wish to advise the house of today's joint sitting relating to next year's centenary of Federation activities to be held in the Legislative Assembly chamber at 12.30 p.m. The proceedings will be televised and recorded. Four cameras will be used for the purpose, and camera testing will occur in the chamber from noon. I emphasise, however, that no transmission to the public will begin until the commencement of the joint sitting.

In recognition of the historic nature of the joint sitting and in order to record the Parliament of Victoria's contribution to the centenary of Federation, the normal restrictions that limit filming exclusively to the member speaking have been lifted. On this occasion, permission has been given to film all members attending the joint sitting, irrespective of whether they are speaking, in order to record their presence for posterity.

The proceedings will be televised live to Parliament House, Canberra. They will also be webcast live on the Internet. In Victoria the telecast will be carried on the Sofet schools television service to in excess of 2000 schools and colleges.

The Legislative Assembly bells will be rung for a short time at 12.29 p.m. for the joint sitting.

PAPERS**Laid on table by Clerk:**

Murray–Darling Basin Commission — Report for the year 1998–99

Parliamentary Committee's Act 1968 — Response of the Premier on the action taken with respect to the recommendations made by the Federal–State Relations Committee Report on *Federalism and the Role of the States: Comparisons and Recommendations*

Planning and Environment Act 1987:

Notice of approval of the new Moreland Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — Nos C4, C16, C22

Greater Geelong Planning Scheme — Nos R242, R249

Maribyrnong Planning Scheme — No C1

Moonee Valley Planning Scheme — No C7

Stonnington Planning Scheme — Nos L40 Part B, L95, L96,

Warrnambool Planning Scheme — No C9

Yarra Ranges Planning Scheme — No L116.

**AGRICULTURAL AND VETERINARY
CHEMICALS (CONTROL OF USE)
(AMENDMENT) BILL**

Introduction and first reading

Received from Council.

Read first time on motion of Mr HAMILTON (Minister for Agriculture).

PRIVILEGES COMMITTEE**Meetings**

Mr BRACKS (Premier) — By leave, I move:

That the house grants leave to permit the Privileges Committee to meet and take evidence when the house is actually sitting.

Motion agreed to.

MEMBERS STATEMENTS**Members: conduct**

Dr NAPTHINE (Leader of the Opposition) — I call upon the Premier to ensure that the Labor members for Ballarat put the interests of their constituents ahead of their egos and petty personal issues. Recently the people of Ballarat have been embarrassed by the honourable member for Ballarat West refusing to attend a luncheon in Ballarat in honour of Queen Elizabeth II. Then an honourable member for Ballarat Province in another place, Mr McQuilten, advised the Ballarat *Courier* that he would never use the parliamentary adjournment debate to raise issues of local importance. More recently, the Ballarat people have seen their members of Parliament, the honourable member for Ballarat East, and Ms Hadden, an honourable member for Ballarat Province in another place, spending their time and energy on a bitter personal dispute over electorate office car parking spaces.

I can only agree with the comments in the Ballarat *Courier*: Ballarat Labor MPs should be concentrating on important issues that are of real concern to their constituents rather than becoming the car-park clowns in the eyes of the community. They are the clowns fighting over car parking spaces instead of fighting for a very fast train, growing employment, economic growth and assistance to industry for the people of Ballarat. Now in Ballarat we have the quarrelsome quartet who are putting their own personal ambitions, interests, and fights with each other above the interests of their constituents. I call on the — —

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

Loud Shirt Week

Mr STENSHOLT (Burwood) — On Monday I attended the Taralye centre for hearing impaired children in Blackburn, which is in the electorate of the honourable member for Mitcham, for the launch of Loud Shirt Week by Marina Prior. Loud Shirt Week is a fundraiser for the hearing impaired children in Victoria. I ask all parliamentarians to support hearing impaired children. The only shirts they should worry about this week are loud shirts. The honourable members for Dandenong North and Ivanhoe are good with their loud shirts and I know they will support this fundraiser. On Friday I urge all Victorians and all parliamentarians to wear their loudest shirts. If they are a bit shy they should wear a loud tie or buy a badge to support hearing impaired children and the facilities at Blackburn, East Brighton and Wantirna South.

Independents: resources

Ms ASHER (Brighton) — I refer to the state budget and the line item showing \$1 million as the cost of Independents to the taxpayer in the financial year 2000–01. I further refer to the honourable member for Mildura's comments on ABC radio last night that it is not costing that much money. I call on the Premier to clarify a number of things in his so-called transparent budget. Firstly, can the Premier clarify whether extra staff in the ministerial offices are employed exclusively to service the Independents, as has previously been announced and implied by the budget? Secondly, we need to know whether the Premier has employed additional staff in the ministerial offices and is hiding behind the Independents to explain that additional staff. Thirdly, why has the Premier refused to answer two questions on notice in the upper house on this issue? He has specifically refused to answer questions on the issue.

The Premier should come clean about funding for the Independents. The Premier should come clean in his so-called open, transparent and honest budget about who is receiving funding. Are his ministers receiving funding? Is he hiding behind the Independents? Or are the Independents receiving \$1 million in the next financial year? We call on the Premier to show some transparency on this preferential treatment for the Independents and possible additional funding for his own offices.

The SPEAKER — Order! The honourable member's time has expired

Independents: resources

Mr SAVAGE (Mildura) — Yesterday the shadow Treasurer, no doubt to score a cheap headline, deliberately created a misleading impression that the three Independents will receive an extra \$1 million for staff next year. This grubby little tactic is untrue. In March in another place — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Gisborne will cease interjecting. The clock has been stopped. I ask the house to come to order. The honourable member for Mildura is entitled to be heard.

Mr SAVAGE — For the shadow Treasurer to look at the budget document and not be able to read a line item in the way she has done shows she is fit to be the shadow Treasurer rather than a senior member of government. The truth is it is \$321 000 for a year. The rest is for the Premier and cabinet to run extra expenses for ministers. Can't the shadow Treasurer work out a simple line item in the budget? This action is based on a thing called waste watch. It should be a grub watch, because that is what you are, a grub!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr Rowe — On a point of order, Mr Speaker, it is the custom and practice of the house that no honourable member shall cast an aspersion or be insulting to another member of Parliament. It just shows that this member of Parliament will stoop to any depth to insult a woman. I ask him to withdraw the statement he has just made about the shadow Treasurer.

Honourable members interjecting.

The SPEAKER — Order! I remind the honourable member for Mildura, as I do all honourable members, that when honourable members are making remarks or addressing the chamber they must do so in the third person and not in a direct way to any other honourable member. I believe the honourable member for Mildura used an unparliamentary term and I ask him to withdraw it.

Mr SAVAGE — I am happy to withdraw that remark, Mr Speaker. However, the activities on this issue are grubby. The honourable member for Cranbourne should pull his head in as well because he used an unparliamentary term — —

Mr Rowe — On a point of order, Mr Speaker, it is the usual practice that when an honourable member is asked to withdraw, he or she withdraws unconditionally and unreservedly. The honourable member for Mildura went on to try to excuse himself for his actions and cast aspersions on me. His behaviour is totally unacceptable.

The SPEAKER — Order! The honourable member for Cranbourne has raised a point of order asking for a comment to be withdrawn. He earlier raised a similar point of order about a comment that the Chair ruled was unparliamentary and had to be withdrawn because the comment was made directly to another honourable member. On that occasion the Chair did not hear the honourable member making a comment directed to any other honourable member. Therefore, I will not ask him to withdraw. The honourable member for Mildura, concluding his remarks.

Mr SAVAGE — The fact is the amount is \$321 000 and there is no extra budget item to assist the Independent members. It is a judicious amount of money and an appropriate amount. It is a tacky, grubby — —

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

Federation Square

Mr CLARK (Box Hill) — On Monday this week it became public that the government had agreed with the Federation Square architects on a review of the functional and design consequences of not having a western shard, including working out the design criteria within which a structure in the north-western corner of the square of the structure could be built.

It seemed that at last the government might have opened the way for a strategic retreat from its original hasty, prejudged and ill-considered decision.

However, by the end of Monday the Premier had repeated the government's original error by prejudging the outcome of the second review and ruling out the possibility of retaining the western shard even if it satisfied the design criteria set by the working party. The government's initial decision to scrap the shard was made with reference to a flimsy and superficial review by former Labor minister Professor Evan Walker. Yesterday the Premier claimed that Professor Walker's review was longer than nine pages. Strictly speaking the Premier is correct but only if one counts the four appendices consisting of other people's work. Professor Walker's work, for which he received \$25 000 of taxpayers' money, consists of just nine pages including the title page and the list of appendices.

The issue has now reached the stage of high farce. The Premier proposes a flagpole instead of a shard. Does he have a hidden agenda to agree to a flagpole mounted on a base that looks suspiciously like the shard he has scrapped or does he propose that the flagpole be erected horizontally?

Members: conduct

Mr HOLDING (Springvale) — I call on the Leader of the Opposition to provide mediation on the ongoing dispute between the Honourable Ron Bowden, a member for South Eastern Province in another place, and the honourable member for Cranbourne.

I refer to one of the more recent instalments in the ongoing dispute — a letter written by the honourable member for Cranbourne to the former president of the Liberal Party, Ms Joy Howley, which begins:

Dear Joy

I write to acquaint you with some relevant issues I believe should be considered prior to the endorsement of Ron Bowden as the candidate for South Eastern Province.

The letter then details a meeting between various Liberal Party candidates for South Eastern Province and continues:

On arrival Ron approached me in a very aggressive manner so much so I moved him aside from the group I was standing with.

The letter goes on to detail the dispute between the Honourable Ron Bowden and the honourable member for Cranbourne and then continues:

I believe that Ron's behaviour was totally inappropriate and a direct attempt to influence the democratic processes of the party.

It also states:

As the member for Cranbourne I don't believe that I will be able to work with Ron as despite claims by him of being a team player I believe his actions are the opposite.

The letter details the distribution of a grant that caused disagreement between the two members and concludes:

I am prepared to swear a declaration in relation to the aforementioned occurrences.

I call on the Leader of the Opposition to bring the two members together and get them to behave like adults.

Honourable members interjecting.

The SPEAKER — Order! As interesting as members' statements are to the house, I ask honourable members to quieten down so they can be heard!

Avonwood Homes

Mr ROWE (Cranbourne) — I wish to make a statement on behalf of constituents in my area caught up in the collapse of Avonwood Homes. This is not the first time the directors of the company have gone to sleep. They escaped bankruptcy last time but I hope they do not escape it this time.

Yesterday on radio the Premier tried to handball to the federal government any compensation for home purchasers and builders for the goods and services tax. The Premier failed to offer any relief to my constituents caught up in the collapse of Avonwood Homes although it is within the realms of his responsibility as Treasurer and Premier to do so by providing refunds or rebates in stamp duties payable on the purchase of the properties. It is cruel and unkind for the Premier to fail to do so. I call on the Premier to show compassion and leadership and give the purchasers of homes affected by the collapse relief from stamp duty and a refund of stamp duty already paid.

The SPEAKER — Order! The honourable member has 45 seconds.

Moe: government support

Mr MAXFIELD (Narracan) — It is fantastic to notice the difference in the towns of Moe and Newborough, which were neglected by the former Kennett government.

Moe received \$4.3 million for the police station and \$4.9 million for the TAFE college from the Bracks government. That support is in stark contrast to the removal of the hospital, the creation of massive unemployment and the neglect of the town by the Kennett government. At last there is a government that cares for rural Victoria in general and in particular

Gippsland and Moe, which is a town deserving strong support.

The SPEAKER — Order! The honourable member's time has expired. The time for making members statements has also expired.

ESSENDON AIRPORT

The SPEAKER — Order! I have accepted a statement from the honourable member for Gippsland South proposing the following matter of public importance for discussion:

That this house recognises the significance of the ongoing operations of Essendon Airport, and calls on the Victorian government to support its continuing operations.

Mr RYAN (Leader of the National Party) — Today issues of federation will be spoken of; similarly, Essendon Airport is an icon issue for country Victorians.

The continuation of the operations of Essendon Airport is an issue of great relevance to country Victorians on which they have expressed strong opinions over the years. The essence of the issue is that country Victoria and the National-Liberal partnership want to keep the Essendon Airport open and the Labor government wants to close it down. The issue needs to be aired and Essendon Airport must remain open for the benefit of all, especially country Victorians.

It is a marvellous opportunity for the Labor government. It is only days since the Labor government delivered its first budget. There has been lots of talk about infrastructure in country Victoria, and today a major infrastructure issue is being discussed. Essendon Airport is a vital piece of infrastructure not only for country Victorians but for all Victorians.

Essendon Airport was established in 1921 and operated as the major airport into Victoria until about the 1960s when the construction of Tullamarine airport occurred. Nevertheless, it continues to provide a vital link for country Victorians. The Labor government has an opportunity today to stand up and be counted on the matter of support and representation for country Victorians.

Living in Sale, I have had a close association with Essendon Airport over the years. On many occasions I have flown in and out of the airport on commuter flights, and obviously I am not alone in that because it is used extensively by people living in areas such as Wangaratta, Bright and other parts of northern Victoria who commute back and forth to Melbourne. It is also

used by people right across the state and those living on the islands of Bass Strait for both passenger and commercial purposes. There are also extensive connections to the rest of Australia, particularly New South Wales, and those passenger and commercial links are important to everyone who uses the airport. Its retention is vital to country Victorians and other users. The government has a tremendous opportunity to support the retention of Essendon Airport and its ongoing operation.

The retention of Essendon Airport is vital for the emergency services located there. That issue is of great significance to country Victorians. The air ambulance is located at the airport, as is the Royal Flying Doctor Service; it is close to the Royal Melbourne, the Royal Children's and the Royal Women's hospitals; the police air wing is located at the airport; and the State Emergency Service has a unit there as well.

Essendon Airport has many attributes to recommend its retention. The quality of its runways is outstanding — two of them being about 1585 metres and the other being about 1921 metres in length — and they can handle a number of aircraft, in particular the Bae 146. It is interesting to note that Moorabbin Airport is presently trying to extend its runway to 1400 metres in order to take the aircraft which can already land at Essendon.

Despite the rhetoric some members of the Labor Party tend to trot out, there is room for expansion of the airport's operations. The houses located in the area are further distant from the runways than is the case with many other such airports around the nation.

There are thriving business activities at Essendon Airport — approximately 100 businesses operate from it and about 1500 people are directly or indirectly dependent on it for their employment. The airport is close to the city, which is imperative for country Victorians, and it provides wonderful backup for Tullamarine airport. One has only to look to Sydney and the absolute circus with regard to the development of Badgerys Creek and the prospect of another \$2.5 billion being spent in an attempt to relieve the main airport area to have reinforced the fact that Essendon Airport should be retained.

In the last year there were something like 72 000 movements through Essendon Airport. Whereas one of the arguments made for its sale over the years has been that it requires commonwealth subsidies, I am pleased to say that such is no longer the case. Last year the airport returned a profit of some \$526 000. It does not need to be subsidised to operate; it can stand on its own

two feet and should remain. There is an aircraft investment at the airport of about \$75 million, which is a substantial amount in anybody's terms. Over the last year, commerce to the value of about \$225 million has moved through the airport.

Country Victorians are most concerned about the specific functions of the airport, particularly with regard to the air ambulance. Last year about 4000 people were transported through Essendon Airport by the air ambulance, about 35 per cent of whom were emergency cases. Most of the patients were from country Victoria requiring access to medical services in Melbourne. That is a critical issue to do with the health and welfare of country Victorians. Most of the movements by the air ambulance occur between 8.00 a.m. and 5.00 p.m., and if the airport were not located so close to the city the people on those flights would have to spend a lot of time in city traffic before reaching Melbourne. Country Victorians are advantaged by its proximity.

Many statistics can be recited on the flights which pass through the airport from different parts of country Victoria, some of which will be of interest to the house. Over the last three months of 1999, there were 33 movements to and from Benalla; 386 for Bendigo; 83 for Mangalore; 356 for Shepparton; and 142 for Wangaratta, which totals a nice even number of 1000 aircraft movements in and out of Essendon airport to and from those parts of northern Victoria. The figures for Gippsland show a similar picture. I have used the airport many times for commuter flights, as do many other Gippslanders when the occasion calls.

Legions of local government representatives across country Victoria have made it known to me that they strongly support the retention of Essendon Airport. When I travel throughout country Victoria I am told that it enables local government to better connect its service delivery on behalf of its shires and constituencies.

David Piper, chairman of the Victorian division of the Australian Airports Association, strongly supports the fact that Essendon Airport provides a marvellous service for country Victorians. He has also emphasised that the airport is located close to Melbourne, that the air ambulance service that operates from Essendon is under cover — which is a tremendous addition to the facility — and that travel time for those who need access to the air ambulance service is the shortest possible one could want. He says that if the fixed-wing arm of the ambulance service were expected to operate through Melbourne Airport at Tullamarine, particularly when much of that service occurs in emergencies, the

interruption to air services would cause chaos at Tullamarine. That service can easily operate in and out of Essendon Airport. It is important for the government to note Mr Piper's views; he is only one of many who hold the same view.

Opponents to the ongoing operation of Essendon Airport have raised safety issues. They have said that in the past, training flights have sometimes presented safety problems at the airport. That is no longer the case because training flights no longer operate there. Another issue raised concerned air ambulance accidents. However, the new twin-engine aircraft used by the air ambulance service are perfectly equipped to fly on a single engine, if necessary. Therefore, any safety risk has been removed.

Opponents have referred to the Ted Rudge accident some years ago. The Civil Aviation Safety Authority has had the regulations amended so that such an accident cannot again occur at Essendon Airport. I have already said that it is fortunate that housing is located some distance from the airport. The length of runways lends itself to the avoidance of risk. CASA regulations provide that the emergency facilities at Essendon Airport are of the highest quality. Operations there have direct links with the fire brigade, the police and ambulance services. Many issues raised by opponents of Essendon Airport do not hold water in this day and age.

It is imperative that the house recognises the public importance of the ongoing operations of Essendon Airport and the Victorian government's support for those operations. I appreciate that such a stand would be a change in government policy because it has made it clear that it wants to close the airport.

I understand the Minister for State and Regional Development has instigated an inquiry into the operations of Victorian airports; no doubt he will give the house more information about that inquiry. The debate is an opportunity for the minister to tell particularly country Victorians that he, who has direct responsibility for the interests of country and regional Victorians, supports a continuance of Essendon Airport.

Mr Leigh interjected.

Mr RYAN — As the honourable member for Mordialloc interjects, the minister is a former resident of country Victoria. I understand the impediments to his support of the airport because his colleagues, such as the honourable member for Bendigo West, have made it clear publicly that they are happy to have Essendon Airport closed.

The honourable member for Essendon has made it clear in the house and elsewhere that she would be happy to have the airport closed. She will not take a flight from Essendon and if she needs to travel on a light plane she travels to Moorabbin Airport to catch a flight that had earlier departed from Essendon. I commend the honourable member for being true to her word. She says on the one hand that she does not want to be hypocritical in recommending the closure of Essendon Airport but then, on the other hand, uses it.

However, country Victorians want to know whether they have the support of the Victorian Labor government to keep an important air link operating. Essendon Airport is vital for commuting country Victorians; they regard it as an icon. They want the government to support them in their drive to retain Essendon Airport in its current operational condition.

Let nobody be distracted about whether it is to be sold at the commonwealth government's direction. The Victorian government has a pivotal role to play in keeping the airport open. The opposition parties representing country Victorians want the government to say it supports the retention of Essendon Airport as an ongoing operating facility on behalf of all Victorians, particularly those in country areas.

Mr BRUMBY (Minister for State and Regional Development) — The statement of the Leader of the National Party surprises me as it comes following the handing down of the state budget last week and the federal budget last night. One would have thought in that environment the house would have been debating country infrastructure — perhaps roads, rail, information technology, schools or hospitals — but, no, the National and Liberal parties have nothing to say about country infrastructure after the recent two budgets.

After the last state election and the seven years of the Kennett government obsession with metropolitan Melbourne — the Kennett philosophy that county Victoria was the toenail of the state — I should have thought the house could debate country infrastructure. Instead, with the by-election at Benalla only a few days away the only two issues raised by the National Party have been about Melbourne — one about spending \$100 000 on a television campaign about supervised injecting facilities, which has not the slightest link with Benalla or north-eastern Victoria, and the other about Essendon Airport. What a pathetic, lacklustre bunch!

The opposition is living true to the memory of its former leader, Jeff Kennett, who made famous his statement about his vision for Victoria: that Melbourne

was the heart of the state and the rest of the state was its toenails.

Today the house has heard almost a repeat of Kennett's performance with a piece of Melbourne infrastructure being the subject of a matter of public importance debate. The debate has been remarkable because Essendon Airport is not a piece of state infrastructure. The Victorian government does not own, operate, manage or regulate Essendon Airport. It is the responsibility of the federal government — of the Prime Minister, the federal Treasurer and the federal Minister for Transport and Regional Services, John Anderson.

The commonwealth government owns Essendon Airport and has over recent years starved it of funds. The point is that that government will decide its future. The federal government and the federal Minister for Finance, the Honourable John Fahey, are examining — —

Mr Plowman interjected.

Mr BRUMBY — If you listen you will learn something. The federal government, through its Office of Asset Sales, is examining options for the future use of Essendon Airport.

Dr Napthine interjected.

Mr BRUMBY — I ask you rhetorically — —

The ACTING SPEAKER (Mr Lupton) — Order! The minister will try to ignore interjections and speak through the Chair.

Mr BRUMBY — I ask the Leader of the Opposition whether, rhetorically speaking, it would be his policy to purchase Essendon Airport.

Dr Napthine interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The minister will direct his remarks through the Chair and not encourage opposition members to interject.

Mr BRUMBY — I am pleased to receive that response from the Leader of the Opposition. The federal government will make a decision on an asset it owns. I cannot pre-empt that decision; but the federal government is not going to continue with an asset from which it receives no return. It will offer it either to the state government or to a land developer. It is as simple as that.

I just asked the Leader of the Opposition whether he believed the Victorian government should purchase the

property, and his answer was no. That means the commonwealth will have only one option. Isn't it extraordinary that the opposition parties are so poorly informed on what they say they believe to be such a key issue for the state!

It has always been the view of the Labor Party that the activities of Essendon Airport should over time be moved to a more sustainable location. The commonwealth owns the asset. The former Premier and the former state government had a policy of closing Essendon Airport. We all remember the statements by the former Premier at the site of an air crash some years ago when he vowed to close Essendon Airport.

We must look to the future. Will the present arrangements be holding back development of other regional airports 5, 10 or 20 years from now? I refer in particular to Mangalore. Speaking hypothetically, if Essendon were not operating, would there be more activity at regional airports? The advice given to my department is that there would.

The Leader of the National Party has raised this matter for debate today. Because of our shared concern for regional development I would have thought he and I shared a common interest in the development of regional airports, regional investment and regional job opportunities. Essendon is holding back development at Mangalore. Mangalore could provide great opportunities for the immediate Seymour area in particular and more generally for the whole of north-eastern Victoria.

Honourable members who are not old enough or who no longer remember should be informed that 30 years ago when Essendon was a going concern flights were diverted to Mangalore in bad weather. The airport at Mangalore is a piece of infrastructure many would kill for. It is closer to its capital city than many major international airports around the world.

Immediately after a state budget and a federal budget the only issue the opposition can find to raise in this house is Essendon Airport. How extraordinary! This matter has nothing to do with country infrastructure — country roads, country rail and so on. The opposition raises only the question of Essendon Airport, which is owned by the federal government, not the state government, and which has been starved of funds.

Essendon does not earn an adequate rate of return for the federal government, so through its Office of Asset Sales the federal government is considering selling the airport. Its continued operation is holding back

development and new investment at regional airports, including Mangalore.

No wonder the National Party has focused on this issue today. With the federal budget speech having been delivered last night you would have thought the National Party would be clamouring for more investment in country infrastructure in Victoria and Australia. Last night's federal budget was an absolute disaster for regional infrastructure.

The president of the Victorian Farmers Federation, Peter Walsh, is quoted in today's *Herald Sun* as saying it appeared Mr Costello had forgotten about rural and regional infrastructure and natural resource management. Royal Automobile Club of Victoria spokesperson, David Cumming, is quoted as saying the budget was an 'absolute disgrace' for drivers. He continued, 'Once again Victoria has seen no increases in road funding, and petrol prices will go up'. The heading on page 8 of today's *Australian Financial Review* reads, 'Roads and rail infrastructure miss the bus'.

The ACTING SPEAKER (Mr Lupton) — Order! I have been very patient with the minister. However, quoting from reports on the commonwealth budget has very little, if anything, to do with the matter before the Chair. The house is discussing the possible closure of Essendon Airport, not the federal budget. I ask the minister to come back to the motion. I have been very patient and allowed him to range fairly widely. He is now going a bit far.

Mr BRUMBY — With respect, Mr Acting Speaker, the motion before the house is about the ongoing operations at Essendon Airport. Essendon Airport is owned by the federal government; it is a piece of federal government infrastructure. You are suggesting, Sir, that I am unable to talk about infrastructure.

The ACTING SPEAKER (Mr Lupton) — Order! The minister is debating the federal budget, which has nothing to do with the motion before the Chair. I ask the minister to come back to the motion and discuss the infrastructure of country Victoria. I ask the minister to talk about the airport without referring to the federal budget.

Mr BRUMBY — Essendon Airport is owned by the commonwealth government. I was extremely disappointed last night that no funds were made available in the federal budget to boost airport infrastructure around Australia. No funds whatsoever! I would have thought the first thing National Party members would do when addressing the Essendon

Airport issue would be to call on their federal counterparts, who own Essendon Airport, to ask them to provide some additional support for airport infrastructure around Australia. The federal budget delivered last night was completely silent on the issue. Not a cent or a direction was provided in the budget. The asset owned and operated by the federal government has received no support from it over recent years.

The Victorian government has examined the issue. I remind the house that the commonwealth government has already tried to sell Essendon Airport without success. The National Party is obviously unaware that the federal government has already put the airport on the market. The fact that the federal government has tried to sell it raises obvious questions about the long-term commercial viability of the airport.

The Victorian government is strongly committed to the retention of air ambulance, police air wing and general aviation links with rural and regional Victoria. Upgrading the infrastructure at existing airports in the region will enhance those crucial links for rural Victorians.

In January the Department of State and Regional Development jointly with the Department of Infrastructure commissioned a firm of consultants to give advice on the capacity of aviation facilities in the Port Phillip region and the implications of either Essendon or Point Cook airport or both of them being closed. The government received a draft report in April. That report indicates that there would be a net economic benefit to the overall state of Victoria if Essendon Airport were closed and the airport at Point Cook remained open; a lesser net economic benefit if both airports were closed; and a small economic loss if Essendon Airport remained open and Point Cook were closed.

The federal Office of Asset Sales and IT Outsourcing is examining the future of Essendon Airport. It is considering whether to sell it, offer it to the Victorian government or simply close it and redevelop it as a piece of real estate. The issue is in the province of the federal government, and I suggest that the time of this house and the efforts and time of members of the National and Liberal parties would be far better directed towards lobbying their federal colleagues.

Mr LEIGH (Mordialloc) — I am amazed that a former member for Bendigo — a former rural, provincial member for Victoria — can come into this place and say what he has said. He has obviously been living around Broadmeadows for too long and has

forgotten some of the history of the issue and the involvement of various governments.

Before honourable members jump up and down, I will make available the correspondence to which I will refer. I wonder whether the comments of the minister who is responsible for the development of regional Victoria are the best he can do.

Essendon Airport is important for a whole range of reasons. The minister said the issue has nothing to do with the state government. That is interesting, because in 1991 the Kirner government, along with the then federal Labor government, commissioned the Port Phillip Region Airport and Airspace Study, which found that it was the state government's responsibility to develop another airport if Essendon Airport were closed. Were Essendon to be closed the minimum action in the short term would be the construction of a third runway at Tullamarine.

At that time there was a joint arrangement between the federal and state governments. In addition, the study showed that the aircraft traffic patterns around metropolitan Melbourne would alter substantially and would change forever what is happening in Melbourne.

The honourable member for Bendigo East obviously has little interest in the issue. She should have a great deal more interest, and so should the Minister for State and Regional Development. The minister said the issue has nothing to do with rural and regional Victoria.

The federal government removed itself from what happened with Moorabbin Airport. Industrial development is now taking place and the airport is continuing. As the local member representing that area, I support the continuation of that airport. I grew up under the flight paths; I set up the Moorabbin Airport Residents Association; and I am on the consultative committee for the airport. It is good that the airport has been retained. What happened with that airport is an example of what could be done with Essendon Airport.

The minister said the issue has nothing to do with rural Victoria, but I will read a letter from the honourable member for Mildura dated 20 March. He said:

Essendon Airport is a vital part of Victoria's transport infrastructure and acts as a key reliever to Melbourne Airport. It is also the base of the air ambulance —

da, da, da — elite medical services — —

Ms Allan — Too many big words?

Mr LEIGH — It is very interesting that the honourable member makes jokes, but who is the next person to comment about it?

While the honourable member for Bendigo West is not involved in the issue and the honourable member for Bendigo East is saying, 'I have nothing to do with all this', a letter addressed to Steve Gibbons from the shadow Minister for Regional Development and Infrastructure Transport — —

An honourable member interjected.

Mr LEIGH — I can definitely read it. Steve Gibbons is the federal member for Bendigo.

The letter is from Martin Ferguson, the Labor shadow minister, and it deals with how important it is to keep Essendon Airport. The letter quotes the aerodrome manager of the City of Greater Bendigo as having said:

If the airport was to close, it would need to be replaced by another light aircraft facility.

Government members may think that this is an incredible joke and that it has nothing to do with the state government. However, a long list of regional councils all support the continuation of Essendon Airport, including the Greater City of Bendigo. What is the government doing about it? The council has asked the government what its point is — —

Mr Brumby interjected.

Mr LEIGH — I am sure it has. The point is that the government has an involvement in the matter. The minister says, 'It is nothing to do with me or the state Labor Party'. If the government has nothing to do with it why does the policy of the Victorian branch of the Australian Labor Party, as downloaded from the Internet on 18 October 1999, say — the Minister for State and Regional Development probably wrote this when he was leader:

Labor will improve Victoria's airports through ... recognising that Avalon is the most desirable centre for aviation development in the west of Melbourne ... closing Essendon Airport and working closely with the commonwealth to develop the site for mixed housing and commercial uses ... Labor will improve Victoria's airports to enhance our links with the rest of the world.

The minister has said it is nothing to do with him and he is washing his hands of the matter, yet it was on Labor's platform at the last election. Mr Savage — one of the government's members! — agrees with keeping the airport and the Labor federal member for Bendigo, Mr Gibbons, is obviously just as concerned as the state opposition about its retention. The federal government

will have asked the current state government whether it supports the retention of Essendon Airport. Today we all know where it stands!

I will refer to a couple of other facts. As the Leader of the National Party said, every year there are some 72 000 flight movements to and from Essendon Airport. The key question is: what will happen to those flights? Where will they go? Will they go to Melton, Coldstream, Bacchus Marsh or Lilydale? Of the 72 000 flights 60 000 will go to the other airports and about 12 000 will end up at Moorabbin. Where will the air ambulance go? Where will the police air wing go? Where will the Royal Flying Doctor Service go? Instead of answering the questions the minister said only that they should move somewhere else.

The airport closure is being pushed by the federal member for Wills — the husband of the Victorian Minister for Consumer Affairs and the chief power broker of the Labor Party; honourable members know what nepotism is like in the Labor Party — and the honourable member for Essendon, who has carried on about it. The closure of the airport would affect the 1500 people currently employed there. It would also mean that various aircraft industries, such as those carrying out major maintenance works of some aircraft, will leave Melbourne. As the Leader of the National Party said, a considerable amount of money has been spent at Essendon.

The Labor Party will stand by silently while regional Victoria suffers as a result of the process. The minister said, 'It is no big deal', but the issue affects people other than those in regional Victoria. I think there would be just as many people in Melbourne who are interested to see Essendon Airport retained as there would in regional Victoria.

The argument that Essendon is not needed because there is another airport close by is a bad argument. New York has two airports, JFK and La Guardia; Chicago has O'Hare and Midway airports; Los Angeles has Los Angeles International and Long Beach airports; London has Heathrow and at least one other airport. The argument that because Melbourne has Tullamarine international airport it does not need another nearby is not valid. Sydney airport has been in a mess for many years. Former Labor administrations had as much trouble as the current administration in trying to get an airport built at Badgerys Creek. If Sydney had had another airport near the city its development may have been different.

Unfortunately people such as the federal member for Wills, the honourable member for Essendon and the

Minister for State and Regional Development seem to think aircraft are still as they were 20 years ago, when they made an enormous amount of noise. New generation aircraft — newer than the BA 146 — are becoming more available and are coming to Australia. Some are incredibly quiet, and as time goes by newer aircraft will be more so.

Is it right that you, as the honourable member for Bendigo East, are in favour of its closure?

Ms Allan interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Mordialloc will please not direct his remarks across the chamber.

Mr LEIGH — I was just asking her; she is obviously in support of its closure.

The ACTING SPEAKER (Mr Lupton) — Order! Will the honourable member for Mordialloc please refer his remarks through the Chair.

Mr LEIGH — I will describe the track down which the government has gone. When last in government it suited Labor to say something should be done about Essendon Airport and it helped spend millions of dollars in conducting a study with the then federal government. I have read the results of the study, as I am sure has the minister, as a former Leader of the Opposition and former federal member for Bendigo. Clearly the state Labor Party has an involvement in the matter, and it should say 'yes' or 'no' on it, yet all the Minister for State and Regional Development had to say was, 'Close it, move it somewhere else; we don't care'.

One of the problems surrounding the operation of Essendon Airport has been the inability of operators in fields other than airport-related businesses to obtain long-term leasing arrangements. There are all sorts of businesses there, including dentists, and they have not been able to get better two-year leases.

If the federal government goes down the path of keeping the runways while allowing industrial development to take place, at least the runways will be kept for future use. Honourable members must understand that having available such a large tract of land so close to metropolitan Melbourne is critical to the city's future, no matter what happens with industrial development in the surrounding area. The opportunity to keep such a large amount of land available for the use of aircraft and other industries will not arise again. Doing away with the Essendon Airport would be a crime, yet that is what the state government supports.

One problem facing the federal government in having the site used for any purpose other than industrial development is the cost of cleaning it up, because it is contaminated. In the absence of that cleaning work it would be difficult for anything to be done with the land other than allowing industrial development. Many millions of dollars would be needed to clean up the contamination caused by years of aircraft operation. In the old days aircraft were taken to one side to be washed down, and so forth. These days operators know better.

Clearly it is critical for Victoria — not just regional Victoria — that the facility be kept. It is not known how patterns of aircraft operation will change. City Link now runs beside Essendon Airport — the minister made a comment about it having been tried once before — and provides business operators with incredible transport access. The Minister for Transport does not support it but the Premier thinks it is terrific.

I remember during the debate on Virgin Airlines that the Premier said, 'Come to Melbourne, it has everything. Essendon is off the board, we are not able to use it, but come to Melbourne because we still have City Link'. The fact is that the new generation of aircraft such as the Boeing 717 could theoretically operate from Essendon. No-one is suggesting that should happen, but that aircraft is probably the quietest in the world today, and as generational change takes place aircraft will get even quieter.

The days of the old planes with piston engines flying around Essendon causing problems do not exist any more. The honourable member for Essendon and others keep referring to the tragedy many years ago when a family was killed. However, today there is no training at the airport, which is used as a combined facility.

The facility must be retained. If it is not, it is incumbent on the state government to tell us where the facilities used by rural Victorians should go. A suggestion was made to locate the Air Ambulance Service at Moorabbin Airport but it was argued that for country Victorians it was too far from the major hospitals. The tender process to gain the Air Ambulance Service is under way. The Royal Flying Doctor Service and the Air Ambulance Service want to spend hundreds of thousands of dollars on upgrading the facility for use by their new generation aircraft, but they are unable to do so because they cannot get leases for the land for the length of time they need. They cannot risk spending \$900 000 without those leases.

The opposition calls on the state government to talk to the federal government and ensure that it reverses the

decision announced today by the federal minister. The government must not support what honourable members, including the honourable member for Essendon, want. Industrial development and the Calder Highway development can take place but the airport must be kept for the future use of Victorians.

It is critical not just for rural Victorians but for the future of all Victorians that the runways remain. It is a tragedy that the Labor Party does not support that course of action.

Mr ROBINSON (Mitcham) — I thought the debate this morning might be a serious debate.

Mr Steggall — It is; I am next.

Mr ROBINSON — It is a pity that the honourable member for Swan Hill was not the lead speaker for the opposition, because a contribution to any debate by the shadow Minister for Transport does not evidence any seriousness that an issue deserves.

If one considers some basic points about Essendon Airport, one realises that about the only thing that the opposition has got right so far in the debate is a comment that was made last week in the upper house by the Honourable David Davis when he participated in debate in that chamber on the issue. Mr Davis stated that the federal government has control of the airport and he conceded that the federal government wants to sell it. That is correct.

The airport privatisation process undertaken by the current federal government goes back to approximately 1997–1998 and involves the sale of freeholds and leaseholds. For the major capital city airports it was a leasehold agreement; for a range of seven secondary airports, of which Essendon was one, a freehold sale was proposed subject to conditions being agreed to that would permit continued aviation operations on those sites.

The advice of the Department of Transport and Regional Development at that time was that the transfer of Essendon Airport to the private sector was anticipated to be completed by 30 June 1998. It is important to note that the advisers to the Department of Transport and Regional Development and what went before that department under different names have always been fierce advocates for the retention of airports. They probably know more about aviation policy than most honourable members do. We can assume that their opinions are based on some expertise that they have developed in the field.

The advice of the experts to successive governments has been that they either shut it or allow it to grow. That is not just my comment — that is the comment of Mr Peter Harris, the First Assistant Secretary to the Department of Transport and Regional Development, to a Senate Estimates Committee in 1997:

The department of transport's view to successive ministers has been, 'You must do something about Essendon airport; either shut it or allow it to grow. We can't continue with it in a situation where it is a substantial loss-maker within the FAC network'.

It is important to be clear about that point and to realise that in its drive to privatise airports the federal government called in the full array of people who could assist. The process was managed by the Office of Asset Sales in Canberra and its business advisers, BZW. The experts went over the issue in fine detail and concluded that the interest that people believed the private sector had in investing in that facility was not there. When all was said and done the private sector failed to cough up the investment necessary to have the airport transferred to private operation.

It is important to appreciate also that the future of the airport is contingent on federal and state government agreement. I note that between April 1996 and October 1999 — that is, over three and a half years — federal and state coalition governments were in power. During that time the private sector was invited to take over the operation of Essendon Airport but was not prepared to invest one dollar.

The private sector is saying to governments that it does not believe Essendon Airport has a long-term role to play in the industry and that it is not viable in the longer term. It is extraordinary that the opposition would decide to draw a line in the sand over public ownership and control, given that the private sector does not want to be involved in Essendon Airport. It is a public asset that no-one wants to buy, yet the opposition has chosen to defend it.

The opposition has a totally different message about public assets that the community does not want sold, such as Telstra: it maintains that it should be sold at all costs. With bizarre logic the opposition draws the line in the sand over retaining government control of an asset that the private sector does not want, but it cannot sell quickly enough things that the public do not want sold.

Members of the opposition, particularly National Party members, have not been listening to the community about the airport issue. One can look to luminaries such as Senator Julian McGauran who came to light recently

when he praised the new Bracks government over its regional forest agreements.

Mr Steggall interjected.

Mr ROBINSON — I believe it was his brother Peter — I stand corrected. In 1996 Senator McGauran claimed that the federal Minister for Transport at that time, Mr John Sharp of travel claim fame, had already decided to close the airport. He was wrong. At that stage Senator McGauran, and I apologise if I have the facts wrong, was floating the proposal that a government — he was not sure which one — ought to purchase several hundred houses around Essendon Airport to provide the buffer zone that might allow further development. He did not say who should pay for that purchase or what the cost would be, but it was another of his brilliant ideas that flopped miserably. Members of the National Party have considerable trouble getting their rhetoric right on Essendon Airport.

The opposition seeks to gain some short-term advantage out of the debate. It has a short-term view on Essendon Airport, in which, as I said, the private sector, after repeated efforts by the federal government, refused to invest the necessary funds. It is known from the advice of departmental experts that the future of Essendon Airport depends on non-aeronautical development, not aeronautical development, because of the limitations imposed due to noise control and housing development close to the site. Even allowing that investors were offered the opportunity to develop that site for non-aeronautical use, the private sector is still not interested. The opposition persists with the line that somehow the economic wellbeing of the state depends on the current government giving an unequivocal assurance to a long-term future for the airport, although the private sector will not do so.

