PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

14 March 2000

(extract from Book 2)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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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. NAPTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
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Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr B. E. H. STEGGALL

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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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TUESDAY, 14 MARCH 2000

Tuesday, 14 March 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.06 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Order! The Chair wishes to recognise two distinguished visitors. They are the Honourable Ratu Peceli Rinasau Rinakama, MP, a member of the House of Representatives in the Republic of Fiji, and the Honourable Flavio Rodeghiero, a member of the Italian House of Representatives. I extend a welcome to both distinguished visitors and hope they find question time rewarding.

QUESTIONS WITHOUT NOTICE

Benalla: Labor candidate

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to his recent visit to Mansfield where he and the Labor candidate for Benalla arrived by helicopter. Who paid for the Labor candidate to be in that helicopter — the Labor Party or the taxpayers of Victoria?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for highlighting one of the many regional trips government members have made to country and regional Victoria. The cabinet met recently in Wangaratta, the Minister for State and Regional Development was in Euroa yesterday, and yes, I have been campaigning in country Victoria to promote two events. One event was the opening of the Mountain Bay Country Music Festival in Mansfield which it is hoped will be the equivalent of the one held in Tamworth, New South Wales, and will go on to become the biggest country music festival anywhere in the state. Government members and organisers share the aim of holding major events outside Melbourne that will compete nationally and internationally.

Mr McArthur — On a point of order, Mr Speaker, the question was narrow and specific. It asked the Premier about a helicopter trip — not about visits to country areas or policy on regional events. It specifically asked about a helicopter trip taken by the Premier and the Labor candidate for Benalla. I ask you, Sir, to draw him back to the question.

The SPEAKER — Order! There is no point of order. The Premier was being relevant by answering a question that related to a trip to regional Victoria, specifically Mansfield.

Mr BRACKS — I thank you for your ruling, Mr Speaker.

The second part of that visit was enormously rewarding for the people of Victoria.

Dr Napthine — Who paid?

The SPEAKER — Order! The Leader of the Opposition has asked his question. He should allow the Premier to answer it.

Mr BRACKS — The second part of that visit to country and regional Victoria was — —

Opposition Members — Who paid?

The SPEAKER — Order! I ask opposition members to cease interjecting so that the Premier can answer the question.

Mr BRACKS — The second part of the trip was to take part in the Back to Thornton Primary School celebrations, which marked the 130-year anniversary of the school. That school was earmarked for closure by the previous government.

Opposition Members — Who paid?

Mr BRACKS — However, the school community stood up for itself and said it wanted to survive. The school has survived, and — —

Dr Napthine — On a point of order, Mr Speaker, my point relates to the relevance of the answer. The question was quite clear about who paid for the Labor candidate who accompanied the Premier on that helicopter. Did the taxpayers pay for the Labor Party's campaign or was it paid for by the Labor party itself? That was the question, and the Premier is not being relevant. He has refused to answer the question and I ask you to draw him back to answer the question.

The SPEAKER — Order! The Leader of the Opposition has used a point of order to repeat his question. Speakers have consistently ruled that they are not in a position to direct a minister to answer a question in a particular way. It is the responsibility of the chair to ensure that the minister is answering the question. However, the Chair cannot direct him to specifically answer a question in the way that the questioner or any other member may wish him to do. The Premier was being relevant in his answer and I will continue to hear him.

Mr BRACKS — I was very pleased to join in the celebrations for the 130th anniversary of that school. I did travel by helicopter to those two events, and they were very successful.

Rural Victoria: employment and investment

Ms ALLAN (Bendigo East) — I refer the Premier to the government's commitment to grow the whole of the state and I ask: will he advise the house how many jobs the Bracks government secured in regional Victoria last week?

Mr BRACKS (Premier) — Last week was an excellent one for country and regional Victoria. Last Friday, the Minister for State and Regional Development, the honourable member for Bendigo East and I took to the streets of Bendigo to announce a fantastic initiative for Bendigo and the surrounding regions. AAPT has committed to operating its national call centre in Bendigo, offering 413 full-time jobs and hundreds more indirectly. That good news came at a time when Telstra announced it intended to shed 10 000 jobs across the country, some of which will be jobs in call centres in country and regional Victoria.

Therefore, I was pleased that, through the efforts of the Minister for State and Regional Development and his department, we were able to secure those regional call jobs, which were a direct result of the regional call centre attraction program which the government set up after the last election.

The government set up that project with an incentive and support program to do this very thing — to attract jobs to regional Victoria. I congratulate the minister on the creation of 413 jobs in one week, which is a great achievement. But there is more good news, which also occurred last week. Yesterday, while the opposition was bickering about who actually attended the Australian Formula One Grand Prix — there were differences between the Deputy Leader of the Opposition and the Leader of the Opposition about whether ministers should be there, and one certainly wonders about what is happening in the Victorian Liberal Party on this matter — the Minister for State and Regional Development and his parliamentary secretary, the honourable member for Mitcham, were given a warm welcome in Euroa by the Strathbogie Shire Council after the government's announcement of more jobs for country and regional Victoria.

I am pleased to advise the house that 600 new jobs were announced in mushroom farming and pork production in that shire. Over 10 years those two ventures will invest some $16 million in the state, just west of Euroa. That is a massive jobs and investment boost for the region, and it was secured through the hard work of both the Minister for State and Regional Development and his parliamentary secretary. The minister advised me that the shire president of the Shire of Strathbogie, Cr Stephen Merrylees, described the council's reaction as ecstatic. The Strathbogie councillors were thrilled.

In just one week 1000 new jobs were created in country and regional Victoria. By contrast, the Leader of the Opposition's vision for regional Victoria investment and growth, as reported on ABC regional radio, was related to positive thinking. He is reported as having said:

> … Gippslanders and regional Victorians in general need to be more upbeat in projecting a positive image to potential investors.
>
> … people in regional Victoria are often negative about their prospects, even when they want to attract investment.

The opposition's policy on attracting new jobs is to blame regional Victoria, to say that they are not good enough and that they have to be positive about it. That is the difference between the government and the opposition. We are out there securing real jobs for country and regional Victoria. What is the Leader of the Opposition doing? He is telling country Victorians to be more positive.

Benalla: Labor candidate

Mr RYAN (Leader of the National Party) — Given the Premier's previous answer to the question by the Leader of the Opposition, will he advise the house whether the government will seek to recover from the Labor candidate for Benalla her contribution to the cost of the helicopter flight she undertook with him?

Mr BRACKS (Premier) — I have already answered the question asked by the Leader of the Opposition. This question does not relate to my previous answer. I refer the Leader of the National Party to my previous answer.

GST: Human Services

Mr VINEY (Frankston East) — I refer the Minister for Health — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The Chair is having difficulty hearing the honourable member for Frankston East. I ask the honourable member for Mornington particularly to cease interjecting.

Mr VINEY — I refer the Minister for Health to the goods and services tax agreement signed by the Kennett government, and I ask him to provide to the house details of the impact on human services budgets of embedded tax savings contained in the agreement.

Mr THWAITES (Minister for Health) — I thank the honourable member for Frankston East for his question about the goods and services tax and its effect on human services.

Businesses, community services and hospitals across the community are having to face the problems caused by the Liberals' GST. The GST is supported not only by Mr Howard but also by the Leader of the Opposition, the shadow Minister for Health and all other honourable members opposite. What is worse is that it appears that the previous government, led by the former Premier, signed a GST agreement that reduces federal payments to Victoria by $100 million — $100 million!

Opposition members interjecting.

The SPEAKER — Order! I will not warn the honourable member for Mornington again. I have asked him to cease interjecting; he will now do so.

Mr THWAITES — The shadow Minister for Community Services tried to raise the matter in this place — I would have thought the matter was something of an embarrassment to the opposition. At that time she suggested the embedded tax savings should not result in any reduction in payments to community organisations. I can only presume that the shadow Minister for Community Services did not talk to the Leader of the Opposition, because the Leader of the Opposition was a member of cabinet who determined that the savings would be passed on to departments and that the payments to community organisations, hospitals and departments would be reduced by $100 million.

The Leader of the Opposition now says it is my decision. I had a look at the Department of Human Services documents, and I point out that at the time the Leader of the Opposition was a minister responsible for that department. A report to the executive of the department of 5 July 1999 states:

> The transitional guarantee arrangement agreed between the commonwealth and the states factored in 'savings' which states are assumed to achieve from their suppliers. DTF has advised that the savings estimated for Victoria will be recovered from departments as part of the BERC 2000–01 budget round so that the state's overall budget position is maintained.

The minutes of the meeting of the Tax Reform Consultative Committee of the Department of Treasury and Finance held on 22 July 1999 'states:

> Neil Taylor reported that the cabinet paper [on tax reform] had been considered. Subject to final documentation the broad outcome encompassed:
>
> …
>
> realisation of embedded tax savings to be passed on to services with corresponding budget adjustments.

In other words, cabinet decided to pass on $100 million of savings to services, and the Leader of the Opposition was a member of that cabinet. I can only presume that the Leader of the Opposition and the shadow Minister for Health are not talking. There is a lot of 'non-talking' going on among members on the other side of the house. Many people are not talking, because they are doing the numbers in the lead-up to the Liberal Party convention in a fortnight.

Now that the Labor Party has entered government it has to try to deal with the mess left by the Leader of the Opposition — the $100 million in cuts.

Opposition members interjecting.

The SPEAKER — Order! I ask the honourable member for Glen Waverley to cease interjecting. I ask the Minister for Health to conclude his answer.

Mr THWAITES — The Leader of the Opposition seems to be denying that the former cabinet agreed that those so-called savings would be passed on to services. I ask the Leader of the Opposition whether he will agree to release the cabinet papers so that we can see the truth, which is that that side of the house — —

The SPEAKER — Order! The Minister for Health must not debate the question.

Mr THWAITES — He must release the papers so we can see the truth, which is that that side of the house has imposed significant cuts on services and that it intended to do so.

Members on this side of the house are now having to cope with the problems that were passed on to this government, but at least it is working with the hospitals and other services to achieve as much in embedded tax savings as is possible and is trying to cope with the GST system, which the Liberal Party imposed on Victorians.

MAS: royal commission

Mr DOYLE (Malvern) — I refer the Minister for Health to the statement he made to the house during question time on 1 March when he stated that he was not aware of the independent legal advice given to the Metropolitan Ambulance Service. The service provided that advice to the minister's acting departmental secretary on 28 January. Following consultations with the Premier the secretary to the department wrote to the MAS on 18 February overruling the legal advice given to the service. How is it possible for the minister to be unaware of that legal advice, given that the acting departmental secretary, the departmental secretary, the department and the Premier knew of it?

Mr Leigh interjected.

The SPEAKER — Order! The honourable member for Mordialloc shall cease interjecting.

Mr THWAITES (Minister for Health) — It is interesting that the only issue the shadow Minister — —

Opposition members interjecting.

The SPEAKER — Order! The honourable member for Malvern has asked the question, and the house should allow the Minister for Health to answer it.

Mr THWAITES — It is very interesting that the only issue the shadow Minister for Health seems to be able to raise is the royal commission into ambulance services. We know why that is: it is because he is trying to camouflage — —

Opposition members interjecting.

The SPEAKER — Order! The honourable member for Doncaster!

Mr THWAITES — He is trying to camouflage his involvement in the ambulance scandals over the four years when he was — —

Opposition members interjecting.

The SPEAKER — Order! The honourable member for Knox! It is not assisting the process of the house for the honourable member for Knox to constantly interject in that fashion. I ask him to cease.

Mr THWAITES — The shadow minister is trying to camouflage his involvement over four years with the ambulance scandals. I am sure he will have his opportunity to explain himself on issues such as the phantom calls at Intergraph, which he said he would fix and did nothing about.

Opposition members interjecting.

Mrs Peulich — He is debating the question.

The SPEAKER — Order! The honourable member for Bentleigh!

Mr THWAITES — The shadow minister has a clear agenda: to muddy the waters around the royal commission so that the truth is obscured and his involvement is camouflaged.

Mr McArthur — On a point of order, Mr Speaker, may I refer you to the question asked, which at no stage — —

The SPEAKER — Order! The honourable member may not repeat the question.

Mr McArthur — I am not intending to, Sir. I am saying that at no stage did the question mention the royal commission, nor did it mention any inquiry. I suggest to you that the Deputy Premier is simply debating the question and you should bring him back to the question.

The SPEAKER — Order! I do not uphold the point of order. The question related to legal advice received by the Minister for Health and the circumstances surrounding that advice. The minister was being relevant in his answer to the house, and I will continue to hear him.

Mr THWAITES — The point I was making is that this is an attempt by the opposition to undermine the credibility of the royal — —

The SPEAKER — Order! I remind the Minister for Health that he must not debate the question. He must come back to answering it.

Mr THWAITES — The shadow minister is clinging to the issue desperately because of his embarrassment over the whole area of health, which he has left for this government to fix.

The government has made an announcement about legal representation for the ambulance service.

An opposition member interjected.

Mr THWAITES — The interjector says it was a backflip. It was. It was a change in our position based on what the royal commissioner said. The government — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the National Party!

Mr THWAITES — The government does not mind listening and then changing its view if that is appropriate. That is what we did, but we seem to be criticised for it. I would have thought that sort of behaviour contrasted with the behaviour of the previous government, which, instead of changing its mind, covered up documents, refused to answer and misled the house over many years.

GST: education

Ms BARKER (Oakleigh) — I refer the Minister for Education — and a very good minister she is — —

Opposition members interjecting.

The SPEAKER — Order! The house will come to order. The honourable member for Oakleigh should ask her question.

Ms BARKER — I will be delighted to. I refer the minister to the federal government's goods and services tax, signed up to by the former Kennett government, and ask her to advise the house how this tax will increase the cost to parents of educating their children and how schools will handle its implementation.

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Oakleigh for her question, for her congratulations and for her continuing interest in education.

The previous Kennett government, as you will recall, Mr Speaker, signed up to the federal Liberal Party's goods and services tax package last year. It could not wait to get to the table, say yes and sign up for the GST.

Those governments told us education would be GST free. That is a furphy. The most recent Australian taxation ruling, referred to in the Ernst and Young survey dated August 1999, confirms that a substantial number of education costs to parents will be hit by the GST slug. The cost to parents of educating their children will go up after 1 July this year.

The report reveals some of the areas where parents will have to pay GST for items their children must have when they attend school. Items attracting the GST include new uniforms, schoolbags, sporting goods, runners and racquets, second-hand books, uniforms, photocopying and calculators, an absolutely essential item that will be hit by the GST. As will the hire of musical instruments, the hire of some sporting facilities and phone calls — phone calls! How could you sign up to that?

Mr Speaker, do you know the blue phone at the end of the corridor in most schools? The phone used by most students to ring their mums and dads to tell them — —

Opposition members interjecting.

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

Ms DELAHUNTY — If you want to ring your mum and dad to tell them you got an A in history or that you have been caught smoking behind the shelter shed, that will be hit by the GST. They are some of the costs this lot opposite signed up to as members of the Kennett cabinet.

The honourable member for Warrandyte, the shadow Minister for Education, signed up to this impost on our children. But that is only the cost that parents will bear in educating their children. There is a further complication in this GST slug — that is, schools will now be involved with the complicated claim-back process and will have to pay tax on certain items, which I will list in a minute. The schools will have the administrative burden of claiming back money from the Australian Taxation Office.

What are some of the purchases schools will have to pay GST on? Furniture — pretty basic, I would have thought — pens, pencils and computers. This is the clever country, Mr Speaker, but schools will have to pay GST on library books and class sets, and the list goes on and on.

Every time schools contract to have maintenance done; every time a plumber is called to fix a toilet or a broken window, what will they have to pay? — GST. Schools will have to keep records and claim back the tax, which will impose an additional burden on staff. It will waste valuable time and possibly create cash-flow problems.

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Doncaster to cease interjecting. Order! I ask the minister not to invite the house to be unruly, and I ask her to conclude her answer.

Ms DELAHUNTY — Thank you, Mr Speaker, members on that side don't need the invitation.

This government inherited the GST. It is obliged to work with schools — and that is what it will do — to

alleviate the burden on schools that has been imposed by this tax.

Dr Napthine — On a point of order, Mr Speaker, I notice the minister is quoting from a typed script. As she obviously cannot have an autocue in the chamber she has to have a typed script! I ask that the minister make the typed script available to the house.

The SPEAKER — Order! Was the honourable the minister quoting from a document?

Ms DELAHUNTY — Mr Speaker — —

The SPEAKER — Order! Has the minister indicated she will be making the document available?

Ms DELAHUNTY — These are my copious notes, Mr Speaker.

Honourable members interjecting.

The SPEAKER — Order! The minister has indicated she has copious notes. I do not uphold the point of order.

Ms DELAHUNTY — They don't like it, do they? They don't like the GST that they signed up to.

The government inherited the goods and services tax, but it has worked with schools to alleviate the burden by setting up a GST task force in every region, establishing GST support groups and appointing school services officers, who will work with every school to assist in the complicated claim-back process. Training forums will be conducted during March and April, and statewide briefings for principals will take place in May. It is critical that the government — —

The SPEAKER — Order! The minister is not being succinct. Will she please conclude her answer.

Honourable members interjecting.

The SPEAKER — Order! By interjecting and not allowing the minister to conclude her answer honourable members are wasting a great deal of time. The house should come to order, and the minister will conclude her answer.

Ms DELAHUNTY — Unfortunately, the GST is not succinct. Only 14 weeks remain before the GST imposes a burden on both schools and our kids. One area of great confusion is fundraising, including sausage sizzles, chocolate drives and hot cross bun runs. It is still not known whether those fundraisers will attract — —

The SPEAKER — Order! The minister has now been speaking for 8½ minutes. Even allowing for interruptions because of disorderly interjections, the minister is not being succinct. In setting out my expectations at the beginning of the sessional period I indicated that ministers should be succinct and that longer answers should be provided through ministerial statements. The minister should now conclude her answer.

Ms DELAHUNTY — Confusion still reigns about whether the GST will hit fundraising or not. In concluding my answer I remind the house that the GST is only 10 per cent, unlike the approval rating of the Leader of the Opposition, which is only 11 per cent.

Federation Square

Mr CLARK (Box Hill) — I refer the Premier to the government's election promise to grant immunity to public servant whistleblowers to allow them to speak out about government decisions. How does the Premier explain the government's decision to stand down Mr Damien Bonnice, the project director of Federation Square, who blew the whistle over the government's handling of the shards issue?

Mr BRACKS (Premier) — The government is proud of the legislation it is enacting. The former government would have moved to remove and silence Mr Bonnice. Under the Labor government his employment is ongoing. He has expressed a desire not to work on the Federation Square project.

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Doncaster to cease interjecting. If he interjects again I will use sessional order 10 to remove him from the chamber.

Mr BRACKS — Mr Bonnice continues in employment, as distinct from Mr Kempton who, because of the actions of the former government, was sacked and subsequently stood as an Independent candidate against the Leader of the Opposition at the last election.

Workcover: administration

Mr TREZISE (Geelong) — I refer the Minister for Workcover to the former Kennett government's mismanagement of the Victorian Workcover scheme. Will he inform the house of the latest information on the scheme's financial viability?

Mr CAMERON (Minister for Workcover) — I thank the honourable member for Geelong for his interest in Workcover, which is reflected in the attitudes of all honourable members on this side. Unlike honourable members opposite, government members take an active interest in Workcover to ensure that it is a good scheme for Victoria.

Actuaries Tillinghast Towers Perrin have delivered a report that concerns the liabilities of the Workcover scheme for the first six months of the financial year. The former Kennett government's approach to Workcover was to steal the rights of seriously injured workers.

Mr Ryan interjected.

Mr CAMERON — The Leader of the National Party laughs. He admitted he did the wrong thing, and the government looks forward to his support in the coming weeks. He voted for a regime that rode roughshod over both Workcover and Victorian workers.

Instead of dealing with the issue of claims management, as other insurers and the Transport Accident Commission would do, the former government decided to flog off the rights of seriously injured workers. The report indicates that that approach backfired totally. Far from being reined in, the liabilities have increased by a massive amount.

When the Bracks government came to office it was not told that in the last financial year Workcover's loss was $176 million. No Victorian was told about that during the election campaign. However, the report reveals the real situation was far worse — liabilities were $162 million more. If honourable members opposite care to use their calculators they will realise that had that been reported at the end of the last financial year the total loss would have been seen to be $338 million. Without strong investment growth the funding ratio would have plunged — the hidden $338 million loss would have been far worse had there not been unsustainably high investment returns on the Australian and international stock markets. The Kennett government gave Victorians a Gordon Gecko Workcover scheme — totally dependent for survival on unsustainably high investment returns.

The Bracks Labor government will fix the mess and looks forward to the support of the Leader of the National Party. It will fix the black hole. It will have a proper scheme that it will drive into the black, not the scheme which the Leader of the Opposition appears to be very proud about and which has caused an enormous increase in liabilities.

Courts: Warrnambool

Dr DEAN (Berwick) — I refer the Premier to the 1999–2000 public sector asset management program document that allocates $7.8 million to the Warrnambool courthouse, including $900 000 this financial year. Does the Premier stand by that funding commitment?

Mr Hulls — You are a goose!

The SPEAKER — Order! The Attorney-General!

Mr BRACKS (Premier) — I assure the honourable member for Berwick that the Warrnambool courthouse will be built. There will be some funding for it this financial year. It will be scheduled over several financial years.

An honourable member interjected.

Mr BRACKS — Of course it will be scheduled over several financial years. I understand the mirth of the Attorney-General. What a pathetic question!

City Link: contract

Ms DUNCAN (Gisborne) — Will the Minister for Transport inform the house of the outcome of the evaluation by Frank Costigan, QC, of the $10 million western link global settlement by the Kennett government in respect of the City Link project?

Mr BATCHELOR (Minister for Transport) — The Melbourne City Link Authority annual report was tabled after the government came into office, and that was the first time the public was made aware of a secret payment of $10 million that had been made by the Kennett government prior to the last election. Details had been withheld from the public previously.

Prior to the election there had been talk that the project would be undertaken at no risk to the state. On coming to power the government was faced with the fact that there had not even been a prior admission that claims were being made against the government, let alone that there had been a payment of some $10 million. I asked a former royal commissioner, Frank Costigan, to have a look at the matter and prepare a report. Mr Costigan's findings are interesting. They will be available to members of Parliament through the library, and later today will be available to members of the public from the Melbourne City Link Authority.

Mr Costigan was asked to look at a number of issues. Firstly, whether the state had exposure to Transurban and its contractors arising from the western link component of the City Link works. Mr Costigan's conclusion was that the state did have exposure to Transurban and its contractors. He said:

> No matter how tightly drawn is a construction contract of this kind there always remains some exposure to risk. In this case, risk remained in terms of variations, additional work directed by the state, and the additional potential liability under clause 2.9 of the concession deed. All of these risks were to be found in the claims made by Transurban.

Mr Costigan was also asked whether the decision to settle in the amount of the payment made rather than defend the litigation was commercially justified. He found that the state was at some considerable risk as a result of the claims made by Transurban, and that an initial claim in excess of $70 million was clearly an ambit claim and was never going to be recovered in full. He went on to say that the state could not have successfully defended all of the claims. He also said that throughout the negotiations the officers of the Melbourne City Link Authority acted with professionalism and with a keen understanding of the commercial risks involved in the claims made against the state.

He went on to advise that the settlement achieved by the authority on behalf of the state was a commercial one and in the best interests of the state.

Mr Costigan was also asked whether the City Link contract protected the interests of the state and the taxpayers. He found that in relation to the western link global settlement the contract protected the interests of the state and taxpayers. He noted the state could not entirely remove itself from liability arising out of the major project because it had a continuing interest in monitoring the development and on occasions changing it.

The last thing Mr Costigan was asked to look at was the reason for details of the settlement not being released publicly — an interesting and pertinent point.

Mr Costigan questioned the officers of the Melbourne City Link Authority on the issue of public disclosure, and the information they provided was clear. Officers of the authority believe that the $10 million payment should have been publicly disclosed. According to Mr Costigan, the officers of the authority contacted the staff members in the then Premier's office and urged them to agree to a public announcement. However, the recommendation was rejected. It appears others in the government thought the information should have been made public but were overridden and humiliated.

According to Mr Costigan, the former Minister for Planning and Local Government, the honourable member for Pakenham, was also in favour of public disclosure, but was overridden by the then Premier. It is clear — —

Mr Maclellan — On a point of order, Mr Speaker, to avoid the minister inadvertently misleading the house I point out that Mr Costigan has never spoken to me about the matter at all.

The SPEAKER — Order! There is no point of order. The honourable member for Pakenham may not use a point of order to make a point.

Mr BATCHELOR — Certainly stirred them up, Mr Speaker! Mr Costigan is an individual of highest repute and — —

Mr Leigh — On a further point of order, was the minister also going to inform the house how much Mr Costigan was paid?

The SPEAKER — Order! There is no point of order and I ask the honourable member for Mordialloc to refrain from making such points of order.

Mr BATCHELOR — It is clear the previous government had an obsession with secrecy: despite the good advice from the departmental officers that the matter should have been made public, it was not. The obsession with secrecy is an issue the Liberal Party ought to examine at its state conference in two weeks time, and when it does so it will begin to understand why it was thrown out of government.

The SPEAKER — Order! The time set down for question time has expired and the required minimum number of questions has been asked and answered.

In the adjournment debate on 2 March the honourable member for Berwick raised a point of order. It related to a document being made available to the house by the Minister for Education from which she quoted during the course of her reply. I have examined *Hansard* and am satisfied the minister quoted from the document titled 'Department of Education site identification/analysis — Princes Highway, Berwick'. Following my request to the Minister for Education the complete document, including an attached site map, has been made available to the house.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Ms GILLETT (Werribee) presented *Alert Digest* No. 3 of 2000 on:

Corporations (Victoria) (Amendment) Bill
Financial Management (Financial Responsibility) Bill
First Home Owner Grant Bill
Flora and Fauna Guarantee (Amendment) Bill
Gambling Legislation (Responsible Gambling) Bill
Hire-Purchase (Amendment) Bill
National Taxation Reform (Consequential Provisions) Bill
Prevention of Cruelty to Animals (Amendment) Bill
Prostitution Control (Planning) Bill
Renewable Energy Authority Victoria (Amendment) Bill

together with appendices.

Laid on table.

Ordered to be printed.

DRUGS AND CRIME PREVENTION COMMITTEE

Drug reform strategy

Mr WELLS (Wantirna) presented report on lapsed inquiry, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

National Environment Protection Council — Report for the year 1998–99

Parliamentary Contributory Superannuation Fund — Report for the year 1998–99

Planning and Environment Act 1987:

Notice of approval of the new La Trobe Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Baw Baw Planning Scheme — No. C9

Casey Planning Scheme — No. C5

Greater Geelong Planning Scheme — No. R 224, R 244, R 251

Mornington Peninsula Planning Scheme — No. C14

Statutory Rules under the following Acts:

Conservation, Forests and Lands Act 1987 — SR No. 11

Wildlife Act 1975 — SR No. 10

Subordinate Legislation Act 1994:

Minister's exemption certificate in relation to Statutory Rule No. 11.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

National Taxation Reform (Consequential Provisions) Bill
First Home Owner Grant Bill
Gambling Legislation (Responsible Gambling) Bill

BUSINESS OF THE HOUSE

Sittings

Mr BATCHELOR (Minister for Transport) (*By leave*) — I advise all members and staff of the Parliament that, despite it previously being designated a sitting day, on Thursday, 23 March, the Parliament will not convene so that government and opposition members can participate in functions to coincide with the Queen's visit to Melbourne.

