PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

15 March 2000

(extract from Book 2)

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By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

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Parliamentary Secretary of the Cabinet	The Hon. G. W. Jennings

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

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Environment and Natural Resources Committee — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mr Ingram, Ms Lindell, Mr Mulder and Mr Seitz.

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

House Committee — (*Council*): The Honourables the President (*ex officio*), G. B. Ashman, R. A. Best, J. M. McQuilten, Jenny Mikakos and R. F. Smith. (*Assembly*): Mr Speaker (*ex officio*), Ms Beattie, Mr Kilgour, Mr Leigh, Mr Leighton, Ms McCall and Mr Savage.

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

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

Heads of Parliamentary Departments

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Hansard — Chief Reporter: Ms C. J. Williams

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Parliamentary Services — Secretary: Ms C. M. Haydon

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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

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

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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:
The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:
Mr P. J. RYAN

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

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Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
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Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
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Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
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Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
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Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
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Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
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Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
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Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP
Leighton, Mr Michael Andrew	Preston	ALP			

[1] Resigned 3 November 1999
[2] Elected 11 December 1999

CONTENTS

WEDNESDAY, 15 MARCH 2000

Wednesday, 15 March 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PETITION

The Clerk — I have received the following petition for presentation to Parliament:

Water: Melton supply

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of we, the undersigned citizens of the state of Victoria, sheweth that a water connection pipeline is needed to establish security of water supply and to ease the water restrictions in the Melton, Rockbank and Toolern Vale communities, which have been under water restrictions since October 1998.

A similar pipeline is being commissioned and built between the Melbourne Water and Western Water networks to connect the Greenvale reservoir and the Sunbury township to alleviate identical problems being experienced in the Sunbury region.

Your petitioners therefore pray that the government immediately commission and build a water connection pipeline between the Melbourne Water and Western Water networks to provide security of water supply to Melton, Rockbank and Toolern Vale.

And your petitioners, as in duty bound, will ever pray.

By Mr NARDELLA (Melton) (222 signatures)

Laid on table.

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL

Introduction and first reading

Received from Council.

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

MEMBERS STATEMENTS

Ecorecycle Victoria: former Treasurer

Mr PERTON (Doncaster) — I speak today on behalf of all Victorians, in particular the former depositors of the Pyramid Building Society and every Victorian who valued the State Bank.

Yesterday the Minister for Environment and Conservation announced the appointment of the former Labor Treasurer Rob Jolly to the board of Ecorecycle Victoria. He is a man whose stewardship of the finances of the state were synonymous with the VEDC, Tricontinental, Pyramid Building Society, the sale of the State Bank and jobs for the boys. He single-handedly brought down the credit rating of Victoria; he turned the state into a joke in the late 1980s and the early 1990s and it required the vigorous action of the former Kennett government to restore Victoria's credit rating. Four and a half million Victorians will always remember Mr Jolly's 1990 press release:

> … depositors' funds in the Pyramid Building Society are secure. There is no reason for people to withdraw their funds.

Why should Victorians trust him with their environment and recycling? It was a cabinet decision to appoint Mr Jolly to the position and I call upon the Premier to reverse it. The Premier says his government believes in financial responsibility. There can be no greater symbol of financial irresponsibility than the appointment of Rob Jolly — —

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

Ballarat: Chinese community

Mr HOWARD (Ballarat East) — I wish to share with the house information about the Ballarat Chinese community. Recently I was pleased to attend a dinner to celebrate the Chinese new year. The event was organised by Ballarat's Chinese community and was held in one of the city's Chinese restaurants. It was a great night with wonderful food and entertainment, including lion dancing! Last week the Premier attended the opening of the Ballarat Begonia Festival where he was entertained by another display of lion dancing, an event that added to the cultural depth of the Ballarat Chinese community.

The group is currently looking at rebuilding a joss house in the centre of Ballarat, which will not only enhance tourism but also add to the cultural depth of the community. The community is clearly indebted to people such as Shirley and Harry Doon, leaders of the Chinese community, and the other members of the community who are working to create stronger links with the Chinese culture in Ballarat. I have enjoyed working with them over the years. The Ballarat community's — —

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

Member for Mildura: election commitments

Mr LEIGH (Mordialloc) — I raise the matter of the honourable member for Mildura's failure to carry out his commitments. On 4 February he is quoted in a local newspaper as saying that he had heard rumours that the train to Mildura would be reintroduced, that it would be a good idea and that it would be shocking if the passenger train service were not back on the line by the end of the year. He is the same man who in his election campaign said, 'Vote for me and I will bring the train back'. There is no train. Even the mayor of Mildura says he wants the freight service first — —

Mr Savage — On a point of order, Mr Speaker, I never said, 'Vote for me and I will bring the train back'. I have been misrepresented by the honourable member.

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

Mr LEIGH — If this man has any credibility he should keep his commitments, or give the people of Mildura the opportunity to choose another member at a by-election. He has not kept a serious commitment to his community and something needs to be done about it.

Dusty Rhodes

Mr SAVAGE (Mildura) — I place on record my admiration for one of Mildura's citizens, Neil 'Dusty' William Rhodes, who made a great contribution to the community over a long time. Unfortunately in February this year Dusty Rhodes passed away at the age of 70 years. For many years he worked as a volunteer for Mallee Family Care repairing bicycles for disadvantaged children. Some years ago as shire president I recognised him as a quiet achiever for his community-spirited work.

Dusty was also well known for his work for the children of East Timor in the same capacity as a repairer of bicycles. He quietly worked away for the community without ever seeking public acknowledgment or recognition. For many years he was a member of the Mildura Rotary Club and served on the board and a number of Rotary committees.

Dusty was a great member of our community. Even after his death I am proud to publicly acknowledge in this place his efforts and those of his family.

World Economic Forum

Mr WILSON (Bennettswood) — Honourable members will be well aware that Cyclone Steve is currently causing havoc in northern Australia. Victoria has its own version of Cyclone Steve, who is causing havoc with its business reputation interstate and internationally. However, Cyclone Steve Bracks has run out of puff when it comes to the details and benefits flowing from his recent trip to Davos. The Premier's much-awaited ministerial statement delivered in this place on Thursday, 2 March, was an embarrassment to the government and to the Victorian business community. The lack of substance in the statement was clearly demonstrated by the fact that not one of Melbourne's daily newspapers bothered to cover the report.

When Jeff Kennett last returned from Davos he brought the news that he had secured the 9th East Asia–Pacific Economic Summit to be held in Melbourne in September 2000. Cyclone Steve went to Davos on the back of Jeff Kennett and came back in his shadow. In a ministerial statement of some 1500 words there is not one concrete new business opportunity or investment detailed for Victoria. The Premier did not mention a single company that he has convinced to invest in Victoria.

However, Victorians can take comfort from the Premier's delayed acceptance of the goals of the former coalition government during the past seven years, including attracting new investment to Victoria, strengthening the competitiveness of its economy and benchmarking its productivity. Even Cyclone Steve must have appreciated the irony of leaving the Davos business community with its focused goals to come back to a state with electricity restrictions and rampaging unions — hardly an attraction to interstate and international investors.

Juvenile justice: western garden project

Mr LANGUILLER (Sunshine) — Last week, on behalf of the Minister for Community Services, I attended a function to launch the western juvenile justice unit's garden project. The WJJU has a history of being awarded funding to run specific programs aimed at addressing offending behaviour and introducing young people to positive outlets to divert them from offending further.

The emphasis of the programs reflects the commitment of the Bracks government to early intervention and diversionary strategies in working with young offenders. The government and the minister are

passionate about juvenile justice issues and the need for greater diversionary programs to keep young people away from the court system. The unit provides access for young people to a range of programs, both in the community and on site. All programs are designed to provide constructive activities for young people as an alternative to their offending behaviour, and a number are designed specifically to challenge their offending in a direct way.

The horticulture and permaculture garden is one of more recent initiatives undertaken by the WJJU and is funded by a grant from the Australian Broadcasting Commission through its Australian Open Garden Scheme community grants. I commend the work of those in the unit. I wish them luck and confirm the government's commitment to such programs.

Royal Life Saving Society

Mr THOMPSON (Sandringham) — I pay tribute to the outstanding work undertaken by the Victoria branch of the Royal Life Saving Society Australia and the surf life saving association over the recent summer. A current coronial inquest into the death of six sailors in the Sydney–Hobart yacht race illustrates the tragedy of death by drowning.

The last audit period of the Royal Life Saving Society has revealed that the former coalition government's initiative on water safety programs and reinvestment in life saving club infrastructure has seen a dramatic decrease in the number of Victorians dying through drowning. The Royal Life Saving Society is well led by its chief executive officer, Norm Farmer, and current chairman, Diane Montalto, and was well led by its past chairman, Margaret Clayton. Over the past few years they have led the organisation magnificently, to the stage that Port Phillip Bay has a number of clubs at which a record number of junior lifesavers have attended to be trained in the skills of lifesaving, resuscitation and swimming. It is prerequisite for lifesavers that they hold the bronze medallion.

An excellent level of water safety has been developed on Victorian beaches. In addition, a range of carnivals are conducted, which bring together the best competitors from around the state. Tammy van Wisse is a great example of a Victorian lifesaver, having been the Victorian ironwoman for about 14 years.

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

Clayton: Telstra cuts

Ms BARKER (Oakleigh) — I express my deep concern about recent statements by Telstra that it plans to cut 10 000 jobs over the next two years.

Telstra's large operation in the Oakleigh electorate, the Global Operations Centre in Clayton, has a work force of some 700. Many of the workers live in the electorate and I am concerned that the comments by Telstra will lead to reduced employment for my constituents. It is interesting that last August the new Global Operations Centre was opened with much fanfare by both the federal Minister for Communications, Information Technology and the Arts, Senator Richard Alston, and the then Premier, Jeff Kennett.

Comments in the *Herald Sun* attributed to Senator Alston indicate that he claims the bush would not be affected, as most of the jobs would go in metropolitan areas. While I share the concerns of many of my colleagues on this side of the house that jobs and services in regional and rural Victoria must be protected and enhanced, I do not want to see the loss of more jobs in the south-eastern region of Melbourne. I will work hard to protect jobs in the Oakleigh electorate and look forward to confirmation from Telstra that the valuable jobs at the Global Operations Centre will not be cut.

I am sure that honourable members opposite will also support the protection of jobs. They can start showing their commitment to people by not passing the motion at their state council to be held on 25 March, in which they will support — supposedly — their federal colleagues by pushing for the sale of the remaining share of Telstra. Instead, they should stand up for jobs, keep Telstra in majority public ownership and urge their federal colleagues to put money back into research and development.

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

Urban fire brigade championships

Mr DELAHUNTY (Wimmera) — At the weekend I attended the Victorian Urban Fire Brigades Association state championships, a three-day event held in Stawell in the Wimmera district. About 1000 competitors attended the event, representing 92 brigades across country Victoria.

The events were based on actual drills and the championships provided an opportunity to practise and improve firefighting skills under pressure in a competitive yet friendly environment. The championships also encourage young people to get

involved. That will ensure the Country Fire Authority can maintain and build on its strong force of volunteers.

However, a shadow hung over the championships. The shadow I refer to is the attack of the United Firefighters Union on the competence of volunteers. It is discriminatory to suggest that CFA firefighters are not competent because they are volunteers. On top of that, the bans by the UFU diminish the capacity of the CFA to function. An attack on one group of volunteers is an attack on all volunteers. The CFA has 63 000 volunteers who are proud to serve the state. The local brigades have the support of the people of Wimmera, the National Party and me as local member in their efforts to protect life and property from fire 24 hours a day. I congratulate the organising committee and the Northern Grampians Shire Council on the magnificent CFA state championships.

The SPEAKER — Order! The honourable member for Seymour has 1 minute.