That is a short-term view. Essendon Airport acts as a distortionary factor in Victoria's aviation industry. The private sector has no long-term interest in the facility and refuses to support it. So long as that situation continues the prospective development of other regional airports such as Mangalore will be held back.

The Shire of Strathbogie, which I have visited on several occasions recently, takes every opportunity to talk up the potential of the Mangalore air site, with good reason. It is strategically located close to the main freeway and the main rail line between Melbourne and Sydney. Its potential is huge, not least as an inland container port — but much more could be carried out. The residents of the shire are keen to see that happen.

Every day opposition members persist in keeping Essendon Airport as an article of faith represents another day of holding back the development of Mangalore and the creation of economic activity and jobs in the area. There is an extraordinarily short-term and inept view. The government invites honourable members opposite to do what they continually encourage government members to do — that is, listen to the private sector and to what the markets are saying and let market forces rule. If they believe in that they will conclude, as government members have, that the viability of Essendon Airport is questionable. The opposition should not try to score cheap political points by bringing on debates such as this that do not reflect well on its members or the people they supposedly represent.

Mr STEGGALL (Swan Hill) — I am pleased to join the debate. I will keep my contribution short so other honourable members may participate. We have just listened to an interesting discourse on Essendon Airport by the honourable member for Mitcham. One wonders what he knows about the airport and why he bothered to come into the house today to take up 15 minutes of debating time.

The reason we are debating the issue is because Labor Party policy is to close Essendon Airport. No-one should be under any misapprehension as to the government's position on the airport. Government members should be proud to stand up and announce, 'The policy of the Bracks Labor government is to close Essendon Airport'. However, there are those of us, particularly honourable members from country Victoria, who do not agree.

I am sure the honourable member for Ripon, sitting there with a studious look on his face, would be delighted to see his support for the closure of Essendon Airport splashed all over the front page of his local paper!

Opposition members from country areas have genuine concerns about the proposal. The honourable member for Mitcham said opposition members should listen to and hear what people say. Country Victoria is trying to tell the government what people are saying about Essendon Airport.

A government member interjected.

Mr STEGGALL — I am amazed. The house listened to the Minister for State and Regional Development speak against the motion. What did he do? He blamed the commonwealth — and the honourable member for Mitcham did the same thing.

The commonwealth is interested to know what Victoria feels about the closure of Essendon Airport. The Minister for State and Regional Development says the airport produces no rate of return and therefore must be sold. Did we not have an election about economic rationalism? Did we not hear the Labor Party saying that governments must listen to the people and that the bottom line is not as important as it once was? Is that not what last September's election was about, or am I missing the point?

Honourable members then had to listen to the honourable member for Mitcham giving them a lecture about the airport having to be sold because it was not economic and about the need to develop Mangalore airport. The opposition hopes Mangalore will be developed as well as Avalon and other Victorian regional airports. Each has an important role to play in the future of rural areas.

Essendon Airport is the commuter link between country areas and Melbourne. It is the link for the ambulance service, the police air wing and emergency services. I do not know whether honourable members opposite appreciate how much use the police air wing and the ambulance service make of Essendon Airport every day as they fly into country Victoria. The link is vital. Essendon Airport is also a business link for country areas and a link for commuter airlines.

The Labor Party says it will close Essendon Airport and then work closely with the commonwealth to develop the site for housing, commercial purposes and so on. I have examined the *Hansard* report of last week's remarks by the honourable member for Essendon on why the airport must be closed. In her opinion it should be closed because Essendon has a need for retirement villages, more park land and an indoor netball court and to realign the Tullamarine Freeway.

If you want to build something in Melbourne, unfortunately something must first be destroyed. No free land or open spaces remain in the metropolitan area, which gives rise to a major planning issue.

It is important for people to understand that the Labor Party is keen for the airport to be closed so that the government can change the site and put it to the sorts of uses to which I have referred.

Honourable members from country electorates have a different opinion. I would be interested to hear from the honourable members for Ripon, Bendigo East and Bendigo West on what their positions are on this issue and why they are embarking on a line of attack that will

threaten one of the major communication links in Victoria.

I support the statement of the Leader of the National Party. The debate has shown us all how two-faced and confused Labor members are when they talk about the need to assist country Victoria and their interest and desire in doing so.

Mr VINEY (Frankston East) — It is instructive that the National Party should bring this debate on in the week before the Benalla by-election because it highlights how irrelevant it is for the opposition parties to cause Parliament to spend its time debating this issue. Of all the issues that would be of concern to people in country and regional Victoria this week the National Party decided to pull out this story. Despite all the issues that are facing the people of Benalla and the people of country Victoria generally because of the previous government ripping the guts out of the state's infrastructure, the National Party has brought on for debate the future of the Essendon Airport.

Essendon Airport is not the responsibility of the Victorian government. It is an airport which the former failed Premier described as having outlived its usefulness and which he proposed should close. It is the responsibility of the federal government, which wants to sell it.

Following the handing down of the federal budget last night one would have thought that today the Victorian National Party might want to talk about investments that the federal government may have made for country Victoria in the federal budget. Of course it is unable to do that today because there was little allocated in the federal budget for either country Victoria or rural Australia generally. Instead it was a continuation of the general ignoring of the interests of regional and country Australia by coalition governments.

When it was in government the opposition made it clear it wanted to close Essendon Airport. It is now trying to pretend that it had some different view. The opposition's performance when it was in government over the past seven years stands in stark contrast to what the Bracks Labor government has done in its short period in office in delivering on its commitments to country and regional Victoria. Despite all the issues faced by country Victorians the opposition wants to talk about a Melbourne infrastructure issue.

The house should be debating issues that are of significance to country Victoria, such as rail infrastructure. Labor's commitment to reinvest in Victoria's rail infrastructure represents the first such

investment for many years. The previous government closed Victoria's rail infrastructure. A number of years ago I was doing some consulting work in Bairnsdale and stayed there over the weekend of the last train journey between Melbourne and Bairnsdale. It was interesting to be there at that time because of the genuine community action that was taken to try to protect the infrastructure of country Victoria that people in East Gippsland were distressed at seeing lost. Members of the community took control of the last train and refused to let it leave the Bairnsdale railway station.

It was interesting mingling with that crowd and seeing the range of people who were in attendance. People talked about the closure of kindergartens and schools and the failure to fund roads. Many years ago country Victorians took such issues to the National Party and to the former government, yet now they were expressing their concerns in ways one would not normally expect of the citizens of East Gippsland. People were taking direct action to try to demonstrate their frustration at the previous government's approach to its failure to deliver on infrastructure in country Victoria.

What did the previous government do? It failed to listen. Now it is a delight to have the current representative of East Gippsland in Parliament — a direct result of the failure of the previous government to deliver on regional and rural infrastructure. The people of East Gippsland have chosen a representative who will stand up for them on those issues, just as the people of Victoria in general have chosen the Bracks Labor government because it is prepared to stand up for them.

Yesterday the Minister for Transport announced an allocation of funding for Whitfield Road in the King Valley, another area I have had the delight to visit. The minister highlighted the fact that at the 1996 election the former member for Benalla promised that road infrastructure when speaking in a pub.

It has been left to the Bracks government to deliver. The previous government failed as usual to fund its hollow promises. Last night the federal budget failed to deliver on rural and regional infrastructure — that is, on roads or rail.

The National Party is desperate because of its precarious position in the Benalla by-election. The issue of the retention of Essendon Airport is being beaten up just as the issue of supervised injecting facilities is being beaten up in the advertising in Benalla. The National Party is beating up the issues in a desperate attempt to win back votes it is losing in the Benalla area. It is failing to invest in the issues, to take the time

to listen to people in rural and regional Victoria and to win back their hearts and minds.

Members of the National Party would do better to raise issues of real concern to country Victorians such as rural health services. I would be delighted to participate in a debate on that matter particularly in light of last week's announcement by the Minister for Health of funding to save the Euroa–Nagambie bush nursing hospital. What about a debate on country and regional schools? That would be difficult because of the number of schools the previous government closed while members of the National Party sat silent.

Ms Burke — On a point of order, Mr Acting Speaker, I have been listening patiently to the honourable member for Frankston East and my point of order is on relevance. He has presented few arguments on Essendon Airport and I am interested to hear them.

Mr Maxfield — Further to the point of order, Mr Acting Speaker, I listened earlier to the Leader of the National Party portraying Essendon Airport — in the centre of Melbourne — as part of rural infrastructure and saying how it is good for rural Victoria. It is a misguided assumption that in the Benalla by-election people will vote for the National Party on the basis of infrastructure projects in Melbourne.

When the motion was moved it was intended that speakers would refer to the views of rural Victorians, so the matters raised by the honourable member for Frankston East are within the subject of the debate. The Leader of the National Party spoke on similar issues.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired. I do not uphold the point of order because the lead speaker delivered a broad-ranging speech on the matter.

Mr SAVAGE (Mildura) — There was a little irony and an element of unfairness there but that is the luck of the game, I suppose.

I am pleased to give my full-hearted and unequivocal support to the retention of Essendon Airport. It is an icon for regional and rural Victoria, representing the link between the city and the country. Essendon Airport is the safest commercial airport in Australia and it has a long history of providing excellent service to regional and rural Victoria.

I am concerned by the reference by the honourable member for Mordialloc. I agree with him on the issue, but his remark that I am on the other side is an

oxymoron because I would not be supporting Essendon Airport if it were true.

Essendon Airport represents a vital service to the police air wing, and 35 per cent of air ambulance traffic into Essendon airport is for emergencies. Flight times might increase if the airport is closed as significant delays are currently experienced by aircraft either coming into or leaving Tullamarine Airport. Further, the air ambulance service would incur additional costs.

The cost of redeveloping Tullamarine — quoted at about \$2.5 billion — might have a significant impact on and offset the benefits of disposing of Essendon Airport.

Essendon Airport is used for flights from Tasmania and parts of South Australia and, as I said, is a direct link for regional Victoria. It is a significant employer with regional importance. If Essendon Airport is developed into a massive housing estate it will be lost forever. It is a vital area of open land close to Melbourne. Once it is sold the government will not be able to buy it back; it will be lost forever.

Its safety record is unparalleled in any commercial airport in Australia. I call upon the Bracks government to support the retention of the airport and ensure vital links with rural and regional Victoria are maintained and that the air ambulance, flying doctor, police air-wing services and the other 75 000 flights are not hindered.

Regional councils in my electorate support the retention of the airport. In a letter sent to me on 21 February the council of the Rural City of Swan Hill states:

Last year the Essendon site handled a record 72 742 aircraft movements and returned a profit of \$525 000. This turnover is clearly important to Victoria's economy and its closure would have significant impact on the economy of Melbourne's northern suburbs.

The Swan Hill region has major businesses operating daily through the Essendon facility including that of all bank transfers.

Rural and regional Victoria has myriad uses for Essendon Airport, and I cannot emphasise more strongly the commitment I have to seeing the facility retained.

Mr LENDERS (Dandenong North) — I join the debate on the matter of public importance raised by the Leader of the National Party — that is, that the house recognises the significance of the ongoing operations of Essendon Airport and calls on the Victorian government to support its continuing operations. Speaking on matters of public importance is a good opportunity for honourable members from both sides to

debate issues which are not necessarily part of the legislative agenda. It is topical that this issue has been raised in the week before the Benalla by-election.

I have only once taken a flight from Essendon Airport, but on 1 December 1955 my parents landed at the airport after a five-day trek from the Netherlands. They were post-war immigrants, part of the wave of people who came to Australia to pursue better opportunities. While I did not have the delight of spending five days on board a Fokker F27 Friendship flying from Schiphol Airport in the Netherlands through Rome, Beirut, Delhi, Singapore, Perth and on to Melbourne, my parents and my siblings have on many occasions recounted the details of that flight. For them, like many others, Essendon Airport was a welcome entry port into Victoria. I digress to an extent, but that is one of those sentimental attachments that should sometimes be brought into debate.

I shall comment on some of the issues relevant to Victoria today, which form part of the motivation for this motion. I recently spent some of the school holidays at Mount Buffalo in the Benalla electorate — surprisingly! The house is discussing transport costs and ease of access and it was interesting to observe when returning to Melbourne from the Benalla electorate that the best entry into Melbourne in terms of time, for me anyway, was along the Hume Highway until I came to the great grid of roads at the entry to the metropolitan area.

At that point one must start to pay tolls, and that is an issue for someone commuting from Benalla to Melbourne and on through to the outer south-eastern suburbs. I incurred the toll as do all other people coming from country Victoria. I would have hoped that the National Party would pay more attention to the issue of tolls. As the honourable member for Tullamarine has said, all her constituents pay tolls to come into Melbourne. Such infrastructure issues are critical when raising matters of public importance.

The issue of tolls is also important to my constituents in Dandenong North. I pay tolls every day when I come into Parliament, as do many of my constituents who come past Toorak into this part of the city. So do people coming to Melbourne from country Victoria, be they from Lurg, Molyullah, Greta, Swanpool or any of the other towns around Benalla. They all pay the same tolls when they come into the city.

There are many other issues of public importance on the minds of Victorians which the National Party might have raised today rather than this one. People of rural and regional Victoria need access to the city. So do the

people of the outer suburbs of Melbourne. All honourable members have a responsibility to represent their constituents. Not many of my constituents in Dandenong North would use Essendon Airport. In fact, they would use it infrequently. But honourable members have both a responsibility to their own electorates in matters such as this as well as a responsibility to the state as members of this place charged with governing Victoria.

When we talk about responsibilities for the whole state, members should ask themselves about the major issues that should be debated, particularly with respect to rural and regional Victoria. Infrastructure and communications in rural and regional Victoria are important issues, but many other issues have been the subject of public debate over the last few years. I would have hoped the Leader of the National Party would have paid more attention to those rather than some of his other agendas.

I refer particularly to the effect of council amalgamations and compulsory competitive tendering (CCT) on rural communities. One does not need to look only at the electorate of Gippsland South to see the dislocation that has been caused to towns by the closure of council depots, the movement of jobs out of those areas, the forced amalgamations and the ruthless application of CCT. I would have thought the Leader of the National Party would have been more concerned about those issues.

Being a Gippslander from way back in my very early childhood I followed with some interest the career of Sir Herbert Hyland, a previous Leader of the National Party and member for Gippsland South. I imagine the good Sir Herbert would now be rolling in his grave at the way his party has gone.

Dr Napthine — On a point of order, Mr Acting Speaker, the honourable member for Dandenong North has now been speaking for 5 minutes and in that time he has barely referred to the matter before the house. I put it to you, Mr Acting Speaker, that it is not appropriate for the honourable member to talk about other issues which should have been raised; that is not the way to debate other issues.

The issue before the house is the significance and ongoing operation of Essendon Airport. That is the matter the honourable member should debate. If he believes other issues should have priority, that is another matter, but he should not introduce a whole range of extraneous issues and try to make them relevant to this debate. I ask you to call him back to the debate.

Ms Kosky — On the point of order, Mr Acting Speaker, the Leader of the Opposition has not been in the house for long so has not heard the wide-ranging debate. You, Sir, and other Acting Speakers have allowed a wide debate on the issue. It would be unfortunate if tighter rules were applied to only one member.

The ACTING SPEAKER (Mr Seitz) — Order! I do not uphold the point of order. The previous Acting Speaker allowed a wide-ranging debate on the economics of Essendon Airport, but I ask the honourable member for Dandenong North to be conscious of the matter being debated.

Mr LENDERS — The debate is about the significance of the ongoing operations of Essendon Airport. Those operations must fit into the overall financial plans of the government.

I refer to specific correspondence on Essendon Airport from that wise federal representative of the National Party, Senator Ron Boswell. He is a character the mention of whose name often elicits mirth from members of the National Party. Far be it from me to orchestrate the National Party's business, but I have observed that the only National Party branch that consistently stands up for its supporters is in Queensland.

As the Leader of the National Party in the Senate and a good representative of Queensland, Senator Boswell has at times crossed swords with his federal leader. I refer to a letter about Essendon Airport from the senator to the honourable member for Essendon, which states:

The government has advised the new entrants that access by scheduled jet services to Essendon Airport raises a number of operational and environmental issues.

The facilities at Melbourne Airport have been deliberately planned and developed to provide many advantages over the previous airport site at Essendon.

His letter deals with a number of issues, including the runways and other facilities at Essendon. My purpose in reading the senator's letter is to demonstrate that the National Party is not united in its view on the future of Essendon Airport.

The government needs to look at all the issues in the context of the entire Victorian economy. Every piece of infrastructure has to be fitted into the pattern. Government budgets are about priorities, and the government's priority is to rebuild infrastructure in country areas by upgrading roads — for example, in Benalla — and providing faster trains between provincial cities and Melbourne.

For a long time the previous government ignored Victoria's rural infrastructure. For the first time in seven years the Bracks government has drawn attention to the importance of rural infrastructure. I urge the National Party to support the rebuilding of rural infrastructure and to undo some of the harm it caused in its seven years as a junior partner in a coalition. Perhaps members of the federal coalition could follow the lead of the Bracks government and focus on growing the whole state, not just part of it, and on rebuilding some of the infrastructure that the Kennett government allowed to run down during its seven years in office.

Dr NAPHTHINE (Leader of the Opposition) — Today's debate is about the future, ongoing operation of Essendon Airport. The contrast between the two sides of the house could not be clearer because the government wants to close Essendon Airport, and I will justify that comment. Under the heading 'Transport gateway' and the subheading 'Victoria's airports' the Labor Party's policy document prior to the 1999 election stated:

Labor will improve Victoria's airports through closing Essendon Airport and working closely with the commonwealth to develop the site for mixed housing and commercial uses.

Its policy says Labor will close Essendon Airport. Last week the Legislative Council debated a motion the Honourable David Davis moved about Essendon Airport:

That this house supports the continuation of aviation at Essendon Airport, including the retention of the air ambulance links with rural Victoria, the police air wing and the airport's vital commercial and passenger links with rural, regional and remote Victoria.

When the vote was taken on that motion all 14 members of the Labor Party voted against the continued operation of Essendon Airport. At about the same time in this house the honourable member for Essendon said the Essendon Airport site should be used for recreational facilities for the people living nearby. She wants to turn the airport into netball and basketball facilities for the local community at the expense of country Victorians. She does not care about regional Victorians!

The final confirmation of my view was the comments made by the Minister for State and Regional Development, who again said the Labor government aims to close the airport. Labor does not care about the needs of rural and regional Victoria. It wants to thumb its nose at the important link Essendon Airport has with country Victoria.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order!

The Leader of the Opposition, without assistance from the government benches.

Dr NAPHTHINE — The Labor Party pretends to care for rural and regional Victoria — but only for electoral purposes. When the crunch comes, the Labor Party does not care. It wants to thumb its noses at country Victorians by closing the airport.

The opposition parties want to retain Essendon Airport as an operating facility, the reason being the aircraft activity there. Essendon Airport has 72 000 air movements a year. The statistics for the final three months of 1999 show an average of six movements a week — nearly 1 a day — to and from Hamilton; 29 to Portland, 226 to Warrnambool, 356 to Shepparton, 386 to Bendigo — which makes you wonder where the honourable members for Bendigo East and Bendigo West stand on the issue — and 194 to the Latrobe Valley. Where do the honourable members for Morwell and Narracan stand on the issue? It is clear that rural and regional Victorians need Essendon Airport to continue servicing their areas.

I understand that \$226 million worth of freight moves through Essendon Airport annually, the majority of which comes from rural and regional Victoria. In addition to its commercial activities, one of the most significant roles the airport plays in servicing rural and regional Victoria is through its provision of emergency services.

Nothing could be more important for people in country Victoria than access to Melbourne metropolitan health services when they need them in an emergency. They need prompt access to metropolitan-based tertiary health services. The air ambulance service operates out of Essendon Airport because it is closest to major Melbourne hospitals such as the Royal Children's Hospital, the Royal Melbourne Hospital, the Austin and Repatriation Medical Centre and the Alfred Hospital. The Tullamarine Freeway and City Link provide easy access to all those hospitals from Essendon.

Ms Lindell interjected.

Dr NAPHTHINE — The honourable member who interjects is not concerned about the lives of country people who need that facility in urgent or life-threatening situations. The people of country Victoria — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order!
Calm down!

Dr NAPHTHINE — To give you some idea, Mr Acting Speaker, there were 3400 patient movements through Essendon Airport by air ambulance in the year 1999–2000, of which more than 20 per cent involved urgent cases. The patients were people from regional and rural Victoria who needed to get from their place of residence or the place where they had had an accident to Essendon Airport and on to a metropolitan hospital as quickly as possible.

What alternative does the government offer? The Labor Party wants to close Essendon Airport and says patients should go to Mangalore — to Bacchus Marsh! A patient needing urgently to get into a hospital wants the easy access to tertiary hospitals that Essendon provides. The contrast between the Labor Party and the Liberal and National parties could not be more clear than it is on this issue. The Victorian Labor Party purports to be interested in regional and rural Victoria and to represent the interests of country Victorians, but its policy on Essendon Airport reveals it to be a sham and a fraud. The Labor Party is trying to hurt those people commercially, reduce their connection to metropolitan Melbourne and, most importantly, take away the protection provided to them by the air ambulance and its direct connection to hospitals through Essendon Airport.

Mr Maxfield — On a point of order, the Leader of the Opposition — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order!
The honourable member is entitled to be heard on the point of order.

Mr Maxfield — The Leader of the Opposition has strayed a lot from his topic. He claims the government is trying to take away the air ambulance service and stop helicopters and planes landing at Essendon. That is absolutely not true. The Leader of the Opposition is making incorrect and false statements, and his abuse of the house is a disgrace. The Leader of the Opposition should not carry on — —

Dr NAPHTHINE — On the point of order, Mr Acting Speaker, I will clarify the matter for the edification and education of the honourable member for Narracan. The issue I was discussing is the need for the retention of the Essendon Airport. That is the subject of the debate on this matter of public importance. The airport is needed to provide appropriate air ambulance services and, through them, appropriate health services

to people in regional and rural Victoria. I was explaining that 3400 patients a year come from country and regional Victoria using the air ambulance to fly into Essendon Airport, and that more than 20 per cent of them are urgent cases that need direct access from the airport to the hospitals.

The honourable member sought to show that my comments were not relevant. I argue that my remarks have been absolutely relevant to this matter of public importance. The air ambulance is vital to the people of country Victoria, and it is vital that it operate through Essendon Airport. That comment is relevant to the matter before the house.

The ACTING SPEAKER (Mr Seitz) — Order! I do not uphold the point of order.

Mr HOLDING (Springvale) — I listened very carefully to the contribution from the Leader of the Opposition. Fascinating as it was to hear him speak on freight transport going into Essendon Airport and all the issues associated with the urgent medical needs of the people in rural and regional areas, the simple fact is that opposition members are displaying breathtaking hypocrisy on the issue. They feign concern about the needs of rural and regional Victorians. Consider, however, the article in the *Age* of 25 April 1996 headed 'Kennett calls for airport closure'. The article begins:

The Premier, Mr Kennett, yesterday called for the closure of Essendon Airport, saying that it had outlived its usefulness.

Opposition members are shedding crocodile tears over Essendon Airport, claiming concern about the needs of people from rural and regional Victoria and about growing the whole state. But what did they do when they were in government? They put the screws into rural and regional Victoria. It was always their enunciated policy through their spokesperson, the former Premier, to close Essendon Airport.

The article goes on to say — —

Mr McArthur — On a point of order, Mr Acting Speaker, for the record the honourable member for Springvale said that the former coalition government had a policy of closing Essendon Airport. That is incorrect. It was the personal opinion of the Premier of the day, who is no longer in this place. The new Leader of the Liberal Party has a clearly stated policy of keeping Essendon Airport open. The honourable member for Springvale should tell the truth.

The ACTING SPEAKER (Mr Seitz) — Order! There is no point of order. The honourable member for

Monbulk will have an opportunity to refute those matters during debate when he gets the call.

Mr HOLDING — I take it from the feeble remarks of the honourable member for Monbulk that the opposition is extremely sensitive about the comments made by the former Premier about Essendon Airport. Not only did the former Premier call for the closure of the airport, he went on to say he believed the air traffic could be moved elsewhere.

The government listened carefully to the Leader of the Opposition when he spoke at great length about the importance of the traffic going into Essendon Airport, the freight movements, the commuter movements and all of the uses of the airport by people from rural and regional Victoria, but it was always the opinion of the former Premier, Jeff Kennett, that Essendon Airport should be closed. In April 1999 he said the air traffic movements into the airport could easily be accommodated at other airports around the metropolitan region.

We should not listen to the hypocrisy of opposition members who come into this place puffed up with indignation and a sense of outrage and pretend sympathy about the impact of the closure of the airport on the people of rural and regional Victoria. When the opposition was in government it was the stated view of the former Premier that the airport should be closed and that the traffic movements into the airport should be accommodated by other airports around the region.

Government members were fascinated to learn from the comments of the Honourable David Davis in another place that members of the Liberal–National partnership have a strong view on Essendon Airport. That strong view is different from the strong view they once had. In April 1999 through their spokesperson, the former Premier, they said they wanted to close it. Not only did they want to close it, they believed the traffic movements into Essendon Airport could easily be accommodated by other airports.

The truth is that the Liberal–National partnership, the Liberal–National party coalition partnership or whatever we are expected to call it, is lost on the issue of how to deal with service delivery to the people of rural and regional Victoria. What have we heard on the issue? Firstly, we heard the opinions of the honourable member for Bayswater. What did the honourable member for Bayswater say following the election on the issue of service delivery to the people of rural and regional Victoria? In the *Herald Sun* of 14 October 1999 under the heading 'Lib fears a bush folly' — —

Mr Robinson interjected.

Mr HOLDING — As the honourable member for Mitcham has said by way of interjection, it is a long time since we have heard from the honourable member for Bayswater. He is reported as saying:

I am just sounding a warning that we should not get ourselves lost in the rural wilderness.

That is what he said after the election — lost in the rural wilderness. That is how he refers to the interests and needs of the people of rural and regional Victoria. He calls them the rural wilderness. We have heard much from opposition members during the debate about the concerns of the people of rural and regional Victoria. We have seen them crying crocodile tears on the issue of service delivery to the people of rural and regional Victoria, yet the honourable member for Bayswater said in the party room that the Victorian government should not address the service needs of those people. He also said:

We have got to be very, very careful we don't lose our way utterly by overreacting to bush concerns which are not, in the long term, viable.

That is what he said — the concerns of the people of rural and regional Victoria are not in the long term viable. When he was challenged on that view he said —

Mr Richardson — On a point of order, Mr Acting Speaker, the honourable member for Springvale is transgressing standing order 763, which relates to overacting.

The ACTING SPEAKER (Mr Seitz) — Order! There is no point of order.

Mr HOLDING — Sadly, the honourable member for Forest Hill is not even original on his point of order. It is sad.

Mr McArthur interjected.

Mr HOLDING — I take up the interjection of the honourable member for Monbulk: he probably did.

The opposition had plenty to say about Essendon Airport when it was in government and supported its closure, but what have its federal colleagues said about the future of the airport? What did Senator Ron Boswell, the Leader of the National Party in the Senate and the parliamentary secretary to the federal transport and regional development minister — it is unfortunate that he was not given responsibility for a portfolio — say about the issue? Responding on behalf of the

federal Minister for Transport and Regional Development, John Anderson, he said in a letter:

The facilities at Melbourne Airport have been deliberately planned and developed to provide many advantages over the previous airport site at Essendon. For instance, the runway lengths, transport links to the city for travellers, airline support facilities, and absence of environmental regulatory constraints such as a curfew provide inherent advantages to any airline over the use of Essendon Airport.

Senator Ron Boswell has already sold out the Victorian Liberal–National partnership. Opposition members come into this place puffed up with feigned indignation, pretending to be the friends of Essendon Airport, but when they were in government their spokesperson, the former Premier, said he wanted Essendon Airport to be closed.

What are their federal colleagues doing? They are flogging it off. Earlier this year their federal colleagues had the Office of Asset Sales and IT Outsourcing authorise a study to analyse a range of factors relating to the sale and disposal of Essendon and Point Cook airports. They asked for the study to be conducted to estimate the financial value of those sites and to consider how both sites could be sold for the commonwealth.

We should not listen to opposition members when they say they are the friends of Essendon Airport and are interested in the concerns of the people of rural and regional Victoria. The honourable member for Monbulk tried to disown the comments of the former Premier and pretend that he expressed a view that was not necessarily the view of the former government. That is extraordinary.

It would be absurd for the Premier to have a different view from the view of the government of the day —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired.

Mr INGRAM (Gippsland East) — I wish to speak in favour of the matter of public importance moved by the honourable member for Gippsland South. It is:

That this house recognises the significance of the ongoing operations of Essendon Airport, and calls on the Victorian government to support its continuing operations.

Although aviation is a federal government matter, I wish to refer to the crucial role Essendon Airport plays in connecting rural and regional communities to metropolitan Melbourne. The airport plays a particularly essential role with emergency transport, transmitting about 3400 patients a year.

The services that use Essendon Airport are the air ambulance, the police air wing and the Royal Flying Doctor Service. The reason for their using the airport is its close proximity to the major city hospitals, which means there is less travelling time to get from the airport to the hospitals. It is essential that anyone involved in an emergency transmission to Melbourne can access its hospitals as soon as possible, and that can occur with the ease of access down the freeway.

The closure of Essendon Airport would have a major impact on emergency responses for people in remote and rural towns such as Mallacoota, Marlo, Lakes Entrance and Bairnsdale. For example, because Mallacoota is more than a 6½ hour drive from Melbourne it is important that it has access to air transport for emergencies. I refer particularly to emergencies such as the recent Sydney to Hobart yacht race disaster. Mallacoota was the response base during the emergency and its aerodrome was crucial in the provision of a smooth response to the disaster in the then prevailing bad weather.

Currently the federal government is having enormous trouble establishing Badgerys Creek as the new airport at Sydney. If Sydney could be linked to Melbourne via Canberra by a fast train, particularly on a Gippsland route — which I would push strongly for — the government could capitalise on the tourism it would generate. That would mean that the second airport at Sydney would not need to be established so soon. However, the establishment of a fast-train link to Sydney would require Melbourne's air transport facilities to be utilised as efficiently as possible, and that would not be possible if Tullamarine airport were clogged with traffic.

I am pleased to fully support the statement made in support of the matter of public importance before the Chair — namely, that Essendon Airport be retained.

Mr STENSHOLT (Burwood) — I am pleased to speak on the matter of public importance. A number of members have spoken in this chamber this morning, and members in the other place have spoken during a debate there, about the history of Essendon Airport, which was Melbourne's airport from 1921. I remember going to Essendon Airport as a child, leaning against the wire and looking with fascination at the planes. On other occasions I pressed my nose to the glass window and watched the planes with absolute fascination, as little boys do. The airport has obviously played a large part in Melbourne's history.

An honourable member interjected.

Mr STENSHOLT — Yes, little girls like aeroplanes, too. When my two daughters were the same age as I was then they were absolutely fascinated by planes. Tullamarine is a fine airport, particularly when compared to Sydney airport, where the international and domestic terminals are separate, which causes problems with air space between planes. At one stage a year or two ago air traffic was always late leaving Sydney but one could rely on the air services from Melbourne because of its excellent airport. Tullamarine airport has served Victoria well.

Previous speakers have referred to the positions taken on Essendon Airport by party leaders. I understand that when Melbourne Airport was built at Tullamarine then Premier Bolte said that Essendon Airport would be closed. The honourable member for Springvale referred to the statement of the former Premier and honourable member for Burwood, in the south-east of Melbourne, Mr Jeff Kennett, that the airport would be closed. The current Leader of the Liberal Party and Leader of the Opposition — I cannot call him the coalition leader because the Liberal and National parties are in some kind of partnership rather than coalition — has now put forward the opposite view in a policy flip-flop. A leadership credibility gap has clearly emerged.

I have been a bit worried about the Leader of the Opposition since he raised in his contribution the issue of netball. I am not sure what he has against netball courts. I have worked with the Leader of the Opposition in the Legislative Council, the Honourable Mark Birrell, to get the City of Boroondara to build a netball facility in the south-east. The Labor Party in government is working for all Victorians, including those in the south-east and in rural and regional Victoria. I am not sure what the other honourable member for East Yarra Province thinks about netball, but some people have associated him with Essendon, even though he comes from the south-east of Melbourne.

Since it was built and since Henry Bolte was Premier houses have been built in close proximity to Essendon Airport and for practical, environmental and social reasons a curfew operates between 11.00 p.m. and 6.00 a.m. The area around the airport is busy. The Tullamarine Freeway runs adjacent to the airport. Although travelling on the freeway is free in the area of the airport and the freeway is used by many businesses, it is not free to use it to travel to the city. It was turned into a tollway under the previous government. Honourable members would be aware from newspaper reports and statements made in this house that many people from the north-west, including those who live near Essendon Airport and those who live near the city

but work near the airport, are concerned about the change in the arrangements for travelling on the Tullamarine Freeway.

Now those people have to pay tolls to travel short distances where they did not have to pay them before. Fortunately the government is governing for all Victorians and has become active in assisting motorists, including those living near Essendon Airport who are only occasional users of the tollway and therefore do not need e-tags to access the area. They can use the cheaper Tulla pass.

My constituents in the south east in Burwood, the electorate of the former Premier — whose views on Essendon have been referred to in the debate — would like to have access to a pass similar to that available to people living near Essendon Airport. As I have previously stated, I will continue to advocate for a Monash pass similar to the Tulla pass used by people in the Essendon electorate, which would be used for short sections of the south-eastern tollway, which used to be a freeway. I have not yet had a response from Transurban, but I hope to hear about that in due course.

I look for support from opposition colleagues. I have support for the initiative from my colleagues on this side of the house, including the honourable member for Dandenong North and honourable members in Gippsland and rural and regional Victoria who use the Monash Freeway. Perhaps people in the south-east will be abandoned, as rural and regional Victorians have been, by members of the opposition. Maybe the new policy will focus on north-west Melbourne rather than the south-eastern parts of Melbourne.

As honourable members have mentioned, considerable activity takes place at Essendon Airport. According to the federal Department of Transport and Regional Development, every day there have been approximately 150 to 160 air movements in the area, and that figure has been stable since 1968. Approximately 70 per cent of air movements from the airport relate to training programs. Many training programs are undertaken in other parts of Melbourne, such as Moorabbin and Avalon, and at Mangalore.

Freight services are also offered at Essendon Airport, although most freight services from rural and regional Victoria are handled at Tullamarine. According to the Leader of the National Party in Queensland, it is possible that services at Tullamarine can expand. Honourable members have already quoted the Queensland Leader of the National Party, who has strong views on new entrants accessing Essendon Airport and has said that it must be the federal

government's strong preference for new entrants to operate jet services to Tullamarine, not Essendon. Clearly the federal government — which is of the same political persuasion as the opposition — has the view that Tullamarine is able to take up the slack created by closing Essendon. I note the clear reference in the views of Senator Ron Boswell to operational and environmental social impacts.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired.

Mr DELAHUNTY (Wimmera) — I strongly support the matter of public importance proposed for discussion by the honourable member for Gippsland South, the Leader of the National Party, that this house recognises the significance of Essendon Airport and continues to lobby for its continuing support and operations in the future.

The electorate of Wimmera in western Victoria is one of the largest electorates in the state, and as its representative I am aware of the many airports in the area, including airports at Nhill, Warracknabeal, Edenhope, Horsham and Stawell. In my inaugural speech I said that I would strongly advocate for the continued support of infrastructure in rural and regional Victoria. I note that in the three years in the lead-up to the last election more than \$120 million was spent on infrastructure for natural gas, schools and hospitals in my electorate.

During that time many discussions were held about the continuing operation of Essendon Airport. It was often said that Essendon Airport is vital to meeting the current and future needs of Wimmera people in particular, rural and regional Victorians in general and people in other states. In May 1997, as mayor of the Rural City of Horsham, I chaired a large public meeting that resolved to support the continuing operation of Essendon Airport as an air link between country Victoria and Melbourne, the capital city. An *Age* article of 31 May referred to the meeting as the first of six public meetings across country Victoria. The decision of the Horsham meeting to pass a motion to keep Essendon Airport open was unanimously supported by a large contingent of people present. It was said that if the air wing of the ambulance service were moved to another airport it could add a possibly fatal 30 minutes to a journey between country Victoria and Melbourne's acute care hospitals.

Much lobbying has taken place across Victoria to get a helicopter service and so decrease the time it takes for people to be transferred from country areas to city hospitals. I speak with some knowledge of the issue

because at the start of the year my uncle Laurie Delahunty needed the air ambulance. It was a matter of seconds, not minutes. Essendon Airport provided a vital link to allow him to travel from Stawell by air ambulance to the closest airport, then to a hospital. Vital minutes lost could have cost him his life.

The airport provides a critical link for country Victorians. The air ambulance provides a life-line to country and rural Victorians. If the service were relocated to another airport greater delays would be experienced in getting people to hospitals. With the upgrading of the Tullamarine Freeway cars move more quickly to the city, with considerable time saving. Essendon Airport provides a base for emergency services such as the police air wing, a helicopter service and the State Emergency Service.

It takes approximately 40 minutes to travel by air from Stawell to Melbourne as against approximately 3 hours by car. Essendon Airport is also the base for courier companies, many of which fly across Victoria to service banks and deliver freight that needs to be transported urgently.

From a state perspective, Essendon Airport currently acts as Melbourne's major secondary airport. Problems can be seen in Sydney, where another airport is needed to take pressure off the main Sydney airport. That issue has been debated for years but still has not been resolved. It would cost up to \$5 billion to establish another airport in Melbourne as an alternative airport in close proximity to the city that services the community well, yet the Labor government has a policy to remove it. As the honourable member for Mildura said, if Victoria loses the airport it will never get it back. Across the world major cities would love to have a second airport to take pressure off their major airports.

In 1991 the Port Phillip study, which was a joint Labor state and federal government report, found there was no viable alternative to the Essendon Airport. So even back in 1991 the then Labor government was pushing for the closure of Essendon Airport. The airport provides an average of \$226 million to the economy each year. The site has great potential, and it has already attracted billions of dollars of interest in its further development. Aircraft movements have steadily increased, to the point where there are more than 72 000 annually. Unlike the touch-and-go movements spoken about by the honourable member for Burwood, they are actual movements and do not include training.

The airport is a strong source of employment in the area, directly employing more than 1500 people, and the investment in the aircraft on site is estimated to be

more than \$75 million. Essendon is the most popular base for business and executive aircraft in the Southern Hemisphere.

The National Party has been a fierce advocate of the retention of Essendon Airport. When public meetings were held across the state in 1997 the National Party argued on behalf of the people it represents that the airport must be maintained because it is strategically important to rural and regional Victoria.

The Labor Party has always opposed the continued operation of Essendon Airport and has fought for its closure for almost eight years. The honourable member for Essendon spoke about closing the airport to provide recreational facilities. What about the health and safety of the community and country people's ease of access to Melbourne to conduct their business and to save time? Essendon Airport provides access to safety facilities that are important to rural communities.

Local residents have not shown any great anxiety about the airport's operations. Studies undertaken by local newspapers and an independent research study found that the majority of residents favour the airport's continuation. The honourable member for Essendon should take that on board.

If Essendon Airport were to close the state government would have a responsibility to develop another airport. That would cause a major problem for rural people because the money required for the development would be better spent on facilities for their areas. I refer to some of the aircraft movements in my area during the last three months of 1999. There were 65 at Donald; 216 at Horsham; 10 at Nhill; 16 at Ouyen; 76 at Swan Hill; and 27 at Stawell. It is important to those communities that Essendon Airport remain open. Australia's aviation industry is also united in its stand to keep the airport going.

I received a letter dated 16 March from the chief executive officer of the Shire of Hindmarsh which supports the retention of Essendon Airport. The letter states:

It is crucial that Essendon Airport be put up for sale as an ongoing operational airport with its two functional runways. To lose Essendon as Melbourne's secondary airport would not only mean a downgrading of the state's transport infrastructure but also a reduction in essential services to rural and regional Victoria.

Essendon is the base for the air ambulance service which provides speedy and efficient access to Melbourne's major hospitals. This is a vital service for rural communities.