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order no. 6(3):

(*a*) the orders of the day, government business, relating to the following bills:

Juries Bill

National Taxation Reform (Consequential Provisions) Bill; and

(*b*) the order of the day, government business, relating to the address in reply to the Governor's Speech

be considered and completed by 4.00 p.m. on Thursday, 16 March 2000.

I also advise the house that it is the government's intention that the issues of the house's references to parliamentary committees will be considered by that

time. It is likely that that will be completed some time today, but as it is a notice of motion and is not technically on the notice paper it cannot be included in the business program. If necessary the government will amend the motion later during the parliamentary week.

Mr McARTHUR (Monbulk) — The opposition does not oppose the government business program for the simple reason that there is so little of it there is not much to oppose! When this issue was discussed during the last week the house sat, I pointed out that, despite all its constant and public protestations about getting on with managing and having a mandate to introduce a range of reforms, the government has no legislative program at all. This week in the house it is proposed to debate one bill today and tomorrow, and an additional bill will be debated and finalised on Thursday. Next week that will leave the house with only three bills to discuss, and they are all minor bills.

Most of the bills the house discussed during the last session and the first week of this session have either been the result of national agreements, which are simply being implemented with agreement from all parties, or were substantially drafted prior to the last election and not of this government's making. That is why there has been so little contention in the debates over the past few weeks. This government is doing what the former government was in the process of doing late last year.

Despite all its public claims, its protestations and its press releases about implementing a substantial reform program and major legislation, it is introducing nothing of consequence but rather a range of small, housekeeping bills that can be expeditiously dispensed with by the house. There is no reason for the house to be overly taxed or concerned by the legislation.

Indeed, the notice given by the Leader of the House a few moments ago demonstrates my point. Three bills were scheduled to be debated next week and now the sitting schedule for next week has been cut by a day so all the republicans can enjoy the royal visit!

That will not interrupt the business of the house by any significant amount, and members will deal easily with the matters before the house next week just as they will deal easily with the matters before the house this week. It might be asked why we are sitting on those days at all. Why is there no decent legislation to discuss? Why does the government not bring in legislation to fulfil its election promises? Is it that the government cannot get the legislation drafted or has it not made up its mind? Where is the Constitution (Reform) Bill — one of the Premier's primary promises? When it was introduced last session the Premier wanted to adjourn debate on it for only two weeks but reluctantly agreed to an adjournment of four weeks. The bill now seems to have disappeared. What has happened to it? Have members of the government got cold feet or have the Independents gazumped them and said they will not agree to it. Where is that important piece of legislation?

Very little business is before the house this week. What are members supposed to do during the next eight sitting weeks if the government cannot do better than this? One must wonder why taxpayers' money is being spent in this way.

Mr STEGGALL (Swan Hill) — It is embarrassing in the extreme for the Leader of the House to move this motion. The previous Kennett government introduced between 6 and 14 bills a week. At that time the then manager of opposition business, the present Leader of the House, felt that either not enough bills were introduced or they were not important enough. There was always something wrong.

The house is now in the embarrassing situation where the Leader of the House has introduced only one bill for debate today and tomorrow with an add-on coming through for debate on the Thursday.

It must be understood that the government is having some difficulties with running, operating and managing the function of government in Victoria, and the operation of the Parliament is a very important part of that. If the government cannot manage, I wonder whether it can in fact govern.

The business listed for this week is the Juries Bill and a continuation of the address-in-reply debate, which should have been completed some time ago. It is lucky for the Leader of the House that that debate has not been completed so when the house runs out of business it can come back to the address-in-reply. However, once the address-in-reply debate is completed his little safety valve is gone.

If the government is not going to introduce reasonable and proper legislation it should give members time to debate other issues, for example, ministerial statements and other issues of the day. That is something the Victorian Parliament has not always done. Perhaps some private members bills might be debated.

The Leader of the House has been caught short today and must be embarrassed to come to the Parliament with only two pieces of legislation and an address-in-reply debate which goes back some time. I

hope members of the government's back bench realise that ministers have a responsibility to occupy the time of the house properly and to give Parliament some decent motions to debate.

It is true that that is not the only function of the house, and I support the changes the government introduced earlier this year. They led the opposition to believe the government would use the house not just for the debating of legislation but also for the scrutiny of government operation and discussion of policy and direction for Victoria. Members have not seen that, and I suggest that if we are to have a repeat performance of this week's very embarrassing government business program the Leader of the House and the Premier should give consideration to properly using the time of this place for the scrutiny of government direction, business and policy.

Motion agreed to.

MEMBERS STATEMENTS

Earth Sanctuaries Ltd

Mr PERTON (Doncaster) — I raise a matter regarding a meeting of the partnership's conservation and environment committee today with Dr John Wamsley, the founder and managing director of Earth Sanctuaries Ltd, who was accompanied by other directors and the internationally renowned and respected environmentalist Professor David Bellamy.

Over the weekend Earth Sanctuaries presented to the people of Victoria its proposal to establish an earth sanctuary in the area of the You Yangs. I note that the Minister for Major Projects and Tourism was at the presentation and he obviously approves of the project. Indeed, the committee was very impressed by the widespread support Earth Sanctuaries has and the depth of its research.

The bizarre thing is that Dr Wamsley and Professor David Bellamy sought a meeting with the Minister for Environment and Conservation today. I would have thought the minister would have made time available with the prospect of meeting Professor Bellamy, but unfortunately they have not received a response. The minister is a prisoner of the Sir Humphreys, as the *Age* has put it. As crikey.com.au puts it:

> … she is buried under some 700 bits of correspondence and as we understand there are 2000 signatures outstanding. These people are waiting to see — —

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

Dorothy Bailey House

Mr LENDERS (Dandenong North) — I draw the attention of the house to the Dorothy Bailey House project conducted by the Uniting Church in my electorate of Dandenong North.

The outreach project is community-based and has raised over $40 000 a year for the last 20 years. It has a fantastic fundraising committee headed by Max Oldmeadow, a former federal member of Parliament, who is joined by Marj Smith, Joy and Doug Whan, Gail Foster, Kathy Batten, Ruth Kowarzik, Jean Paull and Ruth Saunders.

That group of volunteers works in conjunction with Wallara, a fantastic organisation in Dandenong that deals with people with disabilities and provides many other services. It has set up a series of day centres in Day Street, Dandenong, and three houses funded by community support and the Department of Community Services. It has a wonderful opportunity shop situated in an appropriately named street — that is, Menzies Avenue, North Dandenong — which has been generating more than $20 000 a year to assist this particularly worthy community cause.

I had the privilege of attending the annual general meeting last week at Birch Avenue, North Dandenong, where I saw a group of 20 or 30 dedicated volunteers prepared to give their time and energy in making their community a better place. It is a tribute to — —

The SPEAKER — Order! The honourable members time has expired.

Government departments: briefings

Mrs PEULICH (Bentleigh) — I raise a matter that has emerged over some weeks in relation to an important aspect of the role of each member of Parliament — that is, to represent one's constituency, both individuals and groups, irrespective of the party politics of those individuals or groups. Generally, during my seven and a half years of serving the Bentleigh electorate a relationship has been established where I contact government departments to deal with routine, non-policy matters and ministerial offices to deal with policy issues.

I am very concerned about the pattern that appears to be emerging with government departments. They have been given instructions by ministers not to have any dealings with opposition members; the most recent incident being the Minister for Transport's department following an inquiry over a routine matter of a timetable for the reconstruction of an intersection. The

staff member with whom my office has been dealing for several years on this matter as well as many others has been told by the minister's office that all dealings with opposition members must now go through the minister's office.

It is an outrageous erosion of parliamentary democracy. It is an absolute act of hypocrisy that stands contrary to all the platforms the Labor government has espoused as being central to its election to Parliament. Not only is the Minister for Transport seemingly guilty but so is the Minister for Education. I call on the Premier to instruct his ministers to stop gagging their departments. Victorians deserve equal representation irrespective of whether they are represented by Liberal or Labor members.

Heatherhill Secondary College

Mr HOLDING (Springvale) — I congratulate Heatherhill Secondary College, which recently inducted its school captains, house captains and home group leaders.

In particular I congratulate the new school captains, Emma Bishop and Mario Boudewyn, vice-captains, Michelle Liberts and Khalid Lamha, and house captains, Adam Sliwinski, Jodie Hyndman, Stuart Drake, Holly Nelson, Alex Trajkarki, Melissa Hang, Huy Tran and Natalie Liberts.

At the conclusion of the ceremony I had the opportunity to present the badges, talk with students about leadership obligations and mix informally with the new school leaders. I offer them, the principal, Andrew Hamilton, and the school community best wishes in the years ahead.

Industrial relations: disputes

Mr MULDER (Polwarth) — On behalf of the small business community in my electorate I condemn the Labor government for its pathetic handling of the current wave of industrial action throughout Victoria. Within its first six months of government it has become apparent that the government intends to gift the trade union movement at the expense of business growth and prosperity with a 36-hour week, a 24 per cent pay increase and $150 million in additional Workcover premiums.

In particular I am concerned at the number of business proprietors who have during the past 12 months entered into fixed-term and fixed-price contracts for two to three years for the supply of goods and services. The contracts were entered into in good faith and with the confidence to act on the previous coalition government's history of standing up to the trade union movement and controlling outrageous wage claims. The bases for entering into such contracts were the perceived commonsense approach and strong leadership of future leaders in government. Business proprietors who signed such contracts now know what they were really doing was spinning a bullet in a chamber. In October they got the Labor bullet fair in the back.

The current wage claims and additional costs facing small business will squeeze them out of operation. It will push marginal rural and regional manufacturing offshore and will stifle investment in rural and regional Victoria. I call on the government to get some backbone, stand up to the union movement and stand up for regional and rural Victoria.

Essendon Primary School

Mrs MADDIGAN (Essendon) — I direct to the Parliament's attention that this year is the 150th anniversary of the Essendon Primary School, which is the oldest school still operating in Victoria.

The highlight of its celebrations and activities will occur this coming weekend. They will include the launch of the history of the school, *A School for Essendon*, and an open day will be held on 18 March. I encourage all members to attend. I am sure they will be welcome.

I congratulate the school principal, Mr Les Cooper, and staff, the school council and its president, Mr Michael Hansen, the convenor of the 150th organising committee, Cynthia Ryan, and all past and present students and friends of the school who have worked so hard to make this a great year of events. Past and present students have been invited to attend the school on Saturday between 9.30 a.m. and 4.00 p.m. to celebrate the great education the school has given many people over the past 150 years.

Some of the school's most famous pupils will attend, including Olympian, Mr Ron Clarke, and the chief commissioner of Victorian scouts, Mr John Ravenhall. I am sure Essendon Primary School will continue to provide excellent educational opportunities for young Essendonians for many years to come. I congratulate the wonderful contribution the school has made to the local area by providing such well educated young people. The school will be delighted to welcome any interested members of Parliament.

Frankston volunteer coastguard

Ms McCALL (Frankston) — I commend to the house the Frankston volunteer coastguard, which has had a chequered history and which had a difficult time recently when the motor on its major boat exploded. God forbid that anyone would be out on Port Phillip Bay and need rescuing when there was no engine in the boat!

I am delighted to report that Frankston City Council gave $5000 to help put the boat back into the water. The Gandel Charitable Trust also gave $6000 and the Liberal Party in the Frankston electorate gave $500. The coastguard has lost the benefit of — —

An honourable member interjected.

Ms McCALL — Not a cent from the Labor Party, neither from the government nor local members! No roadside collections were allowed this year because an accident prevented the collection of funds at crossroads.

The coastguard has another problem, which concerns the delay in the issuing of an environmental impact statement for the proposed safe boat marina at the base of Olivers Hill on the eastern side of Port Philip Bay. The part-time Minister for Planning got to the right office but did not read the letter that was sent to him. His response was more of an apology. I am still waiting for the EIS on Olivers Hill to be released publicly. Until that happens and work can begin on the tidying up of the safe boat harbour at the base of Olivers Hill, the Frankston volunteer coastguard, which does such a remarkable job, is obliged to launch from either the Patterson River or Mornington.

Lucy Rankin

Mr STENSHOLT (Burwood) — I congratulate and commend Mrs Lucy Rankin of Burwood for her many years of service to the local community. She was born 87 years ago and has lived her whole life in Burwood. She raised three children then fostered a further seven, including five boys from the Burwood Boys Home. She arranged apprenticeships for them and they all still keep in touch with her. She worked for many years with the Save the Children Fund and was its local president for seven years. For the past 20 years she has helped run the Blue Cross Animal Welfare Op Shop in Through Road, Burwood — a magnificent achievement. She says she is the longest continuing living resident in Burwood and has loved every minute of it, particularly the recent by-election. Mrs Rankin of Burwood, Parliament salutes you!

Information technology: multimedia policy

Mrs FYFFE (Evelyn) — I am pleased that the Premier seemed to have such a good time at the World Economic Forum in Davos. I remind all members of the house that the former Kennett government was instrumental in securing the ninth East Asia Pacific Economic Summit. I am glad the Labor Party is now supporting another Kennett government success.

One of the best examples of Victoria's former leadership was the fact that Victoria then had the first minister for multimedia in the world, Mr Alan Stockdale. He was one of only two politicians in the world who, with the Vice-President of the United States of America, Al Gore, addressed the Microsoft–Forbes chief executive officers summit in Seattle in 1997.

The important issue of information technology and its impact on the global economy was one of the main features of the Premier's ministerial statement at the World Economic Forum. Although I am pleased that the Premier now recognises the important role of information technology, I am still dismayed by the fact that this government has no dedicated minister for multimedia as did the former government. Only the opposition has a multimedia spokesperson in this Parliament. The Premier also talked of being prepared to constantly look beyond Australian shores to see what is happening elsewhere. It was not long ago that the world used to look to Victoria and learn things. Even Bill Gates used to praise the former Victorian government's effort. In 1998 he called Victoria's online service delivery system, Maxi, a pioneer.

Hispanic Community Fiesta

Mr LANGUILLER (Sunshine) — I have to report that after the Hispanic Community Fiesta held late last year, multiculturalism is alive, well and thriving in Victoria. I had the pleasure of representing the Premier, who is also the Minister for Multicultural Affairs, at the event, and I have to say the fiesta was full of firsts. For the first time there was a two-week program. It began with dinner and a Latin dance party which I, together with my parliamentary colleagues Carlo Carli and Peter Loney, attended. The program also including a contemporary visual arts exhibition and a Hispanic film festival.

Traditionally the celebrations are centred around Johnson Street in Fitzroy. They gather thousands of people and representatives of the 22 countries where Spanish is spoken.

The fiesta once again demonstrated the depth of culture and talent in our Spanish-speaking communities, something which all Victorians enjoy. The arts are international. They are a great conqueror of cultural barriers. The fiesta had excellent artists and a variety of flamenco, tango and Afro–Uruguayan dancing. Hispanics know about the tango and the fact that it takes two to tango. I commend the Yarra City Council, the Victoria Police and the Spanish-speaking community for their efforts. Muchas gracias!

Royal Life Saving Society

Mr THOMPSON (Sandringham) — I pay tribute to the outstanding work done over the summer period by the Victoria branch of the Royal Life Saving Society Australia.

The SPEAKER — Order! The time for raising members statements has expired.

PARLIAMENTARY COMMITTEES

Mr BATCHELOR (Minister for Transport) — On behalf of the Minister for Health, I move:

That under the powers found in section 4F of the Parliamentary Committees Act 1968, the following matters are referred to the following joint investigatory committees:

1. To the Law Reform Committee — for inquiry, consideration and report by the first day of the autumn 2001 parliamentary sittings:

   (a) the accessibility and adequacy of legal services in regional and rural Victoria and to examine the effect of any lack of services in these sectors of the community. In particular, to examine the accessibility and adequacy of:

      (i) legal aid facilities and services including Victorian Legal Aid, community legal centres and pro bono services;

      (ii) court and tribunal facilities and services:

         including the location of courts in light of population shifts;

         appropriateness of current circuit arrangements

      (iii) legal professional services;

   (b) how access to the services referred to in paragraph (a) may be improved through the use of current and emerging technology.

2. To the Law Reform Committee — for inquiry, consideration and report by the first day of the autumn 2001 parliamentary sittings on the relevance of the Theatres Act 1958 *to* Victoria's society and in particular:

   (a) the need to retain a licensing scheme for live entertainment which is performed for reward;

   (b) the appropriateness of requiring that 'licensed' entertainers obtain special permission if they wish to perform on particular public holidays, namely Good Friday, Anzac Day and Christmas Day; and

   (c) the appropriateness of retaining a permit scheme for cinemas (which are not licensed) if they wish to operate on Christmas Day or Good Friday; and

   (d) the impact of repealing the Theatres Act 1958.

3. To the Environment and Natural Resources Committee — for inquiry, consideration and report by 31 March 2001 into fisheries management across Victoria by examining on options for the sustainable management of Victoria's fisheries resources having particular regard to:

   (a) the effectiveness of the current structure, functions and operations of the Fisheries Co-Management Council;

   (b) the adequacy of the current system of enforcement of fisheries regulations, both recreational and commercial; and

   (c) any alternative arrangements for the management of all aspects of commercial and recreational fishing, including the establishment of a single statutory authority for this purpose.

4. To the Family and Community Development Committee — for inquiry, consideration and report by the first day of the spring 2000 parliamentary sittings into the effects of television and multimedia on children and families in Victoria. In doing so, the committee is to:

   (a) examine the impact of television on relationships within the family, lifestyle and leisure patterns of families;

   (b) examine the influence of television on the social development and learning patterns of children;

   (c) examine the relative usefulness of television in enhancing skills development within families, especially in relation to parenting and children with special needs;

   (d) assess the likely impact on children and families of new and emerging forms of multimedia technology including videos, video games and the Internet and consider ways that this technology may enhance the wellbeing of Victorian families;

   (e) examine the relationship between violence on television and violent behaviour within families;

   (f) make recommendations to provide advice to families suggesting ways to use television to enhance the positive and minimise the negative effects of television on children.

5. To the Drugs and Crime Prevention Committee — for inquiry, consideration and report by the first day of the autumn 2001 parliamentary sittings into the issue of public drunkenness. In particular, the committee is to:

   (a) consider the appropriateness of the existing law in Victoria relating to public drunkenness;

   (b) identify any law reform the committee considers necessary to deal with public drunkenness;

   (c) review the adequacy of existing strategies for dealing with persons arrested for public drunkenness, such as the diversion of people from police custody into sobering-up centres.

   In conducting the inquiry the committee is to have regard to:

   A approaches taken to this issue in other Australian jurisdictions;

   B the final report (published in 1991) of the Royal Commission into Aboriginal Deaths in Custody; and

   C such other legislation, case law, reports and materials as are relevant to the inquiry.

6. To the Environment and Natural Resources Committee — for inquiry, consideration and report by 30 September 2000 into ovine Johne's disease control in Victoria. In doing so, the committee is to:

   (a) assess the economic and social impacts of strategies implemented from December 1996 for the management and control of ovine Johne's disease on individual producers, the sheep industry in Victoria and Victorian regional communities;

   (b) in the light of scientific knowledge of ovine Johne's disease and the national control and evaluation program, consider and assess the costs and the economic and social impact of any alternative strategies for management in Victoria;

   (c) after consideration of the outcomes from the CSIRO scientific review, recommend future management strategies for OJD in Victoria.

7. To the Road Safety Committee — for inquiry, consideration and report by 1 June 2000 on the effectiveness of vehicle roadworthiness systems in reducing the incidence and severity of crashes, and, in particular to report on:

   (a) the extent to which vehicle roadworthiness is involved as a primary or contributing factor in crash causation;

   (b) the effectiveness of the existing Victorian roadworthiness system and if alternative systems could improve vehicle roadworthiness having regard to the cost-benefit to the community and road safety outcomes;

   (c) the need for change to legislation or statutory requirements to implement any recommendations made as a result of the inquiry.

   In conducting the inquiry, the committee is requested to seek information from relevant organisations, the motor vehicle repair and insurance industries, Victoria Police and other government agencies. In particular, the committee is requested to examine vehicle roadworthiness and vehicle inspection systems in other Australian states, territories and New Zealand.

8. To the Scrutiny of Acts and Regulations Committee — for inquiry, consideration and report by 31 December 2000 on:

   (a) the Summary of Offences Act 1966, giving recommendations as to:

      (i) the content of the act;

      (ii) its relevance;

      (iii) whether it contains provisions that are unclear, redundant or ambiguous that require repeal, amendment or revision;

   (b) the Vagrancy Act 1966, giving recommendations as to:

      (i) the content of the act;

      (ii) its relevance;

      (iii) whether it contains provisions that are unclear, redundant or ambiguous, that require repeal, amendment or revision;

   (c) the Subordinate Legislation Act 1994.

The motion gives supplementary effect to actions the government has already taken on referring matters to parliamentary committees. In the normal course of events in previous parliaments the procedure set out for referring matters to parliamentary committees was undertaken by the government.

As previous governments have done, the government has used the process of referring matters to parliamentary committees through the traditional routes, using the Governor in Council process. The government identified a number of references for particular committees, which were then set in place; and the references were duly gazetted and referred to the appropriate committees. At a later stage the upper house carried a resolution, in extraordinary circumstances, to direct another set of references to parliamentary committees, and it did so without regard to the previous references that were already in train.

This process of one chamber of the Parliament referring en masse references to parliamentary committees is exceptional. It certainly has not occurred in the short

time I have been a member of the house, and I am not aware of its having taken place at other times. But even if there is precedent, it is not the normal course of events. The normal interaction is that the government of the day refers matters to parliamentary committees, and the bulk of their work should normally be so determined through that process. The previous government used the Governor in Council process to deliver work and references to parliamentary committees. However, on this occasion, out of the blue, for base political reasons, the opposition has used its numbers in the upper house to try to push references through.

Mr McArthur interjected.

Mr BATCHELOR — The honourable member for Monbulk suggests that he has a different interpretation of it, but the facts stand clear. References were processed through the Governor in Council process, the references were gazetted, and parliamentary committees were given tasks to be undertaken.

I might digress to explain what happened with the parliamentary committee dealing with road safety. Before the resolution was carried in the upper house to establish references I had a meeting to which all members of the Road Safety Committee were invited. In the past the committee has operated in a bipartisan way. If honourable members compare the result of its work with the ability of any of the committees to have their reports translated into government action and legislation, they will agree that it is probably the most successful of any of the investigatory committees. The honourable member for Forest Hill nods in agreement. The record stands there.

Mr Perton interjected.

Mr BATCHELOR — Why didn't you put him back on the committee then? You have knocked him off. Terrible things were done by the opposition to the honourable member for Forest Hill. The honourable member for Doncaster was part of the hatchet group that brought about the honourable member's demise on that committee. My aim as the responsible minister was to establish a good relationship so that the committee could continue to undertake its duties in a bipartisan, productive and efficient manner.

Honourable members interjecting.

Mr BATCHELOR — By the reaction of the honourable member for Bentleigh it appears that they ought not be objectives of parliamentary committees. During my meeting with members of the committee we discussed the issues they wanted to see form the basis of the workload in the years ahead, the issues the government wanted to examine and the manner in which we could meld those matters together. The government took away from the committee a very specific request that was translated into the first Governor in Council task directed to that committee in the life of the Parliament.

During the life of the Parliament, parliamentary committees undertake work, some of the tasks are completed within the life of the Parliament, and on many occasions work undertaken continues beyond that life. Many committees are often caught short when an election is announced if they have failed to conclude work on a particular reference. The work is just left sitting there. The incoming parliamentary committee is unable to pick it up and carry it forward unless it is specifically referred to it by some formal reference. Under the previous Parliament the Road Safety Committee was examining the roadworthiness of vehicles and their relationship to accidents.

The incoming committee recognised the work that had been done. Many investigations had been carried out, submissions from the industry and the public at large had been called for, and many individuals and community organisations had gone to considerable trouble to make presentations. The committee considered the experiences of other jurisdictions and gathered information. It gave thorough and detailed consideration to the matter, but because of the quirk of timing of the election announcement and the proroguing of the last Parliament it was unable to put forward its deliberations.

On the first occasion I met with the incoming committee, which consists largely of new members, it asked the government to give serious consideration to allowing it to conclude that work. It put forward a suggested reference, and I gave the recommendation to cabinet, which endorsed it. The reference then went through the Governor in Council and was gazetted. It was the express wish of the committee — on which the Labor Party does not hold a majority — that it be given a term of reference that was agreed to and would be facilitated by the government.

Through a politically based process in the other chamber of this Parliament the term of reference given to the committee by the upper house is different from the term of reference that had been agreed to, and it goes against the committee's wishes. The committee wanted to tidy up the matters brought about by the election and finish the work on the roadworthiness reference. It recognises that the opportunity to do so has

now been clouded by the changed reference given to it by the upper house.

My concerns are not about the substance of the changed reference — not at all, parliamentary committees, particularly the Road Safety Committee, should look at the sorts of issues raised in that reference. However, committees must be given tasks to be completed and agreement needs to be reached. The proper way to do that is to follow the normal process by acknowledging the good work that has been done in the past and asking committees to continue that good work. From a parliamentary perspective that is the modus operandi parliamentary committees should follow.

Unfortunately, that is not what has happened in this case. The upper house gave the Road Safety Committee and other parliamentary committees another reference. So that the lower house is able properly to carry out the government's intentions and the desires of parliamentary committees such as the Road Safety Committee, the government is asking this chamber, in effect, to make references that are by and large in line with those issued through the Governor in Council. For some perverse reason the normal process has not been followed, and the government is asking this house to take this action so that the original intentions of the government and committees can be followed through. Those intentions should have been followed through without the political shenanigans that were entered into by the National and Liberal parties in the upper house. The committees want to get on with the work and community groups and others that have an interest in the references that have been gazetted need to know those references will go ahead.

The government wants to ensure that the committee system works well. It has moved the motion because if the references received by the parliamentary committees through the Governor in Council are not reinforced and supported each and every parliamentary committee will have to deal with the issue of priority. How will committees be able to determine which references to act upon? How will they be able to resolve issues in light of the order of priority given to references under the Parliamentary Committees Act? The act makes it quite clear. It provides that either house can issue a reference to a parliamentary committee, and the government is not disputing that. It also provides that a parliamentary committee, having been given a reference by a chamber of Parliament, must give that reference priority.

In order to look after the committee system and to meet the wishes of parliamentary committees such as the Road Safety Committee, which reached agreement and had its requests met, this house is being asked to agree to the motion, which supports the giving of references through the Governor in Council process and will enable the references to have equal standing before the individual committees. It will be interesting to see how the committees deal with references of equal standing. The government hopes commonsense will prevail. The politically inspired manoeuvre in the upper house has demonstrated its cuteness, but the government hopes that will not affect the way committees work for the good of the Parliament or meet the objectives set out in the act.

Parliamentary committees are an important part of the parliamentary process. The government believes they should not be the plaything of the political process but should serve the interests of the Parliament.

It is for those reasons that we bring this motion before the house. We want the committees to work properly and not be politicised or diminished in their important work. The best way of ensuring that is to support the motion.