Seymour Rafting Festival

Mr HARDMAN (Seymour) — I congratulate the organising committee of the Seymour Rafting Festival. For the 21st year it has run a successful festival over the Labor Day weekend in March. The highlight of the festival is the raft race in which competitors from around the state race in a range of watercraft, from rafts made from fuel drums to professionally made rafts. Canoes, kayaks and other craft also undertake the 18.3 kilometre journey which starts from Trawool and follows the Goulburn River to Seymour. I had the privilege of starting each of the craft off at 30-second intervals and then presenting the prize at the end of the day. The rafting festival runs over four days.

Many other events are held in the town of Seymour, including sportsmen of the year awards for high achievers in the district comprising people from Avenel, Broadford and Seymour. Other activities include the Seymour Garden Club Show, another event I had the pleasure of opening on the day. Other clubs and organisations were involved in a variety of sporting and cultural opportunities on the weekend. I congratulate the organising committee and the Seymour community on their fine spirit.

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

NURSING HOMES: REGULATION

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

> That the house debates the state of Victoria's nursing homes following the failure of the federal government to adequately fund, monitor and regulate nursing homes, being compounded by the previous state government's deregulation and commenced program of privatising already scarce nursing home and hostel places.

Mr VINEY (Frankston East) — Honourable members will agree that there can be few measures as critical in judging the civility and compassion of a society than how that society treats and cares for its aged. The great civilisations in history have not only cared for their older members but have also given them a special place in society as elders and as holders of wisdom. It is therefore a great shame and tragedy that Australia today is faced with a commonwealth government that sees the care of older Australians as a policy area ripe for budget cuts and savings. Those cuts and savings have particularly impacted on Victoria.

In 1999 in Victoria the number of commonwealth government funded nursing home beds per thousand people over the age of 70 was 39.9. That was the lowest in Australia and substantially below the national average of 44. It is compounded further by a goal that is clearly set in commonwealth policy for 50 hostel beds per thousand. In Victoria there are 37.5 funded hostel beds per thousand.

The federal government has not only cut the funding to our nursing homes to create the problems reported every day in our press, but has compounded the tragedy by also reducing the nursing home performance monitoring process. The experience of the Riverside Nursing Home in recent weeks has highlighted this neglect and policy failure. We have seen an incompetent federal minister sit on her hands and then deciding to wash them of responsibility. The minister is so bereft of confidence in this critical policy area that her colleagues have rushed to desert her.

The matter has been further compounded by the failure of the former Kennett government to act responsibly during its seven-year reign. The figures I quoted earlier are an example of the absolute failure of the previous government to stand up for the needs of Victorians in nursing homes. The Kennett government's damage to the fabric of our aged care system is extraordinary. What was its policy agenda in aged care? It was predictable. It was a policy prescription that the Kennett government used in just about every policy area. First, you privatise it and sell it, and then you deregulate it. One starts to wonder if there were any other policy

settings of the former government other than privatisation and deregulation.

In 1994 the former government removed the state's powers over nursing homes. Almost 40 000 Victorians are in nursing homes. That means the former government decided it was not interested in the care and attention of almost 40 000 vulnerable Victorians. An almost laughable example of a press release at the time of the former government's deregulation of nursing homes is from the then Minister for Aged Care, Rob Knowles. I note the presence of the honourable member for Gisborne in the chamber. It is a pleasure to have her here at the expense of that gentleman. The press release states:

> The Minister for Aged Care, Rob Knowles, said today fears that changes in legislation would remove crucial safeguards in the nursing home industry were completely unfounded.

That almost needs to be framed as the classic misrepresentation of what was to take place in Victorian nursing homes. It went on:

> Mr Knowles said that standards of care in nursing homes and hostels would not be affected by the state's withdrawal from the registration and monitoring of commonwealth funded and monitored private, voluntary and charitable sector nursing homes and hostels.

I wonder whether the former minister responsible for aged care and health would care to tell the families of Riverside about the wonderful deregulation system he introduced and its effect. The previous government wanted to handball the problem of nursing homes and aged care on to another sector. Victorians are now seeing the end result of those wrong policy settings.

When governments get policy settings wrong, as did the previous state government and as the federal government is so clearly doing today, the community pays for it for years in terms of its health and the social price paid by families and frail older citizens. Under the previous government health and aged care services were cut or privatised, sometimes a combination of both.

The second policy plan of the previous state government in nursing homes was deregulation. It is true that the cost of delivering aged care services can be high. It is also true that the commonwealth is putting pressure on states, on service providers and on those who need services to absorb more of the costs.

However, the question of whether those directions make sense needs to be debated, together with the social cost and price paid by families and those in need of care — frail elderly Victorians. After all, it is the vulnerable older people and their carers who suffer when there are not enough resources for care, when there are not enough nursing home places available, when the system is not properly regulated and monitored, and when care standards fall.

As a community we should lament the aged care policies of the previous state government and those of the current federal government. They are failing our elderly and preventing dedicated care providers, nursing assistants and other nursing home staff from doing what they so clearly wish to do, which is to provide good care to their patients.

The failed Kennett government turned to the old staple of privatising public nursing home beds. It played the Kennett–Stockdale standard tune, 'When you don't know what to do and are completely out of ideas, sell it'. When a government abrogates all responsibilities to the private sector as the previous state government planned to do, the community as a whole and low-income earners in particular are worse off.

Low-income earners, people with complex needs and the marginalised in society have little economic and social power and are always disadvantaged in a wholly privatised system. I am reminded of an experience 20 years ago when I was a younger person travelling in the United States of America. I saw on the streets of New York and later in Los Angeles and San Francisco old ladies and men with all their possessions in shopping trolleys. I thought what a great society Australia was where there were no such sights. I am afraid that following the commonwealth government's cuts to the nursing home sector, deregulation, privatisation and increased costs to families, those sights are becoming all too common in Australia. I did not expect to ever see those sights in Australia.

What happens with a difficult individual? What happens to a person with complex needs under a privatised system? At best a wholly privatised system palms such people off to the diminished public sector or to religious and charitable nursing homes. At worst a wholly privatised system turns its back on them completely because it has neither the inclination nor the financial resources to cater for frail older people with intense, complex and multiple needs.

For years members on the other side have bleated about what good money managers they were. The truth is that they have no ability to manage public assets for the public good. Just as their clearly failed policies in aged care have so tragically been laid bare at Riverside, so too have their failed policies been laid bare in many other core policy areas. The Bracks government was

elected to fix their mess. They left us with the largest social black hole in this state's history. They left a black hole in aged care where desperate families have to place their loved ones in poor quality nursing homes that are not up to the mark and are never checked or monitored.

There is a social black hole in health with massive blow-outs and waiting lists, poor infection control, backlogs in emergency wards and delays for ambulances — again caused by cuts, deregulation and privatisations. There is a social black hole in education with blow-outs in class sizes and lost community assets with 350 school closures. Soon the Kennett government would have been proposing to privatise the police force after having cut police numbers by more than 1000.

The true legacy of the Kennett government is the social black hole it left for the Bracks government to repair, and the failure in aged care is the most public and current example. The Kennett government's policy platform was derived from a user-pays notion that states to the elderly, 'You are costing too much. You're a customer, so pay your own way'. Labor rejects that callous and ideological view of the world, the Adam Smith view of public policy. Good public policy is about social cohesion, about partnerships and community development. The Bracks government policy platform is derived from that understanding and includes some specific service expansion initiatives in the aged care area. They include a $47 million upgrade to public sector nursing homes to meet commonwealth building standards in addition to the current annual growth of $14 million in home and community care funding.

By way of digression I point out that home and community care is critical to the support of elderly people. The Kennett government cut the role of local government in home and community care. It tendered out services and privatised the delivery of much of the home and community care services, ripping them from the community sector and placing them in the private sector for profit instead of in the public sector for community good.

Other Bracks government initiatives include $12 million to expand the hours of 78 adult day respite centres across the state, $4.2 million for community rehabilitation centres and 50 extra rehabilitation and geriatric assessment beds. The government will also introduce regulations to underpin the care provided to residents in nursing homes through minimum staffing requirements. Although the commonwealth is responsible for nursing homes, when it fails so badly as it has obviously done in recent years the state must so far as possible act to protect its citizens.

The Bracks government will take that action in consultation with all stakeholders including carers, residents rights groups, industry groups, doctors and nurses. It will be a partnership for public good, not a Gordon Gekko, greed-is-good policy for private profit.

Mrs SHARDEY (Caulfield) — I cannot say it is a pleasure to join this debate even though it is about the important issue of nursing homes. The house should note that the parliamentary secretary is running the debate rather than the minister. I should have thought the minister with the responsibility for that portfolio would be leading such an important debate. Members should also note that only eight members of the Labor Party are here to support this so-called very important issue.

If the minister is not running the debate, what is she doing? I should have thought that her role as Minister for Aged Care would be to work with the federal government in bringing about a unified approach to Victoria's aged care sector. What is she doing? She appears to be wanting to cause division.

The minister was heard on the radio offering her support to the federal government over the issue of the Riverside Nursing Home. She said she was doing everything she possibly could. What did she do? What was happening with her departmental officers? What were they doing? Were they examining proposals to send Riverside patients to a place nearby so they would not have to travel 40 kilometres to St Vincent's? Did her office try to stop departmental officers following that route?

I would like her to answer those important questions. The most important aspect of aged care is that it traverses three areas of government — federal, state and local. Each level of government should work with the other to offer the best possible care to the elderly. I am disappointed that the minister has taken the path of turning aged care into some sort of divisive, adversarial portfolio and making political points out of a situation that concerns most of us.

The motion claims that the federal government has failed to properly fund nursing homes across Australia. I will put the house in the picture. First of all, federal government recurrent funding for Victoria for 1999–2000 for residential care facilities amounts to $343 476 970. That covers 840 facilities across the board with more than 34 500 places. The federal

government increased residential care funding to $3.5 billion in 1999–2000.

In 1995–96 the Labor Party spent a mere $2.5 billion by comparison. In other words, since the federal coalition was elected in 1996 there has been a 42 per cent increase in federal government aged care funding, and the total bill for aged care at a federal level is about $5 billion this year.

At a state level between 1993 and 1997 the Victorian government spent $43.5 million to upgrade nursing homes and a further $20 million on general care facilities in nursing homes. The Auditor-General's report of 1999 showed that the government was intending to or had declared it would spend $50 million on the upgrade of nursing homes.

In 1987 the federal Labor government took over the role of funding and monitoring nursing homes. In 1993 it commissioned Professor Gregory to review the state of nursing homes across the sector. He found that 75 per cent of nursing homes did not meet Australian design standards and that 38 per cent of residents shared their bedrooms with four or more people. Recently I visited Caulfield General Medical Centre and saw the appalling state in which nursing home residents were living. They were in old army barracks with at least four people per room.

Professor Gregory found that 13 per cent of nursing homes did not meet fire regulation standards and 11 per cent did not meet health standards. That is the picture that is painted after 13 years of Labor at the federal level and 10 years of Labor at a state level.

Labor rejected Professor Gregory's recommendation for a capital injection of $125 million a year, which was needed to improve the quality of nursing home buildings. In fact when Labor left federal office in 1996 the number of nursing home places had fallen by 10 000. Capital funding had declined by 75 per cent during Labor's last term and it had no accreditation system at a federal level.

The new Howard coalition government decided to take action to address the 13 years of neglect by the previous Labor government. It introduced new systems whereby nursing homes would have to bring their buildings up to standard and provide an appropriate level of care. Those standards are called certification and accreditation. Some 98 per cent of all services have now achieved certification under the new commonwealth process of certification for nursing home buildings. Riverside was not one of those facilities. Certification means a residential care facility is inspected to determine whether it meets certain minimum standards, including fire safety, security, access, hazards, lighting, heating and cooling. Only 92 of the 3000 facilities assessed at March 1999 failed the assessment. In Victoria, where we have a history of very old nursing homes continuing to provide care, some 34 outdated and substandard buildings closed, and those facilities are being replaced. Nursing homes under the commonwealth will be able to access a capital income stream of $1.3 billion in the first 10 years, which exceeds the capital benchmark set down by Professor Gregory. That has all been achieved in four years.