In conclusion, I point out not only that Essendon Airport is Australia's fastest growing airport but also

that it is supported by the local community. The government cannot overlook the fact that it is Australia's safest airport and provides a vital link to rural Victoria.

On behalf of the electors of Wimmera I am happy to support the retention of Essendon Airport.

Mr MAXFIELD (Narracan) — My heart becomes heavy when I see what has happened to some of Victoria's politicians. I come from rural and regional Victoria and am one of the many Labor Party members who were first elected six months ago. I should have thought that honourable members opposite would have learnt the lesson of six months ago that rural and regional Victoria must be nurtured and cared for.

However, what do I see today? The Leader of the National Party has proposed the discussion of a matter of public importance, the main focus of which is about supporting the continuing operation of Essendon Airport. We are in the lead-up to the Benalla by-election. The National Party members obviously thought about what they could do to show their credentials to rural Victorians — and they decided they would talk about an airport in the middle of Melbourne! That will show the bush their credentials and how they intend to look after them.

The Leader of the Opposition chose to indulge in scare tactics, pretending that helicopters would not be able to land in Melbourne if Essendon Airport were closed. 'Heaven forbid', he said. 'Patients from rural areas could not be admitted to hospital'. I thought helicopters could land at metropolitan hospitals. However, the Leader of the Opposition apparently thinks helicopter pilots can find only Essendon Airport and not a major Melbourne hospital!

The problem with the Leader of the Opposition is that he could not find a major town in rural and regional Victoria if he tried. He does not understand the needs of rural and regional Victorians. Rural and regional voters rammed that message home to the coalition parties six months ago when they elected people such as me to this great Parliament to represent them.

Quite some time ago the former Country Party removed the 'country' from its name when it became the National Party. Since then it has been on the downward slide. The National Party is not interested in rural and regional Victoria. All it is interested in is Melbourne.

I return to last year's election campaign, when the former Premier referred to rural Victoria as a toenail. It is sad that that toenail view still prevails on the other side of the house. Honourable members opposite

believe that if the heart is kept beating in Melbourne the toenail will somehow follow and survive. If an airport in Melbourne is retained everything will be wonderful in rural and regional Victoria, and residents of the Benalla electorate will suddenly realise that they must flock to and support the National Party because of its stand on the airport issue. The problem is that the National Party — —

The ACTING SPEAKER (Ms Barker) — Order! The contribution by the honourable member for Wimmera was heard in silence. The house will afford the same courtesy to the honourable member for Narracan.

Mr MAXFIELD — The National Party has completely lost the plot and is thrashing around desperately trying to find an issue that will save its neck in Benalla. This sort of issue will not save its neck in Benalla, just as it will not save its neck anywhere in rural Victoria.

Returning to the issue of Essendon Airport, I ask: who owns it? If it were owned by Victoria then obviously the Premier would be in a position to make a decision on what is being talked about here today. However, the federal government owns the airport. I must have become confused and thought that the joint sitting was next week and not this week. The issue concerns the federal government.

Honourable members can rest assured that the opposition must feel quite comfortable about that because being Liberals and Nationals they have their mates in Canberra looking after their interests and ensuring their views are heard. Is that the case? Are the views of the federal and state Nationals and Liberals at one on this issue? Members opposite are talking about a federal issue.

On the eve of a by-election for a National Party seat the opposition has raised an issue that is the responsibility of the federal government. Are the Nationals raising the issue in the federal Parliament this week? What position was announced? Did the minister give his position on the issue in the federal Parliament? Did he assure Victorians that he would not be selling the airport, and particularly that he would not be selling it for housing? I listened to opposition speakers and heard what they said about their federal colleagues, but I can assure them that that message has not got across today. The Victorian Nationals want to pretend that this is not a federal issue and that the federal government does not own Essendon Airport.

An opposition member interjected.

Mr MAXFIELD — I am talking about members on the other side of the house. I am letting them know that the existence of rural Victoria is recognised on this side of the house and that rural Victoria is fighting back.

What will the federal government do? I suspect it will sell off the airport. However, it is faced with the problem of placing the airport at risk. The Nationals are not working together; they are too busy arguing over who is going to knock off whose seat. They are scared like rabbits caught in a spotlight. They see a train coming and they do not know what to do. Will they go to the left or to the right? Or will they just crawl back into their burrows in the middle of Melbourne? They do not know what to do.

Essendon Airport, which is supposedly serving rural Victoria so well — —

Opposition members interjecting.

Mr MAXFIELD — What happens between 11.00 p.m. and 6.00 a.m.? A curfew is in place and planes cannot be flown in or out of the airport. Where is the infrastructure to service rural Victoria during the times when Essendon Airport cannot operate? The Nationals are supporting the retention of an airport that cannot deliver what rural Victoria needs — that is, 24-hour access. Rural Victoria does not need an airport that closes at 11.00 p.m. and opens at 6.00 a.m. The problem is that rural Victoria is not properly serviced by Essendon Airport, just as it was not properly serviced by the former coalition government.

Did the former Premier say he would fight tooth and nail to ensure Essendon Airport remained open for rural Victoria? No! Did he say he would endeavour to keep the airport open? No! The former Premier said he was going to close it.

An Opposition Member — That was his personal view.

Mr MAXFIELD — A personal view. The house has just discovered by way of interjection that the personal views of the former Premier, who ruled this state with an uncaring iron hand, did not matter. Someone should tell the ministers who were overridden by Kennett and the former coalition backbenchers that his personal views did not matter! His personal views did matter.

City Link is a road network that was designed to be unfriendly to rural users. Country Victorians who travel to and use Essendon Airport are locked into the City Link road network and the use of e-tags. Perhaps we could get off our planes at Essendon Airport with e-tags

in our pockets and shove them on the windscreens of the hire cars. Or perhaps we could get a friend to drive us in and pick us up, and pull out our e-tags. We cannot do those things, so we have to buy day passes. When we arrive at Essendon Airport at 10.00 p.m. to pick up our hire car where do we get our day pass at that hour? Heaven forbid if we should need to fly back and want to buy our day pass the following day.

Mr Doyle interjected.

Mr MAXFIELD — It is not possible to buy a late day pass at a post office in rural Victoria — day passes must be bought in advance. A person who has flown in unexpectedly cannot get a late day pass. The City Link system was designed by Melburnians for Melbourne. The system is totally unsatisfactory and is not designed for rural users. Rural users are forced to use the Essendon Airport because it feeds them on to City Link and forces them to feed money to Jeff Kennett's mates.

I give an example of how unfair the system is for country users. On an occasion when my wife's car broke down a motor mechanic from Melbourne who collected it drove it illegally on City Link. I later received a letter threatening me because my car had been driven through City Link illegally even though it was the motor mechanic who made the decision to do so because he was doing urgent repairs on the car. Those are the sorts of things that happen to rural users who are caught out — —

The ACTING SPEAKER (Ms Barker) — Order! The honourable member's time has expired.

Mr MAUGHAN (Rodney) — What an amazing contribution from the honourable member for Narracan. He regaled the house about the fact that the issue has nothing to do with the state government and is the responsibility of the federal government, and then kept talking about the attitude of the former Premier.

I remind the honourable member for Narracan that before 1996 and since the National Party has strongly supported keeping Essendon Airport open. The honourable member was inconsistent because on the one hand he said that the house should not be talking about the airport because it is the responsibility of the federal government while on the other hand he regaled us about the attitude of the former Premier.

I further remind the honourable member for Narracan, and also the honourable member for Springvale, of what the federal minister at the time, the Honourable John Sharp, said when he addressed a meeting of the National Party state council in 1996. I will read from a press release dated 21 November 1996. It states:

The opportunity will be taken by the meeting to impress upon the minister —

that is, the federal minister —

the necessity of keeping Essendon Airport open in view of its importance to all rural and regional Victoria.

My colleague in the other place the Honourable Jeanette Powell was active in the Save Essendon Airport group, as were the former member for Tullamarine, Bernie Finn, my colleague in the other house the Honourable Bill Baxter, the honourable member for Shepparton and a whole range of other people.

In 1997 I was a member of a group who flew to Canberra and met with John Sharp, the then federal Minister for Transport, and persuaded him to keep open Essendon Airport. The National Party wants that now. National Party and other members on this side of the house have been consistent. Members representing country areas have been passionate about keeping open Essendon Airport because it is a vital service. The air ambulance has 3400 movements a year and 27 per cent of those are urgent. Even the honourable members for Narracan and Springvale would be grateful to have an air ambulance service to get them quickly from a country airport into Essendon and into Melbourne if they were injured. The service is vital to the people of country Victoria.

The retention of the airport is supported by a range of municipalities including the Shire of Campaspe. Living close to where the air ambulance regularly comes in, I know how crucial the service is for transporting people from Echuca, Kyabram, Shepparton, Warrnambool, Swan Hall, Benalla and other places around the countryside. The honourable member for Narracan dismissed all that and referred to Essendon Airport 'supposedly' servicing country Victoria. That is his commitment to country Victoria — he does not care!

Essendon Airport pumps \$226 million into the local economy, employs 1500 people, is profitable, and has about 70 000 air movements a year — 27 per cent of them to country and regional Victoria. Most importantly, it is a major link for the air ambulance to country and regional Victoria. It is imperative in providing life-saving services to residents of country and regional Victoria.

Members on this side of the house strongly support the retention of Essendon Airport as an operating airport and condemn members on the other side, particularly the honourable members for Bendigo East and Bendigo West, for going against the wishes of their constituents.

The honourable member for Narracan, who represents a country electorate, is opposed to keeping Essendon Airport open. Those of us on this side of the house, particularly country members, are passionately committed to the retention of Essendon Airport because of the vital service it provides for the air ambulance and the police air wing. Therefore I support the matter of public importance raised by the Leader of the National Party:

That this house recognises the significance of the ongoing operations of Essendon Airport, and calls on the Victorian government to support its continuing operations.

It is vital to the interests of the people of country Victoria.

The ACTING SPEAKER (Ms Barker) — Order! The time allocated for discussion of matters of public importance has expired.

BUSINESS OF THE HOUSE

Photographing of proceedings

The ACTING SPEAKER (Ms Barker) — Order! I advise the house that permission has been given for still photographs to be taken during the joint sitting. This is an appropriate time to break for the joint sitting.

Sitting suspended 12.26 p.m. until 2.04 p.m.

Ms Asher — On a point of order, Mr Speaker, yesterday in the house I raised an issue with the Premier regarding the cost of the Independents, and I listened very carefully to what the Premier had to say in his answer. The Premier said that last year the Independents cost — according to what I heard — \$250 000. However, page 2 of the proof *Daily Hansard* for yesterday's proceedings produced this morning carries the figure of \$350 000 for the cost of the Independents last year.

It would appear that either the Premier or the Premier's staff have altered the *Hansard* record. I listened very carefully, and I am sure the Premier said '\$250 000'. Indeed, a number of my colleagues have confirmed that the Premier said the figure for last year was \$250 000.

This is a serious matter. I ask you, Sir, to either make the tape available to me for checking or listen to it yourself to find out whether the Premier has altered the *Hansard* record.

As you know, Sir, there are processes available to the house for use if the Premier makes a mistake. When such a thing occurs he is entitled — indeed called

upon — to make a personal explanation to honourable members. According to my recollection, however, he appears to have altered the *Hansard* record. That is a serious matter. I ask you to investigate the truth of the matter and report back to the house.

The SPEAKER — Order! On the point of order, as Presiding Officer I have responsibility for overseeing the operations of Hansard. I will endeavour to ascertain from Hansard the circumstances relating to this particular case.

QUESTIONS WITHOUT NOTICE

Namarra Nursing Home

Mrs SHARDEY (Caulfield) — I refer the Minister for Aged Care to her duty of care at the state-owned Namarra Nursing Home where a patient was swarmed by ants and sprayed with insecticide and ask whether that is an appropriate standard of care. What has the minister done to ensure it will not happen again in any state-owned nursing home for which the minister has direct responsibility?

Ms PIKE (Minister for Aged Care) — I am extremely concerned about the matter raised, which is an allegation by a former employee of the Namarra Nursing Home in Caulfield.

That recently built psychogeriatric facility has a special duty of care because it is charged with the responsibility of caring for very vulnerable older people, some of whom are not able to voice concerns themselves. As the appropriate minister I have taken immediate action to ensure that the residents are protected and that the complaints — and they are only complaints at this stage — raised by the former staff member are investigated.

I have also referred the matter to the commonwealth body that has the role of investigating complaints in the field of residential aged care.

In addition, an urgent investigation by the Department of Human Services has commenced and departmental officers have taken the immediate step of making arrangements to speak with the person who made the complaint. The department has also required the management of Namarra Nursing Home to establish exactly what has taken place and to ensure that optimal care standards are met.

The government is committed to ensuring that all governments do better for nursing home residents, and it has been vocal in that commitment. The government

is also putting an additional \$47.5 million into public sector nursing homes to ensure that they meet commonwealth building requirements.

The house will recall that the nursing home at Caulfield was one of the nursing homes identified by the previous government in stage 3 of its privatisation plans. I am concerned that the previous government had available the resources to improve the facilities at Caulfield — —

Mrs Shardey — On a point of order, Mr Speaker, I raise the question of relevance. The particular nursing home I referred to, Namarra Nursing Home, was opened some four and a half years ago and has passed certification. The minister is addressing issues that have nothing to do with Namarra Nursing Home; she is discussing other nursing homes in Caulfield.

The SPEAKER — Order! I do not uphold the point of order. The minister was responding to a question that related to a duty of care owed to nursing homes.

Ms PIKE — Namarra Nursing Home is one of the Caulfield cluster of nursing homes. It is one of the nursing homes in that group of facilities that was targeted by the previous government for privatisation. In an earlier budget resources were allocated for improvements to a range of aged care facilities, but the previous Minister for Aged Care deliberately withdrew the resources for that particular facility. He withdrew resources from the Caulfield redevelopment project and reallocated — —

Opposition members interjecting.

The SPEAKER — Order! I ask the house to come to order.

Ms PIKE — Those resources were reallocated to the North Western Health Care Network.

Mrs Shardey — On a further point of order, Mr Speaker, the minister is now debating the question. I ask you to draw her back to answering the question and confining her remarks to Namarra Nursing Home and not other nursing homes in that group.

The SPEAKER — Order! I ask the minister to cease debating the question and come back to answering it.

Ms PIKE — The government will require all managers of public sector nursing homes to act immediately to rectify concerns about care standards when they arise. The government is committed to nursing homes and their residents, unlike the previous government, which was flogging off those nursing

homes to the highest bidder, often to people in the private-for-profit sector who do not share this government's concerns.

Federal budget: rural Victoria

Mr MAXFIELD (Narracan) — I refer the Premier to the Victorian government's decision to provide regional and rural Victoria with its fair share of state government funding, and I ask him to inform the house whether the federal government budget delivered last night will assist in helping to rebuild country Victoria after seven years of neglect by the Liberal and National parties.

Mr BRACKS (Premier) — I thank the honourable member for Narracan for his question. The federal budget delivered last night was a stark example of the neglect of rural and regional Victoria by the Liberal and National parties.

The rural and regional communities around Victoria were rightly looking to the commonwealth government to follow the lead of the Victorian budget in providing for more investment, more growth and more jobs for regional Victoria. In no other area is the neglect more stark than in the allocation of road funding in the federal budget. Last night the federal Leader of the National Party released a media statement hailing another cut in road funding to Victoria.

As I said in the house yesterday, before last night's federal budget Victoria contributed 26 per cent of the commonwealth fuel excise but received only 18 per cent of national road funding. Following last night's federal budget Victoria's share of road funding got worse.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. I ask the honourable member for Mordialloc to cease interjecting. He is a persistent interjector, and I ask him to cease.

Mr BRACKS — Victoria's national share dropped from 18 per cent of the total road funding cake to just 15 per cent. Compare that figure to the funding allocated to New South Wales and Queensland. New South Wales motorists contribute 33 per cent of the commonwealth fuel excise, but New South Wales receives 35 per cent of national road funding. Queensland motorists contribute 20 per cent of the fuel excise, but Queensland receives 26 per cent of national road funding. The federal National Party has a clear policy position of ensuring that the contributions of Victorian motorists go north. That is the policy of the

federal National Party, and it is supported by the Victorian division of the National Party.

If road funding was allocated at the correct share of 26 per cent of contributions, Victoria would have received \$130 million more for road funding than it got from last night's budget.

The National Party's neglect of road funding is also shown in last night's announcement on black spot road funding by the federal transport minister. Mr Speaker, as you know and other honourable members know, in last week's state budget the Victorian government contributed \$240 million towards black spot road funding, of which \$120 million was dedicated to country and regional Victoria. In last night's federal budget the National and Liberal parties contributed the sum total of \$8.8 million for accident black spots in Victoria.

I turn to health. While the state government welcomes the rural health initiatives announced in the federal budget, it still takes no comfort on the arbitrated outcome of the health care agreement, which has again duded Victoria, this time by \$220 million. Victoria has also again been duded in the specific purpose and general purpose payments. It is a bad deal for Victoria.

Namarra Nursing Home

Mrs SHARDEY (Caulfield) — I refer to the answer given by the Minister for Aged Care to my previous question. When was the minister first made aware by her department of the complaint that an elderly patient at the Namarra Nursing Home was swarming with ants and was sprayed with insecticide?

Ms PIKE (Minister for Aged Care) — As soon as I was made aware of the allegations that were made — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is having difficulty hearing the minister. Will opposition benches cease interjecting. The minister, continuing her answer.

Ms PIKE — The Department of Human Services made me aware of allegations made by a staff person regarding treatment of patients at the Namarra Nursing Home. As soon as I was made aware of those allegations, I immediately put in place investigations to ascertain whether they were correct. I have asked the staff — —

Mrs Shardey — On a point of order, Mr Speaker, the question was very specific. I asked when, and I require a date. I hope the minister can supply it.

The SPEAKER — Order! There is no point of order. The honourable member asked a question and the minister was responding to it and being relevant in her answer. As I and previous Speakers have said, the Speaker cannot elicit from a minister the answer a questioner wants. The obligation of the Chair is to ensure that the minister is being relevant. She is relevant, so I will continue to hear her.

Ms PIKE — I was made aware today of allegations made by a staff person at the Namarra Nursing Home and acted immediately to ensure that the residents were receiving the appropriate standard of care. I have written to the management at the home and instructed the Department of Human Services to put in place a comprehensive investigation. I have also notified the commonwealth accreditations agency and asked it to investigate the allegations.

Postal services: deregulation

Ms DUNCAN (Gisborne) — I refer the Minister for State and Regional Development to the proposal by the federal government to deregulate the Australian postal market. Given the negative impact the proposal is likely to have on regional Victoria, will the minister inform the house what action the state government will take in response to it?

Mr BRUMBY (Minister for State and Regional Development) — All Victorians, especially those in regional and rural areas, should be aware and concerned that there is before federal Parliament a bill entitled the Postal Services Legislation (Amendment) Bill, which aims to deregulate the national postal system. The motion for the introduction of the bill was seconded by the federal member for Gippsland, Mr Peter McGauran. Its purpose is to deregulate postal services throughout Australia.

The Senate has responded by establishing a Senate inquiry to look at the issue. I can inform the house that the Victorian government will take a number of steps in an attempt to ameliorate the impact of the bill on country Victoria. It would stop the legislation in its tracks if it could do so. I will come to that in a moment.

The issue is fundamental for regional Victoria. Post offices and licensed post offices play a vital role in country Victoria. They are often the heart and soul of and are at the hub of small country communities. There are hundreds of them scattered across country Victoria. There is no doubt that deregulation poses a real threat to

their future existence. The secretary of Australia Post was reported in yesterday's *Herald Sun* after he had appeared before the Senate inquiry. In his view the deregulation will impose additional costs on Australia Post of around \$180 million, which will either lead to reduced services, cuts in services or higher real postal charges in country regions.

This is a big issue. One could look at the potential impact it will have on country areas, such as parts of north-eastern Victoria. For example, one could look at the impact it will have around Benalla. There are post offices at Alexandra, Benalla, Bright, Euroa, Mansfield and Myrtleford. There are licensed post offices at Baddaginnie, Benalla West, Bonnie Doon, Buxton, Chestnut, Devenish, Eildon, Glenrowan, Goorambat, Goughs Bay, Harrietville, Jamieson, Longwood, Merton, Moyhu, Nagambie, Porepunkah, Strathbogrie, Taggerty, Thoona, Violet Town, Whitfield and Yarck. The government will be considering making — —

Mr Ryan — On a point of order, Mr Speaker, on the question of relevance, I am wondering whether the minister is aware that the federal Leader of the National Party, John Anderson, has today issued a press release indicating that the federal coalition will not privatise — —

Honourable members interjecting.

The SPEAKER — Order! I remind the house that the Chair is getting increasingly weary of members taking points of order that are clearly not points of order. The Leader of the National Party is attempting to make a point of debate. I will not continue to hear him if he goes down that track. There is no point of order.

Mr BRUMBY — The legislation has been moved by the federal coalition and seconded by the National Party. The impact will be that it will cost postal services \$180 million across Australia, which is probably \$30 million to \$50 million across regional Victoria. It will mean higher costs to users and the closure of country services.

Many post offices and licensed post offices, such as those in Benalla, are under direct threat as a result of the legislation. The government will seek to make a submission to the federal Senate inquiry. It believes the legislation should be stopped in its tracks. The government rejects the legislation because it believes that post offices and licensed post offices are vital to the fabric of country Victoria.

Police: appointment of deputy commissioner

Mr RYAN (Leader of the National Party) — Will the Minister for Police and Emergency Services inform the house of whether he intends to overrule the Commissioner of Police and refuse to confirm the appointment of Mr Nancarrow in the position of Deputy Commissioner of Police?

Mr HAERMEYER (Minister for Police and Emergency Services) — I thought this question would never come. For the benefit of the Leader of the National Party, I will quote section 4(2) of the Police Regulation Act relating to the employment of deputy commissioners:

The Governor in Council may from time to time appoint so many Deputy Commissioners (not exceeding four) and so many Assistant Commissioners (not exceeding ten) as he thinks fit and may from time to time suspend reduce discharge or dismiss any such Deputy or Assistant Commissioner ...

The act quite clearly stipulates where the power for the appointment of deputy and chief commissioners lies.

In the past ministers have consulted with the Chief Commissioner of Police and sought to agree on a candidate. I have consulted with the chief commissioner in a cordial fashion and have neither accepted nor rejected a recommendation from him.

Some fine police officers are available from among the ranks of assistant commissioner from whom the selection could be made. Having had discussions with the chief commissioner we have agreed that the matter relates to the issue of succession planning and appointment to such positions, and the process is being examined in a review being conducted by Mr John Johnson. That review was appointed approximately one month ago.

The chief commissioner and I have agreed that the position will not be filled for the moment and we have appointed Mr Peter Nancarrow as the acting deputy commissioner. The appointment process will be completed subsequent to the handing down of the recommendation of Mr Johnson. From the Johnson review we intend to achieve a far cleaner process for the appointment of senior police officers than has been the case in the past. We also hope to achieve some indication of how the police force can look at succession planning in the near future.

It is no secret that over the next few years a number of senior police officers will retire.

Mr Leigh interjected.

Mr HAERMEYER — Certainly the honourable member for Mordialloc will be going a bit more quickly than others!

The SPEAKER — Order! The Chair has already warned the honourable member for Mordialloc about interjecting. The minister should ignore interjections.

Mr HAERMEYER — Under those circumstances it is important that an appropriate succession plan is in place to ensure that the future for the Victoria police force in the next decade and beyond is well looked after.

The Johnson review will also consider the operational independence of the Victoria police force. The Bracks government will not allow situations to occur where Premiers have their speeding tickets pulled; the Bracks government will not permit gross political intervention in the running of the Victoria Police, as was the case under the former government. The bullying and cajoling under that government was absolutely disgraceful. The Bracks government will not allow a situation where people such as the honourable member for Glen Waverley go interstate shopping for chief commissioners.

Schools: learning technologies

Mr HARDMAN (Seymour) — Will the Minister for Education inform the house of the latest education initiative for students in country and regional Victoria, particularly in the area of access to curriculum through learning technologies?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for his question and for his longstanding interest in education, particularly in regional Victoria.

In the recent state budget the government announced an additional \$258 million for the next year for education across Victoria — both country and city Victoria. That figure compares in a positive way with the miserly \$17 million announced last night in the federal budget for schools across the whole nation. The \$17 million is just a couple of million dollars more than the sum announced by the Bracks Labor government for learning technologies and multimedia, which was \$15 million for students across the state.

Today the government announced a landmark agreement with Austar pay television to provide four television channels free of charge to all secondary schools across country Victoria through the Department of Education, Employment and Training Sofnet schools channel. That resource will go only to country schools

and will put country students in front of their city counterparts, which is a hell of a turnaround. The four channels that will be available to country students free of charge include the Discovery channel, National Geographic, the news channel and Weather 21. Negotiations are taking place to extend the agreement to primary schools.

The four channels, particularly Discovery and National Geographic, will be broadcast 24 hours a day through the department's Sofnet schools channel. It will provide country students with up-to-date curriculum through interactive television. Teachers will be able to record any program at any time and play it back in the classroom as required. The initiative will enhance students' understanding of science and geography and their general knowledge and provide greater opportunities to country students who for the past seven years have been neglected.

The agreement begins to redress some of the disadvantages suffered by country students in access to quality information programs. It turns the table on the past seven years and provides opportunities for country kids that some city kids do not yet have. It is another example of how the government is governing for the whole of the state. It is also an example of a positive partnership with Austar regional pay television.

When the government announced the initiative at the Benalla Secondary College, Austar put out a press release. Austar personnel are sensitive to the particular needs of certain areas in Victoria, particularly around Benalla.

It is interesting to read part of Austar's media release, which states:

Benalla College is the first school in regional Victoria to take advantage of Austar's offer to supply all secondary schools in its broadcast service range with National Geographic, Discovery, CNN International and Weather 21 channels ...

The Bracks government is delivering on its promises to restore services, and it is delivering on Connecting Victoria. It is starting to redress the imbalance between the city and the country that existed when the former government was in power.

Seal Rocks Sea Life Centre

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to the 30 unsuccessful attempts by the proprietors of Seal Rocks Sea Life Centre to gain a meeting with him or ministers Brumby, Pandazopoulos and Garbutt from 22 November last year until 14 April this year and to yesterday's 31st public attempt on radio 3AW and ask: when will he meet with the proprietors

of Seal Rocks to save one of Victoria's newest and largest tourist attractions?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The threat of litigation by the proprietors of Seal Rocks has hung over the government for some months. It was only yesterday in an interchange on 3AW that the CEO of Seal Rocks indicated that he would lift that litigation and pursue no future litigation.

The government could not meet with the proprietors while there was a threat of litigation. However, on the lifting of that threat I indicated to the CEO, and contact has since been made — —

Honourable members interjecting.

Mr BRACKS — I cannot comment on the interjection, Mr Speaker, but I can inform the house that the Minister for Environment and Conservation and I will be meeting with the proprietors of Seal Rocks, the potential new investor and the head of the company and that the department has been in constant touch on the matter.

The government is adhering to the contract signed by the former government. The claim by the management of Seal Rocks that the government should do more is based on a verbal agreement with the former government that cannot be specified. If I had a dollar for every group that said it had a verbal agreement with the former government I would be a rich man. The government did not come down in the last shower. It will adhere to the contract and ensure that proper discussions take place. However, they will not take place while any threat of litigation hangs over the Victorian government.

Rail: Tullamarine link

Ms BEATTIE (Tullamarine) — I refer the Minister for Transport to the government's commitment to introducing a new rail link connecting Victoria's airport with Melbourne's central business district. Will the minister inform the house of the progress of this important infrastructure project?

Mr BATCHELOR (Minister for Transport) — I thank the honourable member for Tullamarine for her question. I am pleased to advise both the honourable member and the house that the Bracks government will shortly commence a comprehensive program of community consultation on route options.

Honourable members interjecting.

Mr BATCHELOR — Members of the former government hate community consultation. The Bracks government will consult with the community about the available route options to complete the airport transit link between the city and Tullamarine. The consultation process is an important step in the government's delivering on its commitment to build a transit link to Melbourne Airport.

Honourable members will be aware that in last week's budget the government announced a funding contribution of \$20 million towards the development of the project in partnership with the private sector. The community consultation process will focus on two rail corridor options — Broadmeadows and Albion — that were recommended for further investigation by an independent planning panel.

Brochures explaining the consultation process and the government's plans for the airport transit link are currently being delivered to 43 000 households in the Broadmeadows and Albion corridors. A series of community workshops will be held between 25 May and 8 June to allow local residents and businesses to receive more information on each of the proposed routes and to provide feedback to the government. Residents will also be invited to write directly to the Department of Infrastructure between now and August to express their views.

At the conclusion of the process my department will prepare reports on the two corridor options. Those reports will be publicly exhibited in August for six weeks to allow for further public comment and feedback. Final recommendations from the panel are expected in February next year.

The airport transit link is a key part of both Linking Victoria and the government's general transport commitment. It is designed to enhance Melbourne's international competitiveness and attract tourism and investment activity.

The previous government failed to take seriously the need for a transit link to Tullamarine and engaged in a sham consultation process during the dying days of its term in office. Members of the previous government were nothing more than dead men walking who failed to act on the panel's advice and kept the report secret.

The Bracks government is committed to this project and an effective, genuine consultation process with local communities. The Bracks government will get on with the project, unlike the previous government, which had no intention of doing so.

Preschools: participation rates

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Community Services to confirm that despite the government's having employed nine field officers at taxpayers' expense and having advertised in the mainstream press, again at taxpayers' expense, the number of eligible children of health care card holders attending preschools this year is 99 fewer than attended last year.

Ms CAMPBELL (Minister for Community Services) — I am delighted to again report to the house the wonderful work of the Bracks government in increasing participation rates and increasing the health care card subsidy to \$250. Participation rates in preschools have increased by a total of 3.6 per cent. Participation rates have been increased in every region in Victoria, with the exception of Gippsland. Additional work is going on to increase the participation rate in that region.

I am pleased to inform all honourable members that when one looks at participation rates one needs to be conscious of how many four-year-olds there are in Victoria who are available to go to preschool.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order to allow the minister to answer the question.

Ms CAMPBELL — I would have thought the honourable member for Mooroolbark would have been aware that there are fewer four-year-olds available this year to go to preschools — —

Mrs Elliott — On a point of order, Mr Speaker, the minister is debating the point. The question about health care card holders was very specific.

The SPEAKER — Order! I do not uphold the point of order. The minister was providing information to the house on the question posed by the honourable member.

Ms CAMPBELL — This year there are fewer children in this state who are eligible to go to preschool. The money that has been invested in preschoolers will benefit them during this year and in the long term. The \$250 fee subsidy has assisted in increasing the participation rate in this state. I am proud to know that the percentage of preschoolers has increased by 3.6 per cent as a result of the Bracks government's election.

Federal budget: training

Mr MILDENHALL (Footscray) — Will the Minister for Post Compulsory Education, Training and Employment inform the house of the impact of the federal government's training budget and the ramifications for the next commonwealth–state Australian National Training Authority funding agreement?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I thank the honourable member for Footscray for his question and his interest in this area. It is a shame that the honourable member for Hawthorn does not show the same interest.

The commonwealth budget has been incredibly disappointing for Victoria, and for training in Victoria in particular. It does not provide any real growth for training in Victoria so it does not help the vocational education and training system in the state at all. There are no real growth dollars in the budget. As many honourable members would know, in recent weeks Dr Kemp, the federal minister, has been running around the countryside talking about skill shortages and the need to invest in skills development to underpin economic growth in Australia. Despite all his rhetoric there is no additional growth funding in the federal budget.

Australia lags behind other member countries of the Organisation for Economic Cooperation and Development in investment and is out of pace at a federal level — not at the state level, because the Bracks government has made a clear commitment to training. The federal budget has not kept pace with the Victorian commitment announced last week of additional funds of \$177 million over four years in the training budget. That commitment has not been matched by the federal government.

To make matters worse, last night after the federal budget was brought down I received a fax at 2 Treasury Place from Dr Kemp providing my department with his final position on a supposedly negotiated Australian National Training Authority agreement. There has been no negotiation. He waited until he could hide behind the federal budget to present Victoria with an ANTA agreement that provided no additional growth dollars.

He shares the opposition's hatred for consultation. He has not consulted with the states but has put a blanket position, despite projected population growth and a growth in training needs of 2.8 per cent in the period to 2005. Over 5000 Victorians will miss out on training opportunities in the year 2001, which will blow out to

15 000 in 2003 because of Dr Kemp's lack of commitment to training and the failure of the federal government to match the commitment of the Bracks government. The government will continue to fight for additional funding because it believes training will underpin economic growth in Victoria.

Government Members — Hear, Hear!

The SPEAKER — Order! The time allowed for questions without notice has expired and the minimum number of questions has been asked and answered.

Dr Napthine — On a point of order, Mr Speaker, I refer to a letter you sent to the Honourable Steve Bracks as Treasurer on 27 April 2000 regarding the live webcast of the 2000–01 Victorian budget speech. The letter states:

I also draw your attention to paragraph 2(e) of the Legislative Assembly Televising and Broadcasting procedures resolution, 53rd Parliament session 1998, adopted in 18 February 1998 and as amended by 27 May 1999, where it advises that:

- (e) Visual and/or sound recording of any particular proceeding must provide equality between government and non-government members.

Accordingly, I trust that this will be taken into consideration when facilitating this live webcast event.

I seek your advice on whether you have received a response to your correspondence to the Treasurer and on the nature of the response.

The SPEAKER — Order! I remind the Leader of the Opposition that he has taken a point of order. I find there is no point of order of any validity in the matter raised. As I indicated previously to the house, the Chair has endeavoured to ascertain from the Department of Treasury and Finance whether there will be a webcast of the opposition's reply on the budget. The Chair is not in a position to advise the house whether the webcast will proceed.

Dr Napthine — Mr Speaker, I seek your advice as to whether a response has been received to the correspondence and whether the advice will be made available to the house.

The SPEAKER — Order! There is no point of order. Standing orders do not allow for questions to be asked of the Speaker.

WITNESS PROTECTION (AMENDMENT) BILL

Second reading

Debate resumed from 4 April; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

The SPEAKER — Order! As the required statement of intention has been made pursuant to section 85(5)c of the Constitution Act 1975 I am of the opinion that the second reading of the bill requires to be passed by an absolute majority.

Mr RYAN (Leader of the National Party) — The National Party and the Liberal Party support the bill. It is important legislation in that it adds to the framework of the witness protection structure within Victoria and nationally. It is a component of national scheme legislation because there is a mutual interest in the issue. The proposed amendments in the bill are brief and to the point and will achieve the intended end. For those reasons the opposition supports the bill.

Witness protection schemes are important to the application of justice nationally — —

Mr Cooper — On a point of order, Mr Speaker, I regret having to interrupt the Leader of the National Party but I draw your attention to the fact that there is no minister in the house and it is vital and necessary for a minister to be at the table. The proceedings should not recommence until the government provides a minister for the debate.

The SPEAKER — Order! The requirement is that a minister should be present while the house is in session. A minister is now present and I will continue to hear the Leader of the National Party.

Mr RYAN — Now that we are fully equipped, in the sense of the presence of the minister, with all due respect, I will continue.

Since the minister was not here to hear me say it a moment ago, I say again that the opposition parties support the legislation. I invite the minister to read the reasons in *Hansard* later, but the bottom line from the government's perspective is that the opposition parties support the bill.

National and Victorian witness protection programs play an important part in ensuring the availability of witnesses in given circumstances. By definition, the instances where a program of this nature is invoked are singular and it is imperative they be dealt with in a

manner that is appropriate to the needs of each occasion. To put it the other way, it would make a mockery of such programs if they were freely available to persons who might otherwise be obliged to give evidence. Accordingly the legislation has to be applied in a careful manner.

For that reason the Witness Protection Act prescribes that it is the Chief Commissioner of Police in Victoria who enters into a memorandum of understanding with a witness pursuant to the process set out in the legislation. It is important to remember that point because of a recent instance in Victoria where a witness who was the subject of a protection program commented publicly about the apparent deficiencies in the way his needs were accommodated. The comments were published in the daily newspapers a few weeks ago.

In answering a question on a talkback radio program at the time the Premier said he would investigate the matters raised by the witness. I was concerned when I read of the Premier's comments because both he and his ministers need to understand that where a structure exists for the Chief Commissioner of Police to enter into a memorandum of understanding with a witness it is the commissioner who is obliged to deal with the matter pertaining to that witness. It is unwise for the government to become engaged, whether through the Premier or another minister, in an issue which in the first instance lies squarely within the domain of an agreement struck with a particular witness by the chief commissioner.

I do not know what the outcome was of the intended investigation by the Premier. I trust that nothing was done to impede the chief commissioner's capacity to deal with the issue. It is his direct responsibility to ensure that the terms of the agreement are given effect to. It is not a matter for the government. It is important to remember that point because it touches on the issue of the separation of powers and the capacity of any government to become involved in matters that are within the realm of police operations — in this instance involving the Witness Protection Act and the Chief Commissioner of Police. That is relevant in the context of recent events in Victoria, where the government did not seem to understand that basic notion. That example underpins my concern about the way the Witness Protection Act has been given effect to.

During question time today I asked the Minister for Police and Emergency Services to state his position on the appointment of a Deputy Commissioner of Police. Based on the recommendation of the Chief Commissioner of Police the minister's response was to refer to the terms of the Police Regulation Act. There is

no question that as a matter of law the minister can intervene in respect of the order of the Governor in Council. However, the minister knows that convention dictates that should not happen. Historically if a deputy commissioner appointment is to be made it is done on the recommendation of the chief commissioner and is observed by the government of the day.

Mr Haermeyer — On a point of order, Mr Acting Speaker, the debate is about the Witness Protection (Amendment) Bill. The honourable member is embarking on a debate about the government procedures by which senior police officers are appointed. The two have nothing in common. I ask that you bring him back to the purposes of the bill.

Mr RYAN — On the point of order, Mr Acting Speaker, I was saying that the sort of situation as occurred with the Witness Protection Bill — when the government sought to intervene in an agreement between a witness and the Chief Commissioner of Police — is arising again because of the events surrounding the appointment of a Deputy Commissioner of Police. The chief commissioner's basic recommendation is to be challenged. The basic question concerns the separation of powers.

Mr Wynne — On the point of order, Mr Acting Speaker, the matter goes to the question of relevance. The bill relates to witness protection, not the separation of powers. The matter raised by the honourable member has already been canvassed once today, in question time, when the minister gave a clear and comprehensive answer. It is irrelevant to canvass the issue during a debate on witness protection, because it has already been addressed by the minister.

The ACTING SPEAKER (Mr Savage) — Order! I have heard sufficient. I do not uphold the point of order, but I caution the Leader of the National Party that if he strays further into that area, I will uphold a similar point of order.

Mr RYAN — The point having been made, I will not dwell on it.

The bill makes sensible technical amendments to the act. One or perhaps two of the amendments result from concerns expressed by the Solicitor-General. The intention of the bill is to establish a national witness protection scheme. The intention of the original legislation was to facilitate the establishment of other jurisdictions' witness protection schemes. However, it became obvious that certain deficiencies had to be overcome by amending legislation.

The first amendment will ensure that police commissioners and designated law enforcement officers in other Australian jurisdictions can apply for and obtain Victorian identities for witnesses in their respective witness protection programs. As I said, that was the original intention, but the Solicitor-General has expressed doubt about whether the current provisions are sufficient to achieve that end. It is thought that the 1996 amendments may not properly achieve the appropriate outcome.

The second amendment is designed to guard against the witness protection program being used to contravene the commonwealth Marriage Act. It has been suggested that the Witness Protection Act could breach the commonwealth legislation because of some of the misadventures that might occur if it is given effect to. As I said, the amendment will avoid any such circumstance arising. Nobody wants instances of bigamy to occur as a result of the application of the legislation. Amendments must be put in place to protect witnesses who may be subject to it, but they must do nothing to infringe the commonwealth Marriage Act.

The third amendment concerns extraterritorial offences relating to the witness protection program run by Victoria Police. As things stand, if somebody in a jurisdiction beyond Victoria breaches the legislation, Victoria cannot deal with him or her. The bill will enable Victoria to prosecute someone who in another jurisdiction breaches the act by naming or revealing the identity or location of a Victorian witness or by disclosing information about the Victorian witness protection program. Such offenders can be arrested in the other jurisdiction, returned to Victoria and dealt with under the amending legislation. Those three worthy amendments will ensure the better application of an important program.