No doubt we will hear from the opposition parties a range of excuses and attempts to justify what they have done. Opposition members in this chamber have the unenviable task of arguing a justification for the actions of members of their parties in the other chamber. It will be interesting in the weeks and months ahead to observe the actions that follow the debate, because the result of the motion will set the tone for the committees and the way they work.

Today's debate is important because it is an attempt to retrieve something of the parliamentary committee process. Committees should not be diminished and abused, and the government is hopeful of achieving that objective. The government will await with interest any justification for not supporting the motion. It expects the motion to be supported enthusiastically for all the reasons I have outlined.

Mr McARTHUR (Monbulk) — Peter, Paul and Mary had a song with the lines 'Who's that yonder dressed in black? Must be the hypocrites turning back'. We've seen hypocrisy here today. The Leader of the House complained about 'base political motives' when condemning the Council for making references to the joint committees. It is strange that the Leader of the House — now there's a party well versed in hypocrisy, and I use 'party' in both the collective and singular senses — should suggest that I or any other member of the opposition would have to justify references to committees made in the other place. I will return to that matter a little later.

What does the motion actually do, and why has it been brought before us? The motion is redundant. Like many things done in the name of the Deputy Premier, it is unnecessary. We do not need it; it has no real effect and will not change the work of the committees. It is done as a reaction to the fact that the government was caught with its pants down.

As the Leader of the House has pointed out, the government has moved the motion because it has suddenly discovered that either house of Parliament may make a reference to a joint investigatory committee. If either house of Parliament makes a reference, that reference is to take precedence over a reference from the Governor in Council or from other sources. That is a decision made by this house not last week or last month but almost 10 years ago.

If that comes as a surprise to the government and to the Leader of the House, I can only suggest that they have been asleep since 1992 and have not taken much notice of the Parliamentary Committees Act, the work of parliamentary committees or the sources of the work of those committees. If they had paid any attention to those things over the past 10 years or so they would have been well aware of the power of either house of Parliament to make a reference and of the consequences of that reference. They would not have been surprised by the fact that a reference made by the Legislative Council takes precedence over a reference from the Governor in Council — subject, of course, to a subclause in the act that I will get to later.

The motion is the third example of the government's contempt for the parliamentary committee system. Despite the protestations of the Leader of the House a moment ago about the emphasis the government places on parliamentary committees, the government took three months after the election to even get around to appointing members to parliamentary committees. It could not make up its mind for the first three months of its term. I do not know whether government members considered what committees to appoint or what members might be nominated to those committees in those first three months.

It was only in response to a private member's bill which was introduced in the other place and which the honourable member for Berwick attempted to introduce in this place that the government finally got off its behind and decided that parliamentary committees needed to be appointed and members nominated to them. Three months! The normal practice over decades has been for committees to be appointed and members to be nominated to them within weeks of the election. That is generally done in the first week or two of the sessional period.

What happened? On the eve of Christmas, two months after the house first sat, committees were appointed and members were nominated. That was only because the opposition introduced private member's legislation in the other place and tried to introduce private member's legislation in this place to give effect to parliamentary committees. Prior to that, the Leader of the House would not even discuss the issue. For a number of weeks the Deputy Leader of the Opposition had been trying to discuss and resolve the issue to no avail. Just prior to Christmas, three months after the election, the government decided, 'Well, if they are going to do it in the upper house, we had better do it here, too.' so it brought in legislation, amended the act and nominated members to the committees.

The committees were appointed; the staff were there but they had nothing to do as there were no references before them. The committees had no references to deal with because, as you well know, Madam Deputy Speaker, when the writs for an election were issued by the Governor in August last year all of the committees ceased to operate. As I said earlier, late in December last year the committees were re-appointed and members were nominated, but until about a week ago they had nothing to do. They could hold meetings, take minutes and pay staff. I imagine they could even travel somewhere to hold meetings, but they had no references because the government had not got around to giving them any.

Finally a week or so ago, five months after the election, the government decided to make some Governor in Council references to the committees, so the all-important committees on which the government supposedly places so much emphasis got some work. Almost half of the first year of this Parliament elapsed before the government got around to even writing to the committees and telling them what they were to inquire into. That hardly demonstrates any sense of emphasis or priority.

This motion is the third example of the government's contempt for the committees and its inability to order its business and make sensible and rational decisions. The Leader of the House has admitted that the government suddenly woke up to the fact that references from the Legislative Council had priority over Governor in Council references so it decided that it could not let that happen! The committees must give priority to references from the other place, so, in essence, the government photocopied the references that had been made by the Governor in Council and

introduced them into this place in the vain hope that those references would have priority over the Legislative Council references.

The legislation is not clear on this matter. It does not state whether the references of either house shall take priority; it simply says that references from either the Legislative Assembly or the Legislative Council shall have priority over Governor in Council references.

All of this is unnecessary. The Leader of the House has rushed in and said, 'The reason we are doing this is because the opposition got in in front of us, and we don't like that. It is all political. We don't like it because they have done it for base political motives.' He hopes that this motion will give the government's references priority before the committees. That is a vain hope.

As I said, the legislation is unclear. It should be left to the good sense of the members of the committees to sit around the table, as they have done for decades past, and come to reasonable agreements about how they order their work. In the years that I was a member of the Public Accounts and Estimates Committee, its members — National Party, Liberal Party and Labor Party — agreed on the work they would do, in what order and how much emphasis, weight and priority would be given to particular matters, subject to provisions of the act.

Given that two or three references had similar priority under the act, committee members made up their own minds and reached agreement. There is nothing magical or mystical about it; committees have done that for decades and will continue to do so in the future. Committee members will competently and professionally consider the work referred to them and provide the Parliament with reports and recommendations to be considered by honourable members.

The Leader of the House stated that the Legislative Council provided references for base political motives. I invite him to look at the reference to investigate the impact of the goods and services tax that his government, through the Governor in Council, gave to one of the committees. If that reference was not drafted and designed for base political motive then Collingwood will win the premiership!

Mr Hamilton — That could be right.

Mr McARTHUR — They have gone from May premiers to March premiers. However, it will not last much longer.

The previous copy of the Governor in Council reference has mysteriously disappeared. It is the only omission from those recommendations. Clearly, it dropped off the table because the Leader of the House was embarrassed and did not want to defend it in the house.

The house is dealing with a simple matter. The committees have already received both Legislative Assembly and Legislative Council references. The committees will order their work according to both the act and their own good sense.

As I said, a rider on the timing exists, and I refer honourable members to section 4F(4) of the Parliamentary Committees Act which states:

> In carrying out its functions a Joint Investigatory Committee is required —
>
> (a) to give priority —
>
> (i) firstly, to all proposals, matters or things referred to it by resolution of the Council or the Assembly; and
>
> (ii) secondly, to all proposals, matters or things referred to it by Order of the Governor in Council published in the Government Gazette —
>
> before all other proposals, matters or things being inquired into or being considered by the Committee; and
>
> (b) to comply with any limitation of time specified pursuant to sub-section (3).

Subsection (3) states that the Governor in Council may impose a deadline for committees to report to the Parliament. That priority rider should be taken into account. The committees may be trusted to comply with and abide by that time line as they have done in the past. If the work is too large for completion in the required time an extension may be requested. That is nothing new. It was done in the past and will be done in the future.

Notice of motion 6 is redundant and the house need not consider it. Despite that, the opposition does not oppose the recommendation. Several committee chairs and deputy chairs will make suggestions about improvements but the opposition will not oppose or pursue formal amendments to the motion.

The committees should be allowed to proceed with their work. If the government gives the references the high priority espoused by the Leader of the House, it surprises me that he disparages a Legislative Council reference while placing weight on a Legislative Assembly reference. That indicates the Labor Party's

attitude to the importance of the Legislative Council and its wish to abolish it.

Mr WYNNE (Richmond) — I support notice of motion 6 in the name of the Minister for Planning. As a new member I have some interest in the transmission of references to the various parliamentary committees. I am delighted to be serving on the Drugs and Crime Prevention Committee together with my colleague the honourable member for Footscray. That committee is in the unique position of wrestling with two separate references that I will return to later.

The motion reinstates the government's clear commitment to several important references. It seeks the support of the house to address important social questions and matters of substance that it hopes the appropriate parliamentary committees will take due note of in considering their research and inquiry activities.

I will deal specifically with items 1 and 2 referred to the Law Reform Committee and item 5 referred to the Drugs and Crime Prevention Committee. I refer to the *Hansard* report of 1 March where an alternative reference from the Legislative Council was put to the Law Reform Committee about the future of court facilities and court-based legal services in regional and rural Victoria. The committee is to report to Parliament by 30 June 2001. I should not say it is an alternative reference; rather, it is another reference.

The Governor in Council has given the Law Reform Committee two references and I will speak briefly on both of them. The first is to inquire into and report to Parliament on the accessibility and adequacy of legal services in regional and rural Victoria and to examine the effect of any lack of services in those sectors of the community. The committee has been requested to examine the accessibility and adequacy of legal aid facilities and services, including Victoria Legal Aid, community legal centres and pro bono services. It has also been requested to consider court and tribunal services and facilities, and legal professional services.

The government is committed to restoring and improving services. All Victorians, regardless of where they live, should enjoy as near as possible equal access to legal services and court facilities. People should not be denied justice simply because of where they live. The government is committed to revamping legal aid to ensure professional advice is available to those who need it through public, private and community sector providers.

Honourable members will recall that the Attorney-General has indicated his commitment to pursuing the question of legal aid funding with the commonwealth government. There is currently an imbroglio between the states and the federal government in relation to both legal aid funding and the potential impact on community legal centres, which for many rural communities provide one of the few opportunities they have to access publicly funded community legal services. It is an important access-and-equity question, and the government is pursuing it with significant vigour.

Some Victorians living in rural and regional centres do not have direct access to legal aid services, as do those living, for instance, in the Goulburn Valley. There are high-need regions such as those around Morwell, Geelong, Bendigo, Mildura, Warrnambool and Ballarat. The need in those areas has obviously been ameliorated by — —

Mrs Peulich — On a point of order, Madam Deputy Speaker, I understand that the motion before the house is printed on the notice paper and does not require a debate on the substance of the terms of reference, which is obviously the work of the committee. I ask you to bring the honourable member for Richmond to the motion before the house, which talks about the committee structure and the references that have been given to all-party committees and not the substance of the terms of reference.

The DEPUTY SPEAKER — Order! There is no point of order. The honourable member for Richmond is discussing the reference listed in the notice paper. He is enlarging on the information provided in the notice paper.

Mr WYNNE — I am attempting to draw to the attention of the house the importance of the references contained in the motion, and also to draw attention to the motion that was moved in the Legislative Council. That is also a matter of substance, but it goes to the question of why the government perceives and is committed to the reference being a priority. Many Victorians living in rural and regional areas must travel significant distances to get to courts and tribunals, and that is obviously highly inconvenient for many parties. Distance can also cause difficulties for police, the legal profession and court staff. The location of courts should be examined in light of population shifts. It would also appear that some circuit arrangements may require realignment to accommodate community needs. Concerns have also been expressed that the facilities in such areas are often inadequate and do not meet the needs of those who must utilise them.

I should have thought the opposition would support — —

Mr Ashley — On a point of order, Madam Deputy Speaker, I do not like to stop the honourable member for Richmond because he is a person of great merit, but he is anticipating the outcome from his point of view of what the committee is about. I do not think that that is the nature of this debate at this time.

The DEPUTY SPEAKER — Order! There is no point of order. As I explained in my previous ruling, and I think this point of order is similar to the previous one, the honourable member for Richmond is expanding on the information included in the notice paper, which gives the references to the committees that are being set up under this motion.

Mr WYNNE — I am attempting to put the argument as to why the government has put these matters forward as references of priority. It is obvious to government members that access to justice is a fundamental question, and that is why it has been made a reference to the Law Reform Committee.

Mr Perton interjected.

Mr WYNNE — I turn to the second reference to the committee which, as the honourable member for Doncaster has indicated, goes to the Theatres Act — —

Mr Perton interjected.

Mr WYNNE — I thank the honourable member for Doncaster for his theatrical contribution. It is an important act and the Governor in Council has given the Law Reform Committee a reference to inquire into, consider and report to the Parliament on the relevance of the Theatres Act to Victorian society, and in particular:

(a) the need to retain a licensing system for live entertainment which is performed for reward;

(b) the appropriateness of requiring that 'licensed' entertainers obtain special permission if they wish to perform on particular public holidays, namely Good Friday, Anzac Day and Christmas Day; and

(c) the appropriateness of retaining a permit scheme for cinemas (which are not licensed) if they wish to operate on Christmas Day or Good Friday; and

(d) the impact of repealing the Theatres Act 1958.

The act, which is outdated and redundant, seeks to regulate entertainment in two ways. Firstly, it establishes a licensing scheme for stage entertainment performed for reward. Such a licence may be suspended if a performance is conducted on Good Friday or Christmas Day or before 1.00 p.m. on Anzac Day unless a special permit has been obtained. Secondly, the act prevents unlicensed cinemas from exhibiting films on Good Friday or Christmas Day unless a permit is first obtained from the minister.

Those matters will be properly dealt with by the Law Reform Committee, and the government looks forward to receiving its recommendations.

The third matter deals with the reference to the Drugs and Crime Prevention Committee, on which I have the pleasure of serving.

Mr Perton interjected.

Mr WYNNE — It is incumbent on me to respond to the interjection by the member for Doncaster by saying that the Drugs and Crime Prevention Committee report is an important document which I recommend to the member for Doncaster.

The committee has dealt with some difficult constitutional issues in regard to the provision of the bulk of the work done by the previous committee — fine work in relation to drugs and safe injecting facilities — to the Penington inquiry. The minds of the Clerks of the house and others were exercised to ensure that the important work done by that committee informed the Penington inquiry in its deliberations on the matter of a comprehensive response to the problem of drugs in the community.

My colleagues the honourable members for Footscray and Springvale and I are dealing with the question of illegal drug trade on the streets. It is a significant issue in local communities, and the government believes the work done by the former Drugs and Crime Prevention Committee should be passed on to the Penington inquiry in toto for its consideration.

Mr Perton interjected.

Mr WYNNE — It is difficult not to respond to the frivolous interjections by the member for Doncaster. Drug use is perhaps the most serious social issue the community is confronting and all the member for Doncaster can do is attempt to trivialise the responsible actions of the government committee. All the work of the previous committee, for which it has been given credit, has been transferred to the Penington inquiry for its consideration so there can be an informed response to the issue of illicit drug use in the community. Last year 365 people died of drug overdoses. The house deserves better than the trivial retorts from the other side of the house.

The public drunkenness reference is a serious question to be addressed by the committee on which I have the pleasure of working. Under the Summary Offences Act it is an offence to be found drunk in a public place, or to be found drunk and disorderly in a public place, or to behave in a riotous or disorderly manner while drunk in a public place. For some years there has been cause for alternative approaches to deal with public drunkenness.

The impact on Aboriginal communities of the criminalisation of public drunkenness has been a key concern. It has been found that a disproportionate number of arrests for drunkenness involve Aboriginals, who face particular difficulties when in custody. This is a serious question. The 1989 report on public drunkenness of the Victorian Law Reform Commission and the final report of the Royal Commission into Aboriginal Deaths in Custody in 1991 advocated alternative approaches to dealing with public drunkenness — for example, abolition of the relevant criminal offences and diversion of offenders from police custody into sobering-up centres.

It has also been argued that it is not appropriate to rely on the criminal law to deal with public drunkenness, that the mere unsightliness of a person drunk in a public place does not justify arrest on criminal charges — for instance, arrest may lead to a deterioration of relations between police and individuals who perceive they have been discriminated against resulting in further violence and charges. It is timely to review public drunkenness from both a criminal law and a public health perspective to consider whether law reform is appropriate and to consider alternative strategies to deal with persons who are drunk in a public place.

In the brief time I have left in the debate I draw attention to the serious question of public drunkenness. It was dealt with in some detail by the Royal Commission into Aboriginal Deaths in Custody. Paragraph 21.1.2 of volume 3 of the national report states:

> The National Police Custody Survey report indicates that a total 8536 cases of public drunkenness leading to custody occurred, making up, nationally, 35 per cent of the cases for which the reason for custody is available. (This proportion varied between the jurisdictions, with the Northern Territory having the highest proportion: 70 per cent.) Overall, some 46 per cent of the public drunkenness cases were Aboriginal people and more than three-quarters of the female drunkenness cases were Aboriginal. Drunkenness cases made up 57 per cent of the Aboriginal custodies compared with 27 per cent of the non-Aboriginal custodies. These data indicate that, throughout Australia, a substantial proportion of the work of police officers involved in community policing and lockup supervision was that of handling public drunkenness cases. This applies in all jurisdictions regardless of the legal status of public intoxication.

Paragraph 21.1.3 states:

> The commission has noted repeatedly the high rates of incarceration or detention in police cells of Aboriginal people for public drunkenness. As part of a more general movement to limit the involvement of police in essentially non-criminal behaviour, law reform in a number of Australian jurisdictions has aimed to decriminalise public drunkenness.

Honourable members recognise the potentially dangerous impacts that incarceration has on people, particularly those from Aboriginal communities. I applaud the Attorney-General for bringing the reference forward as a priority. It is part of Labor's commitment to an Aboriginal justice strategy that it will release in the next few weeks. The Drugs and Crime Prevention Committee will treat the matter with the seriousness it deserves. It is a question of equity, of social justice and one of the most important issues that was identified by the Muirhead Royal Commission into Aboriginal Deaths in Custody.

Mr PERTON (Doncaster) — If the honourable member for Richmond approaches the work on the Drugs and Crime Prevention Committee with the same passion with which he has addressed the house in the past few minutes the report will meet the highest standards expected from parliamentary committees.

Parliament has a fine tradition of conducting all-party inquiries, many into extremely controversial issues. Many observers of the political process have failed to notice that in Victoria most of those reports are unanimous. It is remarkable that in a wide range of serious and important issues parliamentarians, once they leave the theatre — an appropriate word given one of the other references — of Parliament and work with professional advisers, come up with some remarkably good answers. The Minister for Education served with me on the Law Reform Committee in the previous Parliament and we are proud of the Juries Bill now before the Parliament to reform the jury system. Honourable members could point to a wide range of legislation, whether it is the Equal Opportunity Act or the like, which has benefited from bipartisan work.

Sadly, the references in the motion today do not reach those high standards, with perhaps the exception of no. 5 which was referred to by the honourable member for Richmond. Reference no. 2 to the Law Reform Committee concerns the relevance of the Theatres Act of 1958. The honourable member for Richmond, in his amusing contribution, has already argued the need for the committee to report positively on paragraph 4(d) of the reference — that is, the impact of repealing the Theatres Act. A government that knows, understands and appreciates the Parliamentary Committees Act

should know the redundant legislation subcommittee of the Scrutiny of Acts and Regulations Committee, which has already undertaken fine work in recommending the repeal of hundreds of pieces of outdated legislation, is the appropriate subcommittee to refer such a reference. It is a slap in the face to the Law Reform Committee that it should receive the reference and that it not be instead dealt with under the general reference that was previously given to the Scrutiny of Acts and Regulations Committee's redundant legislation subcommittee.

The passion displayed by the honourable member for Richmond in the debate, and the facts he put before the house, yet again show the contempt with which Parliament is held by the government. As the honourable member rightly said, the public drunkenness provisions are contained in the Summary Offences Act. I refer the honourable member for Richmond to reference no. 8 to the Scrutiny of Acts and Regulations Committee, and particularly to the reference to the 'Summary of Offences Act 1966'. The government has not even paid the Parliament, the public or the committee the courtesy of properly naming the act. It is, of course, the Summary Offences Act. Why have two references? Why not let the Drugs and Crime Prevention Committee deal with the whole question of the Summary Offences Act? Appropriately it should be dealt with by one committee.

It is obvious that what happened around the cabinet table was the members of cabinet said, 'Throw in your suggestions', and on the scrappy pieces of paper they threw in there was one for the Drugs and Crime Prevention Committee and another scrappy one for the Scrutiny of Act and Regulations Committee. However, the minister who threw it in did not know it was the Summary Offences Act but thought it was the summary of offences act.

As I examine the references, it is interesting to note that they are completely in conflict with the ministerial statement made by the Premier last week. Madam Deputy Speaker will recall — I am sure you were in the house when the Premier made his Davos ministerial statement — that the Premier said he had been to Switzerland and discovered information technology. He discovered that memory chips on computers were becoming more powerful. He discovered that information technology (IT) actually matters in the community.

Mrs Peulich — As opposed to carrier pigeons.

Mr PERTON — The honourable member for Bentleigh makes a valid point. The government came to power without any vision or any understanding of the modern economy or the global economy. Thankfully, at least the Premier went to Davos. As the Leader of the Opposition said, we hope he brought back the soap and shampoo because he did not bring back very much otherwise!

The set of references is particularly interesting because it points to the failure of the Minister for State and Regional Development, the minister who is so-called in charge of information and communications technologies (ICT) policy in Victoria. On 11 November 1999 in a statement called 'Connecting Victoria', Minister Brumby said:

> We will refer to a parliamentary committee the issue of how best to use new technologies to open up the processes of Parliament and government to the people of Victoria. The committee will examine options including netcasting of parliamentary proceedings, using the Internet as an interactive consultation mechanism for policy formulation, enabling wide sharing of policy ideas and encouraging public comment on important issues. Parliament Live will further strengthen the position of Parliament at the heart of Victorian politics.

Mr Baillieu interjected.

Mr PERTON — As the honourable member for Hawthorn interjects, I cannot see it. One, two three, four, five, six, seven, eight — no sign of the minister's promise. Indeed, there is no evidence at all that the government intends to carry out its promise. In November 1999 the Minister for State and Regional Development told honourable members that he was making the most important ministerial statement that had been made in Parliament for many years. He had in fact rushed into Parliament to make the statement because the computer industry condemned the Bracks government for failing to appoint a minister for multimedia or information and communications technology.

Even last week the *Australian* reported that the Queensland government had rubbed its hands in glee at the prospect of Victoria's dropping the ball on information communications technology and actively sought headquarters and manufacturing facilities from ICT, Internet and multimedia companies in general.

What could be more important than parliamentarians dealing with the question of how Parliament and our democracy copes with the new technologies and the Internet and the opportunities they present? However, it is not in this set of references. It is therefore a broken promise not just to Parliament and parliamentarians but to the Victorian public.

As you are aware, Mr Acting Speaker, some 40 per cent of Victorians are now online and on the Internet. They understand the challenges of being global citizens in a global economy. However, much leadership is needed for Victoria and Australia to make sure that it is at the forefront of the revolution so the young people of Shepparton and the Murray Valley know that when they go out to seek their education services they can get the best in the world.

Mr Stensholt interjected.

Mr PERTON — I hear the honourable member for Burwood. It must be his maiden interjection! He must be disappointed as well. I know that because of his previous role as an officer of Ausaid the honourable member is very much aware of the need for Victoria to be able to cope with the global economy. Hearing his interjection I know he is just as frustrated as I am with the lack of performance by the Minister for State and Regional Development and the Bracks government in general.

Mrs Peulich interjected.

Mr PERTON — As the honourable member for Bentleigh rightly points out, he looks very frustrated, indeed. It surprises me that the government has not made any attempt to have talks with the Speaker and the Clerks to get some action on the reference. As you know, Mr Acting Speaker, the Liberal coalition government introduced Parlynet to make Victorian parliamentarians community leaders in bringing the citizenry of Victoria and its business people into the global economy. I see the Clerks in front of you, Mr Acting Speaker, using their laptops. When a bill is introduced they press a key and the bill is published, not just to this Parliament but to every citizen in Victoria and the world in general. Parliamentarians now have the opportunity to lead the rest of the community, and part of doing that is to make sure that people can access the proceedings.

Apart from question time the press gallery is not well represented by the conventional media. The fact that journalists do not sit in the chamber except at question time and during the most controversial debates between leaders of parties tells me that any citizen who wants to access parliamentary proceedings must do so online. Citizens need either a parliamentary radio service or a parliamentary television service that can deliver information to computers in people's homes, offices or schools.

It is clear that proceedings in the Victorian Parliament will become irrelevant as television and radio continue to provide live the proceedings of the federal Parliament and as the print media increasingly reports only the most controversial speeches of Parliament. We as parliamentarians want to make ourselves relevant to the community. We have to transmit to the community what we are doing and let it observe what is happening. That applies to the broadcasting not just of this Parliament but to the proceedings of committees such as the Drugs and Crime Prevention Committee.

During the former Parliament the honourable member for Bentleigh worked hard to assess the impact of television and multimedia on children and families in Victoria. I am sure that large sections of the multimedia and computer industries would have taken an interest in those proceedings. Let us not kid ourselves that people would watch or listen to the entire proceedings of a committee, but they certainly would take notice of the prime witnesses and the appropriate questioning, all of which are of great interest to Victorians. The opportunity should not be missed, because the longer it does not happen the more it will become clear that the set of references are lightweight and do not implement the government's promises. The reference in the motion to the 'Summary of Offences Act', for example, shows to me that the government was not even trying; it was a case of chucking the piece of paper into the middle of the cabinet table.

Mr Baillieu interjected.

Mr PERTON — The honourable member for Hawthorn rightly asks, 'Where is the print location reference?'. Where are the issues that need to be determined by parliamentarians working together? Where is a reference on hazardous waste? It is clear the government has an absolute head-in-the-sand attitude on hazardous waste. It made a decision about Coode Island.

Mr Nardella interjected.

Mr PERTON — The honourable member for Melton laughs. It is interesting that the honourable member for Melton went to the people on a policy of moving Coode Island, yet he sits in this chamber and laughs about it. When you come up for judgment before your electors we will remind you of your promises on Coode Island.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Doncaster should speak through the Chair.

Mr PERTON — When the honourable member for Melton and his constituents are reminded of his broken promises and his many false words — —

Mr Nardella interjected.

Mr PERTON — It is interesting, Mr Acting Speaker — —

The ACTING SPEAKER (Mr Kilgour) — Order! The debate would improve if the honourable member for Doncaster did not worry about interjections and just addressed the Chair.

Mr PERTON — The promises made by the Minister for State and Regional Development included one to improve Parliament through the use of new technology. I am very sad that the promise has been broken. Honourable members should look closely at the ministerial statement 'Connecting Victoria'. They should assess the number of promises that should have been part of the references to the committees.

When the government came to power it abolished the Premier's multimedia task force, which held monthly meetings of IT leaders not only in Victoria but in Australia. Many international visitors timed their visits to Melbourne so they could also attend task force meetings. In November last year Minister Brumby said he would announce the chair of a new information industry advisory group to oversee development of the IT sector. It is now March and there is no such committee or chair. In that same statement the minister promised to set up an IT skills task force which would engage in consultation over the following six months. There has been no such consultation or committee.

It is a good thing that in the upper house the Leader of the Opposition, Mark Birrell, moved a motion to give the Economic Development Committee a reference which includes the use of information and communication technology to enhance the export opportunities for Victorian rural industries, because Minister Brumby, who is big on rhetoric, has been short on action.

It is clear that the proposed references are not references of substance. They treat the committees with contempt, in particular the reference of the Theatres Act 1958 to the Law Reform Committee. It ought to have been sent to the redundant legislation subcommittee.