To gain accreditation, the second hurdle for nursing homes, each service has to demonstrate a high quality of personal care, have a safe building and be committed to protecting residents' rights — and that is the area about which we are all concerned across the board. Claims have been raised during this matter of public importance that the focus on nursing homes and issues surrounding Riverside are related to the previous state government's deregulation and the passing of state-owned nursing beds to the private sector.

Let me clarify that point, as I did in the house some days ago. The legislative changes in Victoria completed a process that began with the federal government passing legislation in 1987 so that it had control over the monitoring and funding of nursing homes. In 1991 or early 1992 the Kirner government decided to cease inspecting and monitoring the standards of nursing homes in Victoria, so two Labor governments made the decision on the funding, monitoring and regulating of nursing homes.

What happened when the old regulations were in place in Victoria and were supposedly operating well and federal Labor governments between 1987 and 1992 were taking responsibility for the funding and monitoring of nursing homes? I have a few newspaper clippings that tell the story. The first article in the former *Sun* of 9 February 1989 states:

> Elderly people living in nursing homes and hostels experience problems even greater than physical abuse, according to a report into aged care.
>
> The admission follows the release of an independent study 'I'm still an individual', which says the human rights of residents in most nursing homes and hostels are ignored, neglected or violated daily.

Mr Peter Staples was the federal minister at the time. The next article headed 'Care home scandal' in the *Sun* of 1 July 1989 states:

> Patients at a Melbourne nursing home were assaulted, tied up for hours, malnourished and drugged with sedatives, the Guardianship and Administration Board was told last night.

That was in July 1989 when Victoria had regulations in place and when federal Labor was in power. Another article which appeared in the former *Herald* of 3 July 1989 is headed 'Spyker tough on homes'. We all remember Mr Spyker, who was the acting health minister at the time. He is reported as having said that he:

> … would be seeking a report from the health department about the treatment of patients in a south-eastern metropolitan nursing home.

And what does he say about the system that was then in place? He said that:

> … while regular checks were being made by the health department on nursing homes, it was up to the community to keep watchful. With the number of homes it is not possible for the health department to check every one of them.

And here we have a government that wants to reintroduce regulations now. Finally, an article in the *Age* of 19 September 1990 states:

> The federal government yesterday announced plans to crack down on substandard nursing homes, threatening to close any that failed to meet the strict guidelines for patients' rights and care. The Minister for Aged, Family and Health Services, Mr Staples, said that of 24 nursing homes 'of concern', 10 were in Victoria.

That was 1990 when the regulations were in place, when federal Labor was in government. If state regulations exist to cover residential care facilities but the funding is the responsibility of the federal government, regulatory powers are very limited. What sanctions, I ask the minister, can the state apply? Under the old regulations the state did a number of things. It registered facilities, it set guidelines for new buildings, it established care standards, and it set staffing-to-resident ratios. The state government was required to inspect not less than every two years.

In 1991 there were 700 nursing homes and hostels in Victoria. The commonwealth had similar requirements and inspection standards. In other words, there was duplication of what the commonwealth and state governments were doing. I am advised it was often very embarrassing when inspectors from state and commonwealth levels of government arrived at nursing homes at the same time to inspect. That is certainly duplication.

The state is also responsible for supported residential services which in 1991 had been of poor standard. Victoria had more than 300 of those institutions, with a great proportion having poorly maintained buildings and poor standards of care, as was identified by the Mal Sandon inquiry. Perhaps the government should examine the findings of that inquiry. The regulatory unit established in the department to monitor all nursing homes and supported residential services and to administer the system, including registering homes and interviewing proprietors, comprised only 20 people. Early in 1992 it became obvious that the situation was hopeless. A decision was taken by a process of omission to concentrate on regulating supported residential services.

It was also obvious that the regulations provided little by way of sanctions. Without the capacity to issue on-the-spot fines or penalties the only alternative was prosecution, and we all know how expensive hauling a nursing home proprietor up before the courts would be. Of course, that would apply only to those who had perpetrated major offences. Small, trivial offences would go unpunished. Even the concept of putting staff into nursing homes to help them train existing staff was not possible because the department did not have the resources to do so.

Finally, the minister and the department agreed that the limited resources available should be focused on supported residential services. It should be noted that Victorian nursing regulations still apply in state-owned nursing homes — and what do we find? Is the standard of care higher than in other nursing homes? I think not. In fact, some nursing homes run by the state are of concern. Those nursing homes include the Kingston Centre, the Bendigo Nursing Home and the Grace McKellar Centre. The north-west director of nursing had to be seconded to bring the level of care at the Grace McKellar Centre up to standard.

The real issue is not rules and regulations, it is the culture of care. The government may provide funding and education, and armies of inspectors may be running around nursing homes, but at the end of the day the care, personal kindness and patience required to look after the elderly must come from those people who are imbued with a culture of caring and giving — and they are very special people.

What is the minister saying she wants to do? She has not said anything. She is doing a lot of listening, but she has not participated in the public debate. The first thing we heard after the Riverside Nursing Home issue arose was that new legislation would be introduced. Then we heard that instead of new legislation there would be new regulations. Then we heard that no duplicating regulations would be introduced but that the gaps in the existing systems would be filled. What does she mean?

Does she know what she means? I am interested to hear what she has to say.

Ms PIKE (Minister for Aged Care) — All Victorians are concerned about the state of Victoria's nursing homes and about the people who live in them.

The commonwealth has responsibility for regulating and funding nursing homes, but it would show a lack of compassion for Victoria to walk away from the issue by saying that it is all right for the commonwealth to do the job no matter how inadequately it is doing it.

The genesis of Victoria walking away from responsibility for nursing homes can be found in the mid-1990s. I was disappointed to hear the claim of the shadow Minister for Aged Care that the state has given no commitment to take up the responsibility. She may fear that the government will introduce a regulatory regime the opposition will be unable to sign up to. That is most disappointing. People who are compassionate, caring and involved in a culture of care are the sorts of people the government wants to care for Victoria's elderly citizens. If this government were to abrogate its responsibility there would be no improvement and we could have no confidence that our elderly citizens will be cared for.

I draw the attention of the house to the actions of the previous government. In a 1994 press release the then Minister for Aged Care, Rob Knowles, in an effort to defend his government's decision to deregulate nursing homes, said:

> … fears that changes in legislation would remove crucial safeguards in the nursing home industry were completely unfounded.
>
> … standards of care in nursing homes and hostels would not be affected by the state's withdrawal from the registration and monitoring of commonwealth-funded and monitored private, voluntary and charitable sector nursing homes and hostels.

In that press release he also criticised the then Leader of the Opposition for causing unnecessary distress based on ignorance and misinformation. Mr Knowles may have been optimistic, but recent events have shown that he was very wrong. In fact there were signals only a few years after Mr Knowles made that statement that he was very wrong. The fears were not unfounded, and grave concerns about the standard of care in Victorian nursing homes are continuing.

Not only did he put out a press release, in a letter to *Age* he said:

> Residents of nursing homes and their families can be reassured that the commonwealth controls on nursing homes will continue.

In that letter he waxed eloquent about there being nothing to be concerned about in the state removing the regulations because the commonwealth had matters in hand. He said people in nursing homes and their families should feel relaxed and comfortable. At the time Labor knew that was not the case. It knew Victoria was heading down a slippery path.

The then shadow Minister for Aged Care, Jan Wilson, responded in a letter that appeared in the *Age* of 16 November 1994 saying:

> The Kennett government's plan to deregulate Victoria's nursing home industry will leave elderly people with little protection from unscrupulous operators.
>
> …
>
> These changes are not in the best interests of elderly Victorians. They will result in Victoria being the only state that does not provide a safety net for frail, older nursing home and hostel residents through proper regulations.

How prophetic she was! Elderly people have been afforded little protection from unscrupulous operators. The government is most concerned about those unscrupulous operators who have slipped through the net of protection.

In 1994 Labor made clear its reasons for opposing the removal of state responsibility for regulation of nursing homes by pointing out that regulation is the safety net that protects standards of care and people's rights. Labor said deregulation would have far-reaching effects on nursing homes and hostels because it would result in the removal of the state government's power to prosecute organisations or individuals advertising themselves as providing nursing home and hostel care. There were many more concerns at the time, particularly about the capacity of the people who care for residents in nursing homes, including concerns about whether they were adequately trained and had the appropriate qualifications. In other words, it could not be assumed that a person was a qualified nurse merely because he or she worked in a nursing home.

Following that period the stories of terminal neglect began to appear in the media. It was clear that deregulation in Victoria coupled with the repeal of the federal legislation covering the quality of care principles in 1997 led to the ringing of loud warning bells in the industry.

In 1998 the *Age* Insight team produced a report revealing an increase in the number of nursing homes plagued by serious deficiencies. It indicated that at least 41 Victorian nursing homes accommodating 1700 people were on a list of facilities that were of concern. At least six homes had been on the list for

18 months. The report also revealed that prior to 1998 30 Victorian nursing homes had been on that list. Following that legislation it became clear to everyone that there were grounds for enormous concern. Many members of the public became worried about elderly family members living in nursing homes.

As I said, in 1997 the federal government repealed the legislation setting out the quality of care principles. Honourable members should understand that that repeal was a direct attack on nursing home standards of care. Access to 24-hour on-call nursing services was affected, as was the ratio of qualified staff to residents. In other words, the 1997 federal legislation was a fundamental attack on standards of care.

Add to that picture the shortage of nursing home places we now have in Victoria and you can see what a cocktail unscrupulous operators, a shortage of nursing home beds, a captive marketplace and a deregulated environment creates. It is all very well for the opposition to talk about a culture of care; the real situation is ripe for corruption.

In conclusion I draw to the attention of honourable members volume three of the *Report on Government Services 2000*. It identifies Victoria as having significantly low numbers of beds in nursing homes and hostels. I am happy to table that report. Victoria is at least five points below the national average and well below New South Wales.

Putting those two situations together, honourable members must recognise that there are enormous deficiencies in the commonwealth legislative framework as well as in Victoria because of the repeal of the regulations.

In that environment the government intends to act appropriately.

Mr DOYLE (Malvern) — I am pleased to join this debate on a matter of public importance. On first considering the matter raised by the honourable member for Frankston East I was baffled by the woolliness of thinking that went into the tenets included. I am now even more confused about what he wants at the end of this debate and about what the government is aiming for.

An opposition member interjected.

Mr DOYLE — I will come to his English later. I do not mind him splitting the infinitive, but when he leaps into the passive voice I get a bit concerned.

All the issues he raised are important, and they include Victorian nursing homes; funding, monitoring and regulation; the previous state government's role in aged care; deregulation; privatisation; and the number of places available in nursing homes and hostels. All those matters are raised, but what does the honourable member say he wants the government to do? What does the topic he set out to be debated as a matter of public importance say? It says, 'That this house debates the state …'. In other words, it is saying 'Let's talk'. The Minister for Aged Care is the member of the government responsible in this area. In all of her 15-minute contribution did she say one thing about what she is going to do? Not once. I can understand, therefore, why she did not lead the debate, why she is running away and taking second place in the debate. I will be delighted to hear what luminaries are coming next to tell us what the minister apparently could not — namely, what the government is actually going to do.

Ms Pike — We have already started.

Mr DOYLE — Wonderful! Why didn't you tell us about that? Why didn't you tell us about where you want to finish? Because up to now it has all been puff. That is what I want to talk about.

In an astonishing contribution the honourable member for Frankston East threw away glib phrases like 'these appalling cuts in the nursing home sector'. Let me give you one incontrovertible figure, Mr Acting Speaker: in 1995–96 the federal Labor government spent $2.5 billion on residential aged care. This year the federal coalition government will spend $3.5 billion. Even the honourable member for Frankston East must have sufficient arithmetic to keep up with that! He must understand that it does not show a cut to the nursing home sector.