The bill contains a section 85 statement. I wonder how many times the current government has made what it once regarded as the dreaded section 85 statement. I hope somebody is keeping count, because at some time I am sure the public will become aware that the rhetoric trotted out by the former opposition about the former government's use of the so-called dreaded section 85 provisions has amounted to nothing. As was the case with the previous government, in the main the present government will use section 85 responsibly, as it has with this legislation. Its use will not have the draconian effects the previous opposition once talked about.

With those brief comments, I wish the legislation a speedy passage. It has the support of the opposition parties.

Mr WYNNE (Richmond) — I support the Witness Protection (Amendment) Bill. This is the first opportunity I have had to lead a debate in support of the Minister for Police and Emergency Services. It is a delight to support him in his portfolio, just as I am delighted as the Parliamentary Secretary for Justice to support the Attorney-General.

In my research for the debate I was drawn to media reports on the national witness protection program. I refer to an article in the *Australian* of 25 February 1995 that states:

The national witness protection program, to be operated by the Australian Federal Police, comes into force in April under a new act which, it is hoped, will also be accepted by the individual states. The act is designed to prevent controversial cases such as that of National Crime Authority informant Mick O'Brien, who was murdered soon after leaving the scheme, and that of Raymond Denning, who died of a drug overdose after he was dumped from the NSW witness protection scheme.

I am sure that during your former career, Mr Acting Speaker, you were forced to address the issue of witness protection. When one reads some of the media reporting of witness protection schemes one is starkly reminded of the courage of some of the people who come under the witness protection scheme. Having turned away from a life of crime, they choose to support the police in their prosecution of serious crimes, particularly in major drug trafficking offences — and in doing so, they place their lives at risk.

It is an extraordinary concept that persons or families can be uprooted from their home states or in some cases from other parts of Australia and taken to places where it is hoped they will be given an adequate level of protection and support. One can only guess at the stress those people and their families experience in assuming new identities and moving interstate — or in some cases overseas — to start a new life. It is, therefore, a courageous move to set off down that difficult path. We should be aware of that fact in our discussion of the bill.

The Witness Protection (Amendment) Bill goes some way towards streamlining the scheme and closing some apparent loopholes. It contains three main proposed amendments. The first ensures that the Chief Commissioner of Police and designated law-enforcement agencies in other Australian jurisdictions can apply for and obtain Victorian identity documents for witnesses in their respective witness protection programs. The second ensures that the right to marry set out in the commonwealth Marriage Act is not contravened by the Witness Protection Act. The third amendment addresses the issue of extraterritorial

offences as it affects the witness protection program run by the Victoria Police.

The provisions dealing with access by other jurisdictions to Victorian identity documents enable authorities in other jurisdictions to apply for and obtain such Victorian documents for witnesses who are included in their programs. As explained by the Leader of the National Party, the act was amended in 1996 for that purpose but since then there has been legal debate about whether those amendments achieved their aim. Indeed, advice received by the government indicates that they did not. That is why the further amendment is required.

The proposed amendment will allow police commissioners to obtain new identities for protected witnesses in other jurisdictions rather than having to seek assistance, thus making the process more direct. That is an important provision because it increases the security of a witness, protects his or her confidentiality and allows Victoria to make good its commitment to the national scheme. It is self-evident that this proposed amendment should be supported.

The second main amendment concerns marriage and is aimed at ensuring that the right to marry set out in the commonwealth Marriage Act is not contravened. The Witness Protection Act currently makes it an offence for a protected witness to marry without giving the Chief Commissioner of Police certain information. That provision is aimed at guarding against witnesses entering into bigamous relationships, and the value of its intention is self-evident. However, its constitutional validity has unfortunately been questioned.

The proposed amendment rewords the provision so that it does not contravene the Marriage Act by purporting to not entitle someone to marry in certain circumstances, but it still retains the obligation to provide the information to the chief commissioner. It is appropriate that a person in the witness protection program should enter into a close legal relationship with the Chief Commissioner of Police so that the commissioner is fully informed about his or her future intentions.

The third matter addressed by the bill deals with extraterritorial offences and the disclosure of information about the identity or location of a protected witness or about the program itself and the police officers who run it. Disclosure can jeopardise the safety of a witness or of the program itself. It is fundamental to the success of the program that its integrity be maintained. If there are major breaches the capacity of the program to operate efficiently is severely

undermined. Maintenance of the integrity of the system is of concern to the police department. A potential witness seeking to join the program should be able to do so confident in the knowledge that security will be maintained at all times.

At present the provisions apply only to offences committed in Victoria. As protected witnesses are often moved interstate and can be relocated overseas, it is important to amend the act to make it an offence against Victorian law to make any such disclosure about the identity or location of a witness or the program itself. If an offence occurs in another jurisdiction the local police will be able to arrest the offender and the Victoria Police can arrange for his or her return to Victoria to face court.

I welcome the support given to the bill by the Leader of the National Party on behalf of the opposition. Bills like this need bipartisan support, because such support is indicative of the importance with which both the government and the opposition view the program. Bipartisanship is also regarded as important by the judiciary and the Victoria Police. In addition, it signals to the community the willingness of Parliament to give the bill a speedy passage and lets people know the Victorian Parliament regards the witness protection program highly and its integrity as paramount.

I therefore commend the bill to the house and wish it a speedy passage.

Mr SMITH (Glen Waverley) — Many people who have corporate memories have helped in the preparation of witness protection legislation. In the early 1990s I was on a committee run by a former member of the Legislative Council, the Honourable David Evans, that included people such as the Honourables Joan Coxsedg and Jean McLean, who are also former members of the other place. I think the person running the witness protection program at the time was the former Chief Superintendent of the Victorian Police Force, Neil O’Loughlin, who is currently the Deputy Commissioner of Police (Policy and Standards). The committee members spent many months investigating which direction they should be taking, because they were breaking new ground. The federal government was doing the same thing at the same time, so there was an opportunity for mirror legislation to be put in place throughout Australia.

At that time an incredible number of civil liberty issues were considered. We even had to ask the Registry of Births, Deaths and Marriages how to make false entries. We also had to decide which people could be let into the secret — the big plot of what was going on.

Someone like Neil O’Loughlin, a deputy commissioner of police, would understand the problems. Not all witnesses will play the game.

When considering the originating Victorian legislation members of the parliamentary committee had to look into their own consciences because the introduction of the scheme was a whole new ball game. It involved changing the concept of the absolute integrity of the Register of Births, Deaths and Marriages and the information provided for such documents as driving licences. It required that at each department there should be an officer sworn to make the changes and maintain utter confidentiality about them. That confidentiality is vital because the moment information about identity is let slip — this can happen when people turn queen’s evidence — the person in the protection program is in danger.

So decisions were made with much anguish and apprehension when the first piece of legislation that came before the house was being formulated. The tests decided on by the committee ensured that eventually the legislation was as near perfect as it could be at the time. The various amendments that have been made since that time have strengthened the legislation.

The point the Leader of the National Party was trying to make earlier was that there needs to be a degree of confidentiality. Political comment has to be in line with the way politicians treat Australian security organisations. Politicians such as the Minister for Defence, the Minister for Foreign Affairs and the Prime Minister make no comment on matters concerning the Australian Secret Intelligence Service (ASIS) or the Australian Security Intelligence Organisation (ASIO). Their statements about security matters are always, ‘No comment. I do not comment on security matters!’. That is part of the deal.

I agree with the comment made by the Leader of the National Party that the statements made by the Premier were unwise. It was more than unwise, it was foolish of the Premier to comment on the witness protection scheme, which I compare — I think it is a fair comparison — with matters involving ASIS, ASIO and other security organisations. Making no comment on matters of that sort is the way to proceed. Even if the newspapers get hold of a story and make the government look silly, when dealing with such matters politicians have to take the criticism on the chin and wear it. I stress that politicians should make no comment on such matters, otherwise they will put at risk the lives of the people on the protection program and their relatives.

It must be an extraordinarily difficult time for people in the program, given that they often have to live in hotel rooms or rented properties. The committee learnt that it is even more difficult for witnesses if they have kids. It must be an extraordinary feat to keep their children quiet. At the time of the parliamentary committee investigations six or seven people were in the program. The fact that Neil O'Loughlin was in charge of the program adds a great deal of strength to the current police appreciation of the program.

As the Leader of the National Party said, the issue centres around the old subject of the separation of powers. I am sure the minister would not want to comment on such matters in the way he is commenting on the police dispute at the moment, which is unprecedented. Unless he wants to be labelled as the Joh Bjelke-Petersen or Terry Lewis of Victorian politics he should take note of the doctrine of the separation of powers. He will wear that label if he continues to interfere with the selection of members of the police command or in issues such as the one we are now debating. Unless the political traditions are followed meticulously the separation of powers will be compromised.

Once there is a compromise the people on the program can be jeopardised or there can be the prospect of corruption in the process of selecting police. That is why politicians have to keep their noses right out of it. From your experience, Mr Acting Speaker, you would be well aware of having to keep one's nose out of such things because they are the issues of the day.

The bill has been well canvassed by the honourable member for Richmond and the Leader of the National Party. Its provisions are sensible. They have been thought through by the Solicitor-General and by the lawyers in the Department of Justice who would have helped with the preparation of the legislation. If any other matters arise, those people should not feel inhibited about bringing amendments back to Parliament so we can try to perfect the legislation.

The bill will assist in making the operation of the legislation more effective in both the state and commonwealth jurisdictions Australia wide. Honourable members in the political parties who understand where the issue is leading know anomalies will be found. As I said, the committee to which I have referred had among its members Joan Coxedge and Jean McLean. I can assure honourable members that the committee investigated matters to the nth degree. It was fun, instructive and informative to investigate matters with them, because it got it right.

If the Solicitor-General or other lawyers find other provisions have to be introduced they should not feel inhibited in doing so. There will be no criticisms about sloppy legislation, because this legislation deals with completely unknown areas and people who are as a rule on the periphery — one can never be sure which way they will jump and whether they will play the game.

One of the things the committee found in its investigations was how far the boundaries can be stretched. There should be no inhibitions. If important matters arise those involved should take Parliament into their confidence and let it know, because honourable members can understand the value of these programs.

There are occasions on which people show courage. On other occasions people are just hiding. The different situations need to be recognised, but that is up to the Chief Commissioner of Police, not politicians. I stress that point. It is necessary to have this type of legislation to help the fight against crime in Australia and to give the Chief Commissioner of Police in Victoria the tools to work both intrastate and interstate to make the program work better. I support the bill and wish it a speedy passage.

Mr LONEY (Geelong North) — I welcome the opportunity to make some brief remarks on the bill, which seeks to improve the operation of the witness protection program and to make it more secure, the latter point being of particular importance. Although the bill is small it is not unimportant because it seeks to achieve justice and help the fight against crime in Victoria.

The bill follows on from the original act, which was passed in 1991. It was interesting to hear the honourable member for Glen Waverley speak about the history of the legislation, the people who were involved in it, the issues that confronted them and how they went about solving them. It is apparent from the bill that witness protection programs throw up a wide range of complex issues which are required to be dealt with and which have led to the amendments in the bill. There is no question of the people on the committee that has been referred to or those who drafted the original legislation getting it wrong. It is simply that over time issues have arisen surrounding the technical aspects of the legislation and that some issues are now seen differently.

It is probably true that the knowledge most of us have of witness protection programs comes from American films or television dramas. Most people have a view of witness protection programs that glorifies them as adventurous and glamorous. People are taken off, given

plastic surgery and millions of dollars, and end up living a life of luxury in the south of France. The reality is somewhat different. The sorts of films that present that view of witness protection programs do not do a great service to those who are charged with the responsibility of running and carrying out the programs.

I turn to a major point of concern at the time the honourable member for Glen Waverley and others were dealing with the issues concerning whether witness protection legislation should be introduced into the state — that is, is it a major tool in the fight against crime, particularly major crime and organised crime? As the honourable member for Glen Waverley said, clearly it is a tool that should be available to the Chief Commissioner of Police and law enforcement agencies to ensure they can effectively take up the fight against crime, particularly major and organised crime.

Although it is easy to take the lofty ground and say, 'It is the duty of citizens to come forward and give evidence in any particular case, and as a matter of principle people should do that', in many cases the consequences for witnesses and their families can be serious. Therefore, it is reasonable that when witnesses enter a program it should provide them with protection. Witness protection programs open up additional avenues for law enforcement agencies to pursue criminals and provides a further tool for them to use in investigating crimes.

The bill has been found to be technically deficient in three areas. As I said at the outset, that is not a reflection on the work done by anyone previously and is simply a result of issues having arisen over time. However, those areas must be addressed and fixed if the program is to be as effective as it can be and as secure as it should be.

Mr Smith — As it evolves.

Mr LONEY — Yes, what the honourable member for Glen Waverley says is correct — as it evolves. That is the best word to use when describing the bill — it is part of the evolution of the act rather than a sign that something is intrinsically wrong with it.

Three broad areas need to be addressed. The first is the lack of direct access to Victorian identity documents by other jurisdictions. The second concerns marriages by people who may be in the program. The third is the disclosure of information about either a person in the program or the program itself.

Each area needs attention for similar reasons. The first part is in many ways about ensuring that the least number of people possible are aware of what is taking

place with a person going into the program, or about the program itself. One could say that it is probably a proper and correct application of the famous Sir Humphrey need-to-know provision. Occasionally there is a correct use for that provision and this is one such case.

The act attempts to ensure that the only people who know are those who have a legitimate and real need to know certain things. That is important to ensure the security of the scheme, so that it will allow direct access by other jurisdictions to a range of Victorian agencies.

In many ways the provisions about marriage are a civil liberties matter as they relate to the right of people to marry and the potential of the High Court to intervene in a way that would work against the act, if it were ever tested. It is appropriate that that possibility has been addressed. Obviously there was no intention on the part of those who drafted the legislation to restrict the right to marriage in Victoria, which could have been an outcome, so that matter needed to be tidied up.

Extending the offences for revealing information to ensure that an offence can be proceeded with no matter in which jurisdiction in Australia the offence takes place is also appropriate. It would be ludicrous if a person could avoid being charged with an offence simply by driving from Wodonga to Albury and making claims there. The bill tidies up the matter by ensuring that the local police will have the capacity to proceed no matter where in Australia the offence has been committed.

The bill is good legislation that makes a worthwhile act more efficient and secure. It will assist in the fight against crime and will benefit the people involved in the witness protection program. I am pleased to support the bill.

Mr HULLS (Attorney-General) — In concluding the debate on behalf of the Minister for Police and Emergency Services, I thank the Leader of the National Party, the Parliamentary Secretary of Justice, and the honourable members for Richmond, Glen Waverley and Geelong North for their worthwhile contributions. I thank the opposition for supporting this sensible bill.

As those who have spoken on the bill have already commented, the Witness Protection Act was amended in 1996 following a meeting of the Australasian Police Ministers Council. At that time the ministers resolved to enable authorities in other jurisdictions to apply directly for and obtain Victorian identity documents for witnesses included in witness protection programs. Since that meeting there has been legal debate as to

whether that was appropriate and the Victorian Solicitor-General's advice was that the amendments would not achieve the aim for which they were intended.

One amendment to the bill remedies the situation by enabling a recognised authority — for example, an interstate police commissioner — to apply directly to the Victorian Supreme Court for an order authorising new entries to be made in the Victorian Registry of Births, Deaths and Marriages. That provision tidies up a problem, perceived or otherwise, with the formal legislation.

The issue of marriage has already been dealt with by a number of speakers. As honourable members know, a state law creating any offence cannot be inconsistent with any commonwealth law that creates an offence, and that applies to the Marriage Act. To ameliorate a problem under the old legislation the bill amends the provision so that it does not contravene the Marriage Act by purporting to not entitle someone to marry in certain circumstances. However, it retains the obligation on the participant to provide certain information on marital status which the chief commissioner may then certify to a Registrar of Births, Deaths and Marriages.

It was proposed that it be a requirement that permission for a person to remarry had to be sought from the chief commissioner but there were problems with that proposal, and legislation already deals with that issue.

The third change is to two offence provisions, one relating to disclosing information about the identity or location of a protected witness and the other to revealing information about the program or the police officers who run it. The provisions have applied only in Victoria. However, as honourable members know, protected witnesses are frequently moved interstate, and currently the revelation of a Victorian witness's identity or any program details in any other jurisdiction is unfortunately not an offence.

The bill fixes that situation. It makes it an offence against Victorian law to make such a disclosure regardless of where the disclosure occurs. Where the offence occurs in another jurisdiction, the local police will be able to arrest the offender and the Victoria Police will arrange for the offender's return to Victoria to face the courts.

The Witness Protection Act is part of a national complementary legislative scheme. The Minister for Police and Emergency Services has consulted widely, including with his counterparts in other Australian

jurisdictions. I understand no concerns have been expressed about the amendments. They are sensible amendments and I congratulate the minister for bringing the legislation before the house. I thank all honourable members for supporting the legislation.

The ACTING SPEAKER (Mr Savage) — Order! As the required statement has been made pursuant to section 85 of the Constitution Act, and as there are not 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PLANNING AND ENVIRONMENT (AMENDMENT) BILL

**Government amendments circulated by Mr THWAITES
(Minister for Planning) pursuant to sessional orders.**

Second reading

**Debate resumed from 13 April; motion of
Mr THWAITES (Minister for Planning).**

Mr CLARK (Box Hill) — The bill makes a limited number of amendments to provisions in the Planning and Environment Act, the Building Act and sundry other acts. With some specific qualifications to which I will come, the provisions in the bill are relatively unexceptional and the opposition will not oppose the bill, particularly having regard to the amendments circulated by the Minister for Planning to which I will also refer later.

I briefly refer to some of the main provisions in the bill. The Building Act is amended to enshrine in legislation arrangements along the lines of those established administratively by the honourable member for Pakenham, the former Minister for Planning and Local Government. Notice is required to be given to municipal councils by building surveyors who propose to issue demolition permits, the intention being to give

councils the opportunity to decide whether they want to take exception to the issue of that permit.

The bill also removes from building surveyors the requirement to form a judgment about whether a building is of special interest in deciding whether a demolition permit should be issued. On enactment of the bill a demolition permit may be issued unless a planning permit is required or the building is listed on the Heritage Act register.

The intention of the amendments is to address situations where a building is not subject to a requirement to obtain a planning permit for demolition. They apply primarily in cases where a building is not subject to some sort of heritage overlay or protection but where argument might be raised by councils or from some other quarters that the building should be subject to some such heritage protection and that therefore an amendment to the planning scheme should be made for that to happen. A building permit for demolition should not be issued in the meantime.

The bill provides that the building surveyor is to be responsible for ensuring that both demolition and building permits comply with any planning permit requirements. It increases penalties for breaches of planning legislation, including increases in on-the-spot fines. It requires that current law and planning scheme amendments are to be considered by responsible authorities when deciding on amendments to either planning permits or documents approved under planning permits.

The bill also applies to caravans and movable dwellings in caravan parks the plumbing requirements of the Building Act, which are set out in part 12A, and expands the scope of regulation-making powers under the Subdivision Act for regulating bodies corporate.

As I said at the outset, many of the provisions are unexceptional and are welcomed by the opposition. There are other provisions about which the opposition has had concerns, although one of them is remedied by the minister's proposed amendments, and I shall refer to them during the course of my remarks.

What is most striking about the bill is not so much what is in it but what is missing from it, and from the general environment of planning reform in which it has been introduced. The bill does not contain the provisions relating to restrictive covenants that the minister announced in his *State Planning Agenda* would be legislated for in the autumn sitting. I understand the intention now is to introduce the amendments relating

to restrictive covenants in the autumn sitting and have them lie over until the spring sitting.

The slippage in relation to restrictive covenants is in line with slippage that is taking place in other aspects of the *State Planning Agenda* the minister announced last December. The completion of the proposed residential code has been delayed by up to six months. Its preparation was originally scheduled for July but I understand it is not expected to be in operation until December. There were to have been various draft practice notes on neighbourhood character and they were due to be released in March. If they have been released it would have been only in the past few days, but so far as I am aware they have not yet been released. The consultative workshops on the new code that were to be held during February were completed only in April.

Mr Thwaites interjected.

Mr CLARK — Although the minister refers by way of interjection to consultation it is notable that the workshops, which were intended to be a forum in which residents could have a say on the new planning code, were all scheduled during normal working hours on weekdays — that is, they were scheduled for the convenience of planning professionals and not to give ordinary members of the public an opportunity to have their say.

Mr Thwaites interjected.

Mr CLARK — The minister again interjects and says that I am wrong. I refer him to the schedule published on his web site. If the minister has scheduled consultative workshops in addition to those mentioned there and has kept that under close wraps I would be very interested to know when he did it and whether or not it was in response to the fact that I raised concerns about the scheduling some time ago.

I have received complaints about the workshops from many people who are interested in planning matters. Another complaint has been that the workshops have been exclusive get-togethers scheduled for groups of around 50 people and not genuine opportunities for ordinary members of the public to come along and have a say. I point again to the enormous contrast between the rhetoric of the present government and the reality. The government talks a lot about consultation and letting people have their say, but when it comes to the crunch it is largely confined to those who are in the club. Many members of the public have been keen to attend the workshops, but that has not been easy

because they have been scheduled during office hours on weekdays.

The bill is before the house in a context where to date the government has not taken any across-the-board steps to address many of the serious problems which it is proposing to address and which were recognised in the previous coalition government's own policy prior to the last election. There is bipartisan agreement on the need to make changes to further improve planning law.

Victoria has come a long way since the days of dual occupancy as of right, which was inflicted on it by the current minister's former master, the Honourable Andrew McCutcheon. Over time dual occupancy as of right has been replaced, first of all by Viccode 2, and subsequently by the *Good Design Guide*. In the dying days of the previous Labor government the introduction of Viccode 1 regulated single dwellings, and that has continued in place to date. Victoria has come a long way over the past seven or eight years, but both sides of politics have recognised the need to go further.

The previous minister commissioned Mrs Helen Gibson to head up a panel that undertook a review of various aspects of the *Good Design Guide* and prepared a thorough and comprehensive report. It was completed last August and released by the present minister in October. The report sets out a series of options that could more accurately be described as proposals or recommendations to deal with issues such as visual bulk, overshadowing, overlooking and setbacks.

Given the bipartisan support for change, the minister could have put some of those recommendations in place on an interim basis while going through a more extensive consultative process on the proposed new residential code. He did not do that but put in place a set of interim controls on the heights of buildings on the foreshore of the cities of Port Phillip and Hobsons Bay. It might be coincidence that the bulk of those municipalities are in his and the Premier's electorates.

The minister focused on matters for which he had some personal passion and was prepared to put in place interim controls on foreshore heights. Only two changes to medium-density residential rules have been put in place by the minister. One was adapted from the coalition's last election policy — it was not in the Labor Party's policy. It allows councils to require planning permits for single dwellings on lots of up to 500 square metres. Otherwise planning permits are required only on lots up to 300 square metres. That worthwhile, valuable and welcome initiative addresses the problem of people seeking to subdivide to escape the need to comply with the *Good Design Guide*. The

government has implemented the coalition proposal, which is a good thing. However, it is a confined measure to deal with a specific problem.

The other interim measure the minister put in place is bizarre. It affects a provision which allows for higher densities within a 7-kilometre radius of the GPO than outside it. When in opposition the minister condemned that distinction and Labor Party policy was to abolish it. Rather than abolish it, the minister retained it and, in a sense, inverted it by providing that in respect of land within the 7-kilometre radius councils will be permitted to apply for variations to the planning regime and he will in effect fast-track those changes.

The bizarre aspect is that the minister is granting councils liberty to apply for permission to change the rules. Why does he confine that liberty to just the area within the 7-kilometre radius when previously he had rejected the distinction?

Mr Thwaites interjected.

Mr CLARK — The minister says it is the only area where higher density rules apply. However, the changes allow councils within the 7-kilometre radius to make far greater changes to the *Good Design Guide* than councils can make for land outside the 7-kilometre radius. He is giving them the option to redesign the requirements. If the minister is suggesting that might have been what he said but it is not what he meant and that he was only going to allow councils within the 7-kilometre radius to apply to put themselves on the same basis as councils outside the 7-kilometre radius, that is not what he said and he has created an expectation on which he will not now deliver.

Given the recognition on both sides of politics of the need to move forward and make further improvements in residential planning provisions, why was the minister not prepared to put in place interim controls on matters such as setbacks, visual bulk and overshadowing? The Gibson panel report had put forward options that could have readily been adapted for that purpose and could have stayed in place until the minister's ongoing proposal for a new residential code had been worked out? The consequence is developers continuing to seek and be granted planning permits under a regime that both sides of politics recognise can be improved.

While the minister was out during the Burwood by-election strutting his stuff about the wonderful changes he was making and claiming that he was acting decisively to protect the citizens of Burwood — —

Mr Hulls — It worked!

Mr CLARK — The Attorney-General's interjection that it worked confirms the general thesis that the government is interested only in politics and not in delivering good government to the state.

The only measure that the minister was so proud to announce in Burwood that applied there was the change permitting extension of the area for which permits for single dwellings are required from 300 square metres to 500 square metres, which, although welcome, is a niche change —

Mr Hulls interjected.

Mr CLARK — The Attorney-General suggests I did not say that at the time. He might care to check the record. All along I have said that the idea has been lifted from coalition policy and that the opposition welcomes it. Obviously the minister had not checked the *Melway* directory before he went to Burwood because if he had he would have noticed that no part of the electorate of Burwood lies within 7 kilometres of the GPO. The minister's changes to allow councils to apply for variations to the *Good Design Guide* had no application in the electorate of Burwood.

That is the context in which the bill comes to the house. The minister has been good on grandstanding, on promises and on raising expectations but there has been an ever-widening gap between the promises on one hand and the delivery on the other.

I turn now to the specific provisions of the legislation. The opposition has received valuable comment and input from a number of organisations and I wish to acknowledge and thank them. They include the Royal Australian Planning Institute, the Municipal Association of Victoria, the Association of Consulting Surveyors, the Save our Suburbs organisation, the Property Council of Australia and the Victorian Local Government Association. The opposition has also received helpful comment from Dr Miles Lewis, in his personal capacity.

The opposition's examination of the bill and the consultation and input that has been received have raised a number of concerns about specific provisions. I raised the first concern publicly on 30 April and called on the Minister for Planning to address it. The concern relates to the way the bill seeks to put into legislation the administrative arrangements established by the previous minister for building surveyors to notify councils of their intention to issue building permits for demolition. The system currently operates on the basis of a practice note where the surveyor notifies the

council of the intention to demolish and the council is allowed 15 days to consider the matter.

If the council does not object, after 15 days the permit can be issued and the demolition takes place. If the council does object two courses of action are available. The council can go back to the building surveyor and seek to persuade him that the building concerned is one of special interest and a permit should not be issued. Alternatively the council can apply to the Minister for Planning for an urgent initiation of a planning scheme amendment requiring a planning permit before the demolition of the building.

Dwellings that are not already subject to a heritage overlay benefit from this regime because where a council might want to argue that the dwellings should be subject to a heritage overlay there is an opportunity to apply to give interim protection until the issue is sorted out.

The problem with the provision as drafted as distinct from the present regime is that it only operates where more than 50 per cent of the building is being demolished over a three-year period. The intention is to make sure councils are not inundated with proposals for demolition. However, there has been a failure to run a reality check on the provision as drafted because the obvious loophole is that someone could just knock down the facade of a building, taking away far less than 50 per cent of the volume but probably destroying the bulk, if not all, of the heritage value of the property. That being done, the chances of that property then obtaining heritage overlay protection are dramatically reduced if not extinguished and the scope is there then for the building to be demolished entirely. I would have thought it was a pretty obvious loophole, but it was one that got under the minister's guard and turned up in the house.

Mr Hulls — Just in the drafting!

Mr CLARK — Since the opposition raised the matter publicly on 30 April the Minister for Planning has responded and a government amendment has been circulated which, on a quick reading, extends the requirements so that they also apply to the demolition of any part of the facade of a building. A definition of 'facade' has been inserted, which includes external walls, verandahs, balconies, balustrades, architectural features attached to or forming part of an external wall, and part of a roof or chimney that faces a street at least part of which is visible from the street it faces. It is good to see the opposition has been successful in persuading the minister to propose the amendment. I hope it will close the loophole causing such concern.

Some other aspects of the bill, however, still cause concern. The Association of Consulting Surveyors has raised the issue of the practicality of measuring the definition based on the volume of the building concerned. That test has been picked up from other provisions in the regulations relating to the extent to which a building can be altered before an obligation arises for the entire building to be brought into accordance with the building regulations.

While it has now been included in the legislation, the feedback from practitioners suggests that how the measurement of volume is to be conducted has not come under much scrutiny to date. The provision seems to have operated relatively non-contentiously. It may be that in the context of demolition more scrutiny will be applied and it may be found wanting.

The most serious of all the outstanding concerns is what happens if a council chooses to apply to the Minister for Planning for interim planning protection. In the bill, the mechanism for dealing with planning protection when the issue is before the council is that the council is required to respond within the time limits specified in the regulations. I understand the intention is that it will be 15 days.

If the council does not respond within 15 days and there is no requirement for a planning permit for the demolition of the building on the relevant property, the council is then deemed to have consented. That gives the green light to the building surveyor to issue the permit. However, if a planning permit is required for the demolition of the building on the property and the council does not respond within the 15 days, it is deemed to have refused consent. That formally brings the council's position back into line with the general requirement that is already imposed on a surveyor not to issue an approval if a planning permit is required.

That works reasonably well. However, as an aside, a further issue has been raised with the opposition — that is, what is the benefit of requiring the application process to be undertaken and applying for and seeking consent from the council in situations where the building surveyor already knows a planning permit is required? Under those circumstances the surveyor already knows that an application must be made for the permit. If the surveyor is obeying the law, presumably that will happen. Nonetheless, the formal process in the bill must be undertaken — that is, the fee must be paid and a report obtained. It seems to serve no value whatsoever.

To return to my main point, the concern about timing is not so much when the application is made to the

council — to which the council either responds or does nothing within the 15 days — but more about the council's deciding to make an application to the minister. In that context no time limits are imposed during which the minister must respond.

One group that contacted the opposition said such a process opens up the possibility of indefinite deferment of applications or applications simply piling up within either the minister's office or the Department of Infrastructure. No time limits are to be imposed by proposed section 29B when applications are referred to the minister. One certainly hopes the minister would be expeditious in dealing with the applications and certainly under the regime that has operated to date, so far as I am aware, the minister has usually been expeditious.

However, will the new minister be able to cope, given particularly his dual responsibilities for planning and health? How will the matter be dealt with if the result of the legislation is that councils tend to make more applications to the minister than has been the case to date and, therefore, a greater volume of applications must be dealt with? I can see reason for a legitimate developer or builder to be concerned that if the process is not handled properly it will stymie legitimate and proper building construction in Victoria. That would be a great pity. I hope the minister or other government members will tell the house how the government proposes to deal with those matters.

Another aspect of the provisions raised with the opposition by interested parties concerns the specific requirement that a formal report and consent be obtained from the responsible authority, as required by proposed section 29A(1). The point made to the opposition is that under the informal arrangements now in place a copy of the permit is given to council. The council can ask itself, 'Do we want to do something about it?'. If the answer is yes, it acts; otherwise, it puts the permit in the filing cabinet and there is no further obligation on the council.

However, the bill provides that a formal report and consent are to be prepared by the responsible authority. Some people in local government quarters are concerned that even if the total number of referrals to local municipalities remains approximately the same, the volume of paperwork involved will be magnified because according to the bill a formal report and consent will be required in each case.

That concern gives rise to a more general concern about the workloads to be imposed on local government. In many cases councils are continuing simultaneously to

conduct heritage classification assessments and consider building demolition permits. Concerns have been raised with the opposition by many residents whose homes have been involved in the heritage classification process about the quality of inspections carried out by certain municipalities to date. Nobody would want the additional workload imposed on municipalities because of the formal paperwork required under the bill to detract further from councils being able to conduct quality heritage assessment processes.

I turn to other aspects of the bill. I refer to clause 14, which deals with buildings of special interest and amends section 28(1) of the Building Act. The intention of the amendment is clear — that is, to remove from the building surveyor the requirement to exercise a discretion in relation to buildings of special interest. The view has been rightly taken that it is inappropriate to require a building surveyor to exercise a judgment on a whole lot of issues outside the simple formal and technical requirements of building in order to make a judgment on whether a demolition permit should be issued.

The intention is to remove the regulation that picks up on buildings of special interest and the way a building surveyor must deal with the issue of a demolition permit for such buildings. However, section 28 deals with more than just demolitions; it also deals with building permits generally for the carrying out of building work, which includes constructions and alterations. Section 28(1) states:

Despite section 24, the relevant building surveyor may issue a building permit for the carrying out of building work that does not comply with the building regulations if the work is to be carried out on, or in connection with —

- (a) a building included on the Heritage Register ...
- (b) a building which, in the opinion of the building surveyor, is of special interest because of its design, appearance, location, use or environment.

Clause 14 repeals section 28(1)(b). On my reading of it an aim of section 28 is to enable work to be carried out, to put it loosely, in heritage style on heritage buildings even if carrying out the work in that style is not in accordance with the building regulations. One expects that provision to allow historical accuracy in the work being undertaken, as is borne out by section 28(2), which states:

The building permit may be issued to enable the carrying out of work appropriate to the style, manner of construction and materials of the building.

As the bill chops out section 28(1)(b) it seems to follow that there is no longer a discretion in the building surveyor to approve building works, as distinct from demolition works. That prevents work that fits in with the style, manner of construction and materials of a heritage building unless the building is included on the heritage register or, of course, unless the works comply with the building regulations.

I raise a concern about whether the bill inadvertently cuts out more than was intended. Rather than the government simply removing regulations, has it gone too far in knocking out that paragraph from section 28 of the Building Act?

Other concerns raised with the opposition include the question of whether, in relation to the Planning and Environment Act, when responsible authorities are asked to approve amendments to various planning permits or documents there should be a requirement to notify objectors to the original application. Sometimes such amendments may be significant to the objectors even if they fall within the scope of what are intended to be minor amendments. I express no conclusion one way or another on that point, but I flag it as an issue that has been raised with the opposition.

Another point raised with the opposition by the Property Council of Australia is concern about the requirement in clause 4 that any of these changes approved by the responsible authority must comply with the current planning scheme. The point made by the property council is that in some instances, if the planning scheme moves on quite a lot over time compared with the permit, it may be impossible to use that regime to make enhancements to a building simply because the planning scheme has changed. The Property Council of Australia asks whether the provisions should simply require the responsible authority to take account of the current planning scheme rather than insisting that proposed building schemes always be consistent with it. I raise that as another issue for the government's consideration.

Let me conclude by saying that, subject to those concerns, the bill contains a number of useful improvements. I have not commented at any length on the issue of increased penalties. The argument has been put that in dealing with flagrant breaches of planning requirements it is important to make use of restitution, not just penalties, as a tool. Penalties, even at the higher levels to which the government has raised them, may in many instances not be adequate. While certainly not wanting to regard restitution as a necessary consequence of infringements, in the case of gross and

flagrant breaches of planning permit requirements it is a remedy that should be well to the fore in the repertoire.

The proposed amendments are, subject to the comments I have made, generally unexceptional and will make some useful improvements to the planning regime. On that basis the opposition does not oppose the bill.

Mr CARLI (Coburg) — The Planning and Environment (Amendment) Bill has been welcomed by local government, residents, responsible developers and many organisations involved in planning and environmental issues. It is excellent news also for those honourable members who take planning issues and the structure of the planning system in Victoria seriously, particularly taking into account the system as it existed during the reign of the previous government.

The proposed changes are long overdue. They will at last restore consistency between planning and building permits and will safeguard against illegal demolitions. Those issues were constantly raised with the previous government, which chose to do nothing about them.

When the honourable member for Box Hill says there is nothing remarkable about the proposed legislation I can only reply that it makes the changes the people of Victoria have long wanted. Perhaps that does not make the bill remarkable, but the previous government did nothing to bring the proposed changes about, to make them part of our law and to save and enforce our planning system. Rather, it did everything in its power to damage Victoria's planning system. It had no plan for metropolitan Melbourne, just ad hoc call-ins by the former minister, and there was intrusive and prescriptive behaviour towards local councils.

Government members, including me, welcome the new provisions. We were out there campaigning in our communities on the issues. I recall no comment by the honourable member for Box Hill about the attempted demolition of the historic church in Flemington or about the demolition of 1 Sussex Street, Pascoe Vale. That demolition permit was gained not from the City of Moreland but from the City of Banyule! The government of the time made no comment about that fact, even though opposition members of the time who were involved in planning and environment issues spoke repeatedly about what was happening and what that said about the planning system. Labor opposition members were out in their communities serving on picket lines and attending sausage sizzles trying to protect the heritage character of their areas, but still a 110-year-old house was demolished.

When the City of Moreland conducted its review of historical properties it recommended that an historical overlay be placed on various buildings so that they could be recorded on the council's historical register. The minister of the time accepted the overlays and all the interim heritage controls — all bar the control on one house: 1 Sussex Street, Pascoe Vale. He gave that house no heritage control, yet it was the house the people were trying hardest to protect. The issue was raised in the house by me and the honourable member for Pascoe Vale, but no former government member was prepared to speak up.

As I said, the honourable member for Box Hill believes there is nothing remarkable about the bill; in fact, he says it does not go far enough and the control provisions are not sufficiently strong to defend heritage sites and the planning system. Where was he during those seven years? When during that time did he make the comments he is making now?

I note the honourable member for Box Hill is now leaving the chamber. It is easy for him, after seven years of destruction, to become the great defender of our planning system and our suburban heritage.

Planning is a priority for this government. The government understands there has to be a balance between the needs of local communities and the needs of developers. The honourable member for Box Hill seems to want to bring about the collapse of the development industry, because he wants to go from a developers' free-for-all to having tight, draconian controls on development. The government understands a level of equilibrium needs to be met to find a common purpose among the residents, local communities and developers.

The honourable member for Box Hill says the only thing the government is interested in is politics. I say that is a hypocritical statement. The government has been consistent in its approach to the issue, and I have taken a consistent approach to the issue ever since I came to this Parliament. I have raised planning issues on numerous occasions. I have not played petty politics. The honourable member for Box Hill has changed his stripes since moving to the other side of the chamber. If that is not playing politics, I do not know what is.

An honourable member interjected.

Mr CARLI — He has left the chamber, so it is difficult for me to continue my tirade and anger towards him. However, I will say his speech was one of the most incredible contributions to debate I have heard. For seven years he did nothing while the destruction

was occurring, yet he is now claiming that the government is playing politics and is not moving fast enough or far enough.

On 13 December 1999 the Minister for Planning announced that he would introduce legislation in the autumn parliamentary sittings as part of the *State Planning Agenda*. The government is delivering on that commitment. The only matter not dealt with by the bill is the issue of restrictive covenants at the planning approval stage. Delaying a consideration of restrictive covenants until the spring parliamentary sittings is a good idea, because the government wants to have consultations with the relevant people. The issue is complex and a number of stakeholders are involved. The government is engaging in consultations before the spring parliamentary sittings. Consultation rarely took place under the previous government.

The bill provides for increased penalties for illegal demolitions and breaches of planning law. It is about time. How many developments have involved developers being prepared to pay \$4000 fines for illegal demolitions? A fine was merely an added cost to a project. The bill imposes up to \$120 000 fines for illegal demolitions. We will see how many developers are prepared to step out of line given the size of that penalty.

The 1990s was an extraordinary decade. During that time we saw many illegal demolitions, and we saw permits issued by the Banyule council for the demolition of properties of heritage value. It would seem the planning surveyors at Banyule did not have the slightest idea of what was going in the City of Moreland and had little understanding of the historic value of its buildings and urban spaces.

The bill will also ensure that planning permits are consistent. It is about time. How many times have we seen planning permits and private building permits being issued, but as the buildings go up slight variations are made — changes to height, overlook and orientation, for example — so that the buildings end up being nothing like the buildings for which the planning permits were first issued. How many times have members of the Labor Party, when in opposition, raised that issue in the house? How many times have Labor members raised the issue in local newspapers? How many times has the Labor Party been at the forefront of the push to ensure that planning permits equal building permits? Numerous times. I do not recall any member of the previous government standing up on the issue. Not one.

The bill provides for the empowerment of local government. It gives local government responsibility for its local community. We know how paternalistic the previous government was towards local government. This government is not paternalistic. Government members recognise that local government is a valuable and legitimate part of our democratic institutions. The government is allowing local government to play a greater role and is empowering it by enabling it to prosecute offences.