Honourable members should examine the references to the Environment and Natural Resources Committee. In each case the government has set up the terms of reference in a way that skirts the main critical issues that need to be determined in those areas. Instead of building on the fine work of the Family and Community Development Committee in the last Parliament, the government has sought to divert its work in a way that makes almost a year of research and hard work redundant.

The Drugs and Crime Prevention Committee is clearly capable of undertaking two or three references at the same time. Rather than delegating that important work of parliamentarians to an expert committee it would have been far better if that committee had continued to work in a bipartisan way, hand in hand with the Penington committee.

Finally, the Scrutiny of Acts and Regulations Committee traditionally has done very good work. I do not understand why the government would refer the Summary Offences Act to two committees at the same time. Also, the Vagrancy Act ought to have been referred to the subcommittee.

The Subordinate Legislation Act is seen as an international leader. Although it certainly needs reform, a lot of the changes would be administrative. A government that was really thinking about it should be more specific in its reference. It should give the committee the power to bring public servants before it to improve the performance of that act, including the regulatory impact statement process.

I am pleased that the Honourable Mark Birrell introduced some real references in the upper house. It is a real pity that one-upmanship is at work in this house, with the government introducing a very tired set of references with so much missing and so many broken promises. It has not even given Parliament the courtesy of putting in the correct titles of the acts to be reviewed.

Mr NARDELLA (Melton) — I support the motion, as does the opposition. That is gratifying because the motion puts in place the Bracks government's priorities for the committee system. It was interesting to hear the honourable member for Doncaster say that many of the references in the motion are irrelevant, tired, trivial and not worthy of the time and effort of committee members.

Reference no. 6 deals with one of the most important aspects of sheep farming — that is, ovine Johne's disease. The reference is for consideration and report by 30 September 2000. To say that that reference is trivial and that parliamentary time and effort should not be spent on it is absolutely wrong. It downplays the importance of that debilitating disease for many farming communities.

Reference no. 7 is another that the honourable member for Doncaster believes is trivial. It is actually part of the Bracks government's policy of seeking to reduce road deaths by 20 per cent over the next five years. The

reference is very important, particularly as the committee is asked to inquire, consider and report by 1 June of this year on the effectiveness of vehicle roadworthiness systems in reducing the incidence and severity of crashes. It is absolute rubbish to say that the Bracks government is wasting the time and resources of parliamentarians and taxpayers' money.

Ms Beattie interjected.

Mr NARDELLA — As the honourable member for Tullamarine interjects, it is disgusting. They are important issues that the government and Parliament should be considering so that we can better understand the effect of a roadworthiness test — either a regular one or one on cars over a certain age — on the road toll.

I would be giving a very false impression, with a complete misunderstanding of vehicle roadworthiness, if I were to give my view at the moment, because as I said the committee will report on the reference before 30 September. For the honourable member for Doncaster to say that the Family and Community Development Committee inquiry is irrelevant, trivial and should not be considered suggests that he is downgrading the work of both the previous committee and new members like myself. That is the crux of his contribution. He has devalued the work of members of this house in both the previous Parliament and this Parliament.

Honourable members interjecting.

Mr NARDELLA — The government has to put forward its priorities for consideration by the committees it has established since coming to office. Honourable members suggest by interjection that it has taken six months, so I will go through the timetable the government has followed. The election was held on 18 September 1999. Victoria then had a caretaker government. So for at least a month before the Frankston East supplementary election we had a caretaker Premier and a caretaker government that did not do anything. That was not Labor; it was the Liberals and Nationals at that time in coalition. Now they have gone into partnership, whatever that means. I suppose you go into partnership when you do not want to give up the white cars.

When Labor took office the opposition would not sit down and negotiate with the government about the committee system because with its born-to-rule mentality it was concerned with putting in place its own committee system without reference to the government, ministers and members on this side of the house. The government had to pull opposition members back from that position, which took us to the end of December.

By the time the committees were up and running the holidays had arrived and all members from both sides of the house took a well-deserved rest — and honourable members on the other side are still having a rest! The committee system did not start again until late January or early February. That was the timetable.

It is pointless for members of the opposition to say, 'You have had six months', because the government has not had six months. It was obstructed by opposition members for a long time through the operations of the Legislative Council. Members of the opposition in the Legislative Council, such as the Honourable Mark Birrell, continue to believe they are in government. They continue to believe they should be setting the agenda and telling the government what to do. Opposition members are not used to their present situation because they had their own way for seven years.

Over those seven years no feedback was given to Parliament — either to this house or the Legislative Council or the then opposition — about the references given to committees, because the former Kennett government had absolute control. The former government followed normal custom and practice, which involved the Governor in Council giving references to committees. However, no negotiation or discussion took place with committees on what the terms of reference should be.

In the early 1990s members of the Crime Prevention Committee debated the terms of reference on child sexual assault. It was an important inquiry. The Honourable Ken Smith chaired that parliamentary committee, and many of its recommendations have been put in place. Another example is that the former government decided to investigate the taxi industry and a committee, of which the Acting Speaker was a member, was established. The committee was given a reference to deal with safety in taxis and other forms of public transport. The recommendations have since been put in place, which has meant reforms to the taxi industry and the public transport system. More importantly, reforms to the laws on sexual assault have also taken place. That is what the parliamentary committee system is about. It is about members on both sides of the house sitting down and working through difficult issues in our society to ensure that Victorians live a better life.

The honourable member for Doncaster talked about the reference given to the Drugs and Crime Prevention

Committee being given to the Penington inquiry. Why should that not be done? Why should it not be referred to the Penington committee, which is investigating and putting in place Labor government policy on drugs? Even the economic rationalists on the other side should understand that duplicating a reference by giving it to both the Penington committee and the Drugs and Crime Prevention Committee would be a waste of work. The previous government referred the drug issue to Dr Penington in the first instance. It is appropriate to avoid duplicating references.

The government has moved the motion before the house. The problem is that the opposition still does not consider the government to be legitimate. They still believe they are born to rule and should determine the business of parliamentary committees.

I support the motion before the house.

Mrs PEULICH (Bentleigh) — It is important to recognise the all-party nature of committees. One point may have escaped honourable members who have already made contributions to this debate — namely, that ministers can send committees all the references they like, whether through the Governor in Council or by resolution of the lower or upper house but that at the end of the day the committees decide whether they will accept those references and the order in which they will deal with them. Committees can say they do not want to accept a particular reference. Conversely, they can deal with three or four references concurrently, whether through subcommittees or through a careful scheduling of time lines.

The amount of time already spent on debating this issue is quite unnecessary. As the honourable member for Monbulk said, the motion is redundant. Some Labor members show contempt for the all-party system. There has been a huge overreaction, a knee-jerk reaction, by the Bracks government. It must understand that all-party committees are not government committees: they are intended to be bipartisan.

The motion before the house includes some sloppy terms of reference, and shows how slowly the government operates. As several honourable members have mentioned, the government took nearly three months to establish the committees and six months to get moving on the references, even though many of those references were carry-over references and needed only to go through the photocopier. That is an appalling state of affairs.

I am in my third term as a member of the all-party Family and Community Development Committee. I have enjoyed my role enormously, including working with members of the government, formerly members of the opposition. I remember some landmark references, such as the one on positive planning for ageing. It is hoped the report on that work will be used as a blueprint for the development of aged care services throughout Victoria. It was extremely well received in Victoria and abroad. The all-party committee report on family and children's services prepared between 1992 and 1996 has been used as a blueprint for the delivery of services in those areas.

Social policy is a minefield of ideological differences, not only between parties but within them. All-party committees can foster a strong bipartisan relationship or culture that enables members to negotiate their way through that ideological minefield. They can produce practical solutions to complex problems that a single political party would often fail to produce.

I am delighted to see that the Family and Community Development Committee reference on inquiring into the effects of multimedia and television on children and families has now been ratified by the Premier. The reason I am delighted is that 75 per cent of that work, which is of a high standard, including a large part of the consultation work, has already been done by the previous committee. Although not completed, it is something the new committee can acquire ownership of as it continues. That does not preclude it from undertaking further consultations.

It is unfortunate, however, that that reference has been presented as some kind of new reference. Members may have seen the recent *Herald Sun* headline suggesting that Premier Bracks has ordered an inquiry into television and multimedia and TV violence and the rest. The committee has been working on that reference since 1997! Indeed, some $500 000 has been spent on that work. If that reference had not been returned to the all-party committee for completion, a great deal of taxpayers' funds would have been wasted. I welcome the fact that the committee has an opportunity to complete it.

Due to the naivety of the new government, some words in the terms of reference have been changed. Paragraph (a) of reference 4 deletes the word 'physical'. Whether deliberate or merely an oversight, the deletion means that about 10 to 15 per cent of the report and the submissions incorporated into it will have to be culled. That is ridiculous. It must be due to carelessness and needs to be amended.

Paragraph (d) of the reference includes a naive attempt to broaden the parameters of the existing reference by

including the terms ‘video’, ‘video games’ and ‘Internet’. Had there been some genuine discussion between the minister — who in this instance is the Premier — and members of that committee, the minister would have been informed that all those aspects had already been covered in the inquiry. I understand there is advice from parliamentary counsel that even one single word of difference in the terms of reference for parliamentary inquiries may mean that the inquiry is deemed to be a new inquiry. I am not sure of the status of that advice, but I suggest that the government and the Premier clarify the status of the terms of reference as printed in the notice paper. I would hate to be forced to agree further down the track to pulp a report that may have cost several hundreds of thousands of taxpayers’ dollars to complete.

Not only did the government take three months to establish the committees and six months to put together some inquiries, some pre-existing and some not, but it has also been very sloppy in the way it has handled the process, particularly the inquiry I am referring to.

The manner in which the whole all-party exercise was started saddens me even further. From my experience over the past seven and a half years, the degree of bipartisanship in previous committees has been exceptionally high. All the reports of the committee on which I served and which were tabled in Parliament were bipartisan. The only dissenting note might have been me with members of my own government on a particular issue, which illustrates the integrity and the autonomy of parliamentary committees.

The message here is that it is not a government committee system; it is an all-party committee system. Committees have the integrity and the authority to refuse an inquiry or to work on several inquiries concurrently. This whole exercise is futile and useless and highlights the fact that the government is in the habit of making decisions on the hop.

The honourable member for Monbulk described the Leader of the House, the Minister for Transport, as being caught with his pants down. Not only has the government been caught with its pants down, but the underwear has been found to be decidedly holey! Of course, members of Parliament and the committees will have to do the patch-up job. I do not mind doing patch-up jobs, but at least there should be some degree of — —

An Honourable Member — A hatchet job.

Mrs PEULICH — A hatchet job? We are capable of doing that as well.

I have some concerns about the manner in which the work of the Family and Community Development Committee started. A staff appointment had to be made first. In the past, all such matters were conducted in a bipartisan fashion with all committee members agreeing on the preparation and placing of an advertisement. A subcommittee was formed with members from both the opposition and the government, and due consideration was given to the guidelines put together by the Presiding Officers recommending the inclusion of a female on the panel to select staff members. That seemed pretty sensible to me.

What is happening now? The new chairman of the Family and Community Development Committee is single-handedly controlling the whole process — he is advertising, short-listing, recommending and ramming through the appointment of the selected staff member using the government’s numbers on the committee. What is bipartisan about that process? It is in stark contrast to the manner in which members of the previous Family and Community Development Committees worked together.

A retired former minister, the Honourable Caroline Hogg, is a leading example of how the work of all-party committees should be approached and undertaken collaboratively so that practical solutions can be reached on very difficult questions.

This whole show has been pretty messy and clumsy and, even worse, fairly unnecessary. Although I welcome the opportunity to complete the important report of the committee, I urge the Premier, who passed on the reference, to ensure that amendments are passed in the upper house so that the funds that were expended to undertake the previous report are not wasted at the end of the day.

Mr SEITZ (Keilor) — I support the motion moved by the Leader of the House. Some previous speakers have indicated that all parliamentary committees have been investigative committees without political interference. Looking around this place I see that I am the longest serving member in this chamber, so I can speak from experience of the different governments that have been in charge of investigative committee processes.

Victoria is the first Parliament to have instituted investigative parliamentary committees that have the power to make recommendations to Parliament, to which the appropriate ministers must respond within 12 months. Victoria’s investigative committee structure prevents the government from trying to convince the community that something is being done while it places

issues in pigeonholes or removes them from public and media attention.

The government of the day, whether a majority or minority government, gives priority references to the committees. It is important that the investigative committee process continues to uphold Victoria's democratic process.

Over time committee names and personnel have changed. As society has developed and the need to look at different issues has arisen, some committees have been abolished and others have been created or amalgamated. An investigative committee inquiry allows a government to take an arm's-length look at a problem away from the bearpit of the chamber. Honourable members of all political persuasions have an opportunity to independently examine the ministers or witnesses who appear before them to explain their positions on a particular reference. I hope the action by the opposition in the upper house does not indicate a change in direction.

As I said earlier, Victoria is the first state to have instituted investigative committees. After asking the officers of various parliaments I have found that neither the Senate investigative committees nor the investigative committees in other commonwealth countries have the same power as Victoria's committees.

Victoria's situation is unique and must not be abused by either side. Committees must be free to make recommendations in the best interests of Victoria. All sides must examine issues in a sensible, calm and rational way. All those who make submissions, including public servants, must have the confidence to present their cases to committee members without fear or favour in the knowledge that the issues they raise will not become political footballs following a change of government. I would be saddened to see investigative committees used for points scoring, which would result in issues not being considered seriously.

The recommendations contained in many committee reports, whether they concern the oil industry, welfare services or agriculture, are acted on by government and accepted by the community. I hope that members on the other side will prevail on their upper house colleagues to cooperate to ensure that the investigative committee process continues to work in a bipartisan way for the good of the community.

As politicians we enjoy the protection of the house in what we say. On being sworn, witnesses appearing before parliamentary committees share that protection. However, if they believe the issues they raise will not be treated seriously, witnesses will be reluctant to appear. I am a member of the Environment and Natural Resources Committee, which will need to deal seriously with issues affecting Victorian farmers.

We in Parliament should treat those matters seriously. If we ambush each other in a political point-scoring exercise we will denigrate and demean not only Parliament but also the position investigative committees have had for many years and the respect in which they are held by the upper echelons of our society. As I mentioned earlier, I have experience of dealing with witnesses and people from high industrial positions, who if they had felt their involvement was part of a political game would not have come before a committee and given in camera, the full and insightful reports needed by the committee to assess and make valued judgments, proper assessments and recommendations on matters before it. Those elements are at stake when the committee process is turned into a political football.

I implore opposition members to prevail on their upper house colleagues. Opinions must have been expressed in their party rooms and meetings about this not being the way they should be going. The opposition leadership should look at itself in determining how these matters are dealt with. The former Cain government was fair in that regard. Although it held the majority on committees, it shared the position of chairperson and was impartial. The community, the media and the individuals who were involved in the references respected the committees, were confident something would happen as a result of their reports and believed their problems would be dealt with in depth.

I have served on various committees and recall that following the representations of those committees outcomes on some issues benefited the Victorian economy. For instance, Victorian abattoirs underwent meat inspections after some of them were found to not meet the standards for overseas exports. There was also the issue of wheel clamping, where individuals who wanted their cars freed got into fisticuffs with security guards and the clampers. The resolution of that issue was possible only because the committee system was treated as a serious vehicle. Parliament was able to deal with and discuss the issue, legislation eventuated from it and regulations were implemented by the minister concerned.

For those reasons the committee recommendations put before the house are very important. Urgent issues are still to be dealt with, some of which cause much stress on individuals waiting for an answer. They are waiting

to see what the government and the Victorian Parliament will do to alleviate their problems and assist them. Again I urge the opposition to honour the longstanding tradition of the investigative committees and respect the power and esteem with which they are held in society. I wish the motion a speedy passage.

Mr WELLS (Wantirna) — I wish to make only a few points about the motion based on the issue of relevance. I am not sure why the Deputy Premier wanted to bring this issue into the lower house.

I noted with interest that the Minister for Transport said there was some political point scoring, that the upper house had moved to bring in some references and that the committees had already received references. I wish to correct those statements from the point of view of the Drugs and Crime Prevention Committee (DCPC), of which I am a member. The committee had not received any references, although it had been informed verbally on a couple of occasions that something was in the pipeline and that it would receive a reference on public drunkenness from the Attorney-General. So the committee did not have an inquiry it could work on. The reference from the upper house — to report on the incidence of crime in Victoria and report every six months to Parliament on levels of crime, areas of urgent concern and, where suitable, options for crime reduction or control — had nothing to do with political point scoring. It is one of the fundamental issues on which the committee should be working.

The relevant point is that the Deputy Premier moved the motion without fully understanding that some of the committees were about to receive references from the Governor in Council. On 6 March, the Drugs and Crime Prevention Committee received a reference from the Attorney-General to review the adequacy of laws and investigate public drunkenness, which is reflected word for word in the motion now before the house. When the upper house referred matters to the parliamentary committees the government's lower house leaders believed they were being trumped by the Honourable Mark Birrell, the Leader of the Opposition in the other place, and therefore had to square up in one way or another by moving this motion. Had they just left things as they were — the references had come from the Governor in Council — the committee would have dealt with them appropriately. As things turned out, the DCPC received the public drunkenness reference on 6 March, met on 7 March and was able to have appropriate discussions on it.

Why has the Deputy Premier moved the motion? That he made the decision very late in the piece has caused the committees some concern: although the DCPC had received the public drunkenness reference from the Governor in Council and could discuss that, because this motion was on the notice paper and had not yet been passed by this house it could not be debated, even though it reflected word for word what had been received from the Governor in Council.

The moving of the motion also raises the issue of the way the government is treating the parliamentary committees. The honourable member for Keilor made a number of excellent points. However, as was mentioned by earlier speakers, it took the government three months to establish the committees and set them to work. I consider that to be a breach of what had been promised to the Independents. I thought the agreement with the Independents was that the government would get the parliamentary committees up and running quickly and efficiently.

It also took five months for the government to provide references to get the committees working, and it would have been longer if the upper house had not intervened. It is thanks to the upper house that the committees are now working.

The bipartisan support for the committees has often been mentioned. The honourable members for Murray Valley, Knox, Richmond and Footscray are members of the Drugs and Crime Prevention Committee and have been working in a bipartisan way to get it operating well. The attention of the house is drawn to the report from the committee tabled today.

The Bracks government provided a reference to Dr Penington to investigate the drug issue. A letter from the Speaker was then received by the opposition seeking full cooperation with Dr Penington. The best way to work with the Penington committee was to hand over information received in part from the 53rd Parliament. The Clerks of the house have to be thanked for their advice in dealing with this difficult process. It was not merely a matter of getting the information and tabling it in the house, then passing it to Dr Penington — a more bureaucratic but proper way of ensuring that he received the information had to be found. The information includes records of public hearings and a library — valuable resources in coming to proper and accurate conclusions. It is a great example of bipartisan support that information collected by the last committee has not been wasted or shelved.

Ensuring the effective and efficient working of the committee required the termination of the inquiry started under the 53rd Parliament, which would have wasted resources and duplicated work. It was more appropriate for Dr Penington to take up the work.

A matter of concern was a staff appointment referred to by the honourable member for Bentleigh which was left to the chair of the Family and Community Development Committee. On the Drugs and Crime Prevention Committee a vacancy is coming up and the house is assured that the honourable member for Footscray, probably one of the Clerks and I will be part of the appointment process to ensure the spirit of bipartisan cooperation continues and the right staff member is selected to work in a bipartisan manner with the committee.

The first committee of which I was a member in 1992 was the Law Reform Committee, and one of its first references was to investigate the jury system. It is interesting that a bill to further amend the jury system is back in the house today.

As the opposition is not opposing the motion, I hope it will be dealt with and moved forward in a bipartisan manner and that some excellent reports will be produced.

Mr MILDENHALL (Footscray) — It is a shame that the debate is necessary at all. The motion had to be put on the notice paper and the debate has to occur because of shabby, vindictive, opportunistic and typically cynical manoeuvring by opposition members. The opposition is finding it difficult to accept that the government has changed and, in its efforts to claw back the influence and the comfort it had from being able to dictate terms around the place, it is willing to sacrifice some of the traditions, values and culture of the parliamentary committee system that most members value highly throughout the institution of Parliament.

There was no clearer example than the remarks by the honourable member for Monbulk, the manager of opposition business, when he opened the opposition's debate on the bill by gleefully saying, 'We have caught the government with its pants down. Aren't we clever? Aren't we smart? We have spotted an opening. We will jump through, club them around a bit, do a bit of damage — it doesn't matter what sort of damage — and let them know we are still used to calling the shots around the town'. The highly valued principles of bipartisanship in the conduct of committee business have taken a bit of a battering, which is a shame. All honourable members who have contributed to the debate have reinforced that value.

The normal process that should have taken place was already being undertaken by the committee of which I am deputy chair, the Drugs and Crime Prevention Committee. The committee members, assisted by the staff, came up with some suggestions and made informal contacts and suggestions to the ministers' offices about areas of potential interests based on the previous records of the committee and the issues that were outstanding. The informal networks were alive and well with the Drugs and Crime Prevention Committee. The honourable member for Wantirna, the chair of the committee, said those discussions were well under way in the spirit of the well-established bipartisanship that characterises most committees.

By ramming through the upper house a different set of references in order to trump the Governor in Council process, and thereby challenging the authority of government and ministers, the opposition has forced the introduction of the motion to reassert not only the role of ministers and the Governor in Council in providing references, but also the role of the lower house where governments are made and governments are driven. To have the agenda and work plan of parliamentary committees totally decided by the Legislative Council is not only inappropriate, but it also gives the upper house a role and implied power that it should not have.

The opposition claims that it needed to act because the government took too long in providing references. I agree that it was a long time. However, I am sure government and opposition members heard regular reports of the detailed and involved negotiations over membership of the committees. In the context of different parties holding the majority in each of the chambers, a detailed package of allocation of positions and numbers on the committees was hammered out over a long time. It was reasonable that the membership of committees should be determined before the references started flowing from the Governor in Council. I do not accept that it was an inordinate length of time. The chemistry, membership and the skills base of committees was an important consideration to get right before the references flowed.

The opposition has left the committees in the interesting position of having to determine which reference now prevails. If some references are at cross-purposes or require the major part of the resources available to a committee over a given time, committees may be faced with the dilemma of being able to do only one of the references well or one of the references now, and will have to let the other slip. Which one is to be let slip — the reference from the lower house or the reference from the upper house? It is fairly obvious from the way the opposition has thrown its weight around that it will be decided on the numbers. The introduction of conflict and the entrenchment of different parties behind their membership of committees means that issues will be resolved by the raw use of numbers.

I hope the committee of which I am a member will be able to negotiate those matters. My initial thought was that as the upper house reference given to the Drugs and Crime Prevention Committee involves a six-monthly reporting process, that could be seen as ongoing background work and not become the major work of the committee. However, the reference from another place is worded so widely and broadly that it could dominate the proceedings of the committee. A brief to examine crime statistics on a six-monthly basis and an invitation to offer suggestions on how those crime figures might be affected or reduced, or strategies the community or government might adopt, is a reference that is as long as a piece of string. How many honourable members could occupy days talking about potential crime prevention and crime apprehension strategies?

Mr Langdon interjected.

Mr MILDENHALL — We all could, precisely.

Members of the Drugs and Crime Prevention Committee need to agree that the reference to regularly examine crime statistics and suggestions that arise from that form continuing background work rather than the major task of the committee. That might pre-empt the discussions we are about to have, so I will not venture further down that track.

When some members heard that the Drugs and Crime Prevention Committee was to deal with public drunkenness there was some guffawing and a feeling that the matter was small beer, so to speak. I deliberately sought to be a member of the committee because of the enormous crisis in my electorate caused by elicit dealing in and consumption of heroin. I thought that being a member of the Drugs and Crime Prevention Committee would enable me to play an active role in the identification of strategies to reduce the impact of the incredible and vicious menace that exists.

As other members of the committee have said, the sense and the wisdom in passing to Dr Penington's expert committee the enormous amount of work done by the Kennett government's Drugs and Crime Prevention Committee is quite clear. The work of parliamentary committees is determined by the availability of members and the regularity of meetings, whereas the work of Dr Penington's committee is set by specific deadlines and the general urgency of the issue in the community.

The reference on public drunkenness is extremely important because, like the disgraceful mandatory sentencing legislation in the Northern Territory and Western Australia, the present public drunkenness laws have a racist impact. The Muirhead royal commission of 1988–89 pointed graphically and disturbingly to the incidence of young citizens of Aboriginal descent dying in unrepresentative and extraordinary numbers, not in prison but in police custody, mostly as a result of being arrested for public drunkenness. One of the recommendations of the royal commission, which has been taken up by other states, was to amend the public drunkenness laws. It is an important issue which has been looked at more seriously by other jurisdictions in Australia and it warrants detailed consideration by this Parliament.

When doing some background reading, one of the extraordinary things I discovered was that the number of people apprehended by police went through the roof when public drunkenness was decriminalised in other states. I thought that if public drunkenness was decriminalised the number of people apprehended for it would dramatically decrease. However, in New South Wales, for example, on finding someone intoxicated the police no longer have to charge him or her, issue a summons and proceed through the court process. Rather, having established that a person is intoxicated and is a danger either to himself or other people, the police can simply issue a certificate and take the person to a sobering-up centre. That avoids complicated and lengthy court appearances and expensive legal procedures and ensures that a person can be taken quickly for treatment, with work starting on dealing with the problem. The person is not then caught up in the legal process, which avoids the dreadful potential identified by the Muirhead royal commission into Aboriginal deaths in custody.

That observation alone has implications for the way other drug policies are dealt with. Another example is the trial diversion program being used in the northern suburbs where police divert first-time drug users into treatment rather than pushing them through the legal process.

The committee's brief is significant and useful, and I am looking forward to participating. The chair of the committee, the honourable member for Wantirna, has commented on the bipartisan way he plans to recruit a new executive officer. I applaud him for that and assure him that his bipartisan offer will be taken up by other committee members with enthusiasm and determination to protect that value which all members hold dear.

Mr LANGDON (Ivanhoe) — As a member of the Road Safety Committee from 1996 to 1999 I must tell

the house that it was a bipartisan committee that left politics at the door. Road safety issues were debated and discussed and members always came to universal agreement. I cannot remember a time during the three and a half years I served on that committee when there was any division, and I am pleased to serve on the new Road Safety Committee. I am the only member of the previous committee to be serving again.

I am rather cynical about the way the opposition is trying to influence the committees. In my entire time in Parliament all committee references have been made through the Governor in Council. The motion moved in the upper house on 1 March has changed that.

I was involved in the negotiations for the establishment of the committees and the process was long and drawn out because all sides of the house wanted their points understood. There are dramatic differences between the Kennett and Bracks governments. The Bracks government does not have a huge majority in both houses of Parliament, and the opposition cannot accept that the Labor Party has formed government with the Independents. It is still shell shocked from the events of 18 September 1999, and that is evidenced by its behaviour in both houses.

Previous committees were always given references by the Governor in Council, and this government undertook to continue that process. The Road Safety Committee met prior to Christmas to appoint a chair and deputy chair. I am pleased to advise the house that I have been appointed the deputy chair of that committee. Last year the sittings of Parliament continued late into December, unlike the previous year when the session ended on 14 November. It would be fair to say that after the election both sides of Parliament wanted a fair break, which was the case in January and February.