The honourable member for Caulfield, who is the shadow minister, covered the Gregory report comprehensively. It is interesting that the Minister for Finance is not still at the table, because when the federal Labor government was concerned about this matter he was a member of the federal Parliament and was apparently entirely in agreement with what the federal Labor government was proposing. I wonder whether conversation now between the Minister for Finance and the Minister for Aged Care would yield the same result as it might have done in 1993 or 1990.

The contribution of the honourable member for Frankston East echoed, albeit a little less subtly, the thinking of the Minister for Aged Care. Riverside was an appalling example of the provision of aged care. All honourable members agree with that and should not be

using the issue as a political football. If we can prevent such occurrences, of course we should do so. If there are people who do not take care of the vulnerable aged, then of course they should be prosecuted. If they are not fit people they should not be running a facility for vulnerable aged people.

The government's logic went like this: Riverside is awful; the entire system is just like Riverside; the system is awful. That was the implied inductive reasoning, and I use the word 'reasoning' loosely in the case of the honourable member for Frankston East. That was his method of argument, and it was used only slightly more subtly by the Minister for Aged Care. It will not wash because it cannot be demonstrated. Riverside was an appalling example, and of course the opposition deplores it and feels for the people involved and their families. We should all work to make sure it does not happen again.

What is the government going to do about it? What is it offering to guarantee that what happened at Riverside will never happen again? Will it just whine about it in here and say how terrible the present federal Liberal government is or how terrible the state Liberal government was in 1994 when it did what most other state governments have done since — namely, pass formal monitoring powers to the federal government?

Why does the government hate the private sector so much? I remind the minister of a media release issued by the Tristate Aged Care Conference in Mildura on Sunday, 27 February, co-signed by the chief executive officer of Aged and Community Services Australia, Maureen Lyster, whom honourable members may remember as a former Labor government minister in this Parliament. She is now the CEO of the major private provider organisation in this area. Let me read two pertinent points from the press release from that body. Point 2 states:

> We actively and enthusiastically support the new accreditation process …

Is that also true of this minister? Point 3 states:

> We support a single level of regulatory supervision to ensure nationally consistent standards.

Is that what the minister supports, too? The Minister for Aged Care has not actually said so yet. If she wants to reintroduce regulation, which is what she seems to be bleating about, then she should do so, but she should note that it contradicts the views of the major player, who was a Labor minister. Perhaps the minister should talk to Maureen Lyster, a person for whom I have the highest regard because of her understanding of this particularly difficult area.

What is the minister's philosophy? Is it that she does not believe in accreditation and certification? Is the minister's philosophy one of inspection — a thousand men and women in little grey coats climbing into little white panel vans scuttling out around the state inspecting aged care facilities? That is absolute nonsense, and the minister knows it. The inspection regime did not work in the food area and it will not work here. However, that does not mean the sector should not be stringently monitored or that audit teams should not spend long periods inspecting premises.

Honourable members interjecting.

Mr DOYLE — What is the government's alternative? Does it support accreditation? Does it support certification? The major non-government provider in the field does. What a wonderful idea to go back to regulating those facilities! We could have state-owned, partly state-funded, state-run and state-inspected aged care facilities. Is that what the government is aiming for? What a recipe for disaster that would be! We have already seen the way this government's ministers go about their ministerial duties. Is the government suggesting it should fund, own, run and inspect aged care facilities? Is that what the government is offering Victorians as a way to protect vulnerable people? Obviously that is nonsense.

I will not go into the Gregory report which the shadow minister dealt with so accurately. Until now I thought there had been a reasonably bipartisan attempt to address an entire sector in decline. We should be ashamed that this sector has been allowed to decline. There has been — —

Ms Pike — You were selling it off.

Mr DOYLE — Well, do you want to take them all over? Do you want to run, fund and inspect them yourself? What is the answer to that? Is that what you want to do?

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Malvern should address his remarks through the Chair. The honourable member has 2 minutes.

Mr DOYLE — Is that what the government wants to do? It is not good enough for a minister of the Crown to come into this place with this woolly piece of wording, crying crocodile tears about a vulnerable sector, without saying anything about what the government will do to correct a situation which we all

agree is anathema and which is putting vulnerable people at risk. Was there one suggestion?

Ms Pike — Didn't you listen last week?

Mr DOYLE — Last week — Minister, you were on your feet 15 minutes ago. You could have said something — anything.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member will address his remarks through the Chair.

Mr DOYLE — Mr Acting Speaker, the minister could have said something. Did I read what she said last week? I'm sorry, but no, I did not.

I do not feel any the poorer for it because I have just listened to her for 10 minutes and I did not hear anything. Don't come in here and cry crocodile tears. Don't come in here and wring your hands about how awful it is. You are a minister of the Crown. If the government is going to reregulate the area, you should say so. But it will not work. My view is: yes, deplore these individual examples and do something about them, but support the accreditation and certification process, work with the federal government — —

Honourable members interjecting.

Mr DOYLE — It is not attractive to be whined at across the table, but I am prepared to put up with almost anything! Don't come here and tell us that these places — —

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

Ms LINDELL (Carrum) — I make the Parliament aware of the personal distress felt by family, friends and the wider community in my electorate of Carrum. At 7.30 on the morning of Monday 6 March I took a call from a friend who was extremely distressed that the Riverside Nursing Home, where her mother had been a resident for four years, was to be closed that day. My friend understood that the move would considerably disturb her mother. She had no idea how she would get to St Vincent's Hospital to visit her mum. She had no idea how long her mum would stay there or how she was going to find another bed for her in a local nursing home. Mr friend's frustration at this ghastly situation was compounded by the fact that I could offer her nothing. My frustration was in knowing that the state minister and her department had been constantly offering the support of the state department to make any — —

Honourable members interjecting.

Ms LINDELL — The state minister had been offering all assistance possible to the federal department, but that was being totally ignored and she was told to stay away.

My friend and many of my other constituents are struggling to understand the federal minister's decision that the only possible action was to remove the residents after weeks of knowing about the inadequate care being provided at Riverside. Today we have further evidence of how abysmally the system has failed our most vulnerable citizens. I quote an article from today's *Age* which states:

> Documentation in one resident's progress report notes shows that maggots were found in a pressure area on 15 January. The wound chart clearly describes the infestation. There is a note in the progress notes 'no mention to family please'.

The events at Riverside Nursing Home and other homes now under scrutiny were predicted by the Honourable Caroline Hogg during debate on the Health Services (Amendment) Bill in the Legislative Council on 29 November 1994 when she stated that the bill:

> … appeared to unduly emphasise the difficulties operators had been facing rather than emphasising the needs of older Victorians.
>
> The opposition believes it is vitally important to get these various roles right given that the community is faced with the many challenges thrown up by an ageing society. It is important to be clear about the roles of both the different levels of government and the industry in the provision of care for the aged.

She went on to say:

> … the bill will mean that Victoria will become the only state that does not provide any regulations as a safety net. The house should remember that the commonwealth's powers are linked mainly to the funding of nursing homes and hostels. To ensure the continuation of effective and comprehensive regulations — that is, regulations that safeguard standards of care, including health care and the administration of medicines — the commonwealth relies on complementary legislation, and it does so in varying ways across all states and territories.

Coming into this place I was astounded at how backward looking Parliament was and how quick it was to lay the blame on actions by past governments, which seems to be the general rule of play. How forward looking was Caroline Hogg in 1994? As the minister said earlier, she was prophetic, but she was not the only prophet at that time. The Australian Pensioners And Superannuants Federation had this to say:

> Premier Kennett's proposal to remove the Victorian government's responsibility for older people living in nursing

> homes and hostels threatens to turn back the clock. It could leave the most frail in our community without qualified nursing support and without the ability to complain officially to the state authorities if standards fall. Many also risk being financially compromised …
>
> The state government is effectively washing its hands of its responsibility to the frailest and the most vulnerable in the community of Victoria. Anyone would be able to set up a so-called 'nursing home' or 'hostel', but no-one would have the responsibility to ensure they provide decent conditions and care.

I return to the personal grief and distress of my friend and her mother. I deliberately take the personal road in this issue. It is too easy to talk about 'residents', 'facilities' and 'standards of care'. We are talking about frail older people. Let me talk about my friend living in Chelsea Heights and her mother at St Vincent's Hospital. There is limited public transport in Chelsea Heights — —

An Opposition Member — Whose idea was that?

Ms LINDELL — As I said, I will talk about my friend and her mother. They are faced with finding another bed, but how will they do that in Victoria? With Victoria offering the least number of nursing home places in Australia, how is my friend to find a nursing home in a local area, one that is convenient to her? Where is her choice in this matter? The shortage of residential aged care places plus inadequate staffing levels are placing a great strain on residents, families and carers. That has probably been the case for quite some time, but it was compounded by the actions of the Kennett government. I do not want to look backwards and I do not want to point score on this. As the honourable member who spoke before me said, this is a dreadful situation and one that honourable members should not be playing politics with. The constant point scoring from side to side is not providing the care.

Opposition members interjecting.

Ms LINDELL — What should have taken place in 1994 was that your side of politics should have stood up to the Premier and said, 'This is not going to wash. This is not going to wear'. The losers from these changes are going to be the frail, the aged and the most vulnerable.

Mr WILSON (Bennettswood) — The measure of a decent and caring society is how it protects and treats its most vulnerable members. In this context, a measure of our contemporary society is how it treats and protects its elderly. I am reminded of the proverb 'Old age is honourable'; and indeed it is. Public policy deliberations in this area should be based on that premise and that goal.

Given the circumstances of recent times and the rhetoric of both state and federal Labor members of Parliament, one could be forgiven for believing the current problems facing aged care policy, in particular nursing homes, is the fault of coalition governments at both the federal and state levels. Nothing could be further from the truth. To put this debate into a correct historical context, one must focus on the fact that today's national aged care policy is a direct result — I repeat, a direct result — of the federal Hawke government's policy decision as far back as 1985, which was legislated on in 1987 by that government. Hear those words: the Hawke Labor government was single minded in its determination to fund, monitor and control residential care for elderly Australian citizens. Since 1985, which includes 11 years of federal Labor government and 7 years of Victorian Labor government, that shift of responsibility to the commonwealth has continued.

Honourable members will be aware there was a period when dual monitoring or inspection of commonwealth-funded nursing homes and hostels existed, with the commonwealth trying to monitor outcomes and the state trying to regulate inputs. In the end, both levels of government, both with Labor governments, concluded that in attempting to improve standards it is better to monitor the outcomes of service delivery rather than try and regulate inputs.

Therefore, it was no coincidence that in 1991 under the Kirner Labor government — —

Ms Pike interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! Interjections across the table are disorderly.

Mr WILSON — In 1991 under the Kirner government, Victorian authorities ceased their inspection of commonwealth-funded nursing homes and hostels. The Kirner government saw that policy development as a further step in defining the responsibilities of the commonwealth and state governments. The Kirner government's 1991 decision and the earlier Hawke–Keating government policy direction were the genesis of the 1994 legislative reform undertaken by the Kennett government. Those are the correct historical perspectives.

In 1993 the Keating Labor government commissioned Professor Bob Gregory to review the state of Australia's nursing homes. His report was illuminating. The following sad statistics were mentioned earlier by the honourable member for Caulfield, but they are worth repeating. He found that 75 per cent of nursing

homes did not meet Australian design standards; 38 per cent of residents shared their bedrooms with four or more people; 13 per cent of nursing homes did not meet the fire regulations; and 11 per cent did not meet the health regulations. And importantly, an annual injection of $125 million was required to bring nursing home buildings up to standard.