The people on the ground will now be able to act and prosecute instead of having the former government's convoluted system, under which a prosecution had to be taken through the Victorian Civil and Administrative Tribunal to obtain an enforcement order. Under that system, by the time local government got the enforcement order the building had already been completed. Local government will now be able to prosecute, and the bill provides for more stringent penalties for offences.

The bill makes it clear to magistrates that the government is serious about limiting the number of breaches to planning laws. The government is not against good developments or developers, but it is against the developers who have used loopholes in the legislation and have exploited the previous government's failure to have any decent planning controls in place. The Bracks government is letting local government, as a potential prosecutor, and the Magistrates Court, as an enforcer, know how seriously it takes planning issues. No longer will we see the sorts of practices that were followed over the past seven years.

The other issue that is close to my heart, given what occurred at 1 Sussex Street, Pascoe Vale, concerns the demolition of buildings that have heritage values. The bill provides that demolitions will not be permitted before a relevant building approval is obtained, including any necessary planning approvals from local government. The government has reinforced the role of local councils and has ensured they are responsible for the demolition of certain buildings. We will no longer see 110-year-old buildings — it was the oldest building in that part of Pascoe Vale — being demolished. We will no longer see interim heritage controls over a vast area of a suburb that do not cover one house. The government has given the responsibility for demolitions back to local government.

It is important for local government to have controls on demolition and to be able to defend buildings of importance.

I was appalled at the contribution of the honourable member for Box Hill, who first demonstrated his ability to change his stripes and then accused the government of being political on the issue. I cannot think of any issue on which members on this side of the house have been more consistent in my time in Parliament than on planning.

The government is about enforcing good controls in the planning area and ensuring that planning and building permits are related so that situations do not arise of building permits and buildings having no relation to planning principles. The government wants to defend historic buildings and give local government the right to make decisions in the best interests of their communities and to enforce those decisions. The government also respects the needs of developers.

I take up the position taken by the honourable member for Box Hill that the government should go further and faster. It should be realised that Victoria's vibrant development industry is under a certain level of threat because of the goods and services tax (GST). The government knows that and will not do anything to cause the industry to collapse. That responsibility rests with the federal government and its GST.

The Victorian government wants to act responsibly in getting the system back into equilibrium. It wants to have put into law the issues I and my colleagues fought so hard for in this house and in our local communities when we were in opposition.

Ms BURKE (Pahran) — It is absolutely vital that the importance of land use and planning in Victoria's historical formation and its future is never underestimated. Land use and planning dictate where people live and work, and where agriculture, industry and everything that forms a true society are located. Even the quality of residential living comes from appropriate planning and land use. Incorrect interpretations in that area can cause chaos in society, and there have been many examples of that around the globe.

When talking about a change to any planning scheme or any law it is important to put things into the context of why the changes are proposed or have been made. That brings me to what happened with the previous government and why it changed the planning schemes. It is interesting to note that for more than half the time it was in government the coalition worked under a Labor planning law, because the schemes it dealt with were formed under the Labor government. The former Labor government should be congratulated on its introduction

of the original Planning and Environment Act, which was an important initiative for Victoria.

However, it is important to put the debate into context, because following the amalgamation of councils there was complete chaos in planning. There were 210 planning schemes that applied to municipalities, with 250 zones and 67 000 pages of planning bumph. The former government was amending five planning schemes a day, and those working at the Victorian Civil and Administrative Tribunal complained about the absolute chaos they experienced in trying to keep the compactus room up to date. Keeping the records up to date with everything that was happening took a constant effort. By contrast there are now 22 zones, 16 overlays and 78 new planning schemes, as well as the alpine planning schemes. There is now a much better understanding of where Victoria is heading in planning.

In 1995, prior to the reform of the municipal strategic statements and the municipal planning schemes, a trial took place involving five pilot councils — Brimbank, Ballarat, Mornington Peninsula, the Alpine Shire and Port Phillip. The trial covered literally all of the issues that were relevant around Victoria and looked at the problems that would be faced with the planning schemes. However, when the trial commenced the emphasis was on a strategic planning base rather than on the ad hoc planning that had been taking place.

As someone who viewed the planning schemes from the perspective of an involvement in the amalgamation process, I must say there were plenty of planning disasters — and there would have been plenty more had the previous government not attended to the planning schemes. Overwhelmingly the new councils embraced the approach and recognised the power it gave them in making decisions and understanding their municipalities and how they were forming.

The preparation of the planning schemes in rural areas involved a great effort and implementing them was going to be an expensive process. The shires had limited resources and no history in strategic planning. They used all the processes they could to prepare new format planning schemes and to simultaneously develop shire strategies and planning scheme mechanisms to implement the strategies. I think they did a fine job. I would be happy to congratulate not only the rural shires but also the municipal councils that put a massive effort into the work.

A long consultation process took place; the use of land cannot be changed without an enormous amount of consultation. Honourable members on this side of the

house believe in consultation — I am a great believer in it — but there has to be action at the end of it.

It is important to talk about the new frameworks. The bill deals with a number of issues that have continued to come up and will continue to come up about the new planning schemes. When the coalition government came to office it brought with it a real commitment to unshackle the past problems and reform the cumbersome, expensive and fragmented planning system. It set out to deliver a system that it felt made a lot more sense and encouraged appropriate development and innovation — and innovation was an important part of it.

A series of changes have been made, including a wholesale change in the way people live. It is interesting to note the three major occurrences during the change of planning process: the incredible change in demographics, the enormous change in the size of households and the incredible hike in property prices. Victoria is seeing a significant shift in the distribution of population and a declining number of people per household, as well as a hike in property prices. The average Melbourne household size declined from 3.47 in 1966 to 2.69 in 1996 and is predicted to fall to 2.6 early this century.

The demand for more housing has led to a revival of inner Melbourne. All honourable members will have noticed the phenomenon of the cafe society, or whatever one likes to call it. There has been an incredible increase in inner Melbourne populations. Any honourable member with an inner Melbourne seat will know that the number of constituents has increased. There has been an incredible revival of the inner suburbs.

The demand for more housing has led to that revival. While the population in outer suburbs such as Casey continues to grow, the 1996 census showed that Melbourne had the fastest growth in Victoria. From 1991 to 1996, Melbourne's population grew at 2.8 per cent a year, which is a remarkable turnaround from the 0.3 per cent decline over the previous 10 years.

Providing a wider housing choice in planning is vital. We cannot look to what suited people in the 1950s, 1960s, 1970s or 1980s. People's views on the type of dwelling in which they want to live will continue to change, as will their employment and land use in the future.

The debate about building surveyors is interesting. When in government the opposition considered many different options for dealing with building surveyors. A

common complaint, both in planning and building, is about time, and time means money to a householder or a business. For a local resident or local developer time in planning costs money. Delays cause emotional trauma for everyone involved, both objectors and applicants.

Although I accept the need for the amendment, I am concerned about the incredible amount of detail involved and how long the processes will take. By the end of the financial year all municipal planning schemes will be in place. Issues of land use and the types of development allowed will be clear to municipalities, and as there have been two rounds of elections, councillors should be very clear about the policies and how they want their cities to develop.

The previous speaker referred to demolition problems, which have always been experienced. In the 1980s the church on the corner of Toorak and William roads in the Prahran municipality sat as a demolition nightmare for 10 years. It has now been tidied up.

The wonderful thing about the new planning schemes and the requirement that councils prepare a municipal strategic statement is that they clearly recognise the areas and buildings in their municipalities that are of heritage significance. Now they should be covered under the planning, heritage, or local heritage scheme of the municipality. Areas of contamination, flood or natural significance because of their vegetation should clearly be covered under the planning schemes.

The problems encountered in the transition from the old planning scheme to the new planning scheme caused all sorts of hassles. People wanted to live on smaller properties, there was an incredible hike in property prices and we faced the problem of the insecurity and backlog of planning permits that held up a proposal for a long time. Poor objectors and poor applicants suffered incredible stress because of the time it took to deal with planning permits.

During that time conditions were probably abided by and could have been improved but were not, and often penalties were not tough enough for those who did not abide by the rules made after many nights of negotiation and mediation.

It is important to put in context in any change of planning law what went before and why it was made. We will continue to make many changes to improve the process, but they must be thought through carefully. If buildings are not protected by councils now because they are not considered to have some sort of heritage or conservation value, councils should not whinge. They

have had five years of consultation during which to decide which buildings and vegetation are important.

Councils must move on from facing issues such as planning avenues of trees, consulting with electricity authorities about whether poles are built or cables are placed underground and deciding whether gas must be put in and how it will be attended to.

While amendments and changes are made to planning law, councils still have a responsibility to work through and modify the processes of their communities and decide what is needed in planning schemes. Councils must consult different authorities. My electorate has many examples of people, particularly in heritage areas, having electricity connected by means of poles when it would have cost exactly the same price to put cables underground. The council did not think to inquire whether that would have resulted in a better environment.

I know many people wish to contribute to the debate on the bill, but before I finish I will touch on the many changes that no-one in the house knows about. The minister will make changes through ministerial orders or directions. I hope one of them will assist the City of Whitehorse with its 1-to-400 square metre density, which has been a concern of the council for quite some time. Many issues will arise and they will be dealt with by whichever minister is in power at the time. They will have to be adapted and dealt with.

I have referred to the time frames and the general concerns of objectors and applicants, who often feel they do not have a say in the planning process. The interesting thing about planning is that one can never win, as it were, because planning and local government will always be challenging. It will always affect everybody at the grassroots level and is never stagnant. The nature of our changing society has resulted in a bigger gap between those who want to live in large houses and those who want to live in tiny houses.

I will be interested to see what the minister will do about an issue that has not been touched on — that is, open space and parkland in high-density areas. Much work remains to be done. The planning schemes are in place but much discussion needs to be conducted on what happens with the planning schemes now and what can be done to enhance those municipalities. It must go through a process of consultation, as it always has required. But it is also involves education. We can only hope to continue to face those challenges in the new millennium.

I wish the bill good passage, but I refer the minister to my concerns about the delays experienced in the planning process. They continue, which is not good for applicants or objectors. I would love to see a bill introduced that speeds up the process and makes it more appropriate for all involved — those at the council level and those having changes made around them.

Mrs MADDIGAN (Essendon) — I am pleased to support the government's Planning and Environment (Amendment) Bill. It contains a number of provisions that Essendon residents will be pleased to see.

I do not wish to sound harsh because I like the honourable member for Prahran, but I must take issue with her on a couple of matters. In her contribution the honourable member told the house that the planning scheme of the previous Labor government resulted in problems being experienced at what is now the Victorian Civil and Administrative Tribunal. As I recall, VCAT just about came to a dead halt under the planning scheme of the previous Liberal government because people were waiting for months to go to appeal. To suggest that the former coalition government's planning scheme fixed the problems at VCAT is stretching the credibility of anyone in the state who had anything to do with planning matters when the previous Liberal government was in power.

The honourable member for Prahran's contribution is the first time I have heard the demolition of an historic building referred to as tidying up an old church. I suppose it is tidying up an old church, but I am not sure it is how my residents would want their historic buildings addressed by the planning processes in the state.

The honourable member for Coburg referred to an episode just down the road from the boundary of my electorate involving the chapel in Mount Alexander Road, Flemington. What happened to that church is a clear example of why the former government's planning practices did not work and why the Planning and Environment (Amendment) Bill will go a significant way towards preventing it happening again.

In that case the building surveyor approved the demolition of the building without obtaining the proper heritage clearance. The matter was discussed at length in the house. The former Minister for Planning and Local Government seemed to think it was all the fault of the former Moonee Valley City Council. The surveyor was a private building surveyor from Geelong who had nothing to do with the Moonee Valley council. He issued a demolition permit, employed a demolisher

and the church was partially demolished before the residents noticed what was happening and reacted.

The matter went on for some months, during which the former planning minister issued all sorts of threats against many people and had a Mr King, a member of the Building Control Commission, investigate the case. The investigation went on for some time, but Mr King's report never saw the light of day. Essendon residents and Moonee Valley councillors were interested in the report because they were not impressed at being blamed for the demolition.

I sought the release of the report under freedom of information, which seemed a reasonable action. Oddly enough, two days after I sent the FOI request to the former planning minister the document went to cabinet, a process that coincidentally made it exempt from the FOI provisions. The then opposition never heard another word about the matter. Normally cabinet documents go to cabinet as precursors to legislation. In this case classifying the King report as a cabinet document was an excellent way of burying it.

Only since the Labor Party came to government has the final chapter on the unfortunate partial demolition of the church come to light. The penalty provisions in the bill relate specifically to what happened in that case. The increase in penalties of up to \$120 000 in some cases is a welcome change because the existing provisions are inadequate. Penalties have not been reviewed since the late 1980s and are well behind current rates in other jurisdictions. People are not being deterred from acting illegally when issuing building or demolition permits.

I have a copy of the Building Control Commission report — not the King report, which was destroyed because it was a cabinet document. On coming to power the Bracks Labor government held a hearing to discover the truth rather than allowing it to be buried under the faulty planning system of the former government. Two recommendations came from that hearing. Firstly, the demolisher was reprimanded and fined \$5000, which was the maximum allowed under the act. He was found guilty of failing to provide a protective hoarding around the perimeter of the property. That was a serious matter because the church is next door to the Debney Park Secondary College and right on Mount Alexander Road. I should have thought that demolishing a building next to a school on a major thoroughfare to the north-west without following the proper safety procedures was a fairly serious issue and could have caused great harm to students, motorists and passers-by. I do not suppose the demolisher will lie awake at night over a fine of \$5000.

Secondly, the building surveyor was reprimanded and found guilty on four counts: failure to provide notification of his appointment to the relevant council within the required seven days; failure to request in writing the verbal advice received from the relevant council concerning the planning scheme requirements of the site; failure to submit the required documentation to the executive director of Heritage Victoria; and failure to outline in the building permit he issued a method of demolition procedure. The building surveyor was fined \$3000, which is also unlikely to keep him awake at night.

The penalties in the earlier legislation did nothing to prevent people from taking illegal action because it was often in their interests to go ahead and do it and worry afterwards about whether anyone would wake up to the fact that they had acted illegally. That is why the bill is important.

I was disappointed with the honourable member for Box Hill, who had the audacity to accuse the Bracks Labor government of being slow to pick up the faults in the previous planning legislation. Planning groups in suburbs and country towns throughout the state, including the Save our Suburbs group, had been telling the former planning minister for three years that something was wrong with his planning legislation. Despite that, the honourable member for Box Hill had the nerve to say the government is acting too slowly, even though it has been in power for only six months and has already made some essential changes. I do not know whether anyone will swallow that, but it is a bit much to take.

The people of Victoria, including the members of planning groups who spent so much time protesting, writing letters to the minister that were totally ignored and talking to their local papers, will not be too impressed by the opposition telling the government that it is too slow.

The reason the government is moving slowly is its failure to consult. Perhaps I should spell that word for the opposition — c-o-n-s-u-l-t-a-t-i-o-n. Although consultation is not a new concept, it is something we did not see much of during the former government's time in power. The present government is undertaking an extensive review of the residential land use code and looking at other changes the community wants to see in the planning area.

If the opposition were still in power I presume the honourable member for Box Hill would change the Planning Act to make things easier for developers and demolishers. No doubt he would whip the changes

through the Parliament without bothering to consult with the community. However, the Bracks government does things better. It allows everyone to give their views and to examine the processes in a progressive way, following which it makes sensible decisions that are sustained by the community.

As the Bracks government continues its term in office more planning legislation will be passed to overcome the problems that were created by the previous government. The policies that stated where the government was going were outlined by the Minister for Planning at a meeting in December when he launched the *State Planning Agenda — A Sensible Balance*. The bill is only a minor part of that agenda. The large public meeting was attended by many people. I had attended as a member of Parliament and the comments I heard from other people who were coming out as I was leaving showed they were relieved that at last there was a government in office that was prepared to listen to their planning concerns and take action on them.

I have spoken with the local planning groups in my area and others with whom I have worked over time. There is a sense of great relief that finally they are receiving assistance and that their suburbs will be protected. My suburb of Essendon, as has happened in many other middle suburbs, has been severely adversely affected by the so-called *Good Design Guide*. Because Essendon has little vacant land the attraction of pulling down houses on large blocks of land and building multi-unit developments has been almost overwhelming. There have been significant and detrimental changes to the streets in Essendon, but those changes will soon diminish with the proposed legislation.

The honourable member for Coburg spoke briefly about the relationship between building and planning permits. It is commonly known that people in communities such as mine who now reside next to large buildings and multi-unit developments have become disenchanted with the existing system. In many cases they had gone through the council planning process, had seen planning permits issued, and then seen developers construct buildings that did not conform with the planning permits. The variations might not have seemed significant on the plans — the building might have been 2 feet higher than it was supposed to be or its windows might have been further to the front overlooking the front room of the neighbours — but when residents complained after the completion of the buildings — they could not complain earlier — they were often told, ‘We can’t really ask the developer to

pull down the house because the changes are fairly minor’.

When people had been through a whole planning process as residents, had paid for the support of town planners and had believed that a compromise had been reached, it was cruel for them to realise the building in question had been constructed the way the developer intended to build it in the first instance and all their hard work had amounted to nothing.

A significant number of residents in my area live next door to buildings which are not in line with planning permits and which adversely affect their residential amenity. The situation is not confined to Essendon and is widespread throughout the inner suburbs. People who have suffered as a result of that process will be delighted to know that when the bill is passed their relations, friends and neighbours will have some protection and can expect buildings to conform to planning permits. The change will be welcomed with great enthusiasm.

Other provisions relate to particular situations such as that which involved a church in Flemington. Not only will there be an increase in penalties, which is well overdue, but also extra provisions will ensure that in future building surveyors will need written evidence from Heritage Victoria and the council in question. It will remove the possibility of surveyors claiming, as they may have done in the past, that they spoke to someone on the phone but could not remember who, and went ahead with the plan because they had been told that it was okay and did not worry too much about it. That was not much consolation to people who saw historic buildings tidied up, as the honourable member for Prahran put it. I am sure the residents around the Flemington church who worked hard to try and save it will be fascinated to hear that it has been tidied up, because if they had had the option they would have preferred to keep it untidy.

The bill will get rid of the provisions that did not work. It is the first of many steps in the government’s planning and environment process. Victorians can look forward to a planning system that assists them and under which people will start developments for a specific site only after having proved that what they want to build will fit on the block of land in question and does not require neighbouring residents to spend months of their time and a deal of money trying to prove that it will not fit. It will be a happy day for Victoria when all of those provisions are in place.

I welcome the bill, as I know do many other honourable members, including the opposition, albeit unwillingly. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Planning and Environment (Amendment) Bill. I was amazed to hear the contributions of the honourable members for Essendon and Coburg. It seems that the honourable member for Coburg has forgotten the 1980s. When he was an adviser to a senior Labor minister I met with him about a planning issue, and the politicking that took place in the government of the day was unbelievable. Obviously he has forgotten and now wishes to rewrite history.

Planning is one of the biggest concerns of people living in the Bulleen electorate. Bulleen is a special place with open space, many areas of parkland and a unique environmental character that needs to be protected at all times. I will support any measures taken to see that that occurs. It is important from time to time to make appropriate changes to legislation to bring it up to date and ensure it is relevant. Whereas the previous government acted quickly on planning the Bracks government seems to have fallen asleep. Indeed, in the 1980s planning was archaic, complex and caused much confusion. In 1992 Victoria had 2781 planning zones across the state, but under the previous government that number was reduced to just 25.

The previous government encouraged a partnership approach to planning in which councils and the community worked together to achieve the best possible outcomes. It streamlined planning schemes for local councils, encouraged diversity in housing, introduced a state planning policy framework, proclaimed the Heritage Act and appointed the Victorian Heritage Council. It also introduced the Building Act and established standards for the construction and maintenance of buildings and safety in building processes. However, circumstances change and that is why as Parliamentarians we must constantly monitor legislation.

Victorians, including the residents of Bulleen, must have the ability to participate in an open and accessible planning system. They should have the opportunity to object to any development proposal and have access to a fast, informal appeal procedure. Planning is all about commonsense and consistency. However, there has been much confusion on planning over the past nine months because of the present government's delay and inaction on planning issues.

In his second-reading speech the minister claims the government had set in place a consultative process. It

has been a disaster because poor scheduling has prevented many residents from taking part in the government public consultation workshop.

With the delay in introducing the new code, planning applications have been decided under the previous rules although both the government and the opposition have agreed that changes are needed. The mayor of Darebin is quoted in the Preston *Post Times* as saying that people were carving up house blocks and building three-bedroom town houses and not enough open space is being provided. The government has failed to show leadership. For months the government has not made any changes to planning rules.

The only policy area where the minister has made changes affects his electorate of Albert Park and the Premier's electorate of Williamstown. Changes have not been introduced to issues that affect other electorates, including my electorate of Bulleen.

The bill fails in its attempt to preserve the unique heritage features of electorates. Under the former government's election policy a planning or building permit was required before a demolition permit was issued. The bill requires building surveyors to refer demolition permits to the local council if more than 50 per cent by volume of the building is being demolished within three years. Until the amendment was introduced today — and it is good to see it — developers were allowed to tear down the facades and other heritage features of potential heritage buildings.

Buildings currently being considered by Manningham council for heritage protection are in danger of being destroyed. Because the legislation applies only where more than 50 per cent of the building is being demolished, buildings with no heritage protection will be demolished and classic features will be lost. Once that occurs it will be easy for the developer to get a permit to demolish the remainder of the building.

The bill also increases penalties for breaches of planning law, which was a proposal of the previous government.

The bill alleviates the current problem to some extent, but much work remains to be done. The minister must spend more time in his planning portfolio to ensure that areas do not lose their unique character. I will not repeat issues raised by the honourable member for Box Hill, and I look forward to the minister's responses to the concerns expressed.

Mr TREZISE (Geelong) — When it came to community members having a say in planning processes under the previous Kennett government they

were either ridden roughshod over or had the wool pulled over their eyes. It is a bit rich for the honourable member for Bulleen to say that people deserve a role in the planning process. I am concerned that he actually believes what he is saying!

The bill, along with many others introduced by the Bracks government, delivers another election commitment. The bill addresses major concerns raised by the building industry, local councils, community organisations and individuals about planning and building controls and regulations.

The bill rectifies inconsistencies that have existed for many years in both planning and building standards in Victoria. It ensures an integrated approach to planning and building controls by recognising they should not be addressed as separate issues. Instead, the bill recognises the need for and provides structures to ensure planning permits and building permits are interlinked.

A major component of the bill is the consistency provided in the law on the construction of buildings — that is, what is proposed to be built, as indicated at the planning stage, will be built. The community can be confident that what is viewed during the planning stage will be what is seen when the building is finished. That is a far cry from what has happened in numerous instances in my electorate of Geelong and across Victoria.

As Geelong's representative in the house I support and will continue to work towards ensuring a vibrant and prosperous building industry in Geelong. Builders in the Geelong community will welcome all the amendments in the bill because through the integrated approach proposed the left hand will know what the right hand is doing with planning and building permits.

My electorate takes in the older and historic precincts of Geelong suburbs such as Geelong West, Newtown, Chilwell, South Geelong, Geelong City and East Geelong. The buildings and parks reflect the old nature of those suburbs. The inner suburbs of Geelong consist of period homes and historic community buildings. My electoral office in Pakington Street, Geelong West is surrounded by Victorian, Federation, and Edwardian homes. I can assure the house that planning and building issues take up a lot of my time in Geelong.

I welcome the bill as it will ensure that all Victorians, including those in my electorate, have an influence over decisions that affect the ambience and character of their neighbourhoods.

The Planning and Environment Bill provides four major initiatives: consistency between planning and

building permits; an improved process for demolition control; tougher penalties for breaches of planning laws; and amendment of planning and building permits taking into account the law as it applies at the time of application.

The bill will achieve its objectives of consistency between planning and building permits through amendments to the Building Act. As outlined in the bill, the amendment requires a building surveyor to check planning permits before a building permit is issued.

That is an integral amendment to the bill because it ensures a required planning permit is granted by the relevant authority before a demolition permit is issued and that nothing is overlooked when a building permit is granted. Importantly, requiring a building surveyor to check any required planning permit before issuing a building permit will ensure that what is finally built reflects what was approved at the permit stage.

The improved process for the control of building demolition is an integral initiative. Living in and representing the older suburbs of Geelong, this amendment is of particular interest to both the residents of my electorate and me. It better protects buildings that local communities feel are of significant historic value. Many residents had concerns that under the previous arrangements for buildings of local significance building surveyors were not compelled by law to consult with council before issuing demolition permits.

The current legislative requirements rely on the goodwill of surveyors to consult with the local authority. Buildings of local significance will be protected by the requirement for a building surveyor to obtain the consent of council if a proposed demolition includes more than 50 per cent of the total building. A building surveyor must also obtain the relevant planning permit before a demolition permit is granted.

Importantly, the amendment also introduces tougher monetary penalties for breaches of the law. The current penalties were introduced by the Planning and Environment Act. No doubt they were sufficient deterrent at that time to ensure that individuals gave serious thought to their actions before flouting the law. However the penalties are now 13 years old and no longer severe enough to stop a person weighing up the pros and cons of flouting the laws and then deciding to cop a fine. It is of paramount importance that the penalties are set at a level that deters individuals from weighing up their options. The tougher penalties will ensure that the law is not deliberately ignored.

One example applies to the contravention of a planning scheme. The current penalty established in 1987 is \$4000 for the first offence and \$6000 for subsequent offences. Given the value of most building projects no matter how small, a fine of up to \$6000 may be worth copping if at the end of the day a builder gets paid what he asks for. But a fine of \$120 000 is obviously a far greater deterrent and will eliminate most, if not all, would-be deliberate contraveners of the law.

From discussions with council officers working in planning and building departments, I am aware the harsher penalties will be most welcome. On numerous occasions councils have called on government to bring the penalties up to today's standards and provide that deterrent effect.

The *Geelong Advertiser* of 14 April under the heading 'Planning law breaches attract heavy new fines' reports:

A spokeswoman for the Borough of Queenscliff yesterday welcomed the tougher stance on planning law breaches.

She said that during the past two years the borough had issued about only 10 fines to people caught breaching planning laws mostly in the vicinity of \$100.

Another amendment relates to planning permit amendments. A major source of discontent, inconsistency and dispute arises when builders seek amendments to their original planning permit. The amendment to the bill will help to minimise the issue as it stipulates that any decisions made to amend a permit will be based on the current laws as they stand on the day of the proposed amendments.

I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — In joining the debate on the Planning and Environment (Amendment) Bill I have to confess that I would find the potential to become Minister for Planning a daunting task indeed!

Mr Hamilton — So would we!

Mr HONEYWOOD — I am supported across the chamber in that regard!

I won the seat of Warrandyte from the Labor government of the time, and since then I have been educated by my electorate to understand that one model does not fit all when it comes to the planning needs of individual communities throughout this wonderful state. That approach has been the philosophy that has guided me in my last 12 years as member for the wonderful electorate of Warrandyte.

The new government is intent on putting its stamp on the planning laws and regulations that affect the needs

and aspirations of individual communities across Victoria.

The opposition looks forward to finding out what the government will do about planning because the rhetoric and harping of the Labor Party when in opposition of saving everything at all cost and ensuring the existence of proper guidelines and standards has yet to be delivered.

The opposition has yet to see the colour of the new government's policy. If this bill is anything to go by, there will be quite a few twists, loops and backflips in the months and years ahead in the planning portfolio.

The proposed law allows facades of historic buildings to be demolished and included within the demolition allowance of 50 per cent. I am not a great supporter of facadism. Collins Street has good and bad examples of attempts to save heritage buildings. You do not necessarily save historic buildings by sticking big glass shards behind heritage facades.

In that context honourable members may remember the antics of the present Minister for Planning, who, as shadow minister, went to extraordinary lengths to stand in front of the facades of certain Carlton buildings in an attempt to stop what the University of Melbourne believed to be a progressive development that would also ensure those buildings were protected.

However, the bill will permit the demolition of the facade of a historic building so long as its demolition would not amount to more than 50 per cent of the building footprint. However, there is a backflip. The opposition is pleased that at the 11th hour the government has decided to propose an amendment to the bill. That is because of the excellent campaign by the shadow minister, the honourable member for Box Hill, who for some time has been publishing material on his web site under the heading 'Planning bill loophole to open way for heritage demolitions'. The honourable member made the government aware that it was inappropriate to leave genuine heritage buildings open to the risk of demolition purely at the whim of a building surveyor.

Mr Wynne interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Richmond will cease interjecting. He will get the call if he stands in his place after the honourable member for Warrandyte finishes his contribution.

Mr HONEYWOOD — I congratulate the shadow minister for his successful campaign, resulting in the government's backflip in the form of the amendment.

I return to my point about the promotion of diversity and flexibility when it comes to meeting the needs and aspirations of individual communities. The Warrandyte electorate is unusual in that it has a wonderful state park that stretches along the Yarra River. It also has a buffer zone, called a green wedge. I am proud that it was a Liberal government under the premiership of Sir Rupert Hamer that established that buffer zone, where the subdivision or excision of housing allotments of less than 20 acres is not allowed. The members of the Warrandyte community enjoy a wonderful lifestyle, and parents with young children who in many cases could afford to live in the so-called more salubrious inner suburbs choose to relocate their families to Warrandyte.

The house will be aware of certain other locations in which all the trees have been demolished so wedding-cake homes can be erected — but only to show how wealthy the owners are. Rather than having the mandatory tennis court because it increases the value of the property — even though nobody in the family actually plays tennis — Warrandyte residents camouflage their homes, tending to hide them in bushland settings.

That is not to say that over the years I have not received a few challenges from certain members of the white-shoe brigade who want to march over the hillside to ensure the Templestowe effect is imposed and translated onto the good citizens of Warrandyte — and we will not talk about having rampant lions at the gates!

Apart from the buffer zone of 20-acre allotments that cannot be subdivided, Warrandyte is the only township in Victoria that does not permit the dual occupancy of its urban residential allotments. I fought for that, which helped me win the only seat the Liberal Party won from the Cain government at the 1988 election. I remember how poor old Tom Roper, the then planning minister, did a backflip about two weeks into the election campaign. Former Premier Cain introduced the dual occupancy as-of-right provisions in 1985 so that dual occupancy conditions could apply everywhere in Melbourne. He introduced a one-model-fits-all approach, which did not suit certain areas.

Premier Cain introduced dual occupancy to regenerate the so-called ageing inner suburbs of Melbourne by encouraging young families to move in so the local infrastructure — schools and the like — could be reutilised. However, rather than being appropriate for

the so-called elite or salubrious areas, dual occupancy found its way into inappropriate areas such as Croydon, Croydon Hills, Warrandyte and Ringwood East. I was proud to stand up against that across-the-board dual occupancy policy of the former Cain government, although it was too late for the former honourable member for Warrandyte, Lou Hill, who had no choice but to support his government's policy.

Mr Leigh — What happened to him?

Mr HONEYWOOD — I think he became a magistrate for life. His friend Jim Kennan appointed him to the magistracy — and he is probably doing better than most!

When Tom Roper finally realised about halfway through the 1988 election campaign that the seat of Warrandyte was in danger of being lost to the Liberal Party, he did a backflip. He said Warrandyte would be the only area to be exempted from the dual occupancy regulations. Unfortunately for Tom, when he called a press conference to make the announcement the press went to the wrong place and his backflip received no media coverage. The provision to prevent dual occupancy in Warrandyte was eventually enshrined in regulations.

The attempt to have one model fit all, to have streamlined procedures and to be predictable on planning matters does not necessarily mean the square peg will fit the round hole, whichever government is in power.

On the one hand, the former Minister for Planning, Rob Maclellan, was amenable to ensuring that the Warrandyte township was protected from dual occupancy, and I commend him for that initiative. On the other hand, I believe one of the new proposals that fitted into the non-urban zone is now inappropriate for my green-wedge community. That loophole permits more than one dwelling to be erected on a block of less than 20 acres. Some allotments in the area comprise only 5 or 10 acres due to historical anomalies; nonetheless, my community can see the danger in allowing more than one home to be constructed on a non-urban rural allotment.

Although it could be nice for a member of the older generation to have his or her children build another home on the property so the family could support each other and enjoy almost commune-like living, what happens if a family feud occurs down the track? What happens if there is a fallout and due to financial stringencies pressure is applied to the local council to

allow the property to be subdivided on compassionate grounds?

I have never believed planning should be subject to individual circumstances. Planning should be an intergenerational thing. We are only the custodians of the land for the next generation. We should not be subject to the whims of others just because somebody may have a health problem. The tendency to allow changes to planning laws on so-called compassionate grounds is creeping into the system. That is not a legitimate reason to change land uses.

As I said, my community has been protected by governments from both sides of politics. I have had discussions with the Minister for Planning to try to ensure that the special character of Warrandyte is enshrined in legislation for all time so that future generations will be able to enjoy its wonderful environment. It is an historic village, being the site of the first gold discovery in Victoria. It still has its old gold mine shafts.

Warrandyte, which is located in a valley that has only one road in and one road out, is prone to bushfires. The community has had to contend with a number of safety issues. The area has steep allotments with poor soil quality, which often means that the installation of sewerage presents major challenges. For all those reasons, we need to ensure our planning laws are flexible enough to accommodate the needs and aspirations of communities such as mine.

I now call formally on the minister to ensure that the proposed Manningham planning scheme, which I understand is currently before him and which he has not yet signed because he wants to give it appropriate consideration, will not permit people to build more than one home on a non-urban allotment. I hope we can come back to the single-dwelling planning laws to ensure comprehensible planning for the future. Ample precedent exists for special consideration for communities such as those in my electorate. I hope the needs of communities in my electorate and the electorates of other honourable members who have spoken on their behalf this evening will be taken into account.

I am pleased the government has chosen to make changes on the issue of historic buildings. There are a number of such buildings in my electorate. We have been very fortunate as Australians that during the brief period of post-indigenous settlement we have been able to protect the architectural legacy of previous generations. One need only walk along the fine boulevards of the city to realise how lucky we are: no

history of civil wars, foresight on both sides of the political spectrum and, on the whole, an architectural legacy that has been preserved for all of us.

The City of Manningham is conscientiously attempting to put together a comprehensive database of historic buildings so it can move to protect those buildings — buildings such as old homesteads on former orchard properties — as soon as possible. Other buildings needing protection include shops such as the old butcher shop and the old pharmacy in Warrandyte and similar shops in other urban villages. They help to create a village atmosphere and are enhanced by covered verandahs and the like.

We need to ensure that more than just the facades of buildings are saved for the future. As I stated earlier, I am not a great proponent of facadism. If we are going to protect our historic buildings, let us save more than just their fronts; let us save the sides and backs of them as well! In a community such as mine, where there is no need to build a 50-storey glass shard at the back of an old building, it would seem appropriate to save whole buildings, not just the facade or the 40 or 50 per cent.

I hope the bill is only the first of a number of initiatives the new minister will take to give a clear direction for the future and remove the vagaries of Viccode 1 which, despite the efforts of the public relations machine of the then opposition, which insisted it was a coalition government initiative, was an inheritance from the Kirner government, not the Kennett government. I hope we can ensure that associated problems, including issues to do with the colour and design of homes, are overcome.

It is important in communities like mine to resist homes being painted purple or yellow, colours that may be suitable for inner city suburbs but are not suitable for Warrandyte, where the streetscape should have a character appropriate to its heritage environment. Warrandyte does not need homes that look like pink palaces or yellow perils. It is appropriate in certain communities, while avoiding over-intrusion into people's lifestyles and their right to enjoy the freedom of property ownership, to apply regulations and restrictions on the colour and design of homes.

The same applies to building envelopes, tree coverage and the like, according to the heritage value of the area. The opposition looks with interest at the future direction of planning.

We heard the rhetoric of government members when in opposition; they were full of promises to all. But the

first piece of planning legislation brought before us glibly allows for up to 50 per cent of some historic buildings to be demolished! The government was embarrassed into circulating a house amendment that will at least protect the facades of those buildings, but the opposition still has concerns in that area.

Opposition members have noted a considerable delay in getting the government's planning policy beyond the blueprint stage and into the wider public arena. Groups such as Save Our Suburbs, which provided the government members when in opposition with considerable succour, are no longer flying the banner for the government party because they are sincerely worried that they might be getting more of the same old stuff now that Labor is in power.

Whether a matter involves facades, the colour and design of homes, streetscapes, building envelopes or tree coverage, we are only custodians of the land for future generations. We have learnt that from the indigenous people of this country, who have that fundamental philosophy as part of their creed throughout the generations. My case, which admittedly relates particularly to green wedge areas, applies equally for all Victorians. Some areas such as village communities like Warrandyte and Gisborne need a single-dwelling requirement, but historic urban villages such as Geelong and inner city suburbs such as Richmond have particular needs, too. When it comes to planning, one model does not fit all.

We need flexibility; we need to listen to the needs of our communities; and we need to enshrine predictability of lifestyle choice. People often move into a new locality with an expectation of enjoying the lifestyle of the area. For all those reasons I join the debate this evening to express the hope that clarity will not be at the expense of flexibility and that communities will know where they are going into the future.

Mr WYNNE (Richmond) — I rise with pleasure to contribute to the debate on the Planning and Environment (Amendment) Bill. I have listened carefully to most of the contributions to the debate, and I think I can identify a degree of revisionism in honourable members opposite on planning matters.

The lengthy contribution of the honourable member for Box Hill, as eloquently pointed out by my colleague the honourable member for Coburg, seems to suggest that the honourable member was never in any previous life a member of the former coalition government.

The interventions of the former Minister for Planning and Local Government on a plethora of issues ranging from matters of statewide significance to local laneways must, by any measure, be regarded as constituting an extraordinary planning management regime.

It should come as no surprise that the Labor Party is now in government. The concerns expressed by communities not just in the inner city but throughout metropolitan and country Victoria about the planning process being a shambles under the former government gave rise to significant and powerful lobby groups, such as Save Our Suburbs. That group was formed to address the community's absolute frustration with the planning process and what was seen as an extraordinary attack on the quality of life under the previous regime. Neighbourhood amenity was being destroyed, inappropriate developments were taking place and there was a lack of planning controls. Those matters were taken up by organisations such as Save Our Suburbs.

I come from a local government background, and I have seen the way the planning process operated under the former government. It was an extraordinarily capricious administration. I know of instances of local councils being threatened by the former administration. Local councils believed they were under constant attack and their confidence in the decision-making process was constantly undermined. It is no wonder local government has welcomed the Bracks government to office. This government has rightfully returned proper planning controls and has established an appropriate relationship with that important level of government. There is now a mature relationship between the state government and local government, and that has been widely recognised and applauded by both local government and the community.

The excellent local council in my electorate of Richmond is enjoying a productive relationship with the state government. The council is trying to address many development issues, so it welcomes the bill before the house. I wish to paraphrase a paragraph from the minister's second-reading speech, which I think captures what the bill is about: the reforms to land use planning will enable all of the stakeholders to regain confidence and trust in the way the system works. It is important for developers and the community to have confidence in the planning process and for development to occur under clear and transparent guidelines.

In the short period of the Bracks government the minister has already started to address some of the fundamental principles that are so important to local communities. The minister has already set in place a

consultation process to replace the *Good Design Guide* and Viccode 1 with a single residential code that applies to all housing. He has introduced height limits in bayside areas, which are widely supported. He is holding an urban planning summit and setting clear limits for the exercise of ministerial powers of intervention by issuing a practice note on ministerial intervention in planning and heritage matters. The minister has already put those important initiatives in place as a clear articulation of the Bracks government's commitment to a more sensible, reasoned approach to the planning process.

The bill delivers on the fundamental government commitment to clamp down on inappropriate development and illegal demolitions. The legacy of the previous government's planning agenda is painfully obvious in my electorate of Richmond. Development in the inner city has boomed over the past eight years. The statistics show that in the City of Yarra there were 1793 planning applications in 1997, there were 1684 in 1998 and in 1999 there were 1816. There is a boom in residential medium-density housing in the electorate of Richmond. I am sure anyone who drives through the area will see numerous developments under construction. A number of planning applications for major strategic sites are currently before the council. Anyone indulging in some of the fine eating and hospitality around Brunswick and Smith streets will see a huge number of warehouse and medium-density developments being constructed.

The City of Yarra is an attractive area for people to invest and live in. Over the past few years the ambience of the area has changed significantly. Many of the developments are of high quality and offer a lifestyle that caters for both young people who wish to enjoy the benefits of inner city living and many older people who have chosen to move to the inner city from the outer suburbs because their families have grown up and their accommodation needs have changed. It is a great thing that the inner city has been repopulated, but it is important to ensure that developments accord with the aspirations of our communities.