The Road Safety Committee has now met and discussed what it wants to do, and it has met with the Minister for Transport. The yet-to-be completed terms of reference have been discussed. The former committee went to New Zealand as part of its investigation, however, I did not go as I was then representing a marginal seat and I decided it would be safer to stay at home. I am pleased to say that my electoral margin has been increased!

The opposition has made the issue of terms of reference a blatant political process. It moved the terms of reference for the Road Safety Committee in the upper house, but instead of seeking to re-institute the terms of reference the former committee was investigating it went off on a tangent. The reference supplied by the upper house is so broad that it will take years to complete. According to the motion proposed by Mr Baxter, who represents North Eastern Province in the other place, the state of bridges must be investigated, particularly those which may be unsafe. Mr Baxter has said that could include hundreds of bridges, including those over a century old, of timber construction or in poor order.

I realise the Road Safety Committee has a history of going overseas, although I have never done so. However, the reference to check bridges means the committee will not get out of the state! It is a sweeping and longwinded reference, so I expect committee members will spend week after week visiting every electorate in Victoria and will be seeing their rural colleagues regularly. That is typical of the approach of the opposition in the upper house. It did not continue with the terms of reference but went off on its own tangent. Although the process is worth examining, because it is so longwinded, it will take years.

The honourable member for Doncaster said that with the exception of item 5 the motion did not contain a great deal of substance. I take exception to that and so should the rest of the opposition, because the motion contains in the main what the previous government suggested. Obviously the honourable member for Doncaster thinks the previous government's terms of reference are not worthy of investigation.

Parliamentary committees are supposed to be comprised of parliamentarians working together. The opposition has suggested anything but that. The Road Safety Committee has met; it has asked the minister to give new terms to finalise the process under vehicle roadworthiness. That should be done. No committee should have to investigate a topic for 6 or 12 months and see all that energy wasted because the Premier happens to call an election. The energy, resources and information that have been gathered should not be wasted. The committee should finalise matters. The government's motion enables that to happen so matters can progress, which is very important. The house should support the motion. The opposition should stop playing politics. This debate is a political ploy; let's get on with the act and support it.

Mr HAMILTON (Minister for Agriculture) — The debate is important. Based on my experience, the committee structure works well. It seems that the members of the standing committees have addressed the references thoroughly and appropriately.

I recall the manager of opposition business saying each committee will determine its own priorities and how those priorities are to be worked through. I suggested

that the references to the Environment and Natural Resources Committee contain a case for an inquiry into ovine Johne's disease, a matter that has caused great distress in many parts of country Victoria. There is probably no single issue that has tested the three great pillars upon which agriculture is built than ovine Johne's disease.

The first pillar to be tested was the application of research and development throughout the industry. The second was the industries themselves. Although there have been tough times in the wool, sheep and meat industries, they are still extremely important and are worth around a billion dollars to primary production in Victoria. The third was the rural communities.

Ovine Johne's disease has tested each of the three pillars to the limit. The disease is particularly difficult to research. It is hard to obtain good scientific knowledge about how the disease operates and how it may be managed or eradicated. Although we can all be wise with hindsight, the previous government put into place what became a disaster for the industry, for the many farmers affected and for the rural communities. The social impact upon the farmers who felt the stigma when their flocks were identified as having ovine Johne's disease and the financial implications for any government were horrendous.

The previous system, which aimed at eradicating disease, put a levy on sheep sales that was supposed to fund a compensation program. That, together with the $1 million contributed by the previous government, blew out in less than two years to an unfunded liability for the industry of some $15 million. It will take the industry 45 years to pay it off. That was completely unacceptable to both government and industry. No industry can take on an unfunded liability over a period of 45 or 50 years.

The saddest part about it was that the problems were not completely identified. Some tens of thousands of sheep in flocks are still under surveillance. Added to that, the state has a commitment to a national control program that is undergoing a four to six-year examination. Given the number of sheep that are traded interstate, especially breeding flocks, the government faces a major problem. But by far the most serious problems are social — the impact on families and others. I have heard reports of some farmers taking their own lives as a result of the stigma they suffered and the loss of their businesses and enterprises with which in many cases they had been associated for generations. It was sad, and the government had to do something about it. It introduced three phases to deal with the problem.

The compensation program was suspended, which hurt many people, but we had to put a stop to an unworkable program. We then instituted a scientific inquiry, currently being conducted by Dr Proust from the Commonwealth Scientific and Industrial Research Organisation, who is based at the animal health laboratories in Geelong. From the terms of reference that were given to him on the recommendation of former Justice Fogarty the government understands that that program will be complete by 30 March. The report from that CSIRO investigation will be handed to the all-parliamentary committee, which is mentioned in reference no. 6.

The government also established a social support network program across the state, and in conjunction with the rural workers from the Victorian Farmers Federation that has been successful in putting those affected farmers in contact with a number of support systems. There is no doubt that throughout country Victoria this disease has been an absolute disaster for individuals and for the industry in general, with loss of trading opportunities. It is certainly a challenge to scientific research programs.

For that reason I make a plea to the house today that this reference be considered carefully by the Environment and Natural Resources Committee. The committee has other references, including one from the other place, but there is no doubt in my mind, and in the minds of anybody associated with rural industries and especially the sheep industry, that this is a critical reference.

The reference is given in very sincere and genuine terms. The government wants the committee to examine all parts of the terms of reference by 30 September this year. That date becomes critical because the eradication program means that farmers had the opportunity under the previous system to de-stock over two summers, and we need to make a decision before next summer on whether the previous program will continue, whether an alternative program may be put in place, or whatever the options are.

As minister I certainly have no intention of pre-empting the outcome of this investigation by the committee. I have great faith in the committee system and know it will do a good job. The plea I am making is for every member of every party who has a seat in country Victoria, and especially those members who sit on this particular committee, to put this reference at the top of their priorities. It will be a grave disservice if any member of the Labor, Liberal or National parties or the Independents fail to understand the importance and urgency of the reference. It will be an insult to those

associated with the sheep industry if we do not get this reference under way and alleviate a great deal of the uncertainty that exists. If we do not follow this matter through we are saying to Victorian sheep farmers, 'Parliament does not care about you'.

I can assure the house that the government cares about getting a sensible result. I hope and feel confident that opposition members who represent country Victoria also realise the importance of getting some progress on this very difficult problem. Country Victorians have had their lives wrecked through no fault of their own. It is an insidious and difficult disease that has existed on some Victorian farms for quite some time.

I assure the house that government members on that committee will be arguing for this reference to be the committee's first priority, and I hope very much that members of the opposition parties and the Independents will also make sure that the reference is no. 1, is given the resources and given the vital intellect that is needed to resolve what is a very difficult problem. If that happens I hope the government can quickly examine the recommendations and implement a program to alleviate a great deal of suffering and provide support to a very important industry in this state.

Mr STENSHOLT (Burwood) — It gives me pleasure to support the motion. Many years ago when I was first employed in the federal public sector I worked in the committee secretariat of the federal Road Safety Committee, so I guess I have come full circle in that regard.

It has been noted that the provisions in the motion were all covered by an order of the Governor in Council as provided for in section 4F of the Parliamentary Committees Act. I note that under section 4F(1), contrary to what the honourable member for Bentleigh seems to believe, once the references are sent to the committee it has to undertake an investigation. It is not just a matter of having an option to investigate them, as the honourable member seems to think, but rather the committee must conduct an inquiry on that reference. The usual process of referral has been by an order of the Governor in Council.

It was the practice of the previous government, and it is the practice of this government. However, the opposition in the Legislative Council decided to rush through a range of references that in the words of the honourable member for Doncaster were mostly scrappy pieces of paper. Why did it do that?

One of those scrappy pieces of paper asked for the Parliamentary Committees Act to be reviewed by the Scrutiny of Acts and Regulations Committee. Fortunately, it did not ask for the abolition of the act, because it sets out the way committees should give priority to references. Subsection 3 provides that committees should give priority firstly to all proposals referred to them by resolution of the Legislative Assembly or Legislative Council and secondly to all proposals, matters or things referred to by order of the Governor in Council and published in the *Government Gazette*, as were the references set out in the motion before the house. The question is one of priority, which is why the government put the motion before the house — to ensure that well-considered references are given priority.

Priority should not automatically be given to scrappy pieces of paper, which many of the proposals put before the Legislative Council were. They were rushed through without consultation. I hope it was not done to devalue and politicise what on the whole has been a valuable bipartisan approach to the work of parliamentary committees.

I am a member of the Law Reform Committee, and I look forward to working constructively with the other members. I will refer to the first reference given to that committee under the motion before the house because the Legislative Council gave a similar reference. The reference given by the opposition through the Legislative Council was by way of one of its scrappy pieces of paper — the phrase used by the honourable member for Doncaster. It is a low-key reference to consider the future need for court facilities and court-based legal services in regional and rural Victoria, and it provides that the committee must report to Parliament by 30 June 2001. I do not have a problem with the intention of the reference, but I do have a problem with its lack of specificity and detail.

When Mr Birrell presented it he put a gloss on the meaning of 'court-based legal services'. He said they were directly associated with the availability or presence of a local court. I am surprised by that very limited reference. It is interesting that the honourable member for Doncaster waxed lyrical about information technology services, multimedia and the need to introduce a whole range of new technology. Under the Legislative Council reference a person will have access to legal services if he or she lives in the town where a court is located, but if a person lives outside that town he or she is not covered by the meaning put forward by Mr Birrell. The committee may interpret the meaning differently, and it will be briefed to do so.

The terms of the reference in the motion are not straitjacketed in the way the reference given by the

Legislative Council is. The reference in the motion is much more significant and up to date, and it places much more emphasis on access, equity and consultation than the very brief, almost low-key reference made by the Legislative Council. This reference provides a comprehensive definition of accessibility and adequacy. It does not merely set out a general request to consider accessibility and adequacy, it sets out specific points of consideration. Accessibility and adequacy are concepts basic to the foundation of the Bracks Labor government. The reference requires the committee to consider the accessibility and adequacy of legal services in regional and rural Victoria and to examine the effect of any lack of services in those areas.

The honourable member for Doncaster referred to research and development. The reference in the motion before the house asks the committee to provide a genuine, hard analysis of the effects of any lack of services in those sectors of the community. In particular, it requires the committee to examine the effects across the board.

There is no mention of legal aid facilities and services in the Legislative Council's brief reference, but they appear in the reference in the motion before the house. A consideration of those services is necessary largely because of the appalling funding cuts made by the federal Liberal government. The reference requires the committee to consider how community legal centres, legal aid and pro bono services can best be provided to ensure access and equity for the great bulk of Victorians, who were forgotten by the previous government.

The reference also requires the committee to look at court and tribunal facilities and services. They were also mentioned in the reference given by the Legislative Council, but this reference is much more comprehensive. Unlike the reference given by the Legislative Council it is not limited to a consideration of the courts already established in rural areas, it requires the committee to examine the location of courts in light of population shifts. It requires the committee to consider how the needs of people can be met according to where they live. The reference also concerns the appropriateness of the circuit sittings of not only courts but also tribunals. There is no mention of tribunals in the reference given by the Legislative Council.

The reference in the motion before the house also requires a consideration of a wide range of legal professional services. Earlier speakers have covered that issue in more detail. The availability of a whole range of services provided by all the legal officers of the courts and the legal professions needs to be considered.

For the honourable member for Doncaster, who is not in the chamber, I emphasise my earlier point that the situation may be improved by the use of current and emerging technology. New technology, such as the Internet, multimedia and telecommunications, may assist people who are unable to be present at court. A few weeks ago members of the Law Reform Committee, including myself, attended the court to look at the modern facilities, such as multipages on computer monitors, that are used by court officers, including the Chief Justice. That technology could be adapted and improved to bring significant benefits to people requiring legal services in regional and rural Victoria.

If this reference is passed by the house both references will go to the committee and both will be references of priority. The act is silent on which reference should be given precedence. However, it provides that committees are required to complete references within the time frames specified. If the Law Reform Committee is given two similar references of similar priority — although, as I said, one reference is far more comprehensive and significant than the other — it will be necessary for good sense to prevail.

I trust it will be done, in the spirit of the parliamentary committees, on a bipartisan basis, looking at them as a single action and a single report. I commend the motion.

Ms GILLETT (Werribee) — It is with pleasure that I make a very short contribution to the motion. It is my privilege to serve as the chair of the Scrutiny of Acts and Regulations Committee. It was also my privilege to be involved in the extremely detailed negotiations leading to an agreement with the opposition that allowed establishment of the committees.

Much has been made of the fact that the committees were not established early and that, somehow, the government was to blame. It is not truthful to say that. The truth is that when we came together to commence negotiations the opposition had an enormous ask. It believed the establishment of committees was connected to the Constitution (Reform) Bill and sought to establish five upper house committees, most of which would have represented a dissection of the Scrutiny of Acts and Regulations Committee. There was to have been a scrutiny of acts committee, a scrutiny of regulations committee and a number of other committees which would have taken a great deal of power away from this chamber.

After the committees were established, that matter did not remove itself from the opposition's agenda, as became clear when the Honourable Mark Birrell from the other house moved a motion establishing references for parliamentary committees. It is interesting that he should have done such a thing when it was already well known that references were being developed by the government for each of the parliamentary committees. I am very disappointed that an institution such as the parliamentary committee should be used in that way by the opposition to create a series of political stunts. Parliamentary committees are far too important to be caught up in a game. I believe that is what the opposition sees them as: an opportunity to play a game of political grandstanding and stunt pulling.

I am very pleased that we now have references not only from the upper house and the Governor in Council but also from this chamber. All of that was so unnecessary. Political grandstanding and stunt pulling must take second place to honouring one of our most important parliamentary institutions — that is, the parliamentary committee.

Parliamentary committees provide rare opportunities for members of both houses and of both sides of each chamber to come together cooperatively and to work through some of the most important issues facing the community, not in an adversarial way or with cheap stunts and trickery but in a truly bipartisan way which represents a meeting of minds and which benefits the community. Parliamentary committees provide members of Parliament with an opportunity to work together to propose solutions to important community problems in a combined and cooperative way. It is a pity, therefore, that the creation of the parliamentary committees took place in a hostile, adversarial environment coloured by political grandstanding and stunt pulling.

After this debate is over each of the parliamentary committees will have a reference or a number of references. I wish all of them well. They have important work before them.

Mr LANGUILLER (Sunshine) — I am mindful of the very limited time allocated to me in the debate. I have two points to make: one is that I would not be so presumptuous as to indicate to the house that I understand the detailed working of parliamentary committees. I do, however, understand how the community would feel if it were not given the opportunity to make comprehensive references to a parliamentary committee.

I call on all members to compare the two references the Law Reform Committee has been given. One, from the government through the Governor in Council, is to inquire into, consider and report to Parliament on the broad issue of access to the legal system and, in particular, the opportunities for access to legal aid available to people in rural and regional Victoria.

As I see it, the Parliament must strike a balance between no interference with committees on the one hand and the relevance, pertinence and contemporaneity of references that are provided to them on the other. References given to the Law Reform Committee by the Governor in Council give us the opportunity to review, examine and reflect on developments within law reform and, in particular, developments in access to legal aid. Those are fundamental functions and are of paramount importance to many members of the community, especially disadvantaged groups and people on low incomes.

I recall that Lionel Murphy, a senator and subsequently a judge of the High Court of Australia, said that a good legal system is one that makes every possible provision for access by all disadvantaged groups within our society. I am astonished to see that the reference provided to that committee from another place is very restricted and does not comprehensively look into those matters.

I conclude by calling on my parliamentary colleagues to support the motion. I remain confident that the opposition, and particularly the chairman of the Law Reform Committee, will reflect on the points I have made and recognise that the reference given by the government, and hence by the people of Victoria, is the most comprehensive one of the two and the one, therefore, that must be supported. I commend the motion to the house.

Mr BATCHELOR (Minister for Transport) — The debate has considered the issue of committees, their workloads and requirements, the objectives they seek to attain, the things the government would like them to achieve and the role the houses of Parliament can play in helping them achieve their goals.

The government seeks with this motion to ensure that parliamentary committees that receive references from the Governor in Council will have the opportunity for those matters to be considered at the same priority level as decisions taken by the other chamber.

As I mentioned in relation to the Road Safety Committee, many of the Governor in Council

references involved positions the committee actively sought and agreed with.

The government supports the motion and asks the house to support it. It wants the parliamentary committee system to work well; it wants committees to get on with the job, make recommendations and deliver reports to the Parliament.

I thank all honourable members who have contributed to the debate: the honourable members for Monbulk, Richmond, Doncaster, Melton, Bentleigh, Keilor, Wantirna, Footscray, Ivanhoe, Burwood, Werribee, Sunshine and the Minister for Agriculture. The long list of speakers demonstrates the support given to parliamentary committees from both sides of the house. I call on all honourable members to support the motion.

Motion agreed to.

Sitting suspended 6.29 p.m. until 8.02 p.m.

CORPORATIONS (VICTORIA) (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr HAERMEYER (Minister for Police and Emergency Services).

RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Ms GARBUTT (Minister for Environment and Conservation).

JURIES BILL

Second reading

Debate resumed from 16 December 1999; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — I have looked forward to speaking on the Juries Bill for at least 12 months. Although all legislation that comes before the house is important, the Juries Bill is one of the most important. For five years honourable members from both sides of the house did much work through the Law Reform Committee, which received the juries reference in 1994 and finalised the issue in 1999.

Reforming the Victorian jury system involved a huge effort by members of the parliamentary committees, including from the Legislative Council the Honourables Bill Forwood, Carlo Furletti and Monica Gould, as well as former Council members — namely, Jean McLean, James Guest and Ron Wells. It also included work by the current Minister for Planning and the honourable members for Gippsland South, Doncaster, Rodney, Geelong North and South Barwon as well as that of former Assembly members, Gerard Vaughan and Florian Andrighetto. Some members had experience in the law and some did not. That is important when formulating legislation; it should reflect both legal and lay input.

One reason it took so long for the Victorian jury system to be reformed is that it is an inimical part of the concept of the separation of powers. It is the cornerstone of the legal system and shines as a beacon compared to many other so-called judicial systems throughout the world.

As I said earlier, the jury system provides a human element in what is otherwise an artificial environment led by lawyers, where people feel ostracised and find it difficult to understand what is happening. It provides the legal system with a safety valve because a jury is made up of people — not like me, because lawyers cannot be on it — from the community, who are drawn together to provide an important role in judging their peers.

The origin of the jury system is significant. A look back through history reveals how we got it — somewhat fortuitously if one looks at the legal history — and that emphasises how important it was that we persevered with it so that it came to be what it is today. There is no doubt that there have been many people along the way who have advocated the abolition of juries. It is a bit like democracy — it is a bit clumsy and cannot be analysed in strict legal terms. It is not something that can be put into a legal box and dragged out as a precedent from time to time. It is difficult to monitor. It takes a lot of money and effort — energy and resources — to get people together and make sure they are representative of the community.

Over the years many people have asked, ‘Why do we keep the jury system? Why couldn’t a judge make the decision?’ Recently I looked at a list of how various positions were regarded in respect of ethical standards, from the highest to the lowest. Judges were pretty well at the top and politicians were ranked around

journalists — that is not to say anything against journalists, because I have great faith in myself so journalists should be proud to be on the same level as politicians. It is not surprising that some people would expect judges to handle the whole show, including the facts. I am pleased that we have retained the jury system because it is an element of the judicial system that makes it purer and gives it more integrity than other systems that do not have it.

I turn to the final report, volume 3, of *Jury Service in Victoria*, produced by the Law Reform Committee in 1997. Under the heading 'The Origin of the Jury Trial in England' are a couple of passages that were of interest to me when I was trying to understand how fragile was the origin of the process. It states at page 13:

> Consequently, the jury system in England has its origins in the inquisition, which was used by the Franks, and established by Charlemagne (Charles the Great) by 780 AD. The inquisition was used to settle factual disputes where the Crown had an interest. It could only be called in exercise of the Crown prerogative and for the benefit of the Crown.

One would have to say that it is pretty much the opposite today. The report continues:

> A judge, at his discretion, summoned a number of men from the neighbourhood who he assumed had a knowledge of the matter in question and demanded that they promise to declare the truth upon the question at issue: 'after the promise comes the judicial putting to the question, "Inquisitio"'. Only the most trustworthy freemen of the neighbourhood were summoned; and the number of men selected was determined by the officer undertaking the inquisition.

That breaks about every rule in relation to juries that we hold dear. Firstly, that the judge should decide to select the jury because he or she — I might as well say 'he', because I do not think there would have been many females doing that job — thought that they knew about the case. One of the greatest and most obvious excusers, if I may put it that way, of the present jury system is that if you know something about the case you are not allowed to do it. It is very different indeed. To have had the judge make the selection would have been daunting. To only have those free men who were of a certain standard being able to be part of the jury completely cuts across the notion of representativeness that exists in the jury system today.

The report further states:

> It was not until a century after the Norman conquest that trial by jury was used as a means of administering justice. King Henry II used the jury of accusation to report on, and try, neighbours whom the jury suspected had committed certain crimes, there would then follow a trial by ordeal.

Some would say that that certainly has not changed from today's trials. The report continues:

> The trial by ordeal was regarded as being the judgment of God. Thus, the following enactment was made during the reign of Henry II:
>
> > [that if a person was accused of] murder, robbery, arson, coining or harbouring of felons, by the oaths of 12 knights of the 100, or in default of knights, by the oaths of 12 free and lawful men, and of 4 of each … of the 100, he was to undergo the water ordeal, and if the result was unfavourable —

which meant that a result was not needed at all —

> he would lose a foot.

One had the option of either drowning or losing a foot. We have progressed. A lot of people have said that we have not progressed as time has moved on but we have. The report continues:

> The grand jury and the bill of indictment originated from this procedure. The use of juries in criminal suits followed the use of jury accusation.

The jury system had shaky beginnings and was almost the opposite of what we are trying to achieve today. Luckily the notion of using the people rather than the legal system of judges and lawyers to make the factual decisions hung on in there. As society developed and as democracy developed so did the notion of the jury.

It is important to understand the point that has been reached and the rationale of the jury. As I said a moment ago, there are still those who still believe juries should be dispensed with. I was a member of the Law Reform Committee at the start of that inquiry and there were those who made submissions who felt that the time for juries had passed, particularly in relation to civil trials.

I shall quote a couple of people who know what they are talking about when it comes to juries and the law to give a flavour of what is so important about a jury. First I refer to Street, CJ, who is recognised on both sides of the house as a strong judge.

Mr Hamilton interjected.

Dr DEAN — Even the Minister for Agriculture knows Justice Street, who I think probably has a farm, so perhaps there is something in common between you. He said:

> I cannot stress too strongly that the decision in this case on all questions of fact, the inferences to be drawn from the facts and the ultimate verdict to be returned, is yours and yours alone; and so much is that so, that if in the course of summing up I appear to indicate that I have a view of the facts … you are bound to disregard that apparent indication, because you have one function and I have another. You do not intrude into mine and I do not intrude into yours.

Lord Devlin said:

> The first object of any tyrant in Whitehall would be to make Parliament utterly subservient to his will; and the next to overthrow or diminish trial by jury, for no tyrant could afford to leave a subject's freedom in the hands of twelve of his countrymen. So that trial by jury is more than an instrument of justice and more than one wheel of the constitution: it is the lamp that shows that freedom lives.

I understand that is a very grand statement and perhaps a bit flowery but, as I said in the house on the last occasion I spoke, every chance to underline the separation of powers and the need to distinguish between the executive and the judiciary should be taken. Plenty of countries thought they had the separation of powers down pat and found they did not, with disastrous results. However, even those on both sides of the house who want to joke about it, and I understand the nature of the joke, should take the opportunity to say it and say it again, to remind everyone here how important it is to be said.

Other matters raised by the report were eloquently put by the author, who should be commended for the job. He said:

> … it may be said that juries provide a protection for the liberty of the individual because they may take a more lenient view of the law in certain circumstances. As observed by another commentator 'juries may, acting on their opinion, take a more lenient view of the law and stretch it to limits that judges would not themselves have countenanced'.
>
> … The jury system protects the liberty of the individual by preventing unpopular laws from flourishing. These laws can take the form of statute or common law. The jury is the custodian of the community's conscience. For this reason, it has been suggested that under the jury system:
>
> > No-one is likely to suffer of whose conduct they [juries] do not morally disapprove; and this introduces a slack into the enforcement of law, tempering its rigour by the mollifying influence of current ethical conventions.

The other important point made here is that factual findings by juries do not create precedent, and although jury determinations might be looked at to get an indication of what another jury might do, they do not set precedents. The decision-making of judges and juries is different. When a judge makes a decision he or she is bound by precedent — it affects what he or she does. The law must be applied in its black-letter detail. Judges are not able to stretch the law. However, juries can say, 'Well, yes, it would appear that all the technical requirements of murder have been put to us, but we are the arbiters of fact and we believe this person should not be found guilty of murder. We have that final factual decision. We can stretch that no matter how much the judge says to us technically this is how you must go'. A jury can stretch the determination on the point of fact and does on many occasions.

Some of us are hooked on American shows such as *The Practice* on Channel 9. There are many shows about American lawyers appearing before juries. They come over as the knights in shining armour, which all barristers are. They are the modern day chivalrous knights in shining armour. They are there not for their own benefit but for that of their clients — battling away and fighting for their clients. Putting that aside, one finds that although the juries on those American shows are told about the law and one thinks they have to go down a certain path, they do not go down that path.

Although the portrayal of it in American movies is slightly exaggerated, the jury system is a safety valve in any system. If a jury does not believe someone should go to jail for 20 years because of a legal technicality, it will give a verdict on the factual part of the case which probably brings that result about. That is very hard for lawyers and judges to cope with, but looking at it from the point of view of determining justice and having a system that allows justice to be done, the jury is an important part of the legal system, and we should never forget that.

As time goes on, it is clear the system has been used and used again, but things change and the system needs to be modernised no matter how important and central it is to the determination of justice. A problem that was occurring more and more was that juries, which are meant to be representative of the general community, were not representative because of the many automatic exemptions for people who over time had put up a good case as to why they should not be part of a jury. The automatic exemption list was so long that it was clear a whole range of people, quite often in the professions, would never sit on a jury. Most people did not mind that because they were busy doing other things. However, juries should be representative, and they were not.

In the foreword to the final report of the Law Reform Committee's *Jury Service in Victoria*, volume 1, the chairman said:

> The committee's terms of reference were directed to improving the composition and selection of juries. The inquiry commenced in late 1994 because of concern that the range of people sitting on juries is so narrow that many juries are unrepresentative of the general community. The committee has addressed this concern and related matters during its two-year investigation. While it is tempting to produce a headline-grabbing solution, the cautious approach of the committee should lead to a resolution of problems without undermining other cornerstones of our system of justice and government.

That is pretty much what the committee recommended and the bill overcomes that situation. One of the first matters for consideration by the committee was the automatic exemption for lawyers. The committee struggled with this because the general feeling was that lawyers had exempted themselves because they were too busy and, as lawyers, had managed to convince everybody they should not be there. The underlying reason was that if lawyers sat on a jury, particularly those involved in the forensic cut and thrust of the courtroom, they would command — honourable members may not be able to believe this — too much respect from other members of the jury and would say, 'I am in the business and know what is happening here. I do this every day so let me tell you why he cross-examined that way, why the answer went that way and what is really happening. Because I am a lawyer I will tell you what the outcome should be'.