The Gregory report, which was ignored by the former federal Labor government, highlighted the challenges facing the federal and state governments. In Victoria the task was greater. A decade of neglect by the Cain–Kirner government put Victorian nursing homes in a parlous condition. The fact that Victoria had the highest percentage of nursing home beds in the public sector — approximately 30 per cent, compared with 10 per cent in Queensland — compounded the problem.

Because of the high number of nursing homes owned and operated by Victoria, the Kennett government made a long-term judgment about their redevelopment to meet commonwealth standards — and that is where the philosophical divide occurs in this chamber. All honourable members know the Bracks government is opposed to increased private-sector involvement in Victoria's nursing homes.

If memory serves me correctly, Victoria faced the prospect of redeveloping between 1500 and 3000 public-sector nursing home beds at a cost of $25 000 to $50 000 in capital per bed and up to $100 000 in annual recurrent expenditure. That was at a time when the Victorian economy was fragile and the state was in debt due to the economic mismanagement of the Cain–Kirner administration.

There is more scope in today's economic climate for the government to invest in nursing home redevelopments. However, will the government sustain that investment? When the surplus diminishes or disappears, as some suggest it will, where will government find the recurrent expenditure to maintain the sector? The opposition hopes that if the Bracks government commits to redeveloping nursing homes but excludes the private sector from the process, it will not be at the expense of developing specialist geriatric health services and rehabilitation and palliative care beds.

If the state government does not fund such services, we can be certain that no-one else will, which will be to the detriment of older Victorians. The Bracks government is at the crossroads of policy development in aged care. It is time it stopped playing politics and started developing sustainable policies.

What are the government's present and future directions? The Minister for Aged Care has now held her position for five months. Where are her policy details? Today's debate is the first major debate on aged care and nursing home policy since the Bracks government came to power. Honourable members have not heard about the minister's blueprint for the future.

Will she introduce a dual inspectorial regime? How much will the state government commit to that policy initiative? What powers and penalties will the state government invoke? Why will a dual inspectorial regime in nursing homes be different from the regime that existed under the previous Labor government, which introduced regulations for supported residential services but did not require them to be applied or policed? By way of contrast, the former coalition government applied those regulations, and as a consequence a significant number of supported accommodation services ceased operating.

I will correct one of the many outrageous claims made by the honourable member for Frankston East. He claimed that the federal Howard government has slashed funding for residential care. Although the honourable member for Malvern has already covered that point I want my contribution to show that in 1995–96 the federal Labor government spent $2.5 billion on residential aged care, whereas in 1999–2000 the federal coalition government will expend $3.5 billion.

Mr Vogels — That is an extra billion.

Mr WILSON — That is an extra billion, which is the difference between honourable members on this side and honourable members on the other. The opposition is about good policy and outcomes; the government is about rhetoric and politics.

Ms DUNCAN (Gisborne) — I make the prediction that when funding for aged care is quoted in another place in four to five years time it will have risen by a further billion. That is not to say that funding will have increased. Honourable members will be aware — perhaps some will not — that Australia's population is ageing. If funding were stable or increased only marginally each year, it would amount to a cut in funding.

The numbers are increasing every year. Budget allocations need to increase every year. If they do not increase in proportion with the growth in resident numbers, that represents a cut in funding.

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Frankston East has made his contribution and is not helping the debate.

Ms DUNCAN — Today a number of opposition speakers have asked why — and I find this incredible — the government would raise the issue as a matter of public importance. I am stunned, almost speechless. They cannot be living in the world in which I live. I suspect they do not read the newspapers I read. Almost every day the front pages of our daily papers have revealed story after story, horror after horror about what is happening in some nursing homes. Much has been written about the Riverside Nursing Home, and no doubt Riverside is a shocking example — one would hope the worst example we are ever likely to hear about. I hate to think that other nursing homes operate in such a way.

I do not doubt that many nursing homes — and I have no idea how many, that is something we need to determine — also operate in substandard conditions. The greatest concern is that we do not know where they are and how they are currently operating. As we speak, there are aged people, the most vulnerable of our community — second only to children — who are suffering in ways we read about in the daily papers. The most horrifying aspect is that as we debate the issue those things are still occurring. I make that point in response to opposition questions about why the government raises such an issue.

Opposition members also raised furphies such as the state handing over responsibility to the commonwealth and the commonwealth handing over responsibility to the state, and continued to refer to that as if it is a relevant point. Frankly, I do not care whether the state monitors or the commonwealth monitors, so long as someone monitors. The justification for Mr Kennett's stepping away from nursing homes in 1994 — and it has been repeated today — was duplication. The example was given of both state and commonwealth regulators attending a nursing home. Heaven forbid! In this economic rationalist view of the world that should never happen.

What happened? The authorities abolished regulation. They said, 'Let's have no inspections. Two might arrive on the same day!'. I am curious to know how often that occurred. The changes were justified by saying that taxpayers' money was being wasted because on two occasions two people rocked up to the same nursing home. That must have been extremely embarrassing. How did they hold their heads up and sleep that night? It cannot be denied that there was a move away from any regulation. That is the major reason the matter needed to be discussed today. There was an obsession with self-regulation and privatisation by the previous government and the federal government.

The previous speaker asked why the government hates the private sector? The conservative view of the world is that public is bad and private is good. The government does not hate the private sector; it understands it in a way that conservative governments, both state and federal, do not. When there are private operators, there is a profit motive. Profit motives are fine, depending on the industry. In some industries — and I would argue that the aged care industry is one of them — the introduction of a profit motive is potentially dangerous. If that is done steps must be taken to avoid the occurrence of what has been happening at Riverside. It is not surprising that such examples occur.

I refer to what the commonwealth did in 1997 when it removed the requirement to have nurses in nursing homes. That is one of the major problems faced today. The examples of what has gone on at Riverside show how critical professional care and regulation is to ensure those things do not occur. Often those people cannot speak out on their own behalf. It is up to governments, state and federal and of all political persuasions, to ensure that what goes on in nursing homes is there for us all to see, that it is regulated and monitored, and that professionals must work in the homes. One of the best ways to monitor various areas of nursing care is through the professions.

I also refer to contributions from previous opposition speakers. In their particularly snobbish and elitist ways they are more concerned — and it offends me — about the use of language by government members than they are about the substance of the debate. They all had a bit of a laugh about people referring to themselves in the present tense, or whatever it was that was referred to earlier. That is all very amusing and titillating. Let's see what points we can score on the way in which someone speaks or the form in which they use language. I find the way the opposition conducts debate tedious and pathetic.

Ms McCall — Welcome to politics.

Ms DUNCAN — Unfortunately, it is 'welcome to politics'. I find that no defence whatsoever.

Ms McCall interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Frankston will have the call at a later time.

Ms DUNCAN — The government supports the accreditation of nursing homes and believes the state has a role to set standards of care in nursing homes. We should not be removing regulation and handing it over to the private sector. In 1994 the debate was raging about the proposal Mr Kennett put to the house. Concerns were expressed at the time by a former member for Melbourne North in another place, Caroline Hogg, who predicted this would happen. I refer to a letter dated 4 November from Allan Hughes, executive director of the Victorian Hospitals Association, to the federal Minister for Human Services and Health at the time, Dr Lawrence. The letter referred to the deregulation of Victorian nursing homes.

Today the opposition argues that the reason deregulation was introduced was that there would be duplication by state and federal officers. I think it was the honourable member for Malvern who painted an amusing picture of little people in grey suits and vans going around inspecting nursing homes. The former government did not want to go down that track. That was a bizarre thing for the government to do. What happened instead? It did nothing. Is that the alternative, to go from one extreme to the other? I find it amusing. The letter from Allan Hughes states:

> As you will be aware, the Victorian government proposes to amend the Health Services Act 1988 to repeal provisions relating to nursing homes and hostels.
>
> While this association supports the elimination of inappropriate duplication of state and commonwealth regulation of residential care, we do have some concerns about the potential of the changes to the Victorian legislation to enable agencies to reduce the skill mix of their nursing and personal care staff.

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

Mr ASHLEY (Bayswater) — The debate is not necessarily of the kind that one would prefer to enter into. At times sensible debate takes place more often in the community than in Parliament. It should be the other way around. As the honourable member for Carrum said, parliamentarians too often take cheap shots at one another in the belief that that process will somehow advance the cause, instead of seeking the truth.

History shows that both sides of politics have contributed massively — not over great lengths of time, either — to vast improvements in the care and residential care of elderly people. It therefore serves no-one good to sling off at another across the house simply to score a cheap point.

Unfortunately the debate has come about in the context of the current problems that have hit the press and, again, parliamentarians are seen to be indulging in cheap shots. We are having a free fling at the expense of people in nursing homes who, because they have been unable to communicate with friends or family, are silently going through a great deal of pain and anguish as a result of either what went on in the nursing home or what did not go on or in their removal from it. I am therefore not sure that we altogether advance ourselves or do ourselves well in the public gaze when we embark upon some of the things that we do with one another and say to one another.

I am not convinced that any government can come up with a cure-all, which, if one cuts away the rhetoric, is what is being sought. That is unfortunate because change comes incrementally; there is no cure-all for anything. When parliamentarians pretend that it is possible to force a cure-all upon any part of the public, they only increase public disgust.

Former minister Rob Knowles made some salient points when he introduced the bill to not so much deregulate but to move out of a duplicate form of regulation and to hand the major aspect of the regulatory regime to the federal government. I quote from page 802 of *Hansard* of 15 November 1994:

> By clarifying the roles of the commonwealth and the state we will allow the state — and it is a commitment of the government of this state —

as it was in 1994 —

> to much more vigorously pursue its responsibility of ensuring that supported accommodation services which receive no commonwealth funding and are not monitored by the commonwealth are monitored by the state.

In other words, this is not just some small matter about 'We won't monitor what you are monitoring'; it is a case of saying, 'Let's use our resources better by monitoring what is not being adequately monitored'. That is the basis of the whole divide. In a later paragraph the minister states:

> This is a sensible change that has grown out of a process started in 1985 when the commonwealth nominated the funding and monitoring of nursing homes and hostels as being a key responsibility of the commonwealth. That view progressed until 1991, when it was decided by the commonwealth and state governments of the day that state governments would cease inspecting commonwealth registered and funded nursing homes and hostels.

Here was a total agreement across virtually the whole nation which has had its implications incrementally over the past decade. Let us not therefore be carried away with the objective of finding a cure-all, because it

just will not happen. Some 135 000 elderly people across the nation are currently in full-time care, mainly in nursing homes and in supported care. Some 400 000 people are being cared for at home. We are talking here about a handful of homes where the right thing is not being done. Of course such homes should be rubbed out. Wherever elderly folk are mistreated and abused, either by neglect or whatever, by sins of omission or sins of commission, they should be rubbed out. But let us not fool ourselves that revisiting upon our state a duplicate form of inspection or regulation will produce the outcomes we all desire. We may simply again visit on the community the re-establishment of the medical model over other forms of care.

The minister herself fell into that one when she said nurses are important because, after all, these are nursing homes. To be honest, the Victorian Association of Health and Extended Care does not agree with that because it is concerned to break away from the medical model. It is not the care of people by nurses and more nurses that establishes patients' wellbeing and provides holistic care, it is the care of elderly people by nurses and other people — physiotherapists and all kinds of other paramedical people — that enhances their wellbeing. The move away from nurse-based forms of supervised care is an attempt to bring that to realisation. The not-for-profit organisations provide something like 20 000 of the 30 000 Victorian beds. The not-for-profit group includes facilities run by churches, which are not there to rip off people in the ways that have been suggested today. This is an aspect of the private sector.

Ms McCall interjected.

Mr ASHLEY — I am making the point that one cannot simply revisit the past to provide for the future or to introduce the kind of medical care for elderly people that is desperately needed. If there were, I suggest that there is no way it could prove successful.