The bill has some important elements. As I have indicated, during the past eight years massive developments have occurred in my area and the penalties for planning infringements have not been significant enough to deter unscrupulous or — to put a more charitable light on it — inept builders. The lifting of the maximum penalty for planning infringements from \$4000 to \$120 000 is a significant change. I assume it will be taken seriously by developers and builders alike. They may choose to pause and think carefully before acting illegally, particularly with

demolitions. A fine of \$4000 may be absorbed within a building budget, but I am sure a fine of \$120 000 will give developers and builders a reason to think about their budget bottom line.

Another important element of the amendment is its provision for consistency between planning and building permits. It provides for the onus of ensuring that a building permit is consistent with a planning permit to be firmly placed in the hands of the building surveyor, and there will be clear guidelines in respect of assessments by building surveyors. That is an important amendment to the Building Act. It is not uncommon for a planning permit to be approved — in my instance, by the City of Yarra — and for a building permit to be issued by a building surveyor located in a distant municipality. In such circumstances it is difficult for a local authority responsible for a planning permit to oversee or control the application of the permit on a building site.

The proposed legislation requires surveyors to examine the planning and building permits for consistency. That will ensure planning permits have been obtained before building permits are granted, and that any specific requirements or conditions of planning permits have not been overlooked in the granting of building permits.

In my electorate there have been many instances of people who have had no means to legally challenge developers having found their homes being overshadowed or overlooked by buildings on adjacent properties. Honourable members would be aware that many of the subdivisions in the City of Yarra have small lot sizes. In such cases developers must be careful to ensure they maintain amenity, light and open space for residents. Architects, builders and developers of particularly small lots face serious challenges in remaining sympathetic to and not allowing their buildings to have a significant impact on the amenity of neighbours. Often planning applications involve hard-fought battles through the normal processes to achieve appropriate setbacks or obscured glass to maintain the quality of life that is important in residential areas.

When building permits do not reflect concessions made in relation to planning permits at the Victorian Civil and Administrative Tribunal or through mediation a significant detriment in the quality of life of adjacent neighbours can result. The Bracks government is serious about giving Victorians back their voice and an ability to influence decisions that fundamentally affect their lifestyles.

To date the process has been tortuous, at best. Under the *Good Design Guide*, when an application is made a site analysis is undertaken, objections are received, mediation is applied, a decision is made by council, an appeal is lodged, a hearing is set, both sides put their positions, the matter is considered and a decision is made. Yet after such a lengthy, time-consuming and costly process to objectors, developers, and councils developers often build what they want regardless of the decision. Developers often do not do simple things, such as lowering walls that block out the northerly aspect for neighbours or installing obscured glass in windows, an important and relatively cheap initiative that can ensure privacy for surrounding neighbours. Specific cases have been brought to my attention of that having occurred in my electorate.

In the brief time I have had the privilege of representing the people of Richmond two issues have consumed me. The first is the drugs issue. It is followed closely by the planning process issue, on which I have received a plethora of complaints. I refer to the case of an elderly resident that was brought to my attention. She had to challenge a builder on site and refer him to a planning permit. She then contacted the council's building department only to discover that the City of Yarra was not involved in the provision of the building permit and that it had been prepared by the City of Kingston. No-one was overseeing the consistency between the planning and building permits. The responsibility for ensuring that consistency will now be firmly in the hands of the building surveyor and will go some way towards restoring the community's faith in the planning process.

In the few minutes I have left I will turn to the issue of improving the processes for demolition control. The amendment to the Building Act will provide better protection for buildings that local communities regard as significant. In my electorate, which has many buildings with heritage and neighbourhood character significance, the legislation is of critical importance. Organisations such as Residents Against Inappropriate Development, which is closely associated with the Save Our Suburbs group, have fought long and hard on the issue. The local authority is provided with the opportunity to consider applications for demolition of more than 50 per cent of a building.

The 50 per cent is a cumulative amount and includes any demolition that has taken place on the site in the previous three years. The cumulative element is important because it counters any attempt at demolition by stealth. All honourable members know of situations where developers have allowed buildings to deteriorate to such a degree that demolition is the only option, or

alternatively where demolition has been done in a piecemeal and secretive fashion. In the case of a heritage overlay not having been put into place by the local authority, the bill provides for the application for demolition to be suspended while the council applies to the minister for an expedited amendment to the planning scheme.

The proposed legislation will encourage councils to protect buildings or areas of significance that have a heritage overlay. The government's provision of that protection is another example of its demonstrating its support for local decision making and local communities.

Planning is a critical issue throughout the state and not just for inner city electorates such as my own. Many honourable members who have contributed to the debate have said there was widespread concern about the planning process under the former government.

It is no coincidence that the genesis of organisations such as Save Our Suburbs (SOS) and Residents Against Inappropriate Development (RAID) was in response to the chaos of the planning process under the former administration. In discussions today my colleague the honourable member for Burwood indicated to me that one of the key issues that arose during his by-election campaign was residential amenity and the planning process in general. Unfortunately the honourable member will not be able to speak on the bill but he has indicated to me that he regards one reason that he was so successful — and we are of course delighted to have him in the chamber tonight — was the backlash in his community against the former government's management of the planning process. It is important that that is recognised and that the house recognises the key initiatives that the Minister for Planning has already undertaken to right some of those fundamental wrongs and address some of those fundamental community concerns that have been so powerfully expressed by the community through organisations such as SOS and RAID, but most powerfully at the ballot box.

The contributions already made by the honourable member for Burwood are an indication of the quiet rage that was felt in the community about a planning process that was considered to be out of control, capricious and not recognising the true aspirations of the community.

The bill goes a long way towards satisfying the concerns of the community. I commend the bill to the house.

Mr BAILLIEU (Hawthorn) — The opposition does not oppose the bill. I speak as one who accepts that

there is merit in the proposal to have building and demolition permits comply with planning permits. I speak as one who can attest to there being some merit in extending the penalty scheme but on the basis that it is reasonably applied — the unreasonable application of penalties in planning matters does nobody any good.

I speak also as somebody who has doubts about the efficacy of the 50 per cent inclusion in respect of demolition issues. The honourable member for Box Hill more than adequately expressed the concerns the opposition has on that matter.

I came into the Parliament some eight or nine months ago. Previously I was a practising architect. I do not pretend that I was the greatest architect to pass through these doors, but I have practised in recent times and have had reasonable experience of the issues that the bill and the planning system encounter. There have been far too few architects in this place, and I respect those who have gone before me. I note that currently two architects are members of Parliament, one of whom is in the other place.

My experience has been in inner urban electorates. I have lived and worked in one and I now regard myself as representing one. People in the electorate of Hawthorn have a deep and passionate interest in the subject at hand. I speak also as somebody who regards good design as the ultimate test of our planning system and our lifestyles, and also a test of how we regard ourselves.

Good design is always the ambition of architects; it is certainly the ambition of the practices I have been involved with, and I believe it is the ambition of most contemporary architects. Sadly, too much development and building work in the state, certainly in inner urban areas, has been undertaken without the assistance of architects. Far be it from me to press the cause of architects, but on this occasion let me do just that: I urge the community to realise that architects can make a valuable contribution to any building project and can improve design. As the cost always seems to be the test, architects are invariably worth the fee.

There are many architects in Australia and the bulk of them in Victoria do fabulous work. Architects who have worked in inner urban areas have produced some marvellous results. Over the years we have seen the benefits of their work in many urban areas, particularly in inner Melbourne. We have seen developments of which we are all proud, in which we all participate and which we all enjoy.

They are not the developments that arouse people's attention — the good ones never cause any upset. Those on the margins cause concern. From the time I became a candidate and since I have been a member of Parliament I have visited many of the sites that have aroused attention in recent years. It is interesting to judge those developments as somebody who has had experience in the planning and building codes for many years. Many of those buildings would have proceeded under any planning or building regime in the past 25 to 30 years. That they are not well regarded is not necessarily a function of the planning schemes or codes that have applied. Many would have complied under previous codes.

That is not to say those projects have unreasonably upset people in the community. Many who cast judgments about what is good design would say they are not particularly flash designs. Good design, however, is not and never has been a function of the law and nor has good art. It is hard to mandate that somebody shall do something well rather than as required.

Good design is a function of commitment from the designers and those paying them. It is a function of care on behalf of those people. It is a function of innovation and it is a function of those charged with the task of developing and preparing the development to explore innovation. It is a function of the willingness of those charged with the task to cooperate with the various stakeholders.

There will always be a need for balance. There will always be an opinion both left and right, right and wrong on any project. One can go through almost any of the contentious designs or developments that have aroused attention in recent years and find a full gamut of opinions. Invariably those opinions fall down on the side of those who own the properties and those who own the abutting properties. There are always third-party interests, and that is so in the planning code. That always makes for an extra line of contention.

The opposition does not oppose the bill. In many respects the bill merely implements or enacts guidelines put in place prior to the previous election and that have been in place since. Interestingly, the effect of the bill will be felt largely in inner urban Melbourne, and of course the nature of planning, design and development is such that the closer the quarters, the more the arousal. The close quarters are clearly in the inner part of Melbourne; this is not an issue for Benalla.

An honourable member interjected.

Mr BAILLIEU — Don't mention the war!

It is an issue that interestingly is largely confined to the Melbourne metropolitan area, although it will have some application in some of the major provincial cities. I note the remarks of previous speakers who said that the bill is a function of the election result. Interestingly, the vast majority of seats in inner metropolitan areas where there were contentious issues were won by honourable members on this side of the house. I am not sure that the impact of the election is the measure of the bill.

I have been involved in many aspects of the transaction: I have been a proponent, a designer and an objector. I hope that I have been both a reasonable proponent and a reasonable objector in the past.

A large part of the problem with the planning scheme in recent years has been a function of two things. The first is activity. Victoria has experienced a building boom, and in a building boom there will always be those who are aroused. The second major problem is enforcement. Many of the problems have been a function of lack of enforcement at council level. As I said, I am the honourable member for Hawthorn, and I am conscious of the issues in my electorate and the interests that exist in the City of Boroondara. I have worked as an architect in Boroondara and before that in its predecessor. I have also worked and been a ratepayer in the City of Yarra, preceded by the City of Richmond.

The honourable member for Richmond made much of the enormous development and change in Richmond. I suspect he was not referring to the City of Yarra but the Richmond area itself, which has experienced active development over the past few years. He exhorted other honourable members to visit and experience the City of Yarra. I concur that it is a wonderful experience, and in concurring I note that the development leading to that experience occurred under the former coalition government and we are now enjoying the results.

Interestingly, a variety of ironies is involved in that analysis. Many buildings currently carry signboards saying 'We will oppose inappropriate development'. Although that sentiment is reasonable, if one looks at the properties upon which the signs rest one sees that many of them would not pass muster under the current planning schemes. That is a measure of the nature of planning schemes.

The cities of Yarra and Boroondara enjoy a great ambience, with terrific restaurants and development. There is a richness and vitality in the area, and I support

the honourable member for Richmond when he says they are worthy of a visit.

A government member interjected.

Mr BAILLIEU — Kanzaman, to name one.

A government member interjected.

Mr BAILLIEU — I do not know if it has a good wine list because I am not a drinker, but I am sure it does.

If the former government is to be maligned for the planning problems that may have arisen it ought also to be the beneficiary of praise for the good things that were created. The bane of progress in our cities is invariably a lack of trust by those participating in the process. There is nothing worse in the planning system than vexatious objectors. I have been on the end of vexatious objection. Equally, there is nothing worse than those who might be said to be lodging vexatious proposals that are really ambit claims that are designed to do nothing other than force a rejection at council level so as to find some other tribunal. That has occurred in the past.

The role of councils is important in all those areas. Often it is too easy for a council to say no, and I encourage councils to examine more closely the development proposals put forward and to participate in the process to generate cooperation and trust among all the stakeholders. Equally, developers play an important part in establishing and maintaining that trust by avoiding the possibility of any charge of deception. I hope and trust that as Victoria proceeds with its planning system in the coming years that trust will be as high as it can possibly be.

I turn now to the 50 per cent rule. The detail of the 50 per cent rule as it appears in the bill had its genesis in the building code and its predecessors. I believe the 50 per cent volume rule is almost impossible to enforce. Nothing I have seen in the bill encourages me to believe the government or a council can enforce the 50 per cent rule. It is too difficult and is full of anomalies. The government will find it necessary to look again at that rule. Its history shows that the rule is honoured more in its breach than otherwise. As I said, the position is unenforceable.

I hope the bill will not slow down the process, because that would endanger the planning system in more ways than one could possibly imagine. It would encumber proponents and generate dissatisfaction among stakeholders who might be objecting or supporting. Worse still, it would divert opponents into activity

designed to circumvent the rules as they apply in the guidelines.

I go back to the 1980s when what was generated was known as the heritage police. In some cases it was almost impossible to do anything. I cite the example of the requirement to demolish a chimney on a Victorian single-storey property. The chimney was invisible from the street. The fireplace beneath it was long removed but the chimney was propped up by an angle iron. It took six months to obtain a permit to remove the chimney because it was regarded as an integral part of the streetscape. Anything that returns the development process to that era will not be a positive.

The government must be careful that in the process of enlisting change it does not kill design and innovation. It must respect that the community needs change and that new design requirements will apply. As the honourable member for Warrandyte said, I hope the bill assists with clarity but not at the expense of flexibility. I hope it assists with ruling out vexatious objections and vexatious proponents. I have had that experience in several inner urban electorates and in the City of Boroondara. I think there is merit in the alignment of demolition, building and planning permits, and I do not think proponents have anything to fear from that measure.

However, I think the 50 per cent rule will engender more problems than it solves. The fears about the bill expressed to me are about slowing the process and killing off innovation. It is also feared that the proposed legislation will not make a great deal of difference. I hope it assists in the process of engendering trust.

I hope the proposed legislation will result in improvements. Above all I hope it will make good design in its truest sense an ambition of all who undertake building projects, particularly in inner urban areas.

As I said, it is not the wish of the opposition partnership to oppose the bill. I will maintain a keen interest in the issue to ensure that the projects I witness in the electorate of Hawthorn proceed as expeditiously as possible and that the process along the way is fair for both proponents and possible objectors.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

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

LOCAL GOVERNMENT (GOVERNANCE) BILL

Second reading

Debate resumed from 3 May; motion of Mr CAMERON (Minister for Local Government).

Ms BURKE (Pahran) — The Local Government (Governance) Bill changes the method of council reappointment of chief executive officers (CEOs). It also remedies the incorrect application of certain sections to regional libraries; addresses the method of setting maximum interest rates on unpaid moneys other than rates and charges; and makes minor amendments to the Libraries Act relating to the transfer of library land.

I begin my contribution by addressing the amendment to the appointment of CEOs. Before 1993, councils had dual management — an engineer and a town clerk — and councils were adapting to the concept of CEOs. The responsibility of the engineer was to look after matters such as planning, engineering and waste management and the town clerk was involved in the administration and finance of the council. Most important was the difference in the statutory nature of the positions.

Each council under law had to have a health officer, a town planner, an engineer, a town clerk and other positions. The requirement created difficulties for rural councils wanting to join with other councils in those positions. It was part of the reform to strengthen the capacity of local government to meet the challenges of the new local government system.

The way CEOs were employed also changed. Under the reform process contracts were compulsory for all senior officers. Statutory positions were abolished and the capacity was broadened to allow for the recruitment of CEOs around Australia — positions were advertised around Australia, not just locally. That strengthened the corporate structure of local councils and enhanced the staff capacity. It gave councils a clearer idea of their role and made them more transparent and accountable.

When commissioners were introduced as part of the previous reform process, particularly in the transition time for new municipalities, the CEOs prepared the municipalities for newly elected members and brought the council administration into order. The CEOs anticipated the election of the new council members. There was much speculation in the community that new councillors would dismiss the unpopular CEOs. Many councillors campaigned on that platform.

At the time it was considered appropriate to allow the newly elected members to settle into their positions with the assistance of CEOs. It was no news that the system would change. The Adelaide model was being considered by the relevant committee — I was Parliamentary Secretary, Planning and Local Government — so the bill is no surprise.

If councils work as a team with CEOs the structure works well. Conflict among the members of a council create difficulties for a chief executive officer no matter what his or her contract says. That is particularly the case when a CEO is reappointed by a 5–4 vote of councillors or when the mayor has the casting vote. A perfect world does not exist, but the bill gives local government more autonomy, and local government should make the most of that opportunity.

It is often not publicly recognised that the council is the employer and the CEO is the employee. Over the past few years I have seen newly elected councillors forget that fact. The council hires and fires the CEO; it might be the only position it deals with in that way, but council has tremendous powers and that is not recognised by many. If a council is to work well, it must understand its responsibilities, particularly as an employer.

The CEOs of today are very professional. The good ones have survived, but because of the smaller number of municipalities many of them have moved to other areas. CEOs have made it quite clear that all local government executive officers can belong to one local government association — that is, LGPro, or the Local Government Professionals — and that is proving to be successful in helping them to understand the responsibilities and challenges of senior staff.

I have received complaints about the restriction on discussing the reappointment of a CEO more than six months before a contract is due for renewal. The Minister for Local Government is quite comfortable with that concept, and it is his bill. Six months is a short time if a CEO is getting on with his or her council. Both sides are bound by a contract which can be broken only by mutual agreement to avoid a legal challenge — in other words, council would have to agree to a CEO leaving before his or her six-month period had expired. It is possible that the provision in clause 3 may not be necessary in the future, but I can understand it being left there for the present.

I have done some reading in the library on the issue of governance, and this is a governance bill. The Honourable J. C. Latham, the commonwealth Attorney-General in 1929, wrote:

In the sphere of government there is no general agreement upon the limit to be placed upon authorities of law as the basis of governmental action. But it is almost universally recognised that, in a modern society at least, an ordered government, based upon law, is a necessary safeguard of the liberty of the citizen, and that it constitutes the only sure protection against the alternatives of tyranny or social chaos.

I mention that because clause 3 refers to consulting the community if a council wants to reappoint a CEO. If a council advertises to inform the community a CEO has been reappointed, what do citizens do if they do not like the reappointment? Perhaps they can complain at the ballot box. Perhaps there is a formula whereby the community may lodge complaints after the advertising period of 14 days has elapsed? However, what does the council do then? As the quote says, it always comes back to the citizens. If they are angry about a council decision, they can make their feelings known at the ballot box. It would be interesting to know what formula is in place to assist with that problem.

The bill is fairly simple, although it contains many housekeeping matters. It seems the government thinks every piece of legislation needs tidying up!

Clause 6 relates to council's capacity to charge interest of up to 12.3 per cent and apply it to unpaid moneys other than rates and charges. I understand council services subject to the goods and services tax will attract the 12.3 per cent charge. However, very few councils will go below the maximum of 12.3 per cent. The amount is regulated and checked each year, but it is a high rate and could cause problems for those in the community who find life a bit tough.

Clause 7 clarifies that there is a head of power to prescribe the details which must be included in a request concerning the transfer of former library land. In many instances in the past the necessary head of power has not existed, and the clause addresses that.

Governance of municipalities and the major role of local government are subjects largely ignored both in literature and debate. That could be described as censorship by omission. However there is great interest in local government at a grassroots level. People watch what is happening in local government more closely than we think and will continue to do so. It is a level of government people can often relate to very easily.

The major part of the bill concerns the reappointment of chief executive officers in local government. CEOs in rural areas face difficult challenges because they are responsible for enormous areas of land with many asset-rich and income-poor components. They will need continued assistance from their metropolitan counterparts.

Previously a vacant CEO position had to be advertised at a cost of between \$15 000 and \$20 000. However, councils need not have necessarily spent that money because advertisements could have been placed through council channels. A council could have chosen a particular CEO if it had so wished. Sometimes people think the extravagant way of doing things is the best way to go. I hope local government can continue to act professionally but it need not always feel obliged to engage consultants, for example.

Councillors will still be responsible for the yearly evaluation of the performance of their CEOs. Those evaluations will be taken into account when reappointments are made. That aspect is well covered in the bill, and I look forward to its speedy passage.

Mr CARLI (Coburg) — I support the Local Government (Governance) Bill, which continues the pre-election commitment of the Bracks government to treat local government as an equal partner. The bill restores to local government the power of appointment of chief executive officers (CEOs) after the former government's heavy-handed, intrusive stance in regulating and controlling their conditions.

The opposition has become somewhat revisionist in its approach to both this bill and the planning bill debated earlier today. It is said that history is written by the victor: today it is being written by the loser. Suddenly, members of the opposition — the defenders of good town planning and local government, local communities and democracy — remind me of the animals in George Orwell's *Animal Farm* who talked about 'four legs, good' and 'two legs, bad' but continued to change the formula and what they represented. Like the animals the opposition pretends nothing has happened. The opposition is trying to change its political stripes, saying it represents things it did not represent for seven years, while trying not to revisit the Kennett era.

I am interested in debating the bill, particularly given the performance of the opposition. The bill implements one of the government's major policy reforms — that is, its relationship with local government and, hence, with Victoria's communities and democracy. Prior to the election the Labor Party said it would change the relationship between local government CEOs and the government by permitting councils to appoint CEOs. The former government required CEOs to apply for reappointment. It also imposed other conditions on them through legislation. For example, a council was not permitted to sack a CEO without the permission of the then Minister for Local Government, who could

also forbid the renewal of contracts or the appointment of a CEO.

The heavy-handed and prescriptive attitude of the former government was that it knew best: if the government did not like somebody recommended by a council for appointment or if conflict arose, it would dictate what should happen next.

Clause 3 changes the way a local government CEO will be appointed or reappointed. Although small, the provision is critical to the modern operation of local government. The CEO plays a critical role in local government as he or she is expected to provide an extraordinary amount of leadership, at least in the management of the municipality. The CEO has to work with the elected representatives. It is important that a good relationship exists between them and that ultimately he or she supports the interests of the local community and the elected officials — not as an agent of a state government of any political persuasion, as was the case under the former government.

Clause 3 enables the council to reappoint a CEO without first advertising. The prescriptive provision of the Kennett government had been that a CEO's job must be advertised as the contract of employment was about to expire. Usually councils engaged consultants to make up the short lists, and so on. In many cases the incumbent CEO may have been doing a fabulous job. The advertising of the position was unfair on both the incumbent CEO and applicants who wasted their time applying for jobs that could not become theirs.

The bill also prevents a council resolving to reappoint an incumbent CEO more than six months prior to the expiration of his or her contract. The CEO will have an opportunity to plan his or her future, but not so far out that operations become confused and planning becomes meaningless. A CEO will be able to make decisions on behalf of councillors during the period between a council finishing its term and the election of a new council.

The bill is about openness in local government and public scrutiny. The details of the appointment of and remuneration of the CEO will be made available for public scrutiny. Ratepayers will have 14 days in which to inspect the details. That recognises that ultimately the employer of a CEO is the local community, which should have a say and be able to inspect the package paid. Members of the community should be able to have input.

The bill removes the requirement for councils to notify the Minister for Local Government of their intention to

terminate the contracts of CEOs and to provide information on their total remuneration packages. Previously, where a conflict arose between a council and the CEO or where there were reasons for the termination of the CEO's contract, the Kennett government's ministerial approval had to be obtained.

The previous government's heavy-handed and prescriptive model was that local government should be a tool of the government. The Bracks government sees the dawn of a new era for local government. The Minister for Local Government endorses a policy of democracy and openness, and recognises local communities. Part of that acknowledgment is that the CEO of a council is regarded as an employee of the council. The council represents the interests of the community and is elected by ratepayers. Therefore, the CEO is employed by the community.

Since the election Victorians have seen the abolition of compulsory competitive tendering and a process of empowerment included in the best-value principles legislation debated in this place. The bill lightens the heavy-handedness of the former government on local government.

I always enjoyed listening to members of the previous government talking, on the one hand, about local government as a tool and, on the other, speaking enthusiastically about the need for smaller government, greater economies and the devolution of power and authority. I enjoyed it until I entered local government myself and found how authoritarian — dare I say, dictatorial — the former government was.

The Bracks government has made important changes to that relationship, and those changes have been greeted with strong support from local councils and chief executive officers throughout the state. They have also been supported by the Municipal Association of Victoria.

The rest of the bill is substantially housekeeping legislation. One proposed amendment is intended to discontinue the incorrect application of certain provisions in the Local Government Act to regional library corporations. It changes the method of setting the maximum interest rate for unpaid amounts other than rates and charges to bring it into line with the method of determining interest rates payable on unpaid rates and charges. That is very much a housekeeping provision, but it is important nevertheless and is supported on both sides of the house.

The bill also proposes a minor amendment to the Libraries Act to clarify the regulation-making power to

prescribe a form for requesting the transfer of former library land. Again, it is a housekeeping measure, and it is a fairly technical change to the Libraries Act.

In conclusion, Madam Deputy Speaker, the bill is an important piece of legislation. Although small, it is very much part of the government's commitment to treating local government as an equal partner and to empowering local councils and local communities. I wish the bill a swift passage through Parliament.

Mr DELAHUNTY (Wimmera) — As a person who has been involved with local government for many years I am pleased to speak on the Local Government (Governance) Bill. I have an affinity with the area and am pleased to have this opportunity to contribute to debate.

The main purpose of the bill is to make certain changes to the Local Government Act concerning the appointment of chief executive officers (CEOs) of local councils. It also makes some minor amendments concerning interest rates and other matters to that act and the Libraries Act.

Prior to 1993 councils were required under the Local Government Act to employ certain officers: a town clerk, an engineer, an electrical engineer, a building surveyor and a health surveyor. No-one was really sure who was the most senior person on staff or who was responsible for implementing various areas of council policy and ensuring appropriate service delivery.

The 1993 changes to the act made roles and responsibilities more transparent, and it became easier for people to work within the council structure. It also became essential for councils to employ senior staff who had skills that suited their needs and who could work within the pool of expertise in the wider community. It became crucial that senior staff have a clear understanding of their responsibilities and be accountable for their performance — not only to the councillors but also to the community. Appropriate qualifications were also required.

As honourable members will know, councils are responsible for the delivery either directly or indirectly of between 80 and 90 services, some on behalf of the state or federal government. Their role in the community is therefore wide ranging. Local government licences include — I will list just a few to highlight the importance of that level of government to the community — the following: garbage collection services, recycling, land information, planning, child-care services, health and food regulation, building permit applications, planning permit applications —

Ms Overington interjected.

Mr DELAHUNTY — All those and more come under the responsibility of the CEO. That is what they have to do with the bill. Councils also handle second-hand dealers' licences, caravan park registration, droving permits, building inspections, street stalls, dog registrations, rates and car parking.

Ms Overington interjected.

Mr DELAHUNTY — Even in Ballarat there are concerns about car parking. They also look after changes in the details of property ownership.

It is essential, as I said, that local councils have the capacity to employ senior staff with the appropriate skills, and it is also critical that council staff have a clear understanding of their responsibilities. They must develop a corporate plan in consultation with councillors and communities using surveys, public forums and the like to reflect a collective vision for the future.

Implementation of council policy direction is the responsibility of the CEO, and part of that involves development of a business plan that includes a rating policy and many other matters. The elected councillors, taken together, are the employer, and the CEO is the principal employee. The CEO must work for the council and the community.

It is important that the CEO understands the value of performance contracts, which are adjudicated by the council every 12 months, giving it the opportunity to judge the performance of the CEO. That never happened before. Previously many council employees, particularly in rural areas but also in metropolitan Melbourne, felt they had a job for life. Changes to the act, however, have allowed the CEO to be judged on his or her performance and paid accordingly.

I do not oppose the bill. In my area there are five local councils, some of them very small. West Wimmera is one of the smallest councils in the state in population terms, yet it has to pay a minimum of \$10 000 to advertise for a CEO — and for West Wimmera that represents about 0.5 per cent of rate income. The process is also time consuming, and small councils do not have many staff members to deal with it.

Clause 3 relates to the reappointment of chief executive officers of councils without the need, in certain circumstances, for the council to advertise the position. It is for the council to decide whether it wants to readvertise the position after the completion of a maximum five-year contract. If the council does not

wish to do so it must within 14 days give public notice of any resolution to reappoint the incumbent CEO without advertising the position. That requirement allows the community to have input into the reappointment of CEOs.

The evaluation of the CEO's performance is important for the progression of the council, because CEOs have an important role to play in council operations. They are the most senior officers of councils and many staff work under them. As I have said, they are responsible for providing many services across the wider community. It is important for the council to feel comfortable with its CEO, and an important aspect of that is an evaluation of the performance of the CEO every 12 months.

The bill also deals with other matters and makes some minor amendments. Clause 6 changes the method of setting maximum interest rates on unpaid moneys and provides that the interest rate specified by the council must not be more than the fixed rate in section 2 of the Penalty Interest Rates Act. The councils I have discussed the matter with think that is a major change.

In the past couple of years councils have worked hard with their CEOs and senior staff to bring in new planning schemes. They have been conducting familiarisation tours — as we say in the country, they have been beating the bounds. Council operations cover large areas, and there are many things for councillors to see. Importantly, in the next couple of weeks and months they will be developing new budgets for the coming year. It is important to the wellbeing of councils that relationships with the CEOs be harmonious.

Local government is one of the biggest businesses in the state: it is a \$3 billion business. Local councils now provide more services and deliver greater efficiencies than ever before, and they pay greater attention to service delivery. In my electorate councils are working together — some councils work across their borders. Most CEOs in my electorate are involved in the Wimmera Development Association and home and community care services and they work together on libraries. Greater efficiencies can be gained by working together.

The bill provides for greater efficiency, and as I said I do not oppose it. I am a supporter of local government and have been a councillor, a mayor and a commissioner. Local government is the level of government that is closest to the people.

Mr Nardella — You were a commissioner?

Mr DELAHUNTY — I am proud to say I was a commissioner. I am sure the government will not want to go back to having 210 councils across Victoria, and I am pleased to say that I do not oppose the bill.

Mr LIM (Clayton) — I am pleased to support the Local Government (Governance) Bill. Because of the time constraints I will confine my contribution to dealing with the major part of the bill, which deals with the appointment of the chief executive officers (CEOs) of municipal councils. I will not address the minor housekeeping provisions of the bill, which relate to section 43 of the Libraries Act and section 227A of the Local Government Act, which deals with interest rates charged on amounts other than unpaid rates and charges.

The bill is in stark contrast to the former government's gung-ho style of operation vis-a-vis local government. The bill reflects Labor's commitment to return real power and democracy to municipal governments. I will quote a section of Labor's policy document, 'Putting people first', released before the last election. It states:

Labor strongly believes that local government should be given proper encouragement and support to develop the confidence to get on with the job of addressing local needs and concerns while being fully accountable to its local community.

Under the heading 'The role of councils' the policy states:

Central to local autonomy is putting the elected council in the driver's seat. Under Labor, democratically elected councillors will:

oversee, manage and direct the business and affairs of the municipality; and

resume responsibility for the performance and accountability of chief executive officers.

The bill is part and parcel of a whole range of measures to empower councils to best serve their local communities, including replacing compulsory competitive tendering with best-value principles as the basis of service delivery.

Another new measure delivers on the commitment of the Bracks government to refrain from interfering in planning issues and intimidating local councils. The bill puts an end to the former government's obsession with setting prescriptive conditions for the appointment and termination of employment of CEOs and senior municipal officers. There is no doubt that under the previous regime CEOs were encouraged to behave as if they were accountable to the state government and not to their local councils, who are their employers. They

tended to forget that the councillors are elected democratically by ratepayers and residents.

I do not need to refer to the many unsavoury relationships between CEOs and elected councillors. Given that my electorate covers four municipalities, I have been able to observe the saga at close range. Many councillors believe their CEOs are not responsible and accountable to them.

That is typical of a situation in which an employee who deals with the day-to-day running of a council and knows everything inside out has at the same time to deal with elected councillors who attend only on a weekly basis to deal with council business. That results in a tug of war over who is running the show.

The bill takes away the requirement to advertise a chief executive officer's position before a CEO is reappointed. Following the passage of the bill local government bodies will have the choice of reappointing or advertising. That makes good management sense, particularly for small regional shires that are satisfied with the performance of their CEO incumbents and do not want to advertise because it would waste time and resources and because going through the tedious process of recruitment could be expensive. During the dinner break I had the opportunity to talk to one of the councillors of the City of Whitehorse. The appointment of that city's CEO cost the council more than \$30 000 because it had to engage KPMG, a private organisation that supposedly specialises in the field.

The bill also removes the requirement to notify the minister of a resolution in relation to the remuneration for employment of or the termination of a CEO. That is particularly important because in the past the clause has provided the state government with an excuse to behave in a gung-ho style and intimidate councils into submission on a range of issues. In keeping with the transparency provisions in the reappointment process the bill requires a council that wishes to reappoint its CEO to give public notice of its intention to move a motion to that effect.

Having had dealings with four different councils I have had an opportunity to compare CEOs. It would be remiss of me not to mention that I have enormous respect for the chief executive officer of the City of Greater Dandenong. His behaviour is an outstanding example of the relationship that can exist between councillors and CEOs. He has also been able to establish a rapport with local members of Parliament from both sides of the house. His reappointment is a cause for local celebration, and has received much fanfare in the local paper. Other CEOs have also done

their jobs well, but when I compare what they have done with the job done by the CEO of the City of Greater Dandenong I must give him full marks.

Ms OVERINGTON (Ballarat West) — I support the Local Government (Governance) Bill. This important bill for local government gives back to councils the right to appoint and full responsibility of appointing their CEOs — their most senior positions — without interference. That right was removed by the Kennett government.

During the past seven years Victoria has seen the loss of democracy and consultation — and it was never more evident than in local government. Many changes that have occurred in local government have since proven to have been disastrous not only to local government but also to communities, particularly those in regional and rural Victoria.

Sometimes it is handy to have a long memory. During the 1980s I remember Mr Kennett touring regional and rural Victoria saying that a Liberal government would never ever support or introduce restructuring or amalgamation in local government. I remember the public meetings — do I remember the public meetings! — that drew enormous numbers of people who were opposed to amalgamation. However, on the election of the Kennett government the community was told there had to be moves to better balance the books. Everything was looked at in pure economic terms. The former government's attitude was to say, 'Bugger the community; they do not matter out there'.

An honourable member interjected.

Ms OVERINGTON — Madam Deputy Speaker, I apologise for my slip of the tongue. I make that apology before it is brought to my attention.

An Honourable Member — I thought you said 'beggar'?

Ms OVERINGTON — It depends on how it was interpreted by honourable members. On the Kennett government's election there was suddenly a new approach to restructuring, yet the system had not even been suggested during the 1980s when restructuring was put on the agenda. Interestingly restructuring was taken off the agenda in the 1980s because enormous consultation occurred right throughout the state, after which it was deemed it was not acceptable to the community. Restructuring was withdrawn as a result of consultation under the former Labor government. That did not occur at any time throughout the seven years of the previous government.

What happened when the previous government was elected? Local government was notified — if my memory serves me right it was on I think 4 May — that amalgamation would occur and that councils no longer existed. The former government had not even adopted a suggestion made previously that boundaries be drawn up. It believed the then existing local government bodies were not to be trusted with their own affairs and commissioners were appointed to see through the period until the former government thought local government could again be trusted.

What has been forgotten all the way through the process is that local government is the closest level of government to the community. It is the level of government that administers matters on behalf of the people on the ground. I am talking here about grassroots politics, not about elitist politicians.

The commissioners came in to rule for two years. In order to get the figures down to what they believed was a presentable baseline to present to democratically elected councils they sold everything. That happened in Ballarat and in many other areas. All the reserves that had been accumulated over many years — landfill reserves, downstream drainage reserves and recreational reserves — were, together with any other asset that dared to move, sold, and the money was put into general revenue. When democratically elected councils were restored they found they were in the red. They also found they had lost the majority of the best workers in the field. Many valuable, skilled professionals were lost to local government through the amalgamation process and can never be replaced. It left a great hole in the management structure of local government.

Compulsory competitive tendering was then imposed. It caused massive job losses. We also saw, in particular in rural communities, the destruction of communities because the shire councils were pivotal to the community. The jobs and the sense of community were gone, as was the sense of ownership.

After amalgamation all the councils were left with a cumulative debt resulting from unfunded superannuation. Ballarat had a \$6.5 million unfunded superannuation liability —

Mr Honeywood — On a point of order, Madam Deputy Speaker, the house has been entertained for some 6 minutes with a subjective history lesson which has nothing to do with the narrow constraints of the bill. On the government's admission the bill is a specific bill relating to the reappointment of chief executive officers. It has nothing to do with the

commissioners and the way things were. It also relates to regional library land, and that is about it. After listening for 6 minutes to a subjective diatribe from the honourable member, I have great difficulty understanding how her remarks relate to the bill.

Mr Wynne — On the point of order, Madam Deputy Speaker, the honourable member for Ballarat West is setting the context, because the bill deals with a further amendment to and reform in the local government area. It is important to understand the historical perspective of the issue.

The DEPUTY SPEAKER — Order! I uphold the point of order. The honourable member is straying a little far from the content of the bill. The honourable member has had plenty of time to set the context, and I ask her to return to the bill.

Ms OVERINGTON — I was setting the bill in its historical context because, as I said earlier, the changes made during that time have since proved disastrous for the relevant communities. That has been the unfortunate legacy of the previous Kennett government.

The Bracks Labor government has moved to restore to local government the rights that were taken away. One of the most basic rights was the right to employ their own CEOs. I wish the bill safe passage.

Mr VOGELS (Warrnambool) — The bill makes changes to the Local Government Act relating to the reappointment of chief executive officers (CEOs) of councils, remedying the incorrect application of certain sections to regional libraries, and changing the method of setting the maximum interest rate that can be applied on unpaid money other than rates or charges. It makes a minor amendment to the Libraries Act to clarify the regulation of the transfer of former library land.

After listening to the honourable member for Ballarat West I am glad that I was the mayor of the Shire of Corangamite because it is a great shire and we did some great things. I was proud of many of our achievements.

On the appointment of CEOs, the previous act was flawed as it required councils to advertise at the end of every five years. I have no problem with the change to that part of the process of the appointment of CEOs. However, it would be better to allow CEOs to have two terms before requiring positions to be advertised. Opposition members do not want to go back to the old days when a CEO — or shire secretary — stayed on for 35 to 40 years, to the detriment of many councils.

I understand why longer terms are necessary, because it is difficult to get CEOs into rural areas. However, when

we were looking to appoint a CEO of the Shire of Corangamite we had 60 applicants. We wanted to put on a young CEO who wanted to live in the area. The first thing applicants look for is long-term employment because they have to uproot a family and move to rural Victoria. It is important that they get good contracts.

I have no problem with CEOs being appointed for two terms, but I would not have gone further than that. The position could be advertised after two terms and the CEO reappointed. Many young people out there want to be CEOs, and when a position becomes vacant they would have the opportunity to apply. People want to move on; they do not want to be stuck.

In many areas the CEO becomes an influential part of the community. It is difficult to say to a CEO, 'I think we will advertise your job', because you are basically saying, 'You're on the way out, mate'. It is especially difficult in a small rural community because the CEO has lived in the area, become part of the community and has a lot of influence. It is a difficult situation for the councillors.

The never-ending term is not a good idea. I have no problem with the bill, but I reiterate that appointments of CEOs for two terms would be a better option.

Mr HELPER (Ripon) — The Local Government (Governance) Bill makes some changes to the Local Government Act relating to the process of reappointment of local government chief executive officers (CEOs) and some minor amendments to provisions relating to regional libraries. It also makes some changes to the Libraries Act relating to the transfer of former library land. The bill also makes some minor changes to the method of setting maximum interest on unpaid moneys. I welcome the opportunity to support the legislation.

Like many speakers before me my comments relate directly to the provisions of the bill dealing with the reappointment of CEOs, contained in clause 3. They provide for councils to reappoint their CEOs prior to or at the expiry of their contracts without advertising the positions. However, the bill requires that public notification be given of the intention to reappoint. That is an important point because it ensures that the process is transparent and that local communities are kept informed of the intent of their municipalities. Removing the requirement to advertise and allowing councils to decide whether to advertise goes to the heart of the difference between the former government and the Bracks government on local government.

The cost imposed on small rural communities in particular in going through an advertising process that in many cases everybody knows from the outset is unlikely to result in a great field of applicants is another consideration. The government recognises local government as a legitimate tier of government.