The committee struggled with that issue and came to the conclusion that trial lawyers should not be on a jury but others who were not involved in trials should. Then the terrible situation existed where one had to determine who was and was not a trial lawyer. If a lawyer's major practice is conveyancing and he or she did one trial a year or perhaps just sat in on a couple of trials, would that person be a trial lawyer? It all got too complicated, so lawyers remain exempt.

I will read through the list of people who are automatically exempt under the bill. Honourable members may agree with some but may say that others are a bit of a stretch of the imagination. Clause 1 of schedule 2 includes the Governor or the official secretary to the Governor, which is fair enough. It then states:

(b) a judge, a magistrate or the holder of any other judicial office;

(c) a member of the Police Appeals Board;

(d) a bail justice —

one might ask why a bail justice, but the list goes on to include a person —

(e) admitted to legal practice in Victoria;

(f) a person whose duties or activities, whether paid or voluntary, are connected with the investigation of offences, the administration of justice or the punishment of offenders;

(g) a member of the police force;

(h) the Secretary to the Department of Justice or the Department of Human Services;

(i) a member of the Legislative Assembly or Legislative Council;

(j) the Auditor-General;

(k) the Ombudsman, the Acting Ombudsman, the Deputy Ombudsman or the Acting Deputy Ombudsman;

(l) an employee of the Ombudsman;

(m) a person employed as a Government shorthand writer or court reporter …

Clause 2 states:

A person who is —

(a) the Electoral Commissioner;

(b) the Legal Ombudsman or an acting Legal Ombudsman;

(c) employed by a person admitted to legal practice in Victoria in connection with legal practice.

The assistant secretary to the secretary who does the receptionist work at the lawyer's office would not be included. The list went on. How does one get around a situation where all those categories have been deemed, for good reasons, although sometimes somewhat tenuous, to keep the jury system clean of false interference? The way the committee chose was picked up by the bill. The bill was introduced by former Attorney-General, Jan Wade. It went off the agenda after the last election but has returned, and the government has made some changes which I will go into shortly.

Basically, there was total agreement on the choice made by the committee. It got rid of the strict list of disqualified or ineligible persons. It decided that lack of eligibility would involve persons who were found guilty of certain criminal conduct, and specific people such as the Governor and perhaps lawyers. It then decided to appoint a Juries Commissioner, a person with expertise who would have a discretion to decide whether a particular individual should do jury service or not. Therefore, people who would normally be automatically excused will be able to go to a Juries Commissioner, who will be selected for his or her expertise, and say, 'I want to be excused on the basis of' and give reasons. That is a flexible and more modern approach. It is meaningful because each individual's circumstances can be looked at. A person who is an assistant secretary or receptionist in a quasi-legal firm must apply to the commissioner. The commissioner may say, 'No, that link is too far. You should not be excused', or, 'I have looked at your case and you should be allowed not to do it'.

The Juries Commissioner will be an important person because he or she has been given wide and strong powers. I refer to some of the good reasons on which the commissioner can base his or her decisions. They are not limited to these but are general and important matters.

Clause 8(3) states that the good reasons include:

> (a) illness or poor health;
>
> (b) incapacity;

Paragraph (c) refers to the distance to travel to attend a place for jury service. There are special provisions if the place is over 50 kilometres in Melbourne or over 60 kilometres if outside Melbourne. It continues:

> (e) substantial hardship …
>
> (f) substantial financial hardship …
>
> (g) substantial inconvenience to the public would result —

if the person were selected. It continues:

> (h) the person has the care of dependants …
>
> (i) the advanced age of the person …
>
> (j) the person is a practising member of a religious society …
>
> (k) any other matter of special urgency or importance.

They are the general categories. That is a better way of dealing with excuses than the strict inflexible selection of specific people. The commissioner makes his or her decision. Jury duty can be deferred for up to 12 months. A permanent excusal may be given, but a person who is not satisfied can appeal from the commissioner to the Supreme Court, and that is also good. The bill is more complicated than that. However, Madam Deputy Speaker, you are looking bored already and I do not want to bore the house with all the details.

The general thrust of the bill is to take an old, essential but inflexible bill and turn it into a modern, flexible bill with discretion to allow a person to appeal to the court itself if a problem arises. The jury commissioner is also responsible for the huge task of making sure the jury is representative — picking the pools, writing letters to people and telling them they have to report in. It is a big job.

I will mention a couple of other points of difference between the government and the opposition. Except for one the opposition will not make a big deal about them. The differences are important and this is a democracy.

Mr Cameron interjected.

Dr DEAN — I will get to the big deal in a minute. I know the opposition is impatient but I will do the little deals first — not that we do deals, of course!

The government has decided that those who have been imprisoned for fewer than three years will be able to do jury duty. Previously a person who had been imprisoned for up to six months could not. In other words, if one had served six months or less one could do jury duty, whereas under the proposed legislation one can serve three years or less.

Both sides agree that people who have committed serious criminal offences should not serve on juries. There is a difference, however, about the level of criminality. The government believes a high level of criminality is acceptable. Both sides agree that just because one has committed a crime one should not be excluded from jury duty forever. However, the opposition disagrees on the level of crimes that should cut people out.

In the previous bill a provision known as vetting was introduced. It meant that before the jury pool ever got into the courtroom the Deputy Commissioner of Police would forward a list of the criminal offences of those in the pool. The Director of Public Prosecutions then had the capacity to decide that certain people should not be in the pool. However, the High Court said there were constitutional reasons why that could not happen and the present government decided to stay with that ruling. The present opposition is not the previous Kennett government; it is the Napthine opposition and it looks at things from the Napthine opposition's point of view.

Ms Davies — What is that?

Dr DEAN — If I am willing to get up and say that, it is a bit rough to laugh in my face for doing so. There are certain people such as the honourable member who just interjected who have said the Napthine opposition should be independent; it should not be a chip off the old Kennett block. Fair enough. I will say it again. This is the Napthine opposition: if the previous government included something in the previous bill with which it disagrees, it intends to say so. It would have been just as easy for me to skip over it because the opposition is not moving an amendment. However, the opposition agrees with the decision the government has made about vetting, which is that the process should be transparent.

The Director of Public Prosecutions and the Deputy Commissioner of Police should not have the capacity to extricate a number of people from the pool before they even get into the jury room. It is better to have a specific set of criteria for offences that will automatically rule people out and then for the Director of Public Prosecutions to say in the court that so far as he or she is concerned certain members of the pool ought to be disqualified. That openness is important, and the opposition agrees with it.

There has been a change back to majority verdicts. One of the tendencies as we modernised the jury system was that for certain crimes — excluding murder and treason — if one person disagreed there could be what was called a minority verdict. That meant that in a criminal matter if one person out of 12 disagreed, a minority verdict could be reached. That was a modern approach to the jury system. If there were 1 dissenter when the other 11 were firm in their view there could be a minority verdict. If the jury tried to get a majority verdict but went back into court and said that one person's vote had not been obtained, the judge could tell them to go back and see if they could get a minority verdict. The judge would not normally tell the jurors about the possibility of a minority verdict until they had tried to achieve the majority situation.

Both the government and the opposition agreed to that change. However, when in government the opposition said it should also apply to trials for murder and treason. It introduced the final step of allowing minority verdicts in trials for murder and treason. The current government has reversed that and said there has to be an absolute majority. It is warm and woolly. It will certainly get a good public response because people regard murder and treason as heavy stuff, but it is unnecessary.

The minority verdict is a good system across the board and it is not necessary to change it. However, the present government stated all along that it wanted to change it. The government now has the right to change it. Opposition members will not fight over it except to say they think the government is wrong and they are right.

The terminology has changed from pre-emptory challenge to right to stand aside to distinguish between the way in which the Crown makes its pre-emptory challenges and the way in which the defendant makes them. It occurs when each party gets pre-emptory challenges as of right, so that as people walk toward the jury box the defendant can say, 'I challenge. I do not want that person', and so can the Director of Public Prosecutions. They are allowed an equal number.

I said there was one thing the opposition was going to make a big deal about, and it still intends to do that. Proposed section 76 sets out a penalty for an employer who sacks or threatens to sack an employee because the employee has been called up for jury duty. This provision was in the bill that the opposition introduced when in government, although the penalty has been greatly increased which has tipped the balance. It is a new part of the bill, which states that if an employer threatens or sacks his or her employee because that person has been given jury duty, penalties will be imposed — and those penalties go up to $60 000, so they are very high.

The opposition does not agree with the reversal of the onus of proof requirement in that provision. It is something that the former government instigated, so again I will probably cop raucous laughter from the government over this. Proposed subsection (2) states:

> In proceedings for an offence against sub-section (1), if all the facts constituting the offence other than the reason for the defendant's action are proved, the onus of proving that the termination, threat or prejudice was not actuated by the reason alleged in the charge lies on the defendant.

That means that if a person who is called up for jury duty gets the sack, it is assumed that the reason for that person getting the sack was the jury duty, not that the employer said, 'I was always going to sack you'. The employer has to prove that the sacking was for another reason. That is what is called, in an important area such as this with a very large penalty, a reversal of the onus of proof. It is something that the government has fought against tooth and nail and it is something that members of the opposition have fought against.

I know why the provision was introduced because I was a member of the former government when it was introduced. It was done because it makes things easier. It may be difficult if the employer said, 'That was not the reason', and on the balance of probabilities the Director of Public Prosecutions had to prove it was the reason. The factual onus of proof, which is separate to the legal onus, would definitely automatically be against the employer if he or she sacked the employee moments after that person was given jury duty.

The court system has a factual onus of proof, but there should not be a legal reversal of the onus of proof because everyone in this country is entitled to be deemed innocent until proven guilty. It is necessary for the prosecution to prove someone guilty of an offence such as this, which carries two years in jail or a $60 000 fine, and one should not be guilty until proven innocent. Honourable members all agree with that.

I am not the only one who thinks the provision should not be in the bill. I refer the house to a letter from the secretary to the Victorian Bar Council to the Attorney-General, Rob Hulls, which states:

> A copy of the Juries Bill has been brought to the attention of the bar council. It is the view of the bar council that the statutory reversal of the legal onus of proof otherwise applying to criminal prosecutions is, in principle, objectionable and that the bar therefore strongly urges you to reconsider this aspect of clause 76 of the Juries Bill.

As a political response I realise it will be open to the government to say, 'It was you who put it in', but let me emphasise the opposition says it should not be there. The council is not the only institution in Victoria that wrote to me when I brought the matter to their attention. A letter from the Law Institute of Victoria states:

> It may be appropriate in some cases to depart from ordinary criminal law principles regarding onus where there is adequate justification. For example, there might be a case where there is an unregistered gun in the possession of a person. However, it is our view that there is a lack of adequate justification in relation to this offence. In this case, an essential element of the offence is that the termination, threat or prejudice occurred because the employee was called upon to perform jury service, and this does not need to be proved in the first instance beyond reasonable doubt by the prosecution.
>
> In the institute's view this is unfair because the employer faces the onus of explaining why the termination or threat to terminate or prejudice occurred, in circumstances where there could be no connection to jury service, to a criminal court. In addition it is unclear what the standard of proof is as this is not explicitly set out.
>
> …
>
> If this interpretation was adopted, then the burden placed upon the accused employer is on the standard of the balance of probabilities, which is quite a high standard and well above the evidential burden ordinarily required in the case of defences raised by the accused. Given the potential penalty which could include imprisonment for an individual employer of up to 12 months —

sorry, I said two years before —

> or a fine for a body corporate of up to $60 000, there does not appear to be sufficient justification for departure from ordinary criminal law principles and an employer should not be required to prove his/her/its innocence.

So here we have the two major legal representative bodies in the state — the Law Institute of Victoria and the Victorian Bar Council — both saying that this reversal of the onus of proof is not justified; and I say to the Attorney-General that he needs to deal with this. Okay it is his bill, and it is a matter for him, but he has been told by the legal profession that it is unacceptable. The opposition also believes it is unacceptable and it would be good if he could come into this house and, instead of giving the usual hydrogen atomic explosion about, 'You put it in the bill and you are to blame and you are responsible for me tripping over in the corridor and everything else bad that happens in the world', he should say, 'Actually, I've looked at this, I have thought about what the institute says; I have thought about what the council says and you are right, I don't think it should be a reversal of the onus of proof'.

I do not mind if he gives us a whipping. He can give a whipping to the previous government for putting it in. That is fair enough and I am sure government members would love to do that because they are very good with the whip — in the political sense. But I do not care whether there is a whipping or not, because I just want to see a proper response to a very important bill. It is something we should get right and at the moment it is not right.

I have mentioned the things that we regard as a little deal, and I have talked about the things that we regard as a big deal. We are backed up by the law institute and the bar council. I say to the Attorney-General, 'Have another look at proposed section 76'. I will not say what he used to say to the former Attorney-General in very loud terms: 'Get it right you idiot. You can't do anything right. You are a complete nincompoop — I am not going to say any of that.

Mr Leigh — Say it, say it!

Dr DEAN — No, I will not say it. It would be terrible to call the Attorney-General a complete nincompoop.

Mr Steggall — Why?

Dr DEAN — Because we are here in this wonderful spirit of cooperation. So I say to the Attorney-General: 'You are not a nincompoop, not all the time, but I really would like you to do something about that provision. You and I both know that you should.

Mr WYNNE (Richmond) — I thank the honourable member for Berwick for his contribution to the debate on the Juries Bill. He has made some important references to the work of the Law Reform Committee, including its extensive inquiry into jury service. I will refer to that work during my contribution.

Honourable members will recall that the former Attorney-General introduced the original Juries Bill into the house. That bill implemented many of the recommendations contained in the 1996 Law Reform Committee report on jury service in Victoria. The members of the committee did an excellent job in preparing the report, which focused on the

long-recognised need for juries to be more representative of the community. However, there is one glaring mistake in the report, which I will use this opportunity to remedy. My colleague and friend the former member for Melbourne, Neil Cole, was a member of that committee. His name appears near the front of the report as Noel — he is not Noel, he is Neil.

An honourable member interjected.

Mr WYNNE — The reference appears near the front of the committee's report. That bipartisan committee did some important work.

Before outlining the contents of the bill and the amendments put forward by the government it is important for me to recognise and reflect on the importance of the jury system in a democratic society. The honourable member for Berwick eloquently referred to many aspects of the jury system's fundamental importance to our society, particularly when he addressed the issue of the separation of powers. The former Attorney-General, Jan Wade, also accepted the importance of those principles.

It is fundamental to the framework of Victorian society that the question of whether a person is guilty of a serious criminal offence be determined by a jury consisting of his or her peers. Trial by jury is essential if the criminal justice system is to remain comprehensible and accountable to the community it serves. Jury service allows citizens to participate directly in our criminal justice system. It is also important for parties bringing civil actions in the Supreme and County courts to be given the opportunity for the issues to be determined by a jury.

I will touch on a couple of aspects of the Law Reform Committee report, which is a comprehensive document. The committee should be suitably recognised for providing a thorough review of the system — it forms the basis of the bill before the house. I will refer to a couple of matters that were important in the committee's deliberations. The committee identified five major factors that operate to reduce the representativeness of the Victorian jury system.

Firstly, there are extensive categories of persons who are disqualified, ineligible or entitled to be excused as of right from jury service. Secondly, the manner in which jury districts are determined in practice means that a large number of Victorians are unavailable for selection because they live 32 kilometres away from the nearest town that has a Supreme or County Court. Thirdly, the right of peremptory challenge further reduces the representativeness of juries during the empanelment phase. Fourthly, the conditions of jury service may discourage some people from participating in the system — for example, inadequate remuneration and a lack of child-care facilities and other amenities at courthouses. Finally, there is a public perception that jury duty is an onerous obligation that should be avoided if possible. The bill encompasses those five key points.

I refer to the importance of a trial by jury. The committee referred to the knowledgeable work of Justice Deane in *Brown v. R.* The learned judge noted that:

> … the institution of trial by jury is for the benefit of the community as a whole as well as for the benefit of the particular accused.

The report says:

> His Honour elaborated the point in his judgment in *Kingswell v. R.* He said that the 'rationale and essential function' of trial by jury is to ensure 'the protection of the citizens against those who customarily exercise the authority of government: legislators … administrators … judges'. In His Honour's view jury trial also brings important practical benefits to the administration of criminal justice.

It is worth while reflecting on the particular view of the judge. In *Kingswell v. R.* His Honour said:

> A system of criminal law cannot be attuned to the needs of the people whom it exists to serve unless its administration, proceedings and judgments are comprehensible by both the accused and the general public and have the appearance, as well as the substance, of being impartial and just.

They are important principles. His Honour also said:

> In a system where the question of criminal guilt is determined by a jury of ordinary citizens, the participating lawyers are constrained to present the evidence and issues in a manner that can be understood by laymen.

I note that the honourable member for Berwick gave some consideration to that in his contribution. One wonders whether his contributions and those of some of his colleagues during their careers as esteemed barristers have been comprehensible to the layman or in line with the benchmark suggested by His Honour. In His Honour's view:

> The result is that the accused and the public can follow and understand the proceedings. Equally important, the presence and function of a jury in a criminal trial and the well-known tendency of jurors to identify and side with a fellow citizen who is, in their view, being denied a 'fair go' tend to ensure observance of the consideration and respect to which ordinary notions of fair play entitle an accused or a witness.
>
> Few lawyers with practical experience in criminal matters would deny the importance of the institution of the jury to the

> maintenance of the appearance, as well as the substance, of impartial justice in criminal cases.

That is one of the best summaries one could hope to read. It accurately portrays the basic tenets of the jury system.

An interesting article in the *Age* of 10 March by Christopher Wright, a former Supreme Court judge in Hobart, is a fascinating exposé of some of the arguments for abolishing the jury system. The former Supreme Court judge uses several arguments — —

An opposition member interjected.

Mr WYNNE — I reject his arguments, but I pay attention to carefully expressed alternatives to the jury system. It is a lively debate out there in the legal system, and Mr Wright's interesting contribution, while I reject it, is based on a number of years of experience as a Supreme Court judge. I direct honourable members with a particular interest in that matter to the *Age* of 10 March.

The representativeness of juries is an important matter. If a person is to be tried by his or her peers the jury must be representative of the community. The bill provides for significant changes to address that need. It widens the pool of persons available for jury service by providing that all persons over the age of 18 who are on the electoral roll may now be included on the jury roll unless excluded or ineligible. People living more than 50 kilometres from Melbourne, however, or 60 kilometres from the court if it is in the country, may seek excusal.

Under the 1967 act any person living more than 32 kilometres from the court can be excluded from the jury roll by the electoral commission. The change proposed in the bill will therefore be particularly important in increasing the participation of rural Victorians in the jury system.

The bill abolishes the right of many classes of persons to be automatically excluded from jury service. True, some persons will remain ineligible for jury service. The majority, however, must now have good reasons for each case in which they seek excusal — for example, when jury service would cause substantial financial or other hardship or inconvenience to the public.

The bill also provides for a person's jury service to be deferred where necessary to a more convenient time. That is a sensible provision in the case where, for example, someone is sitting for university exams or has some other temporary incapacity to serve.

The bill overhauls the administrative procedures of the jury system and the conduct of jury trials. Those changes will enable the administration of the jury system and the conduct of trials to be both more flexible and more efficient.

The jury system is currently administered by a deputy sheriff of the Supreme Court. Under the bill that function will be performed by a juries commissioner. His or her responsibility will include the summoning of jurors and the provision of juries to both the Supreme Court and the County Court. The creation of that office will result in a number of improvements to jury administration including a more uniform approach across the state and improved services for jurors and courts at country centres.

The bill clarifies the powers of the courts relating to juries, including their power, for example, to grant an exemption from further jury service where a person has served on a jury, excuse a person from jury service, discharge a single juror in certain circumstances, order that two extra jurors be empanelled in a civil trial where necessary, and order that jurors be referred to by number rather than by name during the selection process and thereafter, where necessary, for security or other good reasons.

I refer honourable members to a review conducted by the Department of Justice in 1998. The review panel considered the experience of people who had been on juries and produced an interesting report offering some significant results, including the following:

> Overall ratings of jury service were, for the majority of jurors, either good or very good, with less than 3 per cent rating their jury service as poor or very poor.
>
> … Of non-empanelled jurors, one-third said they had previously been jurors. Of the empanelled jurors, only 9.3 per cent of criminal trial jurors said they had served on a jury before and 4.2 per cent of civil trial jurors.

That survey of Victorian jurors suggests jurors overwhelmingly found the opportunity to serve on a jury to be a positive experience. It is important to bear that in mind.

In the short time I have left I shall deal briefly with the question of jury vetting. The Juries Act 1967 disqualifies certain people from jury service if they have been convicted of certain offences or have received certain sentences. Only very minor amendments have been made to those provisions since l967. The Chief Commissioner of Police would provide information to the Deputy Sheriff to remove from the jury panels persons with prior convictions that disqualified them from jury service. However, the

provisions were inadequate and did not reflect community concerns and expectations about who should be disqualified from jury service. It was sought to address the inadequacies of that situation by a practice known as jury vetting.

The government would argue, and in fact the Attorney-General has argued, that that is unfair and that the Crown has the advantage of information not available to the defence. There is a perception that it may be abused, although the Office of Public Prosecutions has issued guidelines to its solicitors instructing them that only those persons whose criminal convictions have some nexus to the offence the subject of the trial should be excluded. There is, however, a perception that those guidelines are not always followed.

The honourable member for Berwick referred to the High Court decision in Katsumo's case, in which the whole question of jury vetting related to a series of constitutional questions. Katsumo's case was about a drug importation trial which took place in 1996. A juror was stood aside because the person had been convicted of shop breaking and stealing in 1971 by a magistrate and had been convicted in 1976 of trespass, for which he was given a good behaviour bond. I would have thought those two matters hardly pertained to the particular jury the person was being asked to sit upon.

The third aspect in relation to jury vetting is that it clearly diminishes the representativeness of juries. It offends against the principle of random selection of juries, and it involves assumptions about how people will behave on juries. It does not accord with the concept of rehabilitation. If you commit a crime you should not be doubly punished by not being able to be involved in the legal process in a more productive way than you may perhaps have done in the past.

It is preferable that persons should be excluded only from the rights and obligations to sit on juries pursuant to clear legislative criteria. The bill therefore contains a regime for the disqualification from jury service of persons with prior convictions which is significantly more rigorous than the provisions contained in the 1967 act.

I shall deal briefly with the disqualifications in the couple of minutes I have left. A person is disqualified from serving as a juror in the following circumstances: if, for example, the person has been convicted of treason or one or more indictable offences and sentenced to imprisonment for an aggregate of three years or more; if within the past 10 years the person has been sentenced for one or more offences and imprisoned for an aggregate of three months or more; if within the past 5 years the person has been sentenced to an aggregate of less than three months imprisonment or to detention in a youth training centre or youth residential centre, or to imprisonment by way of an intensive correction order or community-based order; or if within the past two years the person has been sentenced by a court for an offence or released on an undertaking. Persons on remand are disqualified, and bankrupts are disqualified while undischarged. They sound like reasonable criteria for knocking a person out of the system.

As to majority verdicts, the bill maintains the current situation whereby such verdicts are available in trials for all indictable offences in Victoria other than murder and treason. It is important that a verdict in a trial for murder or treason be unanimous because they are the most serious offences and offences for which an offender may be imprisoned for life.

The honourable member for Berwick canvassed the question of the Crown's right to stand aside. I know my colleagues will address some of those questions during their contributions today.

This important bill is the result of a comprehensive piece of work by the Law Reform Committee, a report titled *Jury Service in Victoria*. The bill improves the justice system because it promotes the participation of all Victorians. Greater participation of the community will engender greater confidence in the jury system. Jury service is an important right and obligation. People have many demands on their time and the new powers, procedures and flexibility introduced by the bill will enable more Victorians to effectively participate in the justice system. That surely must be a good thing for justice. I commend the bill to the house.

Ms McCALL (Frankston) — I consider this to be a very important piece of legislation and, like the honourable member for Berwick, I am pleased that it has come back quickly to this place after being first introduced by the previous government.

I shall begin with a couple of quotations, the first being from the famous film *Twelve Angry Men*:

> This is a remarkable thing about democracy. That we are notified by mail to come down to this place and decide on the guilt or innocence of a man; of a man we have not known before. We have nothing to gain or lose by our verdict.

In the spirit of the chamber, I will also take a quotation from *Alice in Wonderland*:

> I will be judge, I will be jury, said the cunning old Fury and I will true the whole cause and condemn you to death.

The essential thing about the two quotations is how important the jury is. What is a jury in a court to do? It is to be representative of the community and it is to assess the information and evidence presented to it and make a judgement. One of the most important things about a jury is that it is composed of those very people who, by some stroke of fate, do not find themselves in the box accused. In other words, they are people who come from a variety of backgrounds and different levels of education. They bring with them to the jury their biases, prejudices, ideas about what should or should not be happening, political views and a whole variety of other things. They are, in fact, the peers of the person who stands accused.

We know the great line about what a jury should be composed of — that is, 12 good men or women and true. I do not know how many honourable members have served on a jury, but I have. It is a great privilege and one I thoroughly enjoyed. As members of Parliament we are unlikely to ever undertake jury duty again, but I commend to Victorians one of the greatest duties that members of the public can perform — that is, to listen to the legal system, watch it unfold, make a valued judgement at the end and then live with the decision you have made for the rest of your life.

My father reminds me on many occasions that he sat on the last jury to condemn a man to be hanged under the old system of capital punishment in the United Kingdom. As a result of his service on that jury, he was exempted from jury service for the rest of his life. He tells me that the process he went through and the experience of being a member of that jury — being locked up while the verdict was being considered — was one of the most extraordinary things to impact on his life. Those honourable members who have seen old movies showing the judge sitting with a black handkerchief placed on top of his head and condemning the accused to be taken from the place to be hanged by the neck until he was dead would know that it is something no member of any jury would probably ever forget.

My experience on a jury was a little less dramatic. I chose not to take one of the many options open to me of not serving on a jury. Having been called, I considered it was a service I should undertake.

Mr Hulls — Did you convict or not?

Ms McCALL — I spent five weeks doing jury service on three different and very interesting cases.

Mr Hulls — Guilty or not?

Ms McCALL — Some of them were guilty, some of them were not guilty.

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member not to respond to interjections.

Ms McCALL — It depended very much on the nature of the case before the jury. My experience demonstrated some anomalies and difficulties of the system. One was the composition of the juries themselves, being made up of very different people from different walks of life with different workloads and from different work places. Some were retired while others were not, and some arrived with preconceived ideas about whoever was in the dock. I recall one case where a dear lady brought her knitting to the jury room, rather like in *Joh's Jury* — if anybody remembers that. She knitted valiantly through the entire time members of the jury were discussing the verdict saying, 'The poor guy. He's such a nice young man. He kept smiling at me while I was in the box. He couldn't possibly be guilty'. In the end we managed to persuade her that he was guilty, and there was overwhelming evidence to prove that.