By way of example I refer to a letter that came into my possession about a lady I knew very well who was suffering from motor neurone disease. Her situation was investigated by the priority panel of the eastern metropolitan region on 2 March 1999. She was found to be in need of high regional priority care. It was six months — from 2 March to 2 September 1999 — before that information was communicated. In that time the lady died.

I do not care what government is in power — yours or ours — the point is that no-one can pretend to hold his or her head up high when the bureaucrats act in certain ways that undo all our intentions. Let us not fool ourselves that somehow regulations will transform the future when behind it all there are lazy, indolent bureaucrats who are not doing their job. Just that may well have occurred with Riverside. It cuts both ways. In the end all parliamentarians can look foolish and embarrassed because essentially governments are in the hands of people who may doom them by the forms of service and advice they give or do not give.

Mr TREZISE (Geelong) — The nursing home disagreement currently confronting the community, specifically and tragically our elderly citizens, is a direct result of the Kennett and Howard governments during the 1990s applying their economic rationalist policies to health and specifically aged care.

Many elderly people now live in homes with standards that are far from acceptable as a result of conservative governments putting the almighty dollar before care and compassion for community members who should be enjoying their final years of life in suitable nursing homes.

Three key decisions taken by the former Kennett government during the 1990s contributed significantly to the disgraceful debacle the nation has witnessed in recent weeks. Those decisions were based on the Kennett government's infatuation with the almighty dollar and to hell with the people it would affect.

The first key decision was to give its responsibility for nursing homes to the commonwealth government. The Kennett government saw no economic benefit in retaining its responsibility for overseeing nursing homes in Victoria. There were no dollars in inspecting nursing homes or advising operators of nursing homes, so the former government divested itself of the responsibility and gave it to its federal government mates.

The second key decision was to downgrade nursing home care, which meant allowing trained, qualified nurses to be replaced by unqualified, semiskilled general staff. In its own publicly run nursing homes the former government has allowed not only a reduction in nursing skills but also, disgracefully, a drastic reduction in nursing numbers, as not only staff but also residents and their families will tell you.

The third key decision that stands out in my mind regarding the former government's priorities during the 1990s lies again with the almighty dollar — the selling off of publicly owned nursing homes. That brings me to a specific example in the Geelong area — the botched planned sell-off of the Grace McKellar Centre in Geelong. In 1998 the Kennett government devised a secret plan to sell off the Grace McKellar nursing

home, and what took place during most of 1998 with this failed sale process was a deplorable example of how the Kennett government and its local members were prepared to treat elderly residents in nursing homes.

The Grace McKellar Centre is a respected nursing home, which I would describe as an integral part of the fabric of the Geelong community. The land it sits on was bequeathed to the people of Geelong by the McKellar family during the early part of the previous century. In late 1998 Grace McKellar residents and their families became aware of the previous government's secret plans to sell off the nursing home. The residents and families attempted but failed to gain any information from the previous government about the proposed sale.

As a member of the Geelong community who had fond memories of visiting my grandmother at Grace McKellar, I was delighted to be asked to assist in the fight to save it. What really struck me when I first became involved with what we now call the Friends of Grace McKellar movement was the passion the residents and families had about the home. As one elderly resident who is in a wheelchair said to me, 'It is not just a nursing home, it is where my friends are, it is where my family is, it is where my church is. It is my community, it is my life'.

The threats of sell-off by the Kennett government created great uncertainty among the residents and families of the Grace McKellar Centre. For almost 12 months the Kennett government stumbled through the plans to sell the centre, and the residents and families suffered enormous levels of anxiety, stress and uncertainty as a direct result of that government's plan to sell off their home to the highest bidder.

In December 1998 I, together with a number of residents and families, formed a fighting group to save Geelong's Grace McKellar Centre. The Friends of Grace McKellar had little trouble gleaning support from the Geelong community to save their loved and respected home. These elderly people, who should have been enjoying the twilight of their years were forced, due to the Kennett government's policy, to enter into a political battle to save their home — and battle they did! We gathered support from employer organisations throughout Geelong, from trade unions, the Geelong Trades Hall, the City of Greater Geelong, every elderly citizens club in Geelong and not only the Geelong press but also the wider community of Geelong. The elderly residents of Grace McKellar stood on street corners over the winter of 1999 and collected about 6000 signatures to save their home.

By contrast, the Bracks Labor government has put an end to the sell-off of the Grace McKellar Centre and any other publicly owned home in Victoria. The centre will not be privatised but will be retained in public hands where it belongs, for the people of Geelong, and will be upgraded in years to come. The positive effect the Bracks Labor government has had on great Grace McKellar does not end there. The effect is statewide. The Bracks government is inclusive and will work towards ensuring elderly residents of nursing homes are given the same rights as all other Victorians.

The Bracks Labor government is proceeding to rectify some of the damage caused by the previous Kennett government over the past seven years — for example, it is working towards restoring the powers under the Health Services Act. The government has appointed a legal expert and an aged care consumer advocate to produce an issues paper on nursing homes in Victoria. The Bracks government has brought together an expert advisory group that will work with governments and consult with the community to advise the government on complex issues and make recommendations.

However, the primary responsibility for nursing homes in Australia still lies with the federal government. I would be going over old ground if I were to detail the disgraceful and sorry episodes this nation has witnessed in recent weeks, but to read in the weekend papers that the State Coroner is investigating at least six deaths in one nursing home in Melbourne is at the very least distressing. Most countries pride themselves on respecting, caring for and fulfilling the needs of their elders. They view their elders as people with knowledge and experience and as people who are highly regarded and cared for within the community. They are treated with utmost importance. Under a reign of conservative governments that is sadly not the case in Australia in 2000. The federal and previous state coalition governments have failed to protect our elderly citizens and they stand condemned for such actions.

Ms McCALL (Frankston) — We should all be concerned that this topic has to be raised in this chamber at all. It is an indictment of the manner in which our society deals with its aged. It is not a topic that should be used as a political football. It is not an issue to be long on criticism and short on credit. It is not an argument that should be held in this chamber where all we talk about are problems and not solutions.

I support my colleagues on this side of the chamber who have said we still await the positive framework from the Minister for Aged Care about what she intends to do to resolve the problems that may have come from the unfortunate incidents at Riverside. There are a

number of issues the minister will have to come to terms with in a society which has an ageing population, as Victoria does.

I represent an electorate that is ageing, as are we all in this chamber — although some of us would hope not as quickly as others. Many of my constituents have parents who are moving rapidly into the age group where they will need this level of support. The minister should realise that the sheer cost of sustaining the system in a community with an ageing population such as Victoria will mean that she will have to argue very hard, very loudly and very long in cabinet to ensure that funding is not eliminated from other areas that may, on the face of it and in the public arena, seem to be just as important and just as worthy as this.

In my contribution to the debate I would like to talk about the issue from a localised perspective. I have already explained that my electorate of Frankston, which covers part of the City of Frankston and Mount Eliza, boasts an ageing population. Mount Eliza is largely made up of self-funded retirees. There are 16 facilities for older people in my electorate, comprising nursing homes, hostels and retirement villages. I have contacted each and every one of them in the past two weeks to ensure that none of the difficulties that were not checked and rechecked at Riverside Nursing Home can arise. Some of the reports and comments I have received from them suggest that other nursing homes experienced a high level of distress as a result of the 'media beat-up' about the way nursing homes were conducting their businesses — I would not use the term 'media beat-up' without using inverted commas. It also caused much distress and concern among the residents of the nursing homes and their families.

No-one in the chamber would say that the manner in which the Riverside Nursing Home conducted its business was admirable. Nor would anyone commend or recommend any of the actions that were taken. As the member for and a resident of the Frankston electorate I have some difficulty with the manner in which 57 people were forcibly removed from a nursing home against the wishes of their immediate families and placed in St Vincent's Hospital, which for many of the residents' families is located in a relatively inaccessible area of Melbourne.

I heard with interest that the honourable member for Carrum was closely involved with the issue. I commend her for conducting herself well in the chamber when speaking on an emotional subject. A number of families in my electorate suddenly discovered that as a result of circumstances that were not of their doing they had to make different arrangements to visit their mums or dads who may have been in Riverside for many years. Other families bought property near the nursing home to be close to their loved ones. I raised that issue with a number of the nursing homes in my electorate so I could familiarise myself with the catchment area and understand how important it was for families to live close to nursing homes.

One thing that particularly disturbed me when I spoke to both private and federally funded nursing homes in the area was that many had the capacity in an emergency to accommodate other residents and that many Riverside residents could have been moved to those nursing homes, which are closer to their families than St Vincent's. That breakdown in communications worries me. It is clear that a breakdown in communication occurred at Riverside in the first instance. I do not want to point the finger or take a cheap political shot, but it distresses me that no phone calls were made to some of the local nursing homes, which at short notice may have been able to accommodate those people.

Whether the state or the federal government is responsible is irrelevant — the decision that they should be moved to St Vincent's was made. We should learn from this experience. If we do not learn from it collectively as a community rather than as an opposition or as a government we are doomed to relive it. That is a dire warning to everyone in the chamber — there are lessons to learn. The Riverside debacle should not have happened, and if we fail to understand the mistakes that were made it will happen again.

I have heard the comments made about the standard of nursing care. I am aware that until two or three years ago the ratio of nurses to patients in Victoria was not considered to be the most appropriate. Victoria was the only state with a ratio system. I commend the honourable member for Bayswater for saying that taking an holistic approach to the issue of looking after our more precious members of the community may be the better approach.

I also give a warning to the house that something needs to be done quickly to attract nurses to the aged care sector. Aged care nurses recently received a substantial pay rise, but there is still a desperate shortage not only in Victoria but around the world. Nursing is no longer seen as the most attractive profession. Some of my colleagues have gained nursing qualifications, and I am aware of the pressures placed on nurses, particularly those who work in aged care.

The daughter of a friend of mine who works in a nursing home in my electorate told me about the pressures placed on aged care nurses. Aged care nursing is seen to be much closer to the Florence Nightingale ideal of the vocation than is more modern nursing. If those standards of nursing are to be reintroduced we need to improve nurse training, perhaps through private providers in division 2.

I understand the Minister for Post Compulsory Education and Training has considered the possibility of funding cuts and limiting the accreditation of private providers. That is dangerous. A nursing facility at Frankston TAFE is close to completion, but I understand the funding has been stalled in the current budget round. That funding is desperately needed to increase the number of vocational Florence Nightingales, both male and female — there are probably one or two male Florence Nightingales out there — to improve the provision of aged care support so that we will never again allow another debacle like Riverside. Everyone must take some blame for that.

The media carries some blame for suggesting that the residents were bathed in undiluted kerosene when it was only a 30-millilitre solution of kerosene in a bath of water. The apportioning of blame has been a debacle.

We are talking about the most fragile members of our community. The situation is a disgrace for the whole community to wear, and the whole community must find a solution.

Mr HARDMAN (Seymour) — Nursing homes should be safe places for our elderly. They are people who have given much to their communities over many years, and they deserve to be looked after in humane and decent conditions. They should be living in places where their families can have implicit trust in the owners — and the owners, in turn, must have as their first priority the care of the people in the facilities.

My experience, and the experience of people close to me, is that people making the final decision to enter a nursing home suffer a traumatic experience. The situation at Riverside and other places mentioned in the press more recently, such as Gladstone, has placed even more pressure on those people, making that final decision even more difficult. There is a need for a boost in confidence for people in that situation, and the state government must take whatever action it can to assist that process. Action is needed at the federal level too, since the federal government presently holds the power to fix the problem.

I believe that we as a community must make nursing homes the best places they can possibly be, while at the same time recognising that our efforts will not always be perfect. There must be room for human error and human failure in the carrying out of responsibilities.