Mr Leigh — On a point of order, Madam Deputy Speaker. The standard of the house is that members do not read speeches. I have been carefully watching the honourable member and he is either referring to incredibly copious notes or he is reading them.

Mr HELPER — They are copious notes.

Mr Leigh — Perhaps he could make the notes available to the house so we can determine whether they are copious notes. I seek an assurance from the honourable member that he is not reading his speech.

The DEPUTY SPEAKER — Order! Is the honourable member for Ripon reading his speech or referring to copious notes?

Mr HELPER — I am referring to copious notes, and on the point of the honourable member for Mordialloc wishing to refer to them, they will appear in *Hansard*.

The honourable member for Clayton referred to the policy the Labor Party took to the last election. Without wanting to be repetitious I shall read it again because it is important to put it on the public record. I am happy to table the policy document, which states:

Central to local autonomy is putting the elected council in the driver's seat. Under Labor, democratically elected councillors will: oversee, manage and direct the business and affairs of the municipality; and resume responsibility for the performance and accountability of the chief executive officer.

By way of contrast, the former Kennett government saw local government as an appendage to its Spring Street dictatorship. The former government sacked democratically elected councillors and went through the dubious process of appointing commissioners. To be fair, I must say I enjoyed working on community issues with many committed commissioners.

Under the former regime the positions of some council officers, particularly chief executive officers (CEOs), were politicised. Local government was restructured in a way that was dismissive of community attitudes, and the introduction of compulsory competitive tendering resulted in job losses and the long-term financial exposure of councils. I predict that the financial difficulties councils find themselves in as a result of compulsory competitive tendering will last for a

considerable time. In summary, most locally elected councils were stripped of their authority by an autocratic Premier and his sycophantic cronies.

Recent events in the Rural City of Ararat prove the importance of having locally controlled frameworks to deal with the reappointment of CEOs. It is fair to say that serious divisions arose in the local community when the council decided not to renew the contract of its former chief executive officer, Mr Robert Johns. I do not want to reopen old wounds, but the decision goes to some of what the bill is about.

The pages of the *Ararat Advertiser* were full of the accusations that flew backwards and forwards between supporters of the former CEO and supporters of the then mayor, Cr Geoff King. The extent of the division was in no way constructive for the community as a whole. To demonstrate to honourable members that the controversy did not cloud the objectivity of the community, I will read part of one of the many letters to the editor that appeared in the *Ararat Advertiser*. The letter, which appeared on 18 March, states:

I note most of the letters condemning councillors for their actions come from ex-councillors, ex-commissioners and ex-politicians.

The ex-councillors were replaced by the ex-commissioners who were put there by the ex-politicians.

All presided over the demise of Ararat, including the ex-CEO.

Mr Leigh — On a point of order, Mr Acting Speaker, because the honourable member for Ripon is quoting from correspondence perhaps he will make it available to the house.

Mr HELPER — I would be more than happy to table the newspaper cutting from which I quote. The letter continues:

This is basically what occurred throughout rural and regional Victoria on the orders of the ex-dictator, Jeff Kennett.

I do not recall one letter of protest from any of these ex's when 40-plus personnel lost their jobs because of the forced merger of shire and council.

I am sure the honourable member for Mordialloc will read the quote extensively. Please do not victimise the author of the letter —

Mr Leigh — On a point of order, Mr Acting Speaker, the honourable member for Ripon says I would victimise whoever wrote the letter. Being the sincere person that I am, I ask him to withdraw his comment. I do not victimise anyone — other than the occasional Labor Party member of Parliament.

Mr HELPER — If the honourable member for Mordialloc feels he must defend his reputation to the extent of having me withdraw that comment, I am happy to do so. I will rephrase the comment: I trust he will not victimise the author of the letter.

The bill stands local government in good stead, particularly in country and regional areas, and I support it wholeheartedly.

Mr HONEYWOOD (Warrandyte) — Having listened intently to the debate on the Local Government (Governance) Bill I am reminded of the movie *As Good As It Gets*. Is the proposed legislation the light on the hill that the new Labor government would purport to have the house believe? Is this as good as it gets when it comes to major significant local government reform? There is regional library land reform and the ability to advertise 14 days in advance on the reappointment of chief executive officers (CEOs). What a wonderful comprehensive major reform plank for local government in Victoria!

The shadow Minister for Local Government made a significant contribution. She knows what she is speaking about because she was the architect of major reform.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Warrandyte will address the Chair.

Mr HONEYWOOD — She was not bothered with regional library land as a significant and major local reform. She regarded it as important, but not as light-on-the-hill stuff that those on the government benches would have us believe it is. She got on with the job of ensuring that the horse-and-buggy days, where council boundaries — —

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Warrandyte will address the Chair and not the honourable members of the government, who are opposite him.

Mr HONEYWOOD — I have not referred to one government member yet, Sir, but I will look at you and observe you, as you desire.

The ACTING SPEAKER (Mr Jasper) — Order! Thank you.

Mr HONEYWOOD — The shadow minister got on with the job of significant and major local government reform. The honourable member for Ballarat West, who got to the substance of the bill in the last 15 seconds of her 7-minute contribution — a record

time for her — gave honourable members a diatribe and a potted history of her version of events in the City of Ballarat. She accused the commissioners of selling off the family silver, and so on, but in her abusive remarks about former commissioners she failed to mention Melton.

The honourable member for Ballarat West failed to mention that the Shire of Melton still has a council. The current government, which so detests appointed commissioners, could have got rid of the Shire of Melton and its commissioners, but it has not done so because it is scared stiff! Government members preach the rhetoric of dictatorship, but when it comes to changing anything in Melton it is a matter of not on your nelly! The local member is afraid of the result because Melton had a corrupt, cronyist Labor council. The ratepayers gave up on it time and again. It was a council similar to the council in the western suburbs where the mayoral arrangement was organised three years in advance between electorate officers of certain factions of the Labor Party. That is democracy for you!

Who sacked the Richmond council? Who sacked the Melbourne council? John Cain did. Like you, Mr Acting Speaker, I have excellent councils in my electorate. I do not have corrupt, cronyist Labor councillors. I have purely independent councils that are served eminently well by people such as Bob Seiffert, the outstanding CEO at Manningham City Council, who has provided statewide and national leadership on the implementation of new technology in local government. He has been supported by both the previous and current governments in his leading-edge work in the application of new technology for local governments. I commend the outstanding CEO in my electorate at the Manningham council.

Equally, I commend Mike Marasco, who has to put up with an incredible situation at Maroondah City Council, because one of the two Labor councillors there has a habit of leaking minutes of confidential meetings of his fellow elected councillors. The councillor has now gone public and admits that he is a leaker — as only a Labor councillor could — and has been totally ostracised. Not surprisingly, Councillor Nick Kirmos has lost Labor preselection for the federal seat of Deakin because nobody can trust him, not even his colleagues in the Labor Party.

Mr Helper — On a point of order, Mr Acting Speaker, on the question of relevance, I find it difficult to make a connection between the utterings of the honourable member for Warrandyte and the bill before us.

Mr Leigh — On the point of order, Mr Acting Speaker, the honourable member for Warrandyte has been as relevant as the honourable member for Ripon was — perhaps more so. The debate is wide ranging and given the differences of opinion in the chamber what the honourable member for Warrandyte has said has been well within the bounds of the bill. The honourable member for Ripon has not been here long enough to know and has decided to stir things up in the hope that he can upset an experienced shadow minister. I seek your support, Sir, to rule his point of order as being out of order.

Mr Perton interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Doncaster will refrain from interjecting out of his seat and will refrain from interjecting while the Chair is hearing the point of order.

Mr Maxfield — Further on the point of order, Mr Acting Speaker, the honourable member for Warrandyte has been talking about Labor Party preselections. I do not recall hearing government members talking about Liberal Party preselections, although we could have done so if he had wanted us to. The honourable member has lost the plot. That part of his contribution is irrelevant and has nothing to do with the bill.

Mr HONEYWOOD — On the point of order, Mr Acting Speaker, I have mentioned the term ‘CEO’ in this debate, which is what the bill is all about. Honourable members did not hear the term ‘CEO’ mentioned by two government members who made a contribution and who gave the house a diatribe about commissioners. It has been a wide-ranging debate to date. The Chair has been very tolerant of government members, Mr Acting Speaker, both before you came in and since. I am talking about the relevance of CEOs, which is the only issue involved in the attempted so-called major reform by the current government.

The ACTING SPEAKER (Mr Jasper) — Order! I do not uphold the point of order raised by the honourable member for Ripon. I remind government members that the honourable member for Warrandyte is entitled to put forward a point of view. Whether government members agree with it or not is up to them. They may speak at the appropriate time. I have had difficulty hearing the honourable member for Warrandyte because of the interjections. However, I remind the honourable member that he should not provoke the government benches. The honourable

member for Warrandyte will continue, through the Chair.

Mr HONEYWOOD — The inept government has taken more than six months to introduce so-called major reform of local government legislation amounting to a couple of paragraphs about regional library land and advertising vacancies for positions of chief executive officers.

The issue of the chief executive officer comes down to a question of balance. On the one hand is the issue of executive powers becoming paramount, with more power and strength being put into the hands of one person. CEOs of major corporations in the private sector are able to command incredible salaries, far above the levels anticipated by the community 5 or 10 years ago. Local government is no stranger to that trend. CEOs are given more power, expectations are increased and responsibility in the discharge of duties is of major importance. On the other hand, the important democratic institution of electing councillors who also have rights and responsibilities should be respected and upheld.

Although opposition members are not overly supportive of the bill we do not oppose it because we are waiting to see how the government develops the so-called reforms. The opposition does not oppose the measure because in the trend I referred to earlier a balance should be established between the increased powers of and the expectations on CEOs and the rights and privileges of the elected council to have a say in the appointment of the individual.

Six months before the expiration of a CEO’s contract is adequate time to open the renewal process. Less than that can cause concern. In the university sector vice-chancellors were reappointed two years out from the expiration of existing contracts. The opposition would not regard that as healthy monitoring of employment contracts. However, 6 months is acceptable.

It is incumbent on the elected council to give adequate notice to the ratepayers of the intention to reappoint a CEO. A 14-day period is enough notice for a community concerned about a reappointment to respond on the matter.

Information on the proposed remuneration is to be made available within the 14-day period — I suppose that is the total salary package, not a potted version — so that ratepayers can assess its suitability for the size of the municipality and the responsibilities of the CEO.

Unlike the cronyism and corruption among Labor councillors — —

Mr Perton — In Narracan.

Mr HONEYWOOD — In Narracan and Ballarat. I am pleased — —

Mr Perton — And Springvale.

Mr HONEYWOOD — And Springvale and Richmond. I am pleased that my two municipalities — Manningham and Maroondah — have outstanding long-serving CEOs who have the confidence of their councillors, with the exception of the two Labor councillors in Maroondah — including the failed Deakin federal electorate candidate — —

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Doncaster will cease interjecting and talking to other members across the table. Comments should be made from the allocated position in the house and will be taken on board.

Mr HONEYWOOD — The two CEOs in the electorate of Warrandyte have the full confidence of the councils and unlike the cronies appointed by Labor councils can hold their heads high.

Mr MAXFIELD (Narracan) — I begin my comments on the Local Government (Governance) Bill relating to chief executive officers (CEOs) by noting some of the comments made previously.

The honourable member for Mordialloc said that honourable members should have been able to speak for 20 minutes. It is important to quickly come to the point and move on. The honourable member for Mordialloc wants to go on and on, but after 20 minutes he has said nothing. It is important to state a position clearly and simply.

Honourable members interjecting.

Mr MAXFIELD — I will demonstrate that here tonight. Local government should be able to make its own decisions without the heavy hand of government on its shoulder.

Government Members — Hear, hear!

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member should address the Chair.

Mr MAXFIELD — The heavy hand of government has caused concern in the state. Ministers and bureaucrats in the former Kennett government leaned on councils. The time has passed when the minister can

lean on councillors and say they will be sacked for going down a certain track — that cannot be tolerated in a democratic society.

The bill removes the requirement of councils to advertise the position before reappointing the CEO. In some cases CEOs have done an excellent job but have been forced into the ridiculous situation of having the position advertised.

People have put a great deal of effort into applications thinking there was a chance of getting the job and discovering that the decision has already been made. Councils were forced by a ridiculous government order to advertise in a way that wasted the time of council officers and councils and cost a significant amount of money.

The government is introducing a shared process. The former Kennett government understood a shared process and operated on a shared process from start to finish!

Mr Honeywood — On a point of order, Mr Acting Speaker, the honourable member had the audacity to raise a point of order with me when I was talking about the role of CEOs. All the house has heard in the past 3 minutes from the honourable member for Narracan is a diatribe about the heavy hand of government, which has nothing to do with the bill. Perhaps he is anticipating some further reform in three years time. The opposition awaits any actual reform to local government from this failed, inept government. The bill is a restricted bill dealing with the reappointment of CEOs and regional library land. I fail to see that the honourable member for Narracan has made any point about the bill before the house.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Warrandyte has raised a point of order, which I do not accept at this time. However, I indicate to the honourable member for Narracan that he should address his comments to the Chair and not provoke the opposition. I ask him to come back to the bill.

Mr MAXFIELD — If a council is satisfied with its CEO, why should it be forced into this sham process? I represent a rural area and small rural councils find the cost of seeking candidates prohibitive. In a large metropolitan council the cost may not be significant, but in a small outlying council not only is the cost significant but applications for the job are often limited because of the distances involved, which interferes with the effectiveness of advertising.

An Honourable Member — Get to the point.

Mr MAXFIELD — In conclusion, the bill has my wholehearted support. It is a bill that the opposition should support. It should see the light!

Mr MULDER (Polwarth) — Unlike my parliamentary colleagues the honourable members for Warrnambool and Wimmera, I did not take up the option to serve as a councillor. I often feel that I missed something entering Parliament without that experience behind me. I congratulate honourable members who took on the role of councillor before entering Parliament.

When you become a member of state Parliament you realise you may become heavily involved in policy. However, when it comes to the delivery of services in your electorate you rely heavily on local government. My electorate is 10 000 square kilometres in size and includes the Shire of Colac–Otway, the Shire of Corangamite, the Shire of Golden Plains and the Surf Coast Shire. Unlike those of some of my metropolitan colleagues, my electorate comprises four shires, all of which have newly appointed mayors. They are Peter Mercer, Glenys Code, Gerald Dupe and Michael Barrow respectively. I congratulate them on their election and look forward to working with them during my term as the local member of Parliament.

The CEOs in those shires play a major role. They have discussed with me their views about how long it is appropriate for a CEO to stay at a local council, for how long they think they can be effective and at what point they think they should move on. Many CEOs bring with them a wealth of experience and it is appropriate that there be measures in place to ensure not only that they are given some form of longevity of employment, but also that councils have an opportunity to decide whether CEOs are continuing to be effective, and if that is not the case, to replace them.

Clause 3 amends provisions relating to the reappointment of CEOs. It enables a council to resolve to appoint its incumbent CEO on or before the expiry of his or her contract without advertising the position. However, it prevents the council from resolving to reappoint an incumbent CEO more than six months before that CEO's contract is due to expire. That is a matter of commonsense and will no doubt result in significant savings. It avoids placing a CEO who is performing at his or her best under any form of pressure. It does away with the process of advertising and reapplication and prevents people applying unnecessarily for positions they are not going to get.

The six-month clause gives a council time to assess the performance of a particular CEO before the

reappointment, and the 14-day clause gives the ratepayers time to raise any issues with council prior to that reappointment. Councillors work very hard. I often refer to them as the ultimate martyrs in terms of the work they perform and the time they put in for the small amount of remuneration they receive. The clause gives them the opportunity to hear from ratepayers any concerns about the performance of a CEO. There is no doubt that from time to time a local council will employ a CEO who does not click with the electorate. If that is the case there is an opportunity to resolve the matter with the CEO on behalf of the ratepayers.

I am fortunate that the four councils in my electorate are not affected by factions, as sometimes happens in their metropolitan counterparts that are heavily orientated towards the Labor Party. A number of years ago there was a fairly tough period in local government when a now federal Labor member, Gavan O'Connor, was a local councillor of the former Colac City Council and wanted to debate everything bar local government issues.

I often felt that was a tough period in a grey era for the council. The matters on which the council should have concentrated — that is, roads, kindergartens, libraries, rubbish collection and so forth — were overlooked because the council became entangled in political issues that did not affect the council and ratepayers.

Local communities expect their CEOs to bring a range of entrepreneurial skills to their councils. Many local government projects that have been undertaken in the municipalities in my electorate — for example, the building of the performing arts centre in Colac — have been driven by councils but overseen by their CEO. They make a considerable contribution to their regions. As I said, each CEO brings with him or her a range of skills and new ideas; consequently, the communities gain the benefit.

I support the bill, although I have reservations about having to publicise the remuneration of an incoming CEO. Why is that appropriate, particularly when local councils do not advertise, for example, the incomes of dog catchers, health officers or other employees? That provision will raise unfounded concerns among ratepayers who do not understand the workload of a CEO. Why should his or her salary be disclosed to the community when others do not need to suffer the same indignity? Nevertheless, I wish the bill a speedy passage.

Mr CAMERON (Minister for Local Government) — I thank the honourable members for Pahrnan, Coburg, Wimmera, Ballarat West,

Warmambool, Ripon, Warrandyte, Narracan and Polwarth for their contributions to the debate, which has been wide ranging notwithstanding the relatively narrow ambit of the measure. I suspect that has something to do with the number of former councillors who are now members of the house.

Members of the opposition talk about the way the former coalition government sold the family silver and restructured local government — and government members spoke about similar matters. As should be the case with every government, the Bracks government's intention is to improve local government. It aims to ensure local government is responsible for the appointment of its chief executive officers (CEOs), therefore breaking the link between local government CEOs and the government.

Just as a council can employ all sorts of other people without regard to the government, so it should be able to appoint a CEO. To that end the government believes a partnership between local government and the state government is better than a state government dictatorship. The government has approached local government to discuss the best way to do things.

The government wants to ensure that CEOs do not need to have their positions readvertised when their councils intend to reappoint them. The present arrangements have meant that some councils who have wanted to reappoint their CEOs have had to go through expensive advertising campaigns. That only causes stress for the CEOs, which has not benefited their organisations in any way.

The government is giving councils the choice. If they want to appoint their CEOs, as they wished to do from day one, they should be able to do that. If a council wants to advertise to test the market or give its CEOs a shake, it can do that, too. The bill also makes housekeeping changes to the Libraries Act relating to regional libraries — and I note the bipartisan support for libraries.

Having made those brief remarks, I thank honourable members for their contributions and thank the opposition for its support.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

JOINT SITTING OF PARLIAMENT

Centenary of Federation

The SPEAKER — Order! I have to report to the house that the house this day met with the Legislative Council to consider an invitation to the commonwealth Parliament to meet in the Victorian Parliament and that the following motion was agreed to:

That this joint sitting of the Legislative Council and Legislative Assembly of the Parliament of Victoria invites the President and members of the Senate and the Speaker and members of the House of Representatives to convene at the Royal Exhibition Buildings, Carlton, on 9 May 2001 for the joint commemorative ceremonial Federation sitting and commemoration ceremony, and at Parliament House, Melbourne, on 10 May 2001 for the commemorative Federation sitting of each house of the commonwealth Parliament and conveys its best wishes for the success of the said meetings that will mark the centenary of the first sittings of the Parliament of the commonwealth of Australia.

BUSINESS OF THE HOUSE

Hansard record

The SPEAKER — Order! Before question time today the honourable member for Brighton raised a point of order asking the Chair to investigate the circumstances surrounding an alleged change of the *Hansard* record by the Premier.

I am in a position to report to the house that the alteration of *Hansard* by members is governed by the rulings of Speaker Delzoppo on 7 October 1993 and Speaker Plowman on 15 October 1996. Speaker Delzoppo's ruling is summarised at page 87 of *Rulings from the Chair — 1920–1999*:

Following a point of order being raised alleging that a minister may have altered or tampered with *Hansard*, the Speaker advised the house that members have no rights as such to alter their speeches. What they do have is the right to suggest changes and it is up to the Chief Reporter of *Hansard* or the [Chief] Reporter's deputies to decide whether those suggestions accord with the guidelines and should be adopted.

The position facing all members is as follows:

- (a) members are entitled to receive a proof copy of their speeches;
- (b) members are entitled to suggest alterations;
- (c) it is the Speaker, through the Chief Reporter, who is responsible for the accuracy of the record; and
- (d) any revisions are subject to tests designed by Parliament to preserve that accuracy.

With those rulings in mind, I asked the Editor of Debates to provide me with a report on the circumstances that led to the alleged change. The report provided to me by Carolyn Williams, Editor of Debates, reads as follows:

Prior to question time on Wednesday, 10 May, the honourable member for Brighton raised a point of order regarding the *Hansard* record.

In answer to a question asked by the honourable member for Brighton on Tuesday, 9 May, in respect of the funding for the Independents, the Premier referred to the figure of \$250 000 as being the amount in question. The Premier indicated that the figure was included in the answer to a question on notice asked by a member of the other place which he had just signed off.

As is the case with all members, the Premier was given the opportunity of reading the proof of his speech to correct any errors.

The Premier's answer to the relevant question on notice shows the figure for funding for the Independents as being \$350 000.

The Premier's suggested correction of the figure from \$250 000 to \$350 000 was accepted for inclusion in the *Hansard* record based on the long-established practice of the Department of Parliamentary Debates to allow members to correct errors such as wrong dates, names or figures (see page 191, *Parliament of Victoria — Members Guide*).

The document is signed by the Editor of Debates.

In view of the advice tendered by the Editor, no further action is required.

FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL

Second reading

Debate resumed from 3 May; motion of Mr HULLS (Attorney-General).

The SPEAKER — Order! Before calling the honourable member for Berwick I need to advise the house that as the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975 I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Dr DEAN (Berwick) — I have no idea how I am going to cover the required comments on the Federal Courts (Consequential Amendments) Bill. It is a major piece of legislation that is hinged on an interpretation of the constitution that has caused upheaval right through the Federal Court. How I can do that in 5 or 6 minutes I have no idea — but we can always try!

We have spoken about the decision in *re Wakim* in this chamber before and considered previous legislation relevant to it. In brief, the High Court held in the *re Wakim* decision, as it had already held in a split decision in the case of Brown, that there was no power under chapter III of the federal constitution to give state judicial powers to the Federal Court and no power for states to confer state judicial powers on a Federal Court.

Probably the best description of how that came about can be found in the *re Wakim* case itself at page 289 of the judgment by McHugh, J. It is a complicated case but he puts it fairly simply and in a straightforward way. He says:

[56] Cooperative federalism does not assist those supporting the validity of the present legislation. That is because the legislatures of the states have no power, with or without the consent of the Parliament of the commonwealth, to invest state jurisdiction or judicial power in federal courts. There is not a word in chapter III which indicates expressly or by implication that it authorises the Parliament of the commonwealth to create federal courts to exercise state jurisdiction or state judicial power. Nor is there a word in chapter III which indicates that the states can invest such jurisdiction or power in the federal courts. That is hardly surprising. 'In a dual political system you do not expect to find either government legislating for the other' ... or its courts. Because that is so, section 77(iii) of the constitution expressly empowers the Parliament of the commonwealth to invest 'any court of a state with federal jurisdiction'. Given the presence of section 77(iii), the absence of any express power in the states to invest state jurisdiction in federal courts is itself enough to indicate that the states lack the power to do so.

In short, therefore, the constitution, which is the entire area of power for the commonwealth and which must be searched before the commonwealth has one skerrick of power, clearly indicates in chapter III that state powers cannot be exercised by federal courts.

That was a blow to the system because it was part of our growing awareness of Federation and our move towards cooperative federalism that state superior courts and federal superior courts should work together. As we matured as a nation it became clear to us that if legislation of a particular type — say, federal legislation — could not be heard in a state court and state legislation could not be heard in a federal court, we were being held back.

The average person in the street who suddenly found him or herself in trouble with the law and had to take some action in a court could not care less whether it was state or federal jurisdiction, and would not know anyway. But then, that person might have gone to a legal adviser to find out how to cope with the problem and been told that because it happened to be state

legislation it would not be possible to go to the Federal Court; or that, on the other hand, if it was both state and federal legislation, it would be necessary to go to both courts. The whole thing was very difficult for people to understand.

What is clear, and is actually set out in the *re Wakim* case, is that the federal constitution promotes cooperation between state and federal governments — in other words, the High Court judges who looked at this matter said it is a great shame that our founding fathers did not allow federal courts to exercise state jurisdiction, but we are locked into what our founding fathers said and thought.

There has been a lot of debate over time about how we should interpret the federal constitution. Should we do so as a live document that can be interpreted in accordance with the needs of the people of today, or should we interpret it in accordance with the beliefs and intentions of the founding fathers, who are now dead?

If I had time I would read to you some fabulous quotes from Jefferson and others on why we should be governed today by the thoughts and dictates of people long gone. Debate centred around that argument is fascinating.

It has been decided in Australia, the United States of America and Canada that if a constitution document is prepared by certain people at a certain time the words reflecting the intention of the document must be obeyed despite the fact that times have changed and that intention may be irrelevant to modern doctrine.

The High Court has said that it will do its best to ensure that mechanisms set up by applying a creative approach to old words and thoughts, which we must obey, are not struck down or held to be illegal. We are now in the position of needing to overcome the extraordinary problem that has arisen because federal courts cannot exercise state jurisdiction.

The bill retracts the power of the Federal Court given to it by the states through a range of cooperative agreements made under the Corporations Law scheme, the veterinary chemicals scheme and the gas pipelines access scheme. Cases that fall under those schemes can no longer be heard by the Federal Court. The states now fight among themselves to decide which matters should be dealt with in which state. It is an atrocious and sad turn of events.

The federal Attorney-General has suggested amending the commonwealth constitution, but I think he has backed away from that idea because doing that is not usually successful. The federal Attorney-General also

suggested asking the states to give the commonwealth the powers for the Federal Court to exercise. That suggestion is not running too well either, because generally states do not like giving up their powers. So, this bandaid legislation has been introduced.

Three cases now before the High Court attack the legislation as being unconstitutional. The federal arrangement of court powers is in a deep mess; it is in crisis. However, there is a way out of the problem that will ensure that the states and the commonwealth cooperate. I have 60 seconds to devise a solution to the problem that has been racking the brains of many people for a long time! I believe the time has come for us to have one superior court in Australia. The problem of having two levels of superior courts, the Federal and Supreme courts, could be solved instantly by having one superior court of Australia.

That court could exercise both state and federal jurisdictions. It would need to be state based, because the federal government can give its powers to the states but the states cannot give their powers to the federal government. It could be operated through a cooperative agreement made between the states and the commonwealth dealing with funding and the appointment of judges. Its procedures would be the same around Australia. That would be a giant step forward for superior litigation in this country.

It would take men and women of great wisdom and foresight to be able to achieve that solution. In the joint sitting of both houses of Parliament today we talked about our founding fathers. They did an amazing job in bringing about the federation of the states, and as many speakers said during the joint sitting their job has not been hailed enough. We now need a similar approach to solving this problem.

Mr WYNNE (Richmond) — Honourable members will recall that the Federal Courts (State Jurisdiction) Act was passed in this house during the last parliamentary sittings. At the time the bill was introduced it was foreshadowed that a further bill would need to be passed to consequentially amend a number of state acts that form part of the national cooperative schemes.

The Federal Courts (Consequential Amendments) Bill and the now enacted Federal Courts (State Jurisdiction) Bill form part of the legislative response necessitated by the High Court's decision last year in *re Wakim*. In that decision the High Court struck down the vesting of state jurisdiction in federal courts.

The *re Wakim* decision has affected a number of commonwealth–state cooperative schemes that apply certain commonwealth laws as state law and also purport to confer jurisdiction on the Federal Court. The schemes affected include the agriculture and veterinary chemicals scheme, the competition policy scheme, the Corporations Law scheme, the gas pipelines access scheme, the National Crime Authority scheme and the price exploitation scheme associated with the federal government's goods and services tax.

The Federal Courts (State Jurisdiction) Act enables state courts to deal with applications under the schemes that would otherwise be dealt with by a federal court. The act provides, firstly, that the rights and liabilities of persons under ineffective judgments of a federal court that purports to exercise state jurisdiction are taken to be rights and liabilities under judgments of the Victorian Supreme Court, and secondly, for the transfer of proceedings before a federal court dealing with state matters to the Victorian Supreme Court.

The bill, although technical, is important. It has three main aims. Firstly, it removes the now invalid provisions that purported to confer state jurisdiction on federal courts. Since the commencement of the Federal Courts (State Jurisdiction) Act relevant matters are now being heard in the Victorian Supreme Court. Secondly, it removes the now invalid provisions that purported to apply the commonwealth Administrative Decisions (Judicial Review) Act as a law of the state.

Thirdly, it brings the cross-vesting provisions, both generally and in relation to corporations, into line with the revision of the schemes proposed by the commonwealth and complements relevant provisions in the recently introduced commonwealth Jurisdiction of Courts Legislation Amendment Bill.

The bill also amends seven pieces of legislation, each piece being part of a national scheme. It is anticipated that in the near future all states will pass legislation along these lines, which will bring the commonwealth and the states back into a cooperative arrangement.

The *Wakim* decision has had some serious implications for commonwealth–state relations. It is in that context that I am pleased that the opposition has shown bipartisan support for the bill. It is important that it receive a speedy passage because it requires a reconfiguration of cooperative arrangements between the commonwealth and the states. I commend the bill to the house.

Mr THOMPSON (Sandringham) — Earlier commentators on the bill have already outlined its

immediate intent. Nevertheless, I would like to make a few general remarks.

The 1788 case of *Kable v. Sinclair* was referred to in a description by the late Sir Gordon Windeyer, who pointed out that the rule of law has applied in Australia since the first days of settlement. In that case a convict couple had a child from whom they were separated. Through the beneficence of a jail warden in England the mother and child were reunited and a gift was dispatched for the child upon its arrival in Australia. However, the contents of the gift were stolen — by the ship's captain, it was believed — and a trial took place in Australia, where the rights of early convicts were vindicated and the rule of law prevailed.

Since that day, through a range of successive developments in common law and the establishment of Parliaments in Australia, the rule of law has prevailed — from the early days of the constitutional operation of the High Court, through the Harvester judgment and the engineers case to the Tasmanian dam decision, and more recently the *Wakim* case, which is the subject matter of the bill.

Honourable members on the other side when in opposition indicated that the jurisdiction of the Supreme Court had been affected erroneously on more than 200 occasions during the period 1992 to 1999. I direct the attention of the house to the contradiction between their public utterances on section 85 and their actions today. The bill is one more example of an unprecedented level of action having taken place, to use the words of the Minister for Education, yet Labor has again introduced a bill that contains a section 85 provision. I challenge government members to rectify the position at the next Trades Hall picnic.

Mr STENSHOLT (Burwood) — I rise to support the bill, which has been fairly well explained by the honourable members for Berwick and Richmond. There was obviously a terrible mess as a consequence of the *Wakim* decision of the High Court, and the bill is the result of the efforts of the Attorney-General to get some order into the marketplace.

I was a bit surprised that the honourable member for Sandringham went on about section 85. The government is trying to achieve a practical and sensible outcome to a difficult situation on which there is universal agreement, and in this particular case the section 85 procedure is necessary.

The High Court's decision has caused a deal of confusion in respect of the Federal Court. Quite a bit of constructive expertise had been built up in the Federal

Court, particularly on the Corporations Law. The power has now been returned to the state superior courts and some feel that not enough has been done to give the Federal Court back its previous powers. There is agreement across Australia that the legislation is needed to achieve a sensible outcome in the current crisis. It is a practical outcome that will apply across the board in relation to a range of schemes that involve cross-vesting powers.

In conclusion, I support the bill. It achieves a practical outcome to the problem.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The time appointed under sessional orders for me to interrupt the business of the house has now arrived. The honourable member for Kew will have the call the next time the matter is before the Chair.

Lilydale–Warburton rail trail

Mrs FYFFE (Evelyn) — I refer the Minister for Conservation and Environment to a letter she received on 29 November from the Lilydale to Warburton rail trail committee of management. As outlined in the letter dated 28 November last year the committee is seeking an urgent resolution to the alignment of the final stage of the trail — the link from the Maroondah Highway to the Lilydale railway station.

The trail is a wonderful community asset. It goes through beautiful scenic farmlands, natural vegetation and native bush, and there are many interesting spots where visitors can stop to have pleasant cups of coffee, eat cake and even taste wine. Many hours of voluntary labour and donated materials were used in establishing the trail, a process that has taken more than 12 years. On many occasions it has been a difficult process, and I congratulate the committee for its tenacity over the years.

I fully realise the difficulties the minister faces in dealing with the request. Finding a resolution will probably require the bringing together of the Mount Lilydale College and the Lilydale to Warburton rail trail committee. I hope the minister can resolve the matter. It has now become urgent due to the local council's time requirements. The council is looking at allocating \$150 000 in its forthcoming budget to the completion of the trail. I am sure the minister understands the urgency of the matter.

The current starting point of the trail at the Maroondah Highway is unsafe and there are serious parking problems. I urge the minister to respond to the request in the letter that was sent to her on 28 November last year.

Hume: debt

Mr NARDELLA (Melton) — I seek action from the Minister for Local Government to investigate the claim by Cr Jack Ogilvy of the Hume City Council on the Victorian government for it to pay off the council's debt, which was incurred as a result of the actions of the disgraced Kennett government with regard to superannuation liabilities while Cr Ogilvy was mayor.

A recent edition of a Sunbury local newspaper reported that Cr Ogilvy expressed the view that the government's huge surplus should go to alleviating the Hume council's debt. Cr Ogilvy has been a councillor for more than three years. He was the mayor last year prior to the election, when his faction on the council — the Liberals — had a majority. Although he worked out deals on the mayoralty and took them out over three years he could not work through a financial plan or strategy for his constituents and other residents of Hume. It was a dereliction of his duty that he did not ensure that the majority of his peer councillors did not undertake the strategy.

Cr Ogilvy was at the helm of a massive blow-out in debt in his municipality. Non-current liability borrowings rose from \$20.395 million in 1997–98 to \$26.858 million in 1998–99, and current liability borrowings rose from \$2.733 million in 1997–98 to \$3.408 million in 1998–99. The Hume City Council black hole is directly attributable to Cr Ogilvy and his cohorts. The amount of activity carried out under compulsory competitive tendering (CCT) rose from 40 per cent in 1997 to 68.6 per cent in 1998. Obviously that has caused a massive debt because of the superannuation liabilities incurred as the result of sackings the council had to undertake to implement that percentage of CCT activity. Cr Ogilvy now wants the government to bail him out for his mistakes, mismanagement and lack of fiduciary responsibility.

The newly elected councillors of Hume are now dealing with the mess left by Cr Ogilvy and his mates while they were in control, and the actions of the former Kennett government in installing commissioners. The superannuation liability left by the commissioners did not help the local residents of Hume, who were my constituents when I was a member of the other place.

I ask the minister to investigate the call by Cr Ogilvy to relieve his constituents of the debt he put in place. Cr Ogilvy wants the government to pay for his mismanagement.

Rye Primary School

Mr DIXON (Dromana) — I raise a matter for the attention of the Minister for Education regarding the Rye Primary School site. I ask the minister to give to the Rye community the historic and original Rye Primary School building when the current site is sold. The school is moving and construction is about to commence on a new building. The block of land now housing the school will be sold.

The historic building is the oldest building on the site to be used for school purposes, and it has a clear link to the original families in the area and the original purpose of the land. The building contains a time capsule and plaque commemorating the history of the school. The site is central to the township and it is a physical link with the pioneering families of the Rye district.

Because of the foresight of our forebears the school building is right on a corner, so it could quite easily be excised from the block of land and the remainder of the block could be a useful commercial enterprise for someone who wishes to develop it. Last week many people in the Rye community attended a meeting to discuss the future of the building. Residents interested in the local history, representatives of the media, the Lions Club and the Rotary Club, local residents, local action groups and I attended. The meeting decided to form a local historical group. Obviously a good use for the building would be as a home for the new historical society, and it would be well used as a museum.

The building is close to town, easily accessible and provides good parking facilities. The historical group cannot manage without a home, and the site would provide an opportune home for a very enthusiastic group of people who have decided to set up the society. The building has few other uses, and even if the whole site were sold I am certain that under the heritage controls the building would have to be retained because of its historical value. It is a good opportunity for the minister to visit the site to see the historical building and the great position it is in to add an extra dimension to the attractions in the wonderful seaside township of Rye.

Water: Sunbury supply

Ms BEATTIE (Tullamarine) — I ask the Minister for Environment and Conservation to investigate a

newspaper article that appeared in the Sunbury *Regional* newspaper of 11 April this year. The article is headed, 'The politics behind the pipeline' and quotes a spokesperson who claims that Western Water was forbidden to announce the Sunbury–Melbourne pipeline connection because the election was coming up. The article goes on to say that the task of making the announcement was given to Mr Bernie Finn, the former honourable member for Tullamarine. The spokesperson is quoted as saying also that Western Water was hamstrung by the former government because the last state election was forthcoming. As a result, Western Water was not allowed to correct any statements — which I read to mean erroneous statements — made by Mr Finn about the pipeline.

Mr Finn said that Sunbury would be drought free when in reality restrictions would stay in force after the pipeline was connected. The appropriateness of the Sunbury pipeline is still being strongly argued and debated by the people of Sunbury. The people of Sunbury expect decisions to be made by the government of the day to deliver real services — in this case, security of water supply. Decisions should not be made on the basis of political expediency, which they obviously were under the previous government.

When I held a public meeting to discuss the pipeline some 200 people turned up. They were furious about statements made by the former member for Tullamarine when he said the issue with water is that it has to fall from the sky. That was his solution to the water situation! The people of Sunbury need the issue resolved. I ask the minister to attend to the matter.

Bonlac Foods

Ms DAVIES (Gippsland West) — I raise an issue for the Minister for Post Compulsory Education, Training and Employment. Last week, Bonlac Foods announced the closure of its Drouin factory at a cost of 100 jobs. Toora, which is just outside my electorate, will lose approximately 75 jobs. Over the past few months Smith and Nephew in Wonthaggi has been gradually reducing its work force from a previous maximum of 140 to approximately 40. Those jobs have been done by a trained, skilled work force in each of these factories. Many of those people have worked in one job for many years. The losses of those jobs hit very hard. They hit individuals, their families and the whole community around them.

We are working to find replacement industries for those towns. Each council is working cooperatively with its local member and a receptive government, but replacement industries take time to find and establish.

I ask the minister what services the government can make available to assist retrenched workers in Drouin, Toora, Wonthaggi and other Gippsland towns right now. How will the government help the working people cope with difficult times over the next few months so that they can adapt, survive and move on?

Lorne Community Hospital

Mr MULDER (Polwarth) — I call on the Minister for Health to intervene and take action in the current stalemate surrounding the siting of the Lorne hospital. The minister appointed a steering committee to look into an alternative site for the new hospital, and the steering committee has recommended a site comprising a section of public reserve and approximately 30 per cent of Erskine paddock in Lorne. I agree with the recommendation of the minister's steering committee and add my total support to the chosen site and the project.

Both the Western Regional Coastal Board and the Surf Coast Shire were represented on the steering committee. However, they refused to accept the umpire's decision and will not amend the planning scheme to accommodate the hospital and aged care facilities for the citizens of Lorne. I call on the minister to make a ministerial amendment, which I am prepared to fully support, and allow the building of the hospital and aged care facility to proceed.

If the Surf Coast Shire will not allow the hospital and aged care facilities to be developed, the minister must stand up to them and deliver for the citizens of Lorne. Health facilities must and should take priority irrespective of planning issues. There is no easy answer in Lorne, as there never is. Someone has to bite the bullet.

I made myself available in Lorne on Monday to discuss the siting of the hospital, and am now assured more than ever that there is overwhelming support for the siting of the hospital on foreshore land. Only 2 of the 16 people I spoke to opposed the siting and they offered no real alternative except to rebuild on the current site. That would mean a reduction in the scale of the project or considerable operational inefficiencies, which would result in the board having to raise large amounts of money annually to maintain the facility. The other option is a site behind Ridgeways, which has traffic congestion problems, and would result in the displacement of more campers.

As the minister is aware, a small contingent of people are against caravan parks and aged care facilities. Comments have been made such as, 'What are we

catering for — the aged, campers or the tourism industry?'. It is a disgusting, deplorable elitist attitude.