There are some interesting things about the dynamics and psychology of individuals who serve on juries. I will mention some famous trials in history where the outcomes may not have been quite as anticipated before the juries came to deliberate. Going back a long way in history, one such case was the trial of Charles I of England. The present Prince Charles says he does not want to be known as Charles III because Charles I lost his head. But the question is whether a king, be it Louis XIV, Louis XVI or Charles I, really had a peer who could have judged him by jury.

There was also the case of Joh's jury, to which I referred earlier. I know the Attorney-General was in Queensland around that time and would have found that a most interesting exercise.

Mr Hulls — Shameful.

Ms McCALL — Absolutely appalling behaviour by the jury. Other interesting cases are those of Charles Manson and, for those of you who take an interest in English history, the trial of the Birmingham Seven in London. In Victoria there was the trial of Ronald Ryan, the last man to be hanged in this state. There have been controversial trials of people such as Oscar Wilde, and there was the Azaria Chamberlain trial, which took place in 1981, the year I arrived in Australia. They were all trials where the jury had the right, the privilege and the honesty to make the sort of judgments that they did.

Some of the issues about the nature of juries which have come to light through history are well portrayed in soapies, some of which the honourable member for Berwick mentioned — that is, programs such as *The Practice* and *Law and Order*, which some people watch avidly, while some of us remember *LA Law* and are old enough to have watched *Perry Mason* and *Ironside*.

Honourable members interjecting.

Ms McCALL — I am a young thing. My grandmother used to tell me about the programs on television! I can recall the feeling of apparent power that a jury could potentially have to decide the future of an individual who by some quirk of fate, excellent police work or other some other means would find himself in the dock accused of a crime.

I am particularly interested in the issue of majority verdicts with which the bill deals. I am comfortable that a unanimous verdict remains for the crimes of murder and treason.

Mr Hulls — Hear, hear!

Ms McCALL — An argument was put forward when the Liberal Party was in government that those crimes should be subject to a majority verdict as is the case with other crimes, but having sat on a jury I am a lot more comfortable with a unanimous verdict if the accusation is murder.

Mr Hulls — Come over here.

Ms McCALL — I can easily refuse an invitation like that, thank you very much. However, on the issue of majority verdicts of what might be considered lesser crimes a majority of 11 to 1 — —

An honourable member interjected.

Ms McCALL — I delight in being old fashioned. In England, under guidance from the judge, 10 to 2 majority verdicts are allowed in certain cases, although that may not be the case in Victoria. A majority verdict of 11 to 1 may be acceptable in the interests of expediency and the interests of a judgment, but we must be very careful not to end up with 12 angry men on a jury and the 11 turning the 1 juror around and the whole thing taking rather longer than perhaps it should.

It is a privilege and a right for every member of the community to serve on a jury. It has been far too easy for a person to get out of jury service. There have been claims like, 'I can't afford it'. This bill seeks to address the issue of employers making up pay. Another claim made is, 'I'll lose my job if I serve on a jury'. The bill provides that a person cannot be sacked for serving on a jury. There are also issues about a person's 'past performance' or record, but it is important that the community recognises that serving on a jury is important. It is neither an onerous task nor a nuisance, but it is something that every one of us should seek to undertake.

I am comfortable with the legislation, although it catches in my craw somewhat to say that I support the Attorney-General. I make particular mention of clause 8(j), which clarifies the exemptions for jurors on the basis of religion, but further clarification is still needed. Members of Parliament will clearly be exempt from serving on a jury for some time to come, but I emphasise that if they ever get the opportunity to serve on a jury it is an opportunity that should not be waived on the basis of a flimsy excuse.

Mr LENDERS (Dandenong North) — I join the debate on the Juries Bill as a convert in later life to the benefit of juries. Having grown up in a Dutch immigrant family that for 200 years was subjected to Napoleonic law in a society where juries were not part of the culture, I have moved from a starting point of being suspicious of juries to seeing them as an integral part of the rule of law and the protection of civil liberties.

Mr Leigh interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Mordialloc should let the honourable member for Dandenong North continue uninterrupted.

Mr LENDERS — It is interesting that the concept of a jury is about being judged by one's peers. However, that premise contains a fundamental flaw. If a jury were to judge the honourable member for Mordialloc, his peers would be rather difficult to find! Leaving that aside, the jury system started when several backward-looking gentlemen in medieval England gathered in groups to judge their peers.

Perhaps we could find a place for the honourable member for Mordialloc in England of the 12th or 13th century! In those days the only people with rights to sit on a jury were the shire gentlemen. In those days only a limited number had access to the law, and women had no rights. Going back into history one can see that the idea of being judged by one's peers is an important starting point, because much of our rule of law has come from medieval England.

Earlier, the honourable member for Frankston gave the house a history lesson. As a former history teacher I cannot help but respond. Medieval England was an interesting meld of Anglo–Saxon and Norman law that came from France with William the Conqueror. Marrying those two legal systems was important for the evolution of the parliamentary and legal systems as we know them today. If we do not remember that, many of the peculiarities of the jury system and Parliament are lost on us. As a former teacher, Madam Acting Speaker, you will also appreciate the benefits. I would speculate that you were a history teacher, but I will not pursue that point.

The roots of the jury system lie in one being judged by one's peers. That is just as critical in a modern democratic society as it was in medieval times. If we are to have confidence in our legal system, it must have a democratic foundation. Coming from a continental background, for me the attraction of the jury system is that it is essentially democratic: however you transgress, you have the protection of being judged by your peers on the facts of the case.

The notion of being judged by one's peers will always be a challenge for the legal system. His peers will shortly judge the Leader of the Opposition — that is, the jury of the parliamentary Liberal Party. That group is definable. I am speaking of peers with a small 'p'; not the hereditary peers that resided in the upper house at Westminster and whom the British Labour government recently dispensed with. It was assisted by the former Tory whip who organised the survival of 92 of the 700 peers of the realm.

Mr Leigh — What about Kelvin Thomson? He put his wife in here and gets double the money. It is nepotism.

Mr LENDERS — Being judged by one's peers is always a challenge. It is one of the evolving parts of the law.

Mr Leigh interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Mordialloc should hold his peace. I will give him the call next time.

Mr LENDERS — In the case of the parliamentary Liberal Party the jury of peers can be identified — that is, all the honourable members who will judge the leader at the end of his six-month term. However, if an accountant goes to trial it is a challenge to find a jury of his peers, and the same applies to a computer technician. Should one look for a broader definition of 'peers' on the assumption that the members of a jury will have the intricacies of the law explained to them to enable them to make a judgment on the facts so that the presiding judge may decide on a sentence? Those are some of the serious matters before the house. To my knowledge the common-law countries are the only ones in the world that have juries. The concept is part of our history and one that many people find important.

I turn to the issue of vetting juries. The honourable member for Frankston recalled her jury duty with pride, saying that she saw it as a community honour. My wife's late grandmother was called for jury duty in Shepparton several years ago. Much to her puzzlement and horror she was instantly excused because she asked the nice policeman where the guilty man was. However, she was a card-carrying member of the National Party and was on the Shepparton show committee, so that may explain something about my wife's late grandmother.

It demonstrates the need for a clear form of vetting jurors. As much as I dearly loved my late grandmother-in-law she was not one of the best types of people to have on a jury. There has to be a mechanism for a clear and proper selection process so that we have a representative sample of society on juries. No matter how complex a case may be there have to be ordinary members of the community to make a judgment on it.

I have already mentioned the impact of the evolution of the jury from early history. It remains an evolving part of our law. It was not until my lifetime — and I was born as recently as 1958 — that married women were automatically excluded from serving on juries. The bill is part of the progression of making juries more representative of society as the only way of putting checks and balances in a procedure whereby one is judged by one's peers. A lot of fine workmanship has gone into the clauses. As previous speakers have pointed out, particularly the honourable member for Richmond, the bill is a sensible and logical progression. It deals with many issues in an endeavour to make the jury system, firstly, more democratic and representative, and secondly, fairer and more efficient.

I vowed to myself that I would not talk about movies about juries. I will resist, other than to say that *Joh's Jury* and other similar examples portray many cases in the past in which the jury system has not necessarily worked. The challenge is to find a system that does work; one which has logical exclusions and screenings but which still provides flexibility.

In respect of every bill introduced in this house I think about my constituents in the main streets of Dandenong North and ask myself what they would think of the

legislation if it were to pass. My electorate does not have a court. When my constituents wish to go to court — not that many of them would want to do that — they have to go into Dandenong. In respect of juries they would want a degree of certainty as to their legal access. In places such as Brady Road or Birch Avenue, or any of the other shopping centres in my electorate, my constituents would express their frustration with a legal system in which people are all keyed up, go to court expecting a case to proceed, and suddenly the trial is aborted because something has happened with the jury.

The issue of reserve panellists on juries, where although juries in criminal and civil trials may lose a small number of jurors the trials continue, is important for people who believe in the law being affordable, efficient and fair. They are some of the saving features of the bill.

Too often people who are not normally part of the legal system feel intimidated by it, because it is a fairly alien process. Much in the way members of this chamber can feel intimidated by Supreme Court judges in wigs and flowing red robes and other people in wigs coming in here — for a number of members opposite it is probably part of their professional uniform in another life — when my constituents go into a courtroom where people are in all sorts of robes and are wearing wigs and so on, they perceive it as alienating and hardly as any form of egalitarian justice.

Mr Hulls interjected.

Mr LENDERS — I am sure my colleague the Attorney-General would only wear a wig if he had to — —

A government member interjected.

The ACTING SPEAKER (Ms Davies) — Order! Verbal teasing should go only so far.

Mr LENDERS — I am guided by your sage advice, Madam Acting Speaker, and I will try not to dwell on the point too much. Victoria's court system is not conducive to many of my constituents feeling comfortable with it in its present form. It is a tribute to governments over the years that they have established administrative tribunals such as the small claims tribunals and have reduced many of the formalities as time has gone on. Some of the reforms in the bill are to be encouraged because there is still a long way to go in changing the legal system before most of the people I represent will feel comfortable in the courts. This is a particularly good piece of legislation and I commend it.

There are other sensible clauses about incurring costs and what happens if trials are aborted. It is interesting that teams of lawyers will often settle cases at the very last minute. It applies far more to civil than criminal matters. From the point of view of my constituents it is no joy when the lawyers representing them settle at the last minute when many things done at the 11th hour could have been done sooner. Although it is not the main intent of the legislation, some clauses do assist in that matter. The one that particularly appeals to me provides that a party who settles more than 14 days out from a case does not get costs, which provides some incentive to settle early and should make the process a bit more user friendly.

The honourable member for Frankston challenged government members to spend a bit more time in the debate on the issue of jury vetting by the Crown. Time is always an issue in these areas. The legislation puts before us a regime that defines the different forms of disqualification, categorising them rather than unilaterally and secretly vetting jurors — for example, if a person has a record of some sort.

Lifetime disqualifications are retained in this regime for persons convicted of treason — I am trying to recall the last time anyone was convicted of treason, but I am sure it must still happen — or for seriously indictable offences. Disqualifications of 10 years apply to persons sentenced for other offences; there are five-year and two-year disqualifications; persons on remand are only disqualified while on remand; and bankrupts are disqualified while undischarged. I guess Mr Bond in Western Australia can do jury duty. It would be interesting to speculate on a jury of peers if there were, for example, the theft of a painting — a good case to go before a jury.

Clause 18 of the bill describes jury districts of state electoral districts, so it would not be the district of Surrey Hills but the district of Burwood. The case of the theft of a painting would be an interesting example of where a jury would be drawn from. The jury could come from a range of electoral districts, as the 1967 act provided that any person who lived more than 32 kilometres from the nearest criminal court could be excluded from the jury roll. My constituents in Dandenong North would be eligible to be empanelled for a jury to deal with an art theft in Surrey Hills.

On the matter of being judged by peers, I wonder: would the peers be citizens of Victoria? Would they be similar art thieves? Would they be failed former Liberal Party politicians?

The ACTING SPEAKER (Ms Davies) — Order! Could I suggest the member return to the bill.

Mr LENDERS — Given the hour I will have to limit my remaining remarks to 3 minutes.

The ACTING SPEAKER (Ms Davies) — Two minutes, actually.

Mr LENDERS — The bill is well balanced on the principal issue of jury vetting. Again, the case of my wife's late grandmother coming into court in Shepparton as a potential juror and asking, 'Where is the guilty party?', and being peremptorily challenged is a clear illustration of the appropriate use of the challenge. It is a good thing that limits have always existed in the system. The bill retains discretion to deal with wild challenges to potential jurors, and that is a good and positive thing.

A balance is needed so all parties can be confident that the jury is representative of the community while at the same time having a capacity to screen out biased jurors. No matter how good the system, the odd biased juror will get through — like the president of the Young Nationals in Queensland who ended up on the jury at the Bjelke-Petersen trial. It is an unfortunate case, but under the Victorian legislation that would not have stopped the jury from acting: one person in a civil trial would not have a veto. So that is a positive thing in the legislation.

It is a bipartisan piece of legislation, and that is a good thing for a system of civil and criminal justice that goes back hundreds of years. If the system is not dragged into the 21st century, members of Parliament will be held accountable by their peers — the voters of electoral districts. An important legacy is to be defended but there is a responsibility to bring the law into the 21st century.

Mr STENSHOLT (Burwood) — I am happy to speak in support of the Juries Bill insofar as it follows a process of extensive consultation. Other honourable members have already spoken at considerable length on the consultation issue.

The bill has come about as a result of the work of the Law Reform Committee, of which I have had the honour to become a member this year. I hope other current and past members of the committee, whom the honourable member for Berwick nicely catalogued, will also speak on the bill. It is important that those members speak in considerable length on bills of importance such as this, which goes to the very centre of our democracy and justice system. I would be surprised if other members of the committee do not speak on the bill because it is an important result of previous work of the committee.

In 1994 the committee received its first reference on juries from the Governor in Council, as had been the pattern in the past. However, by the sleight-of-hand exercise referred to earlier today, the opposition has changed that practice so that references now come from the Legislative Council. I urge my colleagues on the Law Reform Committee, who only a couple of weeks ago went with me to talk to the Chief Justice of the Supreme Court and to examine what is happening in the courts, to contribute to the debate. On our trip we visited one of the courts and saw the changes taking place and the procedures and processes being applied in the courts, including the use of new technology. We had significant discussions with the Chief Justice on recent and prospective changes in the administration of justice in Victoria.

It behoves my colleagues on the Law Reform Committee to speak cogently in support of the bill. I await their response. I am surprised they have not jumped up before me to speak on the bill because of its importance, and as the honourable member for Berwick has already pointed out, its considerable length.

In the examination process leading up to the bill the Law Reform Committee received 137 submissions from a wide variety of organisations and individuals. It produced two issues papers and three research papers, some of which honourable members have quoted from this evening, particularly the honourable member for Richmond. The issues papers are found in volume 3 of *Jury Service in Victoria*, the report of the Law Reform Committee on juries. The committee also conducted a couple of empirical studies. Clearly its work was based on significant research. In the process the deputy sheriff provided information based on some 13 000 questionnaires, so it was no light task. I reiterate that I am surprised that the committee's current and past members on the opposition benches are not getting up and speaking about the bill.

Emphasis was placed on consultation, so a further survey of jurors was conducted in July 1998, thus widening the work of the committee. As a result, a process of continuous consultation took place in the lead-up to the introduction of the bill. The bill builds on the recommendations of the Law Reform Committee and on the Juries Bill that was introduced at the end of the 1999 autumn sessional period. I commend the current Attorney-General on his modernisation process and I hope he continues with it. I was struck by the comments of the honourable member for Dandenong North on modernisation. The bill goes some way

towards achieving that. I urge the Attorney-General to continue his reform of the courts and the judicial system. I hope he gets rid of the wigs and other paraphernalia so that courts can be friendly and much less oppressive and obsessive places than they have been. Perhaps he could get rid of a few uniforms in this place as well. Reform of the paraphernalia, not the essentials, of the judicial system is greatly needed.

In reintroducing the legislation, which incorporates further policy changes and suggestions, the government has shown it is open and is operating on a policy of good governance for all Victorians. The changes and suggestions are appropriate.

'Trial by jury' is a famous phrase with which all honourable members are familiar — and I am not talking about the Gilbert and Sullivan musical. Trial by jury is one of the cornerstones of the justice system and one of the democratic bases and pillars of integrity of our system of governance. The Bracks Labor government's policies are based on a system of good governance. It is bringing back democracy, equity and access to Victorian citizens, including the citizens of Burwood, which the previous speaker talked about. I commend his thoughts on the people and district of Burwood.

The Bracks government will ensure that emphasis is placed on access and equity, and that people can participate in the justice process. It will ensure that people can be made available to contribute to the process and serve as jurors, and that justice is available for all Victorians. The courts and the administration of justice should mirror the basic issues of access and equity. The bill underscores another foundation of our democracy.

Honourable members interjecting.

Mr STENSHOLT — You don't like us talking about democracy, do you? It is very important that we talk about governance, about justice and equity, and about things such as the separation of powers.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! I ask honourable members to temper their interjections.

Mr STENSHOLT — Thank you, Madam Acting Speaker. I was forced to point out that good governance is at the forefront of the government's endeavours. I was talking about the separation of powers between the courts, the legislature and the executive as being the basis of our democracy.

Other honourable members have outlined some of the history of trial by jury, including the issue of being judged by one's peers. The Law Reform Committee's 1996 report quotes clause 39 of the Magna Carta of 1215. Some people argue that it embodies a right to trial by jury in that it talks about a judgment by peers. Clause 39 of the Magna Carta states:

> No free man shall be taken or imprisoned or desseised or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgment of his peers or by the law of the land.

The Magna Carta talks about judgment by peers. We could look at the Latin definition of peers, of equals, and how applicable that was at the time and how it was applied. There have been various examples of how it may well have been misapplied over time.

In medieval times a body of witnesses were summoned from the neighbourhood because they had some knowledge of the local situation and were able to make judgments because of their capacities as local citizens. It has been long established in common law. Indeed Sir William Blackstone, who was a famous lawyer, made the comment — he wrote *The Commentaries*, of course, which is still being added to today and is still a major textbook — that:

> … inroads upon this sacred bulwark of the nation are fundamentally opposite to the spirit of our constitution …

He went on to say that if you make changes in a small way in the end you may gradually bring about:

> … the utter disuse of juries in questions of the most momentous concern.

Victoria has had extensive trial by jury experience using the common-law system. Interestingly enough, in the 1830s peers were naval and army officers, so the first jury was a group of seven officers, and if you needed a larger jury for a significant criminal case you had to send to Sydney. Eventually, trial by jury using local citizens became very much a part of the system. As has been mentioned already, it was only 30-odd years ago that women were able to fully serve on juries and it was only in 1954 that some property qualification was no longer needed by members of a jury.

There have been changes. However, the bill brings out a whole raft of new changes and modernisations to the jury system. Importantly, juries can be representative of the whole community. That is what we are on about here: we want the whole community represented and involved in the process of justice, and not to have people shut out or closed off.

As we have heard, there are continuing debates on the use of trial by jury and whether it is the most effective and just method. Some countries, such as Singapore and South Africa, have abolished juries and some jurisdictions have effectively abolished them in certain civil cases. The honourable member for Richmond quoted retired Tasmanian Justice Wright's arguments for abolishing juries. I do not share that view, either. I am like the honourable member for Richmond and 76 per cent of the Victorian public — which is a lot more than the 11 per cent supporting the Leader of the Opposition — that currently favour the continuation of trial by jury. I think the Premier's popularity rating must be getting close to 76 per cent.

The support in Victoria for the use of juries is not just from the public, as indicated by the poll in the *Herald Sun*, but also from the work of the Law Reform Committee and the High Court. Justice Deane has already been quoted extensively this evening when he said that in a practical sense the legal system needs to be explained to people so that they are able to understand the process. It is important to ensure that the process of a criminal case can be understood rather than baffling people with a whole lot of Perry Mason tricks. It is important, as Justice Deane said, that:

> … lawyers are constrained to present evidence and issues in a manner that can be understood by laymen. The result is that the accused and the public can follow and understand the proceedings.

A jury ensures the notions of fair play, equity and justice, which is perhaps a little foreign to some opposition members. The processes of good governance, equity and access should be available to all people.

As I have said before, the bill is aimed at making juries more representative of the community and at spreading the obligation of jury service more equitably. Schedules 1 and 2 list persons disqualified from being jurors and persons ineligible to serve as jurors. They include a person who in the past 10 years has been a Governor or his official secretary, a member of the Police Appeals Board, a judge, and a whole range of other people.

The bill also states that all those on the electoral roll over the age of 18, unless covered by schedules 1 or 2, may now be included on a jury roll. Classes of persons are not automatically excluded from jury service as in the past, and there is a list of those included in the previous act such as doctors, dentists, ministers, nuns, pregnant women, and so on. Such people now have to demonstrate good reason for their exclusion from the list.

Clause 8 lists people who may be excluded for good reason, including, for example, illness, incapacity and distance to travel. A change has been made to the distance. My colleague from Dandenong North was slightly mistaken when he mentioned 32 kilometres from the district of Burwood. It will now be 50 kilometres — I am not sure if that includes Melton; it probably does now. Peers to judge any art theft in Burwood could be drawn from all over Melbourne. Talking about judgments on the former member for Burwood, the judgment was made all over Victoria. I do not want to turn this into a Gilbert and Sullivan show, but I am on record as saying that one should break into song on some occasions.

Mr Speaker, I am sorry for deviating from the bill. The bill modernises a whole range of procedures in terms of adopting new technology. I hope the honourable member for Doncaster will speak on the bill and tell us about the new technology and use of computerisation that he is so fond of and talked about this afternoon. I hope he and members of the Law Reform Committee, particularly those from the Liberal Party, will speak on the bill and its importance. I commend the bill to the house.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! Under sessional orders the time for the adjournment of the house has arrived.

Rail: Mildura service

Mr LEIGH (Mordialloc) — I raise for the attention of the Minister for Transport the reintroduction of the Mildura rail service. I was interested to read yesterday of the establishment of a committee to investigate the return of a rail service to Mildura. Not only did the honourable member for Mildura, a member of the Bracks Labor government, say that if he was re-elected to office he would reintroduce the Mildura rail service, but he is also reported as saying in an article in the *Herald Sun* of 30 January this year that:

> Securing the return of the train is a crusade for Mr Savage, whose reason for standing for Parliament in 1996 was the loss of the service.

During that election campaign he issued a brochure containing a rail ticket. The Minister for Transport, who was then the opposition transport spokesman, is reported in *Hansard* of 10 May 1995 as saying:

> Bring back the train is what I say because I have not been impressed at all with the bus service.

Surely this is the final cop-out between the honourable member for Mildura, who is not representing his electorate, and the Minister for Transport. What have the honourable member for Mildura and the Minister for Transport concocted? Firstly, they sought to attach a passenger rail service to a freight train. The honourable member for Mildura put forward some rubbish about the introduction of a passenger service attached to a freight train. A freight train travelling at anywhere between 30 and 60 kilometres an hour would take almost 13 hours to reach Mildura.

The honourable member for Mildura says he will do something. I refer honourable members to a letter in the *Sunraysia Daily* of 17 September 1999 which states:

> Have we all taken leave of our senses?
>
> Three years ago Russell Savage sent all voters a railway ticket promising to return the *Vinelander* if elected to Parliament.
>
> How many of us voted like sheep? This was a form of cargo cultism.
>
> But where's the train? More importantly, has Russell Savage argued and fought for its return in Parliament?
>
> Sorry, Mr Savage, but I will be voting for someone else this time — someone who will have a real voice in Parliament.

The honourable member for Mildura and the Minister for Transport have failed. During his time in Parliament the honourable member for Mildura has raised this issue on three occasions, so he has done nothing. He has sold out the people of Victoria and he has not delivered to the people of Mildura.

Kingston: contract decisions

Ms LINDELL (Carrum) — I raise for the attention of the Minister for Local Government concerns about the Kingston City Council. As the minister is aware, residents of the City of Kingston are about to elect new councillors to represent them for the next three years. The method of election is by postal ballot, with ballot papers requiring to be mailed by 6.00 p.m. this Friday.

It has been brought to my attention by a number of Kingston residents that a special meeting of council has been called for this Wednesday. The meeting was advertised in Saturday's *Age* newspaper under public notices as a closed meeting to discuss 'contractual arrangements'.

I have since been told that the purpose of the meeting is to ratify a new employment contract for the chief executive officer, Mr Rod Skinner. I inform the house that Mr Skinner is an executive of extremely high calibre and Kingston council is privileged to have him leading the council officers.

I am sure the honourable members for Bentleigh and Mordialloc agree that Mr Skinner has served the Kingston City Council extremely well over the past five years. In no way is my raising the issue a reflection on the chief executive officer. However, it is unacceptable and unsustainable for the council to enter into new contracts during its last days when in caretaker mode. Will the minister investigate the legitimacy of the council's planned action and determine whether a contract signed in such unusual circumstances would be binding on the newly elected council?

Police: Eltham station

Mr PHILLIPS (Eltham) — I ask the Minister for Police and Emergency Services to take action on the Eltham police station as a matter of urgency. The police station has been an issue in Eltham for a number of years. The previous government gave a commitment to build a new police station. The endorsed Labor candidate at the last election, Pam Hanney, also gave that commitment.

An honourable member interjected.

Mr PHILLIPS — She must have been pretty good, but not good enough because I am here and she is not! Her brochure states that she would commit $3.5 million for a new police station.

I understand the minister has expressed the view that the police station is not an issue but that finding a site for the police station is. A site currently owned by the Nillumbik council is appropriate. I understand the council has considered the site in question but has not given priority to the building of the police station.

It is essential to have a police station on the main road in Eltham. The current station is an old weatherboard building of some 50 or 60 years. It operates as a 24-hour station in a one-way street. It is cramped and difficult for the community to find, and the conditions inside are ordinary.

I would like to consider the issue in a bipartisan way with the current government. I am interested only in building a police station that in turn will be of benefit to the Eltham community. I am sure the minister would be interested in that as well. The minister needs to acquire the block of land currently owned by the Nillumbik council. It is the site of the old shire offices. I know the council has other intentions for that site, but unfortunately there are few, if any, sites on the main

road of Eltham that would meet the requirements of both the police and the community.

I ask the minister as a matter of urgency to finally make a decision and, if necessary, compulsorily acquire the site, which I understand the Nillumbik council will not sell. I can appreciate that, but at the end of the day the council does not have the money to develop that site for an arts complex, which it currently wants to do.

City Link: tolls

Ms ALLAN (Bendigo East) — I ask the Minister for Transport to raise with Transurban in any forthcoming negotiations a matter with which City Link appears unable to cope. I ask the minister to again request that City Link makes its tolling system fairer for country motorists.

Last Thursday a constituent of Bendigo East, Mr Derek Etchalls, contacted my office. On Friday he drove down the Tullamarine tollway to Melbourne in one car. He sold that car in Melbourne and then drove back to Melbourne in a second car.

When he rang to purchase a day pass Transurban said, 'Sorry, you have to purchase two day passes' — at a cost of $3.50 each! Transurban's system was so inflexible it could not cope with a motorist from my country Victorian electorate travelling on the Tullamarine tollway in two different cars using one day pass. Mr Etchalls rang my office — —

Mr Mulder interjected.

The SPEAKER — Order! The honourable member for Polwarth will cease interjecting in that vein!