The Riverside tragedy, as reported in the papers and on television, horrified all of us and generated a need for all of us to reconsider the whole question of private nursing home operators. Despite all the good intentions and despite the fact that the vast majority of us live our lives in a way we believe is socially responsible, there are people who are greedy or, as is probably the case at Riverside, who are up against faceless investors, shareholders or owners who want to see a good bottom line. It is true that investors need to get some return on their investment, and if nursing homes are going to continue to be privately owned that matter must be given due consideration. On the other hand, I am sure the Victorian Labor government will not privatise any more nursing homes.

Monitoring regulations is a very important function and a big part of what needs to be done in the future. The federal government wanted control of nursing homes and the Kennett government was glad to give it to that government. The problem is that over the next few years to 2005, $40 million less will come into Victoria and there will be increased costs for providers to meet, including the goods and services tax, increased wages and greater day-to-day running costs. In addition, I believe inadequate indexation by the federal government will cause ongoing problems for Victorian nursing homes.

In 1997 the commonwealth government deregulated nursing home funding, causing a change from a monitoring system to an accreditation system that emphasises self-monitoring. The commonwealth now provides Victoria with proportionately fewer nursing home places than any other state. Facts such as those are only now emerging. I did not know about them until very recently.

The lack of nursing home places sometimes leads to the inappropriate placement of intending nursing home residents in acute hospital beds. That is not a comfortable solution for people waiting for an appropriate placement. The shortage of residential aged care places, combined with inadequate staffing levels, places a great strain on the residents, families and carers. We must improve that situation.

When the Kennett government handed over power to the commonwealth, which in turn deregulated the industry, it was said by the Victorian minister of the

time, the Honourable Rob Knowles, that the Labor Party was scaremongering about care and safety issues. Riverside shows that we were not scaremongering, we were looking into the future with an understanding of human nature.

The Kennett government took away regulations that set minimum requirements for nursing homes and for staffing by qualified registered nurses. That reduced the state's capacity to protect our frail and elderly citizens.

During January an aged care nurse told me about some of the problems experienced in the aged care system. One is that aged care nurses are not paid as well as other nurses. The hours of the nurse I spoke with were continually being cut back by the nursing home she worked in because it was trying to make up for funding deficits and money spent on consultants' reports on how to run the hostel. The nurse's employment was cut back from almost full time to 19 hours a week. Staff employed during the hours she lost were unqualified people who were not able to provide appropriate care for high-need patients.

Financial pressures and an increasing demand for places mean that more and more people, including many people honourable members know well, will eventually find themselves in nursing homes. The worst thing in all of this is that the federal government, which sought control of nursing homes and was gladly given it by the Kennett government, failed to carry out its responsibilities. Let us hope that government will now act.

The Bracks government will reintroduce minimum staff requirements. One obvious solution is for the commonwealth to take on more responsibility for the funding and monitoring of nursing homes. Victoria needs to receive a fairer share of commonwealth funding for citizens aged over 70 years so that they receive better care. The honourable member for Frankston spoke about the need to guarantee adequate numbers of nurses.

The effect of $40 million less in commonwealth government funding in 2005 will be significant in the Seymour electorate. Many country electorates have ageing populations. The Seymour electorate has a diverse community and includes areas such as Wallan, which has a young population, where aged care is probably not much of an issue. However, in places such as Heathcote and Yea the hospitals have begun using a few of their acute care beds as aged care beds. Aged care facilities have become major industries in some towns. There are many reasons for that, one of which is that many young people have moved from country towns leaving their parents behind. Seymour is one area that will be affected by commonwealth government cuts in funding.

A cooperative approach is needed from the federal government. I do not know whether honourable members have been watching the news recently but whenever an industrial issue arises the federal minister, the Honourable Peter Reith, sticks the boot into the state government. Even Bronwyn Bishop tried to get stuck into the state government. Many issues are involved, and those ministers obviously have their own political reasons for doing that. However, it is about time they stopped political point-scoring and cooperated with Victoria to bring about a good situation.

I hope we have learnt from this experience and that the federal government will cooperate with the Victorian government to minimise the chances of incidents such as Riverside occurring in future.

Mr MULDER (Polwarth) — I am thankful for the opportunity to contribute to this debate. Whenever an isolated incident occurs, such as Riverside, the slur ricochets off each and every aged care provider throughout the state.

Prior to entering Parliament I was heavily involved in aged care in my electorate. I took a very active role in obtaining 30 commonwealth-funded beds for a new aged care development. During that time I had the opportunity to visit and speak with a number of aged care groups in the community, including Probus groups, church groups and Country Women's Association groups. I probably spoke to about 50 different older groups to get an understanding of and a feeling for what they thought about aged care in the electorate I was about to represent.

As mentioned earlier, Victoria can be very proud of the progress made in the delivery of aged care services. Colac has a population of around 14 000 people, and the Mercy Health group has purchased from a community group a 47-bed aged care facility in that city which it intends to develop into a village-type facility with a $14 million investment. Colac hospital has 76 aged care beds and is planning to redevelop those beds, some of which will cater for people with acute aged care needs.

I am very proud of the work done by my brother-in-law David Marriner, who is well known in Melbourne. He has worked with both Labor and Liberal governments. He undertook the refurbishment of the Princess Theatre during the Cain–Kirner era and the redevelopment of

the Regent Theatre and the City Square project under the Kennett government. David has decided to return to his city of birth, Colac, and to make a substantial investment into aged care in the region with a facility catering for 60 aged care beds — it currently has 30 — and 28 individual living units.

He is seeking assistance from the government to obtain 30 additional aged care beds for the development to make up its critical mass. I hope the doors of the government will be open to him to provide a successful aged care facility, as other governments have opened doors to people with vision.

Aged care facilities in rural and regional Victoria differ significantly from those in metropolitan areas. Later this month I am taking our shadow minister to visit a multipurpose facility at Apollo Bay. It is interesting to see what a rural community can do in aged care delivery. The health care facility in Apollo Bay offers a range of services including child minding, aged care, acute beds and accident emergency. Kidney dialysis is advertised for tourists who have that need.

A significant challenge is coming up for the government in the township of Lorne, where the health facility is to be redeveloped and integrated with aged care facilities. At the moment debate is going on as to whether the facility should remain on its current site. Retaining the facility on the site will necessitate a split-level development, causing monitoring problems for nursing stations and requiring $400 000 in recurrent funding.

My preferred site for the facility is on the Lorne foreshore — much to the disgust of a number of people in the area. The aged in Lorne deserve such a facility. Comments made to me by developers in the area such as, ‘Are we building an aged care village or is this a holiday resort?’ offend me and would offend most people. The township of Lorne deserves the best aged care facility possible.

While going through the process of applying for 30 aged care beds for the city of Colac and before entering Parliament I had the opportunity to talk with a number of aged care providers. In Bairnsdale the hospital had handed over some of the aged care beds to a private provider. I talked to the operators, the families and the staff. It was amazing to see the transformation and satisfaction of people being moved to the facility.

As I stand in the house today I take pride in the fact that my wife is a nurse delivering aged care at a home in my electorate, as is one of my daughters, who also works in different nursing homes in Melbourne and speaks very highly of a number of the private nursing homes in which she has worked.

However, there is a major problem in the issue of nurse training in aged care. It is not a career; it is a vocation. The system trains nurses but fails to keep them, because when they commence training they need to be exposed to the field in which they are about to work. There is a need to establish whether or not trainees have the empathy with aged and dying people that is necessary to work with them. It is one thing to stand and watch a television set or perhaps become wrapped up in the romance of being a carer, but it is another thing to be faced with it on a day-to-day basis.

Because a number of people who obtain their qualifications through university programs are sourced not on the empathy necessary to be a carer but on their ability to pass an exam, the system does not always lead to getting the best person for the job. There is a need to look very hard at training in the aged care field and to have another look at training in hospitals. There is a huge difference between someone who simply guides or pushes an elderly person around and someone who is prepared to chat to that person. There is also a difference between someone who is prepared to chat with elderly people and someone who is likely to talk down to them. Those issues cannot be sorted out solely through education.

People in rural and regional Victoria are fortunate that it is possible to monitor communities and seek out people who have the empathy necessary to work with aged people and in hospital situations. It is not a matter of having training or being a trained nurse, it is a matter of finding people who have the necessary empathy, who are genuine carers and who can work with elderly people in the community.

I have deep concerns about the way the Riverside issue was handled. Although beds could have been made available very close to the facility the residents were shunted off in ambulances to a hospital. That was absolutely deplorable! It says a lot about the government’s intent and its lack of respect, not only in this matter but also in other matters.

Recently the Attorney-General was quoted in a newspaper as having said words to the effect that, ‘Every time I turn up to race clubs, I’m confronted with old blokes, and I’m sick of them’. What a disgraceful thing to say. That just about sums up the government’s attitude and the manner in which it has gone about this process. The government has said nothing in the debate about what it is going to do to cure the problem. It can provide quality assurance and can certify, but what it

needs to look hard at is the empathy of the people it employs and the training issues surrounding aged care.

Ms BARKER (Oakleigh) —

> It is thus in the interests of everyone that the vitality and independence of older people in mind and spirit and body be sustained for as long as possible; that we acknowledge all they have to offer us; and that we offer older people appropriate support.
>
> Independence. Participation. Care. Self-fulfilment. Dignity. These are the abiding principles upon which the international year has been founded …

Those words are taken from a statement made by Sir William Deane, Governor-General of Australia, on 1 January 1999 at the launch of the International Year of Older Persons.

At the conclusion of that important year, in which all Australians were asked to work together to celebrate the diversity and richness of older Australians, to recognise the important contributions that they have made and continue to make to our community and to promote a coordinated government approach to the issues of ageing, it is with great concern — it is an absolute disgrace — that we commence 2000 with news that residents at a Melbourne nursing home have been subjected to appalling treatment and conditions. I will not go through all of the conditions that have been reported in detail. I, like many others in the community, have been extremely distressed to hear that some individuals have inflicted pain and indignity on old, frail and vulnerable people.

No honourable member has failed to recognise that the responsibility for ensuring nursing home residents are given quality care rests with the commonwealth — with the federal Minister for Aged Care. The Bracks Labor government is extremely concerned that despite all the information available and the reports that have come out the federal minister continues to deny that responsibility. It is clear that the 1997 move by the commonwealth government from a monitoring system to an accreditation system has failed. The quality controls that protect the elderly and give them dignity in their old age are just not there.

Many people are calling for immediate action by the federal government and the federal minister. An article that appeared in the *Herald Sun* of 26 February states, in part:

> And Council on the Ageing executive director Denys Correll said there was a need for urgent action to ensure complaints were dealt with quickly.
>
> Mr Correll said Riverside was not an isolated case: the government's own assessments had identified 29 nursing homes where residents were at serious risk.

I regret to say the report indicates that one of those nursing homes is in the electorate of Oakleigh. I sincerely hope the issue can be worked through with the federal government to prevent the occurrence of a situation similar to that which arose recently. The article continues:

> The Australian Nursing Federation said aged care laws were in need of major reform and called for an immediate senate inquiry.
>
> … accountability had been seriously compromised when new laws downgraded the role of registered and enrolled nurses who worked in nursing homes.
>
> On the basis of removing business red tape, the federal government has put elderly Australians at risk …

There were other comments by the federal president of the Australian Medical Association, David Brand, who referred to the treatment using kerosene baths as Dickensian. All honourable members would agree with him on that. It is simply not good enough. The commonwealth government must address clearer, closely maintained and monitored care standards and guarantee the provision of adequate numbers of qualified nursing staff.

It is also of concern that funding from the commonwealth government to Victorian nursing homes is not adequate and the commonwealth proposes to coalesce Victorian funding into a national average rate. That will mean approximately $40 million less funding across the Victorian nursing home sector in real terms by 2005. The Victorian government cannot accept that level of funding when it is obvious more is needed. Nursing home proprietors will also incur added costs and burdens when the goods and services tax is introduced on 1 July.