I commend the minister on his stance to deliver not only a hospital but aged care facilities for the citizens of Lorne. This is the second such attempt to find a suitable site, and every site has problems. I implore the minister to back the steering committee on this occasion. If the matter is handed from the steering committee to a planning panel, nothing will be resolved.

I support the decision to appoint the steering committee. I accept its decision, which has been my preferred site from day one. I will support a ministerial amendment or a Surf Coast Shire and Western Regional Coastal Board amendment. The minister must make the decision.

I thank the minister for yesterday's encouraging words about my endeavours to resolve the matter. I will protect the rights of the citizens of Lorne to have access to excellent health care and badly needed aged care facilities — as well as the rights of campers to enjoy their holidays!

Disability services: protocols

Ms OVERINGTON (Ballarat West) — I ask the Minister for Community Services to come to Ballarat to launch the protocols for coordinating services for people with multiple disabilities. I extend the invitation on behalf of the multiple disability working party, which comprises representatives of the 18 agencies within the region. The group has worked hard for several years to establish the protocols, which is based on the following philosophy:

Where people have dual or multiple disabilities, the service system will be focused on the person's needs and wishes and will allow the person and their significant others to participate in decision making. The collaborating services will act as one service with many contributors, assisting the person to achieve their preferred life goals and providing significant others with appropriate support.

Seven protocols are included in the model, the key ones being the better identification of clients with multiple disabilities, enhanced collaboration between programs and agencies, and the pooling of resources for the management of clients with multiple disabilities.

The group, which as I said comprises representatives of 18 local agencies, has worked hard to develop the protocol model, beginning at the coalface. The model has risen from the grassroots. There has been consultation with all the agencies involved in providing services for people with multiple disabilities, and after

much hard work and cooperation the protocols are now ready to be launched.

I urge the Minister for Community Services to support my request and promote the partnership planning the protocols are designed to bring about for the benefit of people with multiple disabilities.

International Fibre Centre

Mr BAILLIEU (Hawthorn) — I refer the Minister for Post Compulsory Education, Training and Employment to the International Fibre Centre (IFC). I urge her to immediately release Mr Tom Hogg's report on the centre and to acknowledge that her statements on the centre last December, while purely political, were damaging to its morale.

Since then the chairperson has gone, the chief executive officer has gone, board members have gone and some staff have gone. The minister's comments have affected both the Geelong and Brunswick campuses along with the textile industry, students and the Gordon and Deakin institutes.

The IFC in Geelong is an extraordinary state-of-the-art facility. The project is ambitious: it is at the cutting edge of technology and industry experience. The enterprise, which has international significance, is something to be proud of and is worthy of support. It is a visionary exercise that warrants the continuation of the bipartisan support it has enjoyed in the past, the present Minister for Finance being one of its strongest supporters.

The project must be driven. It cannot proceed by remote control, nor can it afford to rest in limbo. The IFC is critically important to the textile industry. It is not only a training institute but an important institute of product development. Sadly, its future was not clarified by the recent budget, and it will be a disaster if it remains in limbo.

I have had the good fortune to visit the Geelong campus. The set-up is staggering. I believe the minister has not yet visited the campus. I urge her to visit it and see for herself the incredible machinery line, which consists of scourers, carding machines, combers, stenters, spinners, weavers and dyers. A seamless Geelong jumper can be produced without interruption from the sheep's back to the shop's rack. As I said, I urge the minister to visit the Geelong campus and to release the report as soon as possible.

Rural Victoria: positive ageing campaign

Ms ALLAN (Bendigo East) — I refer the Minister for Aged Care to the interests of older people in my electorate and ask what action she is taking to promote healthy and positive ageing among older people in rural and regional Victoria?

All honourable members will have seen on their television screens the 'Not old, just older' campaign, which is about respecting older people and encouraging them to develop worthwhile lifestyles. Sadly, however, many of the options available to older people in metropolitan areas are not available to older people in country Victoria. Society increasingly understands the importance of promoting healthy ageing among and positive attitudes to older people, and I am particularly interested in doing so in country Victoria.

People are not only living longer but becoming increasingly interested in pursuing healthy lifestyles. That is important to older people in country Victoria. As I said, older people in country Victoria face disadvantages in trying to access the wide range of services available to people in metropolitan areas.

They include difficulties in accessing cultural programs in the arts or music communities. I must give a plug at this point for the Evergreens Brass Band, which performs marvellously throughout the electorates of Bendigo East and Bendigo West. It provides an outlet for older members of the community to continue to enjoy their love of and passion for music in a performance brass band after they reach a certain age.

An honourable member interjected.

Ms ALLAN — I play in the junior Evergreens. Older people in country Victoria also face difficulties in accessing education opportunities. There are also issues with transport for older people and difficulties with communication by means of telecommunication or information technology.

I congratulate the Minister for Aged Care on the success of the recent Senior Citizens Week. The week was enjoyed by many older people in my electorate. It was another valuable opportunity for us all to focus on the needs of older people and to reflect on what those needs are. Those needs must be kept uppermost in our minds because often older people do not have the organised voice that is necessary to express their needs and concerns. As I said, older people in rural Victoria have previously been unable to access many of the programs that have been available because of transport and communications difficulties.

I ask the Minister for Aged Care to inform the house and country Victorians what action she is taking — —

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

Bairnsdale Secondary College

Mr HONEYWOOD (Warrandyte) — I rise on behalf of the community of Gippsland East, and in particular the community of Bairnsdale, in the absence of any support from the honourable member for Gippsland East. He is rarely in this chamber. Indeed, I cannot think of a single time that he has stood up on the adjournment debate on behalf of his community in this sessional period.

I ask the Minister for Education to investigate a situation concerning the Department of Education, Employment and Training and the Bairnsdale Secondary College. The government has put at threat the excellent instrumental music program at the college. Given the government's rhetorical and the oft-stated support of education in country Victoria, I urge the minister to explain why the successful instrumental musical program at Bairnsdale Secondary College has been placed in jeopardy by a proposed reduction in instrumental music staff. The action will reduce the instrumental music teacher ratio from 1 to approximately 600 students in the school to only 1 to approximately 1200 students.

Will the minister tell the house whether secondary schools in Melbourne with successful instrumental music programs — for example, at Blackburn, Balwyn and McKinnon — will also have their instrumental music staff allocation reduced to the ratio of 1 teacher to 1200 students in the school — that is, on a par with the downsizing at the Bairnsdale college? The government of the day does not support excellent education programs. It wants a one-model-fits-all system that caters to the lowest common denominator. The government despises excellence in education.

A great deal of work over many years has been put in by the staff, students and parents at the school to develop an excellent music program that has produced outstanding results and some great musicians. I urge the Minister for Education not to fall victim to the Australian Education Union line that the lowest common denominator is the way to go. I ask her to instead ensure that she stands up for the people of Bairnsdale and in the absence of the honourable member for Gippsland East supports Bairnsdale Secondary College and its young musicians who are trying to have a go. Importantly I ask her to retain the

ratio of instrumental music teachers at the school that was provided by the coalition government and not to allow a downsizing from two teachers to only one.

Schools: retention rates

Ms DUNCAN (Gisborne) — I raise a matter with the Minister for Post Compulsory Education, Training and Employment.

As honourable members know, students who drop out of school at an early age or before completing year 12 have a higher rate of unemployment in the short and longer terms. They also find themselves predominantly in low-paid and low-skilled jobs. There is no doubt that students who leave school before they complete year 12 are at a significant social disadvantage and it is in the best interests of governments of all persuasions to ensure that as many students as possible complete that year. In recent years there has been a dramatic reduction in the retention rates for students completing year 12, particularly among males.

As I travel around my electorate speaking to young people, their parents, teachers and career counsellors, my discussions reinforce what is already known about the fate of early school leavers. There are loads of issues that contribute to students leaving school early and to their subsequently becoming part of the long-term unemployed or occupying low-paid and low-skilled positions, but one of the issues that has come to the fore in my discussions — —

The DEPUTY SPEAKER — Order! Will the honourable member for Gisborne say what action she would like the minister to take?

Ms DUNCAN — Yes, I will get to that, Madam Deputy Speaker. One of the issues faced by students in towns such as Bacchus Marsh and Kyneton is the difficulty in gaining access to TAFE and regional colleges — —

The DEPUTY SPEAKER — Order! The honourable member has 1 minute. I suggest she hurry and ask for action or she will have to sit down.

Ms DUNCAN — Part of the difficulty that students face is gaining access to public transport to get to towns north of where they live and they must rely on family, friends and public transport to get to college. I ask the minister what action the government is taking to ensure that students do not drop out of school at an early age, to ensure that retention rates are restored to their previous level and to ensure that the students stay on at school as long as possible so that they have the best

chance available of avoiding the unemployment queues.

Schools: LOTE

Mr KOTSIRAS (Bulleen) — I refer the Minister for Education to the teaching of languages other than English in schools. Under the previous government languages were given a high priority and extra funding was provided. Will the minister please inform the house whether the government is committed to LOTE?

Responses

Ms CAMPBELL (Minister for Community Services) — On a number of occasions the honourable member for Ballarat West has strongly lobbied me to promote the multiple disability working party protocol for coordinating services for people with multiple disabilities. She has outlined the extensive grassroots work of local organisations and individuals working together to prepare the protocol. It is fabulous that such a strong grassroots initiative has resulted in an excellent document of which she has provided me a copy.

The honourable member for Ballarat West has pointed out the fantastic work of Michael Gathercole who has driven the program and is partly responsible for its successful conclusion. His vision has inspired others and I join with the honourable member in congratulating him.

The practitioners who formulated the protocol came from more than 18 different organisations from 21 sites. They include intellectual disability service agencies in the Central Highlands such as Grampians Disability Client Services, acquired brain injury services such as those provided by the Ballarat Community Health Centre, the Ballarat Uniting Church Outreach Centre, physical disability services such as PINARC (Playhouse, Interchange, Noah's Ark and Recreation Connection) the Sebastopol Community Health Centre, sensory disability services such as Vision Australia and Australian Hearing, and so on. An impressive group has contributed to writing the protocol.

The thoroughness of the document is a testament to the fact that so many have been involved in extensive consultations over many years. The collaboration encompassing a range of services has occurred over the past two years when, as Sir Humphrey would say, one had to be rather courageous to engage in collaboration and mutual support in the non-government welfare sector. The result of more than two years of extensive work and consultation is impressive.

I join in personally congratulating the families, the carers, the professionals and the non-government organisations that have engaged in many meetings, many hours of work on computers and consultation with the people with disabilities who need the protocol, as well as the people within the Department of Human Services who were brought on board after initially gathering their own momentum.

It would be an honour to launch the protocol and use it as an example of individuals and organisations working conscientiously during the period of the previous government when it was courageous to advocate for people with disabilities. I congratulate them and I congratulate Michael Gathercole. I would be delighted to launch the protocol.

Mr CAMERON (Minister for Local Government) — The honourable member for Melton raised a matter concerning Jack Ogilvy from the City of Hume. It appears that Cr Jack Ogilvy is impressed with the Bracks government because it has been able to deliver a surplus in the budget. Labor went to the last election saying it would only make promises it could deliver and in this budget it delivers on the promises and sets out a time frame.

It appears that Cr Ogilvy wants to cast aside Labor's promise to have a substantial surplus and spend the surplus propping up debt incurred by him and his political cohorts in the City of Hume.

Three tiers of government operate and each has to make its own way. Cr Jack Ogilvy's remarks are odd given that he has been part of the ruling majority and at the helm of the council for the past three years. He is prone to make odd remarks, including that Sunbury should be part of the City of Hume. He appreciates his comments are unpopular in Sunbury. He knows the honourable member for Tullamarine is asking for the matter to be examined. When it comes to election time he dare not say what he says at council meetings. He buckles at the knees and supports the honourable member for Tullamarine totally. Cr Ogilvy's remarks are odd and curious.

The City of Hume has to work through the issues that confront it. I wish them well. The matter appears to be in solid hands but it will be difficult for councillors to work through the problems that Cr Ogilvy and others have created.

Cr Ogilvy often talks down the Sunbury area but when elections are in the air he says other things. His comments do not go down well and it is fortunate that the honourable member for Tullamarine is in the area to

fight for local people. It is difficult to work with such councillors but I assure the honourable member for Melton that the community looks to the leadership of the honourable member for Tullamarine rather than Cr Ogilvy who says many things at many times about a great many things.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Gippsland West raised a concern about the workers retrenched from Bonlac and the assistance the government might provide in helping them find other employment. She also raised a concern about retrenched workers at Smith and Nephew. The unemployment rate in Gippsland is much higher at 10.2 per cent compared to 6.9 per cent for the state as a whole, and the government is very aware of that. It is a major problem which is clearly unacceptable, and the government must take measures to intervene in that situation. It is even harder for retrenched workers to be absorbed into an already-reduced job market in comparison to other communities.

The Community Business Employment program operated by my department provides personalised assistance not only for young people but also for displaced older workers. I am pleased to say the program targets displaced older workers immediately they become unemployed so that they do not have to enter the downward spiral of unemployment — that is, the sense of hopelessness and fear that they will never get another job. The program provides immediate assistance so job seekers can be linked to employment opportunities. The program is so successful that employers use the CBE programs to fill their vacancies. It is a program of job placement and it has been very successful. This year the government has committed \$8.8 million to the CBE program to assist 10 000 job seekers, and I am pleased to say that well over \$1 million has been allocated to the Gippsland region.

In response to a letter received from the honourable member for Gippsland West, I asked my department to look at what action could be taken to assist the retrenched workers from Bonlac. I am pleased to tell the honourable member that two CBE providers in her area are available and ready to assist. They are People Providers in Leongatha and Wonthaggi, and Latrobe Personnel in Drouin and Warragul. I have also asked my department to consider how it can ensure that the retrenched workers receive immediate information about the services so they can access them quickly and obtain additional assistance.

My department, through the CBE workers, is prepared to immediately organise seminars for the retrenched

workers if that is thought useful so that they can get information not only about state programs but also about available commonwealth assistance. I am prepared to organise those seminars in locations most suitable for the retrenched workers rather than holding them in metropolitan Melbourne.

I am also pleased to say that in the next month I will be announcing a community jobs infrastructure package to provide job opportunities for unemployed people and to link that with training opportunities. The package was announced in the budget last week and is a new initiative of this government. I am happy to speak to the honourable member for Gippsland West about the package and a range of other initiatives. We can consider how additional job opportunities can be provided together with immediate assistance to the retrenched workers.

I will also look into the closure of Smith and Nephew to see how the government can provide a similar assistance package for those retrenched workers. I look forward to working with the honourable member for Gippsland West to ensure that the retrenched workers find employment very quickly.

The honourable member for Hawthorn referred to the International Fibre Centre. I am pleased to inform the house that I will be making an announcement about that in the next few weeks. I will also be visiting the centre at its invitation.

The honourable member for Gisborne referred to increased student retention rates in her electorate and the need for greater access to education and training opportunities in the local community. The government has initiated a review into the pathways for post-compulsory education and training to ensure that the very bad retention rates under the previous government are improved. There was a drop in retention rates up to the end of year 12 of 5 per cent over six years and a further drop of 5 per cent for year 12. Many young people who leave school early do not gain access to employment or training; they do not have the opportunities available to young people who complete 13 years of schooling.

The government is concerned about that and will consider all the options both within and outside school to ensure that young people remain connected to education and training. I am looking forward to the recommendations from the review being conducted by Peter Kirby, who is well respected by both sides of the house. An enormous amount of consultation has been conducted across the state to ensure increased access to the many good things happening in the state that are

making a difference for young people. The review is also considering the things that do not work.

I will receive a report from the review in a couple of months. I am pleased to say that \$65 million is available over four years to implement its recommendations. The government will ensure that additional training and pathways are available for young people in their post-compulsory education years. The government committed \$800 000 in last week's budget to extending the online provision of training packages for young people in tertiary and further education, particularly for those in rural and regional areas, so they may access training packages where they live rather than having to travel long distances to access that education and training.

In the electorate of the honourable member for Gisborne public transport does not always work in conjunction with education timetables. The government is looking at other ways in which young people can access education and training. I will be happy to work closely with her to ensure the young people of Gisborne gain access to those opportunities.

Ms DELAHUNTY (Minister for Education) — The honourable member for Bulleen raised a matter concerning languages other than English. I would love to help him when I find out exactly the nature of his request; perhaps he will have another chance on another adjournment debate.

The honourable member for Dromana asked about the historic Rye Primary School on land that is now, as he said, set for sale, as a new school is about to be built. He spoke eloquently of a time capsule and the physical links to the pioneering families of Rye. However, the honourable member for Dromana made an extraordinary request — that is, that the Minister for Education should gift the land to the people of Rye. I would love to gift it to the people of Rye, but I belong to a government that is committed to financial responsibility. Therefore, I say to the honourable member that I am happy to investigate the status of the land and whether it is already on the assets register.

It may also be worth while for the honourable member to ascertain the view of the local council because, as the house would be aware, under the last government once a site is placed on the assets register it is offered to local government first. The honourable member described the interest of his community as reflected at the local meeting; it could be that the offer could be one the council could not decline. It could make a financial contribution.

Mr Baillieu interjected.

Ms DELAHUNTY — God save us! The interjections go on and on. I know it is late! The honourable member for Dromana referred to the historical society that he will develop. He could consider making a request of the Minister for the Arts.

The honourable member for Warrandyte was ranting about something or other. He started canvassing the wisdom of the wonderful honourable member for Gippsland East and his elevation to this place. He rambled on about Bairnsdale Secondary College and I think he mentioned Blackburn. Most of his ramble was a lament for a lost government.

Then the honourable member started to raise the old chestnut about the flawed and divisive self-governing schools, at which time I thought, 'He doth protest too much, methinks'. The reason the honourable member for Gippsland East is in this place and is not a member of the Liberal Party is that the former government savaged education in Victoria. I shall remind the house of some of the figures. It closed nearly 200 country schools, breaking the community's heart. It sacked around 7000 teachers and left country Victoria, in particular, with a serious shortage.

Mr Honeywood interjected.

Ms DELAHUNTY — You left country Victoria with a serious teacher shortage. You were a senior education minister, but you denied the deans of education report that Victoria was facing a serious teacher shortage. Now — God help us! — the house hears a ramble about Gippsland East, Blackburn and so on. I am afraid I cannot dignify his rantings with an answer.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Tullamarine raised the issue of the water supply in Sunbury and comments made by Western Water in the local Sunbury regional newspaper of 11 April, which quotes the former member for Tullamarine — what a pleasant change that has been! — as having made erroneous comments, that the former government had been leaning on Western Water not to correct those comments, and that Western Water had been forbidden from announcing the Sunbury–Melbourne pipeline connection because the election was approaching. That duty had to be undertaken by the previous honourable member to assist him in his, as it turned out, unsuccessful campaign.

I understand the concerns of the Sunbury community about its water supply, especially with the serious dry conditions that have been more serious in Sunbury than in Melbourne. The comments made by the former

member that the Sunbury pipeline from Melbourne would make Sunbury drought proof have not helped and Western Water is reported to have said it was not allowed to correct those comments because the election was approaching. It had the gag placed on it. The former honourable member was allowed to make comments that the authority could not correct, thereby increasing the concerns of the Sunbury people about their water supply.

It is outrageous, in my book, to be playing politics with somebody's water supply. It is irresponsible to mislead a community about the water supply at such a time of serious concern. It is no wonder those concerns have continued and people are sceptical about the benefits or otherwise of the pipeline. I have already written to Western Water and asked for details of the incident described, including all the documentation. I have asked my department for similar documentation and advice. I will certainly advise the honourable member when I have that information to hand.

To lessen the concerns of the people of Sunbury and to increase their confidence in Western Water, I have established an independent working group to determine whether the Sunbury pipeline augmentation, as approved by the former government, was the most appropriate way of providing water security to the Sunbury community. The objectives of the working group are to evaluate the adequacy of Western Water's planning, to match future demand for water in Sunbury, to evaluate Western Water's response to the current drought and to review differences in water prices between Western Water and other Victorian water businesses.

The working group will be chaired by Mr Kingsley Culley, former general manager of the former Melbourne and Metropolitan Board of Works, now known as Melbourne Water. It comprises representatives from the community, the Southern Rural Water Authority, the local council, the Department of Human Services and my department. I am pleased the honourable member for Tullamarine will be on that working party.

The working party will provide me with a final report after extensive community consultation on those serious issues. Much work must be done to repair the damage inflicted on the community by the previous government and in particular the previous honourable member for Tullamarine. I congratulate the current honourable member for Tullamarine on the positive approach she has taken in supporting the community and trying to get out into the open what happened. She is working with the community to solve those difficulties and establish the true situation. She is not

playing fast and loose with the truth and misleading the community.

The honourable member for Evelyn raised with me some difficulties with work on the Lilydale to Warburton rail trail and the alignment of the final stage of the trail near Lilydale station. I understand it is fairly complex, so I will seek further detail and resolution of the issue and get back to the member.

The DEPUTY SPEAKER — Order! The Minister for Housing will respond to the matter raised by the honourable member for Bendigo East and the matter raised with the Minister for Health by the honourable member for Polwarth.

Ms PIKE (Minister for Housing) — The honourable member for Bendigo East asked me to detail — —

Mr Mulder — On a point of order, Madam Deputy Speaker, yesterday in the house the Minister for Health called me to the other side of the chamber to discuss an issue I raised with him regarding the siting of the new Lorne hospital. Apart from showering me with compliments on the work I had done on the matter, the minister indicated he would be in the house for the adjournment debate tonight to answer the issue I raised. Given the precedent set by the former government of always ensuring a minister was at the table to answer questions raised by opposition members, I ask that the Minister for Health be asked to attend.

The DEPUTY SPEAKER — Order! There is no point of order. The Chair has no authority to request ministers to attend the house. A minister is at the table.

Ms PIKE — The honourable member for Bendigo East asked me to detail what the government is doing to promote positive and healthy ageing, particularly in rural and regional Victoria. Positive ageing and the development of positive attitudes towards ageing among older people and in the community as a whole are of great concern to me. As Minister for Aged Care I spend a lot of time dealing with the more degenerative aspects of ageing, with a focus on sickness, nursing homes, hostels and residential aged care.

It is timely for all honourable members to remember that only some 7 per cent of the population ever finds its way into a residential aged care facility. The rest of us spend our older years in the community living in our own homes. It is important that people develop healthy lifestyles and positive attitudes to ageing. That can be enhanced by the whole community recognising that older people are valued citizens and an important part of our community.

On a practical level my department is working with the University of the Third Age, known as U3A, in particular promoting the university in rural Victoria. People familiar with U3A would know it is a significant program providing an excellent model of community activity. It gives older people the opportunity to engage intellectually within the community, to develop new ideas and to expand their horizons at a time when many of us would be saying they should be contracting their vistas. The University of the Third Age promotes learning and discovery at every age of life. The program also encourages people to become volunteers in the community and to share their knowledge, experiences and wisdom with each other. It expands the whole concept of lifelong learning.

I have approved funding of \$15 000 to the central network of U3A for a two-year rural and regional outreach program to increase its establishment and membership. I have also approved a grant of \$60 000 to U3A networks to find solutions to the increasing difficulty of discovering accommodation spaces in Victoria. In recent years it has become more difficult for U3A to find places where it can conduct community activities. The government is supporting it in those endeavours.

Another project that will, I anticipate, make a great difference to the health and wellbeing of older Victorians, particularly older men in rural Victoria, is the Men in Sheds project.

Opposition members interjecting.

Ms PIKE — Honourable members might wonder what that project is all about. It is funded by a Positive Wellbeing grant from my department. The project brings men together and promotes activities in a place where they feel comfortable and have learnt to share good experiences together.

Opposition members interjecting.

Ms PIKE — Sheds are often places where men can have very healthy and wholesome activities — —

The DEPUTY SPEAKER — Order! We are almost at the end. I ask for the cooperation of opposition members so that we get there fairly quickly.

Ms PIKE — Thank you, Madam Deputy Speaker. It is unfortunate that male honourable members on the other side of the house do not take note of the government's intention to develop positive, healthy attitudes to ageing. They may find their own activities more rewarding if they take heed of some of the ideas the government is promoting in this project.

Opposition members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Forest Hill!

Opposition members interjecting.

The DEPUTY SPEAKER — Order! I ask the honourable member for Forest Hill to behave according to the rules of the house.

Ms PIKE — The project I have been referring to, Madam Deputy Speaker, encourages isolated men, particularly in regional and rural areas, to get together, talk about their issues and take far greater responsibility for making their own ageing experience healthy and positive.

Those are just a couple of examples of the way the government is tackling the issues of healthy ageing and combating ageism in rural and regional Victoria. The government will continue to promote healthy and positive ageing among older men and older people generally.

Opposition members interjecting.

Ms PIKE — It will also encourage, rather than ignorant responses — —

The DEPUTY SPEAKER — Order! The honourable member for Warrandyte and other honourable members on the opposition side, including the honourable member for Forest Hill, will behave in a parliamentary manner or leave the chamber.

Ms PIKE — As I said, Madam Deputy Speaker, through research and greater levels of understanding the government and the community will strengthen knowledge in order to develop even more appropriate programs to enhance the wellbeing of our older citizens. The Bracks government will continue to ensure that positive ageing occurs and will promote and develop appropriate programs to that end.

Opposition members interjecting.

The DEPUTY SPEAKER — Order! the honourable member for Warrandyte!

Ms PIKE — The honourable member for Polwarth directed a question regarding the future redevelopment of Lorne Community Hospital to the Minister for Health. I will ensure that the minister responds accordingly.

The DEPUTY SPEAKER — Order! The house stands adjourned until next day.

House adjourned 11.05 p.m.

**Joint Sitting of the Legislative Council and
the Legislative Assembly**

Wednesday, 10 May 2000

Centenary of Federation

**Honourable members of both houses assembled at
12.30 p.m.**

The Clerk — Before proceeding with the business of this joint sitting it will be necessary to appoint a President.

The SPEAKER — I move:

That the Honourable Bruce Anthony Chamberlain, MLC, President of the Legislative Council, be appointed President of this joint sitting.

Hon. B. W. BISHOP (North Western) — I second the motion.

Motion agreed to.

The PRESIDENT — I thank honourable members for the honour of chairing this historic meeting of both houses of the Victorian Parliament.

Mr BRACKS (Premier) — I desire to submit the rules of procedure, which are in the hands of honourable members in the document marked 'Appendix A', and I accordingly move:

That these rules be the rules of procedure for this joint sitting.

Dr NAPHTHINE (Leader of the Opposition) — I second the motion.

Motion agreed to.

The PRESIDENT — The rules having been adopted, I now call on the Premier.

Mr BRACKS (Premier) — I move:

That this joint sitting of the Legislative Council and Legislative Assembly of the Parliament of Victoria invites the President and members of the Senate and the Speaker and members of the House of Representatives to convene at the Royal Exhibition Buildings, Carlton, on 9 May 2001 for the joint commemorative ceremonial Federation sitting and commemoration ceremony and at Parliament House, Melbourne, on 10 May 2001 for the commemorative Federation sitting of each house of the commonwealth Parliament and conveys its best wishes for the success of the said meetings that will mark the centenary of the first sittings of the Parliament of the Commonwealth of Australia.

Dr NAPHTHINE (Leader of the Opposition) — I second the motion.

Mr BRACKS (Premier) — The motion before the joint sitting is of historic significance and importance. Today the Victorian Parliament comes together to invite the commonwealth Parliament to return to our state next year as part of Australia's centenary of Federation celebrations.

We extend that invitation aware of the great sense of history behind it. We invite our federal colleagues to meet at the Royal Exhibition Buildings on 9 May 2001 as their predecessors did 100 years ago, and we invite them to sit the next day here in this building, where the business of governing Australia began.

The motion is not merely symbolic, it also links us directly to those important events of the past, to the days when this building was Australia's Parliament and to the time when Australia's journey as a united nation began.

It reminds us that Melbourne was Australia's capital for 26 years and that this building was generously given up by the Victorian people for all those years to serve the wider interests of their new nation.

The invitation to our federal colleagues to return here also reminds us that the Parliament of the Commonwealth of Australia was created by the vision and determination of the people of the then colonies and was strongly supported by our predecessors in this Parliament and by the people of Victoria.

It reminds us that our constitution was written by Australians and voted on by Australians. It is also worth remembering that a number of Victorians played key roles in promoting the call for nationhood both within this state and across Australia. I refer to people such as Alfred Deakin, who would later become Prime Minister, as well as other Victorians such as Sir John Quick from Bendigo.

We should also remember the role played by our regions in the establishment of the federation. I speak in particular of the role Ballarat and the Eureka uprising played in the development of the federation movement.

Australia and Victoria have come a long way since Australians realised a vision in coming together and forming a united nation in 1901. The centenary of Federation gives us the opportunity to celebrate our achievements as a united and democratic nation while reflecting on the lessons of the past.

The meeting of the commonwealth Parliament here in Melbourne next year will honour those who established our democratic tradition, but the motion also carries a message about the future of that tradition. It expresses

this Parliament's desire that our democratic tradition continues to be vibrant and dynamic, one that is open to debate and new ideas.

It expresses our desire for the continuing good governance of all Australians by the commonwealth Parliament and by other parliaments in Australia, including this one. It expresses this Parliament's desire that the meetings held here next year will be a reminder of our past, a celebration of our achievements and a pointer to our future as a successful, inclusive and prosperous nation.

Honourable Members — Hear, hear!

Dr NAPHTHINE (Leader of the Opposition) — I take great pleasure in wholeheartedly supporting the motion. Next year the 100th anniversary of the birth of this great nation will be celebrated. The story of Federation is one in which all Australians can take pride. As a result of popular participation and support the Australian nation was brought together by peaceful means, a claim that few democracies can make. We should not forget that Australia is one of the few nations that was brought together by direct popular consent — a democratic heritage to which others would like to lay claim.

We should also recall that the birth of this nation was not a simple process. Many times the barriers seemed insurmountable. One of the great strengths of the participants in that process was their capacity to consider innovative ways of completing the work of bringing the Australian nation together. Our unique blend of parliamentary democracy with a strong federal system is a testament to that. In a world where politics is often depicted as a system of competing interests not capable of cooperation we should not lose sight of that enormous achievement.

Speaking as a Victorian, I am very proud of the roles played by the political and community leaders of the time, many of whom went on to play important roles in the first Parliament of the Australian nation. Without question the most prominent was Alfred Deakin, the key architect and strategist of Federation, Victoria's Attorney-General, the first Attorney-General of the commonwealth and Australia's second Prime Minister. Without his efforts and vision Federation would undoubtedly have been delayed.

Other Victorians who played prominent roles in the development of this new nation in the political and legal spheres included Henry Higgins and Isaac Isaacs. The first commonwealth parliamentary Hansard reporter, Mr Ernest Scott, was also drawn from the

Victorian Parliament, and he later became the first professor of Australian history.

It is no accident that the commonwealth found its first home in Victoria. In 1890 when the convention met here Sir Henry Parkes planted the Federation oak, which still stands in the Parliament House gardens today. It was here in 1898 that the final touches were made to the constitution before it was put to the people of Australia through a referendum. It was in this chamber that Australia became the second nation in the world to extend its franchise to women, and it was in this chamber that the government told us of the accomplishments of Australian troops abroad in World War I.

Returning to this place to celebrate Federation is about not only commemorating and celebrating those moments but the possibility of capturing the spirit that brought Australia together. At this time I recognise the indigenous community of Victoria, which needs to be recognised at this significant commemoration. I look forward to welcoming members of the commonwealth Parliament to both the Royal Exhibition Building and to this chamber next year.

Honourable Members — Hear, hear!

Ms DELAHUNTY (Minister for Education) — I am delighted to support this motion in this building, which has been the home of the Parliament of a colony, the Parliament of a state and for 26 years the Parliament of a nation. It is the only Parliament building in Australia that can make that claim. It was also the place where the architects of the Australian nation met on the road to Federation. At the 1898 constitutional convention the final draft of the Australian constitution was agreed to by delegates from the six colonies.

It is worth reflecting on the first 26 years of Federation and considering the challenges that faced the young nation and the parliamentarians who occupied this building. The challenges ranged from a war with an enemy on the other side of the globe to governing for Australians across a vast continent without the technology that today we take for granted. That technology enables us to broadcast this joint sitting over the Internet, to Parliament in Canberra and to every school in Victoria via satellite.

Victorians should be proud that one of the first acts of federal Parliament when it met here was to give women the vote. But the Parliament that sat here did not include women, indigenous Australians or people from non-European backgrounds. Next year, however, when our federal colleagues return to Melbourne not only

will women feature, so also will the many different cultures that make up the Australian character today.

As Australians prepare to celebrate the nation's 100th birthday we enter the century to celebrate a tolerant and multicultural society. We have embraced cultures from around the world and have certainly come a long way since 1901 in our relationship with indigenous Australians. The process of reconciliation has been embraced by indigenous and non-indigenous Australians and will continue into the Australian nation's next century.

The return of the commonwealth Parliament also marks a series of significant events to be announced over the next few months. There will be celebratory events and activities across Victoria to ensure that the community can reflect on and celebrate this milestone.

In addition to any formal announcements, I urge all honourable members to use this opportunity to learn more about Australia's history and to discover some of the stories about the Australians, male and female, from all backgrounds who have contributed to building this nation — ordinary Australians, extraordinary lives! I also urge all honourable members to ignite the imaginations of those in our state and our nation, and particularly those of the young. For all Australians the centenary of Federation is a chance to ponder the gift of Australian citizenship and the rights and responsibilities that it confers on all of us as members of a democratic and free society.

Honourable Members — Hear, hear!

Mr RYAN (Leader of the National Party) — I am delighted to support the motion. It is an opportunity for all honourable members to reflect upon their good fortune in living in one of the great nations of the world.

The history of Federation will be explored more fully at the time of the joint sitting and the various celebrations that will surround it. However, it is very important on this occasion to recognise the magnificent contribution made by country Victorians to bring about Federation. That support was strong throughout the 1880s and most particularly perhaps up along the Murray, where trade was of crucial importance. Regional Victorians such as Alfred Deakin, George H. Wise from my home city of Sale and Dr John Quick from Bendigo played a major role in the push for Federation. They inspired Victorians to vote overwhelmingly in favour of Federation in the 1899 referendum.

In 1901 Australia's birth as a nation was celebrated enthusiastically by regional Victorians. People from all

over Victoria including soldiers, stockmen, firemen, musicians and other workers — people from all backgrounds — travelled to Melbourne to participate in and watch the celebrations to commemorate the opening of the first commonwealth Parliament on 9 May 1901. It is appropriate that the celebrations in 2001 will not be centred in Melbourne. Already communities across the state are planning to recognise this historic milestone with their own celebrations, ranging from environmental projects to exhibitions and research.

Throughout the year towns and cities across Victoria will celebrate with events both large and small, just as country Victorians did 100 years ago. In Sale residents celebrated Federation with a procession through the streets. A Mr Shankley built a triumphal arch in York Street, but unfortunately it was not high enough so the procession had to march around it. Beware the dimensions of the triumphal arch!

I am conscious that today students from around our wonderful state are watching this telecast. I urge them to take the opportunity to celebrate the fact that we live in one of the great countries of the world. We are a people of many parts. We have been fortunate that war has not touched our shores as regularly as has been the case in other parts of the globe. I ask particularly those students — our hope of the future — to join in and celebrate with all communities, especially country communities, in what was a marvellous event 100 years ago when this great nation was born. I support the motion.

Honourable Members — Hear, hear!

Hon. M. M. GOULD (Minister for Industrial Relations) — As the first female Leader of the Government in the history of Victoria's Legislative Council I am proud to join with the Premier, the Leader of the Opposition, the Minister for Education and the Leader of the National Party in supporting the motion.

The centenary of Federation is not just a celebration of politicians by politicians; it provides all Australians with a unique opportunity to review where we have come from and where we are heading. At the dawn of the 20th century Melbourne, and Australia, was a different place. Back then the national population comprised about 3.8 million people, predominantly from the British Isles, the major exception being the 21 000 surviving indigenous Aborigines. Australia was a nation in name only.

Each of the six colonies had its own relationship with the mother country and largely had its own currency,

postage, rail system, customs and excise duties, and defence force. Our social values were shaped as much by our geographical isolation as by a culturally limited perspective and imperial rule. Politics was an Anglo–Saxon male bastion. The *Age* illustrated that fact when it reported the opening of federal Parliament and saw the benches filled with:

... battalions of silk hats, which most members kept on their heads during the sitting.

A look around the chamber today tells a different story. For an emerging nation finding its way onto the world stage, the confines of inward-looking colonialism became unsustainable. The challenge for our forefathers was to achieve a federal system of government through a balancing act by integrating national power with state rights while also reconciling their competing demands. Their vision, combined with the determination of the Australian people, has led to the culturally diverse, open and progressive society that we enjoy almost a century later. To that end, Federation presented Australia with a vehicle to forge a distinct national identity.

As the host to Australia's first national government, Victoria was proud to play its role in nurturing our democracy. Next year we again hope to join with the commonwealth in Melbourne to celebrate our success at forming a single nation — a nation with social, economic and cultural stability, and a people equipped to contribute to the betterment of our society. I commend the motion to the house.

Honourable Members — Hear, hear!

Hon. M. A. BIRRELL (East Yarra) — There are two profound reasons for supporting the motion before the joint sitting, which starts the formal process of recognising the achievements from 1901 to 2001. The first profound reason is that the achievement of 1901 is a largely unrecognised part of Australian history, particularly among young Australians. By world standards the action of six colonies coming together to create one nation for one continent was a historic event. Because it was not done on the back of bloodshed or any form of violence, it has gone largely unrecognised for the achievement it was.

Other nations have achieved their nationhood as a result of civil war, of internal insurrection or as the outcome of some form of territorial fight that led to a form of national unity. By way of contrast, in 1901, quietly, peacefully and with a great degree of selfless detachment, the Australian people decided that six colonies should go and that they should create one

nation — and in that context, we can be proud of that title.

Despite the extraordinary simplicity of Australia at that time there was a pursuit of unity. Australia then had a population of fewer than 4 million, and there were only 50 motor cars across the whole country. It had no radios, let alone television, and no proper transport links because all the rail lines were of different gauges!

But there was idealism, vision, a sense of determination to work as one and the first indications of a sense of nationhood. As a consequence, Australia saw a process of consultation that is rare by any standards of democracy. In Victoria, 94 per cent of people voted in favour of a Federation; no state had a higher positive vote. But that was a rare moment, and we should start to celebrate that rare moment from today. As Alfred Deakin said in reflecting on the events that led to that day:

To those who watched its inner workings, followed its fortunes as if their own, and lived the life of devotion to it day by day, its actual accomplishment must always appear to have been secured by a series of miracles.

It was a miracle, and that is what we celebrate. The consultation was a success and should be a beacon for all of us.

The second profound reason that we must support the celebration is that 2001 offers a rare opportunity for inclusiveness, for bringing the nation together for a genuine celebration and as a period in which to reconcile our differences. At a time when the relevance of celebrations like Australia Day is slipping away, 2001 offers the symbols and the substance for the nation to work together as one.

Honourable Members — Hear, hear!

Ms DAVIES (Gippsland West) — I am honoured to speak in support of the motion before this joint sitting of the Victorian Parliament. My Independent colleagues, the honourable members for Mildura and Gippsland East, also support the motion. We will welcome members of federal Parliament back to our historically significant and beautiful Royal Exhibition Building and Parliament House during next year's centenary celebrations.

I have particular and personal reasons for feeling connected to the centenary celebrations because my great-grandfather, Sir William Lyne, then the Premier of New South Wales, was offered the commission to form that first federal government in 1901. Although Sir Edmund Barton quite rightly became the first Prime Minister of Australia, Sir William Lyne served

honourably as a member of federal cabinet for almost 10 years while federal Parliament operated in these chambers where the Victorian Parliament now operates.

I hope during the next year we will reflect on the struggles and difficulties that the early participants in federation overcame. The lessons they learnt about compromise and the value of cooperation between the states, or the colonies as they then were, are valuable, and I suggest we could all learn from them.

Recently the honourable member for Gippsland East relayed to me the views of one of his constituents who said that Australia is one big paddock, with too few people in too large an area to do anything but work together towards common goals. I hope the passage of the motion and the celebration of our centenary over the next year help remind us that we all need to make sure more of our nation's efforts go into doing just that.

Honourable Members — Hear, hear!

Motion agreed to.

The PRESIDENT — Mr Speaker and I shall advise the President of the Senate and the Speaker of the House of Representatives of the motion passed by this joint sitting.

I declare the joint sitting closed.

Proceedings terminated 12.55 p.m.