Ms ALLAN — Concerned that such double-dipping could occur, Mr Etchalls contacted my office. When I rang Transurban on his behalf I was told that Mr Etchalls could drive down on a one-day pass, that Transurban would now be able to accommodate him and that part of the problem was that not as many people as anticipated were picking up e-tags. At the core of Transurban's e-tag problem is the fact that it is inflexible and discriminates against country motorists.

Not every motorist in country Victoria has an e-tag. That is no surprise, and it is not something new. For over 12 months other honourable members and I have been saying that it seems Transurban cannot introduce a system that makes it easier for country motorists to purchase day passes. Clearly that — —

Mr Mulder interjected.

The SPEAKER — Order! I will not warn the honourable member for Polwarth again!

Ms ALLAN — The problem occurs when a tollway privatised by the former Kennett government is run by private operators who do not understand the needs of country motorists. I ask the minister to again address the matter. The issue I am raising with Transurban is not new. Country motorists need a more flexible system that allows them to purchase the full range of day passes and Tulla passes to travel down the Tullamarine tollway. They had the tollway imposed on their main route into Melbourne. It is something they voted against at the last election — —

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

Schools: student development unit

Mrs ELLIOTT (Mooroolbark) — I refer the Minister for Education to a matter concerning a constituent who recently came to see me and who has a 10-year-old son in grade 4 at Croydon Primary School. The boy is three years behind his peers in emotional development and has resultant behavioural problems.

There was once a student behavioural unit at Manchester Primary School in the eastern metropolitan region, as well as another at Doncaster Primary School. The eastern metropolitan region of the Department of Education made the decision to amalgamate those student behaviour units onto one site. So far the region has not been successful in finding a site. School councils have to agree to the units being situated in regular schools.

According to both his mother and the acting principal of Croydon Primary School the boy needs intensive one-on-one therapy at least three days a week. The four specialist staff, who are currently situated at Donvale Primary School, visit students needing help in their schools. They do a great job, but that is no substitute for a site that is dedicated to what is now called a student development unit.

I ask the Minister for Education to do everything in her power to locate a site for the student development unit so that boys and girls like my constituent's son can get the intensive one-on-one therapy they need to enable them to develop and take their places in regular schools with their peers.

Healesville Primary School

Mr HARDMAN (Seymour) — I refer the Minister for Education to the situation at Healesville Primary

School. This morning I learnt that last night a fire at the school burnt down the original historic school building consisting of four classrooms. Having learnt that, I contacted the school to offer any assistance I could as the local member.

In my 11 years of teaching I have had the good fortune not to suffer the traumatic experience of a school fire, but I have spoken to teachers who have. Teachers often have many of their personal resources and professional libraries stored in their classrooms for quick access, and students leave pieces of work there which they and their parents are rightly proud of because of the hard work they represent and because they demonstrate the students' development and learning.

I ask the minister to advise what the Department of Education is doing to ensure that the Healesville Primary School can return to normal as quickly as possible and to minimise the impact of this sad event on the children's education and the general running of the school. As a government we cannot bring those items back, but there are things we can do that may help. By acting immediately to get things back to normal we can prevent disruption to the children's education and start the healing process.

I thank the Bracks government for allowing the school late last year to go ahead with the $1.3 million master plan. In speaking to school representatives this morning I learnt that Healesville Primary School was going to use the original school building as an administration and staff area, but that might no longer be possible because of the fire. I also ask the minister to advise what her department can do to ensure that the school continues to develop its master plan in light of the fact that there are now extra needs at the school.

As education is a major priority of the Bracks government it is important that we show the Healesville Primary School and its community, which has been severely affected by this crisis, a great deal of compassion, and show that we care.

Waverley Park

Mr WELLS (Wantirna) — I raise with the Premier the Labor government's lack of commitment to fulfil its own election promise to save Waverley Park. There have been some interesting ministerial statements about a junket to Davos and multimedia, but when it comes to fulfilling a commitment Labor made prior to the election that it would save Waverley Park, Labor members are nowhere to be seen.

It is interesting that the Labor Party's own campaign policy on sport — 'Building Victoria's sporting life' — which was announced prior to the election, said that the Labor Party would:

> … fight to keep and improve Waverley as an AFL venue and demand that the ground be kept open.

Its own sports minister, Justin Madden, said on two separate occasions, one of which was reported in the *Herald Sun* of 1 November 1999, that the minister informed guests at a Fosters Victorian Derby function that:

> Labor would definitely keep Waverley.

He also went on radio and said he:

> … considered Waverley Park to be a community facility that should be saved …

and that:

> … the government was standing by its campaign promise to keep the venue open.

He said that as late as October last year. But now the football has finished at Waverley. The last match there was the Ansett Cup semifinal match on 19 February, and we have heard not a word since then.

Prior to the election the Labor Party conned the residents of Mornington Peninsula and Gippsland, and especially the 1.7 million Victorians who live east of Warrigal Road. It is interesting that once again Labor has made promises and conned many people but it will not stand up and apologise. I ask the Premier tonight to give a commitment on where the government stands on yet another one of those broken promises. The Kennett government had all the information that the then opposition had prior to the election, and the Labor Party based its election promise on the information that was available. This is yet another broken election promise. Football fans across the state will remember this particular broken promise. They recognise that Labor has shafted the football-going public. Prior to the next election they will remember that the Labor government cannot be trusted to fulfil a simple election promise.

Science and technology: funding

Mr ROBINSON (Mitcham) — I raise with the Minister for State and Regional Development the issue of funding for scientific technology and engineering research. I seek from the minister urgent clarification about comments reported on page 4 of today's *Age* about funding for science. It is important that the record is set straight at the first opportunity on this important issue. The article reports:

> Victoria's scientists and engineers are frustrated that more than $250 million set aside for spending on science,

> technology and engineering has languished in state government coffers — —

Mr Perton — On a point of order, Mr Speaker, the adjournment debate is for members of Parliament to ask ministers for action; it is not a replay of questions without notice. The honourable member asked a minister for clarification of a newspaper article in this morning's *Age*. It is not an action for a minister. It is a ploy by the parliamentary secretary to allow the minister to make what otherwise should be a ministerial statement, an answer to a question without notice or a question on notice. I put it that this is an inappropriate matter for the adjournment debate.

The SPEAKER — Order! I uphold the point of order inasmuch as the adjournment debate relates to honourable members asking ministers for action that is within the jurisdiction of the portfolio. I was listening to the honourable member for Mitcham during the first minute of his contribution. In his further 2 minutes I am certain he will ask for some government action. There is no point of order.

Mr ROBINSON — I ask that the minister clarify government policy in view of the uncertainty that has been promulgated by virtue of an article in a newspaper to ensure that government policy in this area is implemented at the earliest opportunity. My understanding is that the comments in the *Age* this morning differ from government policy.

The government has recognised the importance of science and technology to the Victorian economy and reaffirms the 1999 budget allocation of $310 million over five years for initiatives announced by the previous government that will strengthen the state's standing as the leading research centre for innovation and development.

I was concerned to read the article and the comments by Mr Birrell, the shadow minister for industry, science and technology in the other place, who said that:

> … scientists and engineers were frustrated they could not get guidelines on how the money would be allocated.

That is a cheap shot. It is vitally important that the Minister for State and Regional Development take steps at the earliest opportunity to clarify precisely the government's role in this important area.

Aged care: nurse training

Mr BAILLIEU (Hawthorn) — I raise a matter for the attention of the Minister for Post Compulsory Education, Training and Employment. It concerns the closure of Lavin Australia, the largest private provider of aged care nursing in Victoria and the impact that has had on more than 200 trainee nurses actively engaged in the nursing home sector.

The government's failure to act has contributed significantly to the demise of the organisation. Its failure to adequately deal with the students and nursing homes since then has been a disaster entirely of its own making. Many of the trainees have been separated from their workplaces and their prospects for training and qualifications.

In the process the government has done nothing to assist any of the stakeholders. All of them urgently need a reliable source of information and a clear statement of the facts. The trainees urgently need clear advice on their individual needs either in writing or by phone. They need to be advised of alternative providers and enrolment provisions and they need information on changed training modes. They also need to be confident that their training records will be retained and maintained and that prior learning will be recognised.

The providers urgently need to be advised of proposed funding arrangements, course requirements and student records. The nursing homes urgently need advice on funding arrangements, alternative providers and course mode adjustments. Lavin Australia urgently needs at least the support to assist its students and clients with the transition and to assist its training staff, with whom relationships have already been established. To date the only advice received from the government has been no advice, contradictory advice or wrong advice and misrepresentation.

I ask the minister to move immediately to restore confidence in this vital sector and to lift the cloud of anxiety that hangs over the students, the providers and the nursing homes.

Police: Moe station

Mr MAXFIELD (Narracan) — I refer the Minister for Police and Emergency Services to the poor state of the Moe police station. The station is seriously run down — it has obviously been subjected to complete and utter neglect over the past seven years. It has been totally ignored, which is typical of what the former government has done to the Latrobe Valley.

Unfortunately the police station is extremely small and a considerable number of police officers work from it. I must say that the quality of the officers is high, but it is difficult for them to work in such arduous conditions. Not only is the police station run down and small, but it has not been worked on for a long time, which means — —

A Government Member — Seven years.

Mr MAXFIELD — That is right. It has been completely and utterly neglected for seven years. That is a sad indictment of the former Kennett government and is typical of its treatment of the fantastic town of Moe. I am proud to represent Moe, because it is typical of the true quality of the people of Victoria. They are loyal and hardworking people who have worked for years to deliver power to Victoria.

Those on the other side of the chamber do not care about the good, hardworking people of Moe, but the government cares. I will fight for Moe. I will stand up and ensure that the voice of Moe is heard. The people of Moe are entitled to be looked after in the same way as other Victorians are looked after. They should not be ignored; they are entitled to have decent services and standards.

It is important for modern police officers to work in conditions that encourage and assist good policing. They need good interview rooms where members of the public are able to explain their concerns and problems. I ask the minister to advise the house how soon the township of Moe will have a new police station.

Emergency services: training

Dr NAPTHINE (Leader of the Opposition) — I seek action by the Minister for Police and Emergency Services to improve the access of State Emergency Service (SES) and Country Fire Authority (CFA) volunteers, particularly in regional and rural areas, to appropriate accreditation and training courses so as to make the best use of their valuable volunteer time.

The volunteers should not be asked to travel long distances to accreditation and training courses. The minister should seek to introduce modern technology and other appropriate means to improve access to training courses for SES and CFA volunteers in the communities in which they live. Volunteers should have access to such facilities as videos and computers. As all SES groups now have computers, CD-ROMs and the Internet, together with satellite TV and interactive services available through local schools, could be used for training purposes. SES and CFA training courses should be combined rather than each organisation having separate courses. There should also be a recognition of prior learning.

The difficulties have been brought to my attention by members of the Dartmoor branch of the SES, who do a wonderful job in road accident rescue but who had to travel for an hour to Portland for a 2-hour session on how to use road stop-go signs — —

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

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Eltham raised the issue of Eltham police station. I thank him for his interest because in the seven years he sat in this house under the former government I do not recall his having raised the issue. He may have done so, but it would have been a rare occurrence for him to raise any issue. I can understand that because he would not have received much satisfaction from the previous government, which had no commitment to policing or police stations.

The Eltham police station was part of a Kirner government contract which would have resulted in 32 police stations being built in metropolitan Melbourne. One of the first actions of the Kennett government upon being re-elected was to fork out about $4 million to buy out the contracts to ensure the police stations were not built. Yet seven years later the Eltham police station, which was identified in 1991 as a priority, has still not been rebuilt despite the honourable member for Eltham having represented that electorate for all those years.

An honourable member interjected.

Mr HAERMEYER — What has he been doing? I am unaware of any letters or telephone calls to my office from the honourable member. Now that Pam Hanney, the previous Labor candidate for the seat of Eltham, has done the groundwork and the construction of the Eltham police station is laid out in the Labor government's policy to be delivered in its first term in government, the honourable member for Eltham has hopped on the bandwagon.

The honourable member for Eltham must be jumping for joy at the prospect of a Labor government in office because the people of Eltham will get a new police station. It will be funded and on the ground well before this term of government ends. The people of Eltham can be extremely grateful to Pam Hanney and the Labor government, as can the honourable member for Eltham.

The honourable member for Narracan raised the issue of the Moe police station. I am aware of the longstanding interest of the honourable member because he has raised the matter with me on numerous occasions, unlike the honourable member for Eltham with the Eltham police station. I have inspected the Moe police station. Its conditions are appalling. The lockup is totally unfit for occupation. The station is a

monument to the inaction of the previous government. It was on the list of 32 police stations included in the rebuilding program of a previous Labor government which I referred to earlier but which was scrapped by the Kennett government.

The Bracks government is committed to building a new 24-hour station at Moe. The honourable member for Narracan has asked the government to bring forward that construction. I understand the urgency of the situation. I will raise the matter with both the department and Victoria Police to see what prospects there are of the Moe police station being delivered earlier rather than later in this term of government.

The Leader of the Opposition raised the matter of access to accreditation and training courses by State Emergency Service and Country Fire Authority volunteers, particularly in relation to the Dartmoor SES road accident rescue unit. Both the SES and the CFA do an excellent job, as the Leader of the Opposition has said, particularly in the area of road accident rescue. The government values the contribution made by volunteers in both services and is committed to ensuring that they receive the highest standards of training and are eligible for accreditation to national competency standards.

I will seek information on the specific incident he alludes to, and I assure him that the government is committed to providing training to the highest accreditation standards possible.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Hawthorn — I think it is Hawthorn; it is a bit of a travelling roadshow at the moment, but I think he was elected as the honourable member for Hawthorn — raised the matter of training and of Lavin Australia.

I gave the honourable member for Hawthorn some advice the other week. I said he needed to get some issues up if he wanted to be leadership material, but not to raise Lavin. A bit of advice across the table: don't buy the new suit!

The SPEAKER — Order! The minister will address her remarks through the Chair.

Ms KOSKY — I am sorry, Mr Speaker, but I don't think he should buy that leadership suit just yet. The honourable member for Hawthorn is the only politician who can use his Shell card to fill up his office. I have tried to contact the honourable member on a number of occasions to talk to him about issues to do with Lavin and other training matters, but it is very difficult to get in touch with him. Indeed, people who have tried to contact the shadow minister have contacted me as minister and as de facto shadow minister in order to raise issues because they could not get in touch with him.

What is the answer to the Lavin Australia problem? Lavin Australia is a training organisation that had concerns about its ability to provide training under the previous government. Lavin contacted former Minister Honeywood — or attempted to contact him — on a number of occasions. However, he was, like the honourable member for Hawthorn, ducking and weaving and not wanting to talk with those people about the difficulties they were having with funding.

The previous government reduced funding to training organisations to such an extent that quite a number of them found themselves in financial difficulty. Lavin was in financial difficulty well before the Labor Party achieved government. That organisation has, despite its very strong links with the Liberal Party, been in touch with me several times. Those party links did not help the people from Lavin at all, so they contacted the government and I talked with them about the issues they needed to address.

As soon as we came into government I addressed those concerns. They were among the first issues I asked my department to deal with, and we looked at them in detail. We are now looking at an increase in the number of people being trained in nursing and residential care this year.

Mr Baillieu interjected.

Ms KOSKY — The honourable member would do well to listen to some detail rather than driving around in his car.

In 1998 the previous government removed 250 training places for division 2 nurses. In other words, the former government was not at all concerned about division 2 nurses. When the Labor Party came into government I asked the department to do a number of things, including looking at the detail of the claims that Lavin Australia had made and considering how payments to Lavin might be fast-tracked because it was having serious cash-flow problems. We looked at how to fast-track payments for legitimate claims Lavin had, and we provided it with financial advice free of charge to help it manage its finances better. However, Lavin appointed an administrator several weeks ago.

Then we had to deal with the issue of the students who were in traineeships — and we did. The department has written to all the students who are receiving training to

assist them to gain other training places. Our major priority at this stage is to ensure that none of the students is disadvantaged and that all of them are able to complete their training. So the department has written to all the students, it has provided information, and it will work in conjunction with Lavin Australia to place all the trainees.

That is far more than was offered by the previous government, which was not prepared to listen to the concerns of the students. The honourable member for Hawthorn would do well to talk with the previous minister. He could turn down the car radio, telephone the honourable member for Warrandyte and speak with him. Unlike the Leader of the Opposition and his deputy, who are not speaking to one another at the moment, he could talk to the honourable member for Warrandyte, get some information about what happened previously, listen to that advice and maybe not waste the time of the house by talking about things that happened in the past!

We will ensure that the students complete their training so that they can get good jobs in the nursing profession, unlike what happened under the previous government. The honourable member for Hawthorn would do well to concern himself with issues of training rather than worrying about how fast his office can go!

Mr CAMERON (Minister for Local Government) — The honourable member for Carrum raised a matter concerning the City of Kingston. Mr Speaker, you will appreciate that the honourable member is a capable local member who takes up matters and makes representations about them on behalf of her constituents.

The matter is about the employment contract of the chief executive officer, Mr Rob Skinner, who is very capable, as the honourable member for Carrum made clear. However, she is concerned about the process of his reappointment, with a special — not an ordinary — meeting being called for Wednesday this week.

In the normal course of events one would expect that when a council is coming up for election big decisions would be held over until after the election. That would certainly follow the normal democratic principle — that is, that elected representatives do not do things shortly before an election so that electors can make up their minds about the issues during the election period.

As the honourable member for Carrum pointed out, it is inappropriate. I am sure some people would think it is a bit rude. No doubt people who have not cast their votes can make up their own minds about the matter. However, under the Local Government Act councils are given that power. Commonsense should prevail, but unfortunately commonsense is not legislated for. I hope that will assist the honourable member for Carrum to understand the legal ramifications, which I am sure she does. The situation occurred only a couple of days before the ballots closed, and people in the City of Kingston will ask, ‘Why the haste?’.

Ms DELAHUNTY (Minister for Education) — The honourable member for Mooroolbark referred to a child from the Croydon Primary School whom she claimed needs intensive one-on-one therapy for student behavioural problems. That is a bit rich. The last government took a machete to student services, knocked out welfare coordinators, guidance officers and student support services and cut alternative settings. The Bracks government has been left with a helluva mess and a huge deficit. It is a bit rich for the honourable member for Mooroolbark to insist that the government should suddenly find a place for this child about whom she gave no details.

As honourable members would know, the Bracks Labor government cares about education, and the Victorian public understands that. That is why the government has allocated $12.2 million to put welfare coordinators back into our schools and $10 million just for this year to assist with the special learning needs of our students.

The honourable member for Seymour referred to the tragedy at the Healesville Primary School fire last night in which four classrooms were burnt down. That part of the school was a heritage building, so there was a degree of sadness not only for the loss of the students’ school work but also for the loss of the building. I am informed that four classrooms were lost but that the double brick walls are still standing. Initial reports are that the walls are structurally safe.

From 11 years as a principal and teacher, the honourable member knows just how important it is to have suitable accommodation. I assure him and the students of Healesville Primary School that the Department of Education is moving to buy five modular relocatables — that includes four classrooms — which will be on site by Thursday. I am informed they will be available to be used by the students on Monday. As the honourable member for Seymour said, it is absolutely critical that we get the school back to normal as quickly as possible, to ensure that classes are under way and that the students and teachers can get on with the business of education. That will occur by Monday.

As to the broader question of the $1.3 million upgrade, that of course will be revisited in light of the tragedy. If the existing double brick walls of the damaged building can be saved the building will be refurbished as originally planned. However, if that part of the building has to be demolished new facilities in line with the revised master plan will be constructed in consultation with the school.

I assure the students, teachers and school community of the Healesville Primary School that the refurbishment and revised master plan will have a very high priority in the forthcoming state budget in order to repair the damage and to provide suitable facilities for students and teachers. The Bracks government cares about education, and cares about kids.

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Mordialloc raised the issue of the *Vinelander* — —

Mr Leigh — On a point of order, Mr Speaker, I know the Leader of the House is around the chamber. I did not address this matter to the Minister for State and Regional Development. I know the Minister for Transport is skulking around the place and I think he should come into the chamber and deal with this matter. Why is he protecting Russell Savage?

The SPEAKER — Order! There is no point of order. The Chair will not tolerate the honourable member for Mordialloc raising such points of order. I remind the house, as I did during the last sitting week — from memory, on a point of order raised by the honourable member for Mordialloc — that the Chair will call ministers to answer matters raised on the adjournment debate and will then call on the designated minister at the table to answer all remaining matters. The Minister for State and Regional Development is the designated minister at the table and is therefore entitled to be heard. The Minister for State and Regional Development, completing his answer.

Mr BRUMBY — Thank you, Mr Speaker. The honourable member for Mordialloc raised the issue of the former *Vinelander* service to Mildura. I am extremely surprised that anybody on that side of the house would raise this matter because the performance of the Liberal and National parties on this issue is an absolute disgrace. Everybody remembers the explicit promises made by the former government to retain the *Vinelander* service. Promise after promise was made by the former Premier, then, as soon as the 1992 election was out of the way and before the 1996 election was held, the Liberal and National party members broke the promise and terminated the service. It was a sad era for the people of Mildura.

Four years later the Liberal and National parties privatised the state rail system, making the restoration of the service far more complex than it would have been had the service remained in public hands. The honourable member for Mildura has done more in recent times to get the *Vinelander* back on track than any other member of the house. His efforts have been truly first rate, and it is my belief that in conjunction with the Minister for Transport he will be successful in seeing that service restored.

I am surprised that the honourable member for Mordialloc raised the matter tonight, because it was the former government that closed the service. The present Leader of the Opposition, the honourable member for Portland, has his fingerprints all over the issue because he was a member of the transport subcommittee of cabinet that oversaw the closure of the service. So, if anybody wants to know why there is no *Vinelander* service in Mildura today the answer is that the former government closed it down, and the Leader of the Opposition was on the subcommittee that oversaw that decision.

I would like to know why the honourable member for Mordialloc wants to hang his leader out to dry by raising this issue, which he knows is of profound embarrassment to his temporary leader.

The honourable member for Bendigo East raised the issue of City Link and the Tullamarine tollway in a very constructive manner with yet another plea to Transurban to make the tolling system fairer to country motorists. As someone who has a background in regional Victoria I can only support the comments of the honourable member for Bendigo East 100 per cent when she says to Transurban, ‘For goodness’ sake, have a look at the difficulties facing country motorists when they travel to Melbourne’. Many country motorists are forced to buy day passes because they do not have e-tags. The honourable member referred to her constituent Mr Etchalls, who drove into Melbourne in one vehicle and out in another and was therefore required to pay for two day passes. I was pleased to hear that following the intervention of the honourable member for Bendigo East it appears that Transurban will provide a refund to the honourable member’s constituent. Government members have come to expect the strong constituent representations made by the honourable member for Bendigo East.

I agree with her comments. The Minister for Transport has also expressed that view. Transurban needs to be

more flexible in responding to its customer base. It is not for the government to tell it how to run its business. However, if it were more flexible in the issuing of day passes and providing discounts at certain times it would generate more business. It cuts both ways. Both country Victorians and Transurban would benefit. I urge the company to examine the problem.

The honourable member for Wantirna raised the issue of Waverley Park. He really dropped the ball on this one. Someone gave the honourable member the hospital handpass tonight and he kicked it out on the full. The former government never lifted a finger to save Waverley Park. The former Premier never telephoned the Australian Football League and was happy to see the park sold off and bulldozed.

The Bracks government has done a great deal in a short time as it tries to repair the appalling legacy of the former government. It will continue to work with the AFL to try to resolve the problem. It has been successful in shifting the position held by the AFL under the former government. The Labor government will continue working to ensure that Waverley remains open. It wants to see AFL matches restored to Waverley Park.

The honourable member for Mitcham raised for my attention an article in today's *Age* concerning science, technology and innovation (STI). Planning for the new advisory council is well advanced, and the Premier will shortly make an announcement. In five months the government has done more to establish a new council than the former government did in five years. It took five years for the former government to establish a science, technology and innovation task force. The Bracks government has taken only five months. The council will be better, broader and more representative and will give strong advice to government.

The government has already made several positive announcements regarding science, technology, knowledge and innovation in Victoria. I launched the $20 million technology commercialisation program last November. Victoria is the first Australian state to launch such a program. The government is leading the way in turning smart ideas into good businesses.

One of the Premier's aims is to position Victoria as the knowledge capital of the knowledge nation. One of the ways to do that is to turn smart ideas into good businesses with assistance from the technology commercialisation program.

I can inform the house also that guidelines for the first contestable round of funding for major research infrastructure are in the final stages of approval, with advertisements planned for shortly after final approval by cabinet. The audit of Victorian science, technology and innovation (STI) infrastructure by Howard Partners is well advanced. The consultants are due to report to me by April.

As minister I have met with proponents of a number of the major infrastructure projects, including Bio21, Monash University and Synchrotron Roundtable. Work and meetings are ongoing.

The possibilities for Victoria in biotechnology in particular are exciting. The value of potential projects runs into hundreds of millions of dollars. All of those projects will be seeking infrastructure funding from the government. Projects like Bio21, built around the Parkville strip, in total will probably amount to more than $300 million of investment. Those exciting, world-class projects will cement Melbourne's and Victoria's place as the biotech capital of Australia.

Today I was pleased to announce that the Victorian government has committed more than $50 000 to Australian participation at the Bio 2000 conference to be held in Boston at the end of the month. Thirteen Victorian-based, world-class companies will be attending that conference. A number of information functions will be held for world investors in biotechnology. I am delighted to inform the house that the former head of the Commonwealth Scientific and Industrial Research Organisation, the Lieutenant-Governor of Victoria, Professor Adrienne Clarke, will be representing Victoria's interests at the conference and will be speaking on the state's behalf.

The biotechnology strategic plan is well advanced. Extensive consultations have occurred with academic institutions, the community, industry and the commonwealth.

The state has lifted the profile of science in schools through the Space in Schools Supernova project, for which the Minister for Education and I awarded prizes last year. If honourable members had read today's Melbourne *Age* they would have seen advertisements for the Victoria Prize and fellowships, which commenced today. In true bipartisan spirit, I have decided to continue with a good award commenced under the former government.

I conclude by mentioning the $310 million allocated by the former government for science, technology and innovation. It would be of interest to honourable members to know that all the sums budgeted for in this financial year were allocated by the former

government, so there are no funds available this year. I can only say that the comments that appeared in today's *Age*, put forward by a spokesperson for the Murdoch Institute, Professor Williamson, were ill informed — and that is a polite description. There is no funding available this year. It was all allocated by the former government; it is all committed.

So far as the second year of the program goes, $15 million is available — $50 million was allocated, $33 million has been committed and $15.3 million is available for expenditure. I only hope that when industry participants comment publicly in future they make an effort to get the facts right and are not misled by those members of the Liberal and National parties who use industry spokespeople to make political points.

Our record on science, technology and building the knowledge industries generally is second to none. The Labor government has built on the record of the former government. It has added to, broadened and strengthened it and accelerated the program. The government wants to cement Melbourne's position as the knowledge, science and innovation capital of Australia in a world in which those industries are growing at an extraordinarily rapid pace. The government has the policy framework in place to do that. I look forward to the Premier announcing the new council in the near future. As I mentioned, by April I will have a full report on Victorian STI infrastructure. That covers all the matters raised tonight.

The SPEAKER — Order! The house stands adjourned until next day.

House adjourned 11.04 p.m.