The commonwealth provides Victoria with the fewest nursing home places of any state. Very few of us in either this place or the community have not been touched by the lack of nursing home beds. I recently assisted my elderly aunt in her search for a nursing home for her husband. The search took a great deal of time and was emotionally draining on my aunt. We were fortunate to find a bed a reasonable distance from her home. She does not drive, and family members try to assist her to visit the nursing home each day. However, at times she must rely on taxis or public transport. My uncle is now receiving very good care at the Oakmoor Nursing Home in South Oakleigh, like many frail, elderly Victorians residing in nursing homes.

Some opposition members have asked about the Bracks Labor government's policy on nursing homes. Before the last election it was recognised by the then opposition that a duty of care was owed to older Victorians. The government's policy entitled 'A new partnership — Labor's policy for older Victorians' has been published, and it is clear. I highlight statements made following the preamble:

> Labor will stop the privatisation of state-owned aged care facilities, including our premier geriatric centres, and state nursing homes and hostel services provided in regional and remote rural communities;
>
> … A Labor government will provide an additional $47.5 million to urgently upgrade state government nursing homes to acceptable commonwealth standards.
>
> … Labor will restore state regulations for aged care facilities in Victoria, including patient/nurse ratios.
>
> Labor will require nursing home providers to better inform residents and their families of the numbers and qualifications of staff.

For several reasons I am glad to be on this side of the house when speaking about the care of older Victorians. Earlier speakers referred to the 1994 legislation. I have read the contribution to the debate made by the Honourable Caroline Hogg, whom everyone respects as making careful and detailed contributions. At page 981 of *Hansard* of 29 November 1994 she is reported as having said:

> The opposition supports the removal of regulations which have resulted in inefficient and impractical practices and which do not benefit the care of nursing home residents. But we must always bear in mind that the regulations —

the previous regulations —

> have been put in place to control the disreputable few who, it would seem, are in the industry solely to make a profit.

Mrs Hogg went on in a detailed and careful contribution to outline the reasons why the then Labor opposition in both houses opposed that legislation. Looking back at the *Hansard* report one sees that the legislation was enacted in extreme haste.

I refer also to comments made by another member of the Legislative Council in 1994, the current Deputy Leader of the Opposition in this place. At page 985 of *Hansard* of 29 November 1994 she is reported as having said:

> The purpose of the bill is threefold. The first purpose is to eliminate unnecessary regulations. The government talks a lot about the elimination of unnecessary regulations, but it will regulate where there is a need to regulate.

It is obvious there was a need to regulate and that the regulations should not have been removed. The honourable member went on to say:

> This is a sensible bill. We on this side of politics are concerned, as everyone else is, about the standards of care in nursing homes. I would be horrified if we were to introduce a bill that reduced standards of care. That is not so.

Regardless of whether the current opposition is willing to accept it, it is clear that the hasty removal of those regulations by the former Kennett government has not helped Victoria's current situation. Older, frail, vulnerable Victorians who require nursing home care deserve it regardless of who is in government at either the federal or the state level. Any government should do everything in its power to ensure that the best quality care is available.

Mr VOGELS (Warrnambool) — I join the debate in support of the nursing homes in my electorate of Warrnambool. The families, management and staff of the aged care communities in Warrnambool, Port Fairy, Mortlake, Koroit, Terang and Timboon would be appalled at some of today's contributions denigrating their efforts and facilities. I find it abhorrent that government members are creating fear in the most vulnerable section of the community by their comments in this political debate and in the media.

An article in the *Herald Sun* of 5 May 1989 headed 'Cutbacks "forced" on aged homes' states:

> Victorian nursing homes are cutting jobs and staff hours to cope with new funding arrangements being introduced by the federal government, says a union official.
>
> … She said more closures of small nursing homes could be expected … one 30-bed nursing home was reported to be serving residents afternoon tea at lunchtime because of a lack of afternoon staff. Residents were unable to be served fluids in the afternoon.
>
> … already nursing homes are suffering cuts in the amounts they can charge to cover the cost of food, cooking, cleaning, laundry and gardening.
>
> Those non-nursing costs must come down over several years to match a national average figure.

When I read that article I thought I could have been reading last week's *Herald Sun*.

Mr Mulder — When was this?

Mr VOGELS — The article was printed on 5 May 1989.

Mr Mulder — With a Labor government.

Mr VOGELS — Federal and state Labor governments were in power.

Mr Mulder — A Labor government did that.

Mr VOGELS — The problems have existed for a long time, which is why it is disappointing to still be debating them. The former Kennett government's policy was to keep aged people in their homes as long as possible. In rural Victoria that is a commendable aim provided it is backed up with services.

What are some of the services that were put in place? They included the hospital in the home program, community aged care packages, Linkages, home and community care services backed up by district nursing, Meals on Wheels and other services. Like the honourable member for Carrum, I feel sad that residents from Riverside had to go to St Vincent's Hospital 40 kilometres away. However, in rural areas Victorians are often more than 100 kilometres from nursing homes with no access to public transport facilities. That is why the initiative of the previous government in trying to keep people at home with their friends and families for as long as possible was very important.

Some 98 per cent of our nursing homes are already accredited, but we must bring the remaining few into line. What has happened at Riverside has been a bad experience, but I am amazed that that is the only hostel or nursing home that has been cited during today's debate. Of course that situation needed to be sorted out very quickly but, as the honourable member for Bayswater said, there are 135 000 people in nursing homes in Australia and 400 000 people who are able to stay in their own homes with the help of district nurses, personal care attendants, et cetera. It is terrible for the rest of our frail and aged community that the media and politicians are playing up the situation because of a disaster in one Victorian nursing home.

It is the culture and care that make nursing homes what they are, and it is best delivered by local communities with the support of health professionals. As I said before, it is not unusual for someone in Victoria to have to travel a long way to a nursing home. I find the exercise we have been going through today very sad. I conclude by saying that federal, state and local governments should all work together in caring for our aged population.

Ms OVERINGTON (Ballarat West) — It is interesting that during the debate we have discussed deregulation and blame but we have not discussed the older persons in our community whom we should respect. Those older people are our mothers, fathers, grandparents, brothers and sisters. They have a human face. Hearing the care of our elderly referred to in this debate as an industry is an absolute disgrace. It is an industry by definition of the care that should be afforded to those people but through deregulation it has become a profit-making concern and thus an industry.

I come from a family that had great respect for older people within our community. My mother was a nurses aid for 30 years and my father was a charge nurse for 35. As both a teenager and then as a young woman, I remember visiting with my parents the homes that they worked in and meeting and sitting and talking with the older residents. They had such a sense of history and a pride in their lives. That has not been recognised in the debate. As individuals our older people deserve the respect of the community. Aged care has become an issue, but where is the individual in this issue?

There appeared to be some hesitation on the part of members of the opposition to talk openly. They appeared uncomfortable to put the issue out in the open. Why should not the care of our elderly be transparent? It should be totally transparent. Unfortunately in many instances, older people in nursing homes are very frail and can no longer make decisions for themselves. That being the case, they have lost power because the majority of them no longer vote. Like children and adolescents who do not have the power of the vote, neither do the majority of older people in nursing homes.

The problems that have occurred over the past few months cannot be ignored. We must bring the problems into the open and say that that is not how our elderly residents are to be treated. We cannot ignore what has occurred, but on a bipartisan basis — because it cannot be turned into political point scoring, even though opposition members have attempted to do so — we must acknowledge, praise and look after the elderly residents in our community.

In her high and mighty way the honourable member for Frankston spoke about the deregulation of nursing staff and said that the staff-to-patient ratio in our nursing homes was not what it should be. She has a short memory because deregulation was introduced in 1994 by the Kennett government. The honourable member went on to say that nursing ratios in nursing homes need to increase. She said all nurses have received pay rises so there was no excuse for that not to happen and that increasing nursing numbers was the right thing to do. She referred to Florence Nightingale, saying that nurses deserve a medal. Who is she kidding? You cannot deregulate to reduce the number of available nurses and then say we need them back — we need

another Florence Nightingale. Poor Florence Nightingale!

I am concerned that the real issue has escaped some honourable members, particularly opposition members. When will it be recognised that the people in our nursing homes have had long and productive lives. They have given much to their communities, and in most cases they continue to provide us with their wisdom. How many honourable members have sat and talked with residents of nursing homes, listening to them reminisce about their childhood and their early adulthood? Our older people are so wise and can give us so much, but we must recognise them as individuals who have a unique part to play in our community. They must be protected; they cannot protect themselves.

The Labor government supports accreditation. During the debate we have heard about accreditation, whose fault it is, when responsibility for it was handed back to the federal government and who should be doing it. If it takes a watchdog in our community to inspect and investigate nursing homes to ensure our elderly people are being provided with the best possible care then it must be done by accreditation. Accreditation is the only way because under deregulation it does not happen by itself.

I refer to concerns of nurses and care providers who work in nursing homes. Ballarat has a large number of aged facilities and aged people. Nurses and care providers are under continuous pressure from their employers. Their hours have been cut and they face the threat of being replaced at any time with non-nursing staff at a cheaper rate. I am talking about trained nursing staff, not non-nursing staff. They are under constant pressure, yet they have great empathy for the people. Many of them work hours beyond those for which they are paid because they are concerned about the proper care of older people. They recognise that in the time they are contracted to work they cannot get it all done, so they stay and do it. Nursing homes should not be in such a position. Staff should be properly trained to provide the best care for the elderly in our community.

One opposition member suggested that government members do not understand the issue, and that they do not know what they are talking about. Is the issue not about the care and dignity of the elderly in our community? It must be everybody's main interest and concern that the elderly, who can no longer assist with their own care, be given the best that can be provided.

Debate interrupted pursuant to sessional orders.

The DEPUTY SPEAKER — Order! The honourable member's time has expired. The time for raising matters of public importance has now expired.

EDUCATION ACTS (AMENDMENT) BILL

Introduction and first reading

Ms DELAHUNTY (Minister for Education) introduced a bill to amend the Education Act 1958 and the Teaching Service Act 1981 to revoke special functions and powers given to certain school councils, to provide for the transfer of staff employed by those councils and to make transitional provisions for other agreements and arrangements entered into by those school councils and for other purposes.

Read first time.

ADMINISTRATION AND PROBATE (DUST DISEASES) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Administration and Probate Act 1958 to provide for the survival of claims for damages in certain causes of action in relation to dust-related conditions and for other purposes.

Read first time.

TRADE MEASUREMENT (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Trade Measurement Act 1995 to adopt nationally agreed reforms, to make minor amendments to that act and the Trade Measurement (Administration) Act 1995 and for other purposes.

Read first time.

ROAD SAFETY (AMENDMENT) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Road Safety Act 1986, the Road Safety (Amendment) Act 1990, the Road Safety (Drivers) Act 1991, the Road Safety (Further Amendment) Act 1998, the Marine Act 1988, the Transport Act 1983 and for other purposes.

Read first time.

CORPORATIONS (VICTORIA) (AMENDMENT) BILL

Second reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The Corporations (Victoria) (Amendment) Bill before the house arises from the government's commitment to its obligations under the corporations agreement — that is, to ensure a consistent scheme for the regulation of corporations and securities throughout Australia.

On 20 October 1999 the commonwealth Parliament passed the Corporate Law Economic Reform Program Act 1999 (known as the CLERP act). The CLERP act implements major reforms to the fundraising, takeovers, directors' duties and accounting standards provisions of the Corporations Law. The act will commence operation on 13 March 2000.

The provisions of the CLERP act will apply in Victoria by virtue of section 7 of the Corporations (Victoria) Act 1990 (the Victorian act). Section 7 provides that the Corporations Law set out in section 82 of the Corporations Act 1989 (commonwealth), as in force for the time being, applies as a law of Victoria.

Section 7 of the Victorian act brings about the result that any amendment to the Corporations Act by the commonwealth Parliament (like the CLERP act) will operate to amend the Corporations Law as it applies as a law of Victoria without any action on the part of the Victorian Parliament being required.

One of the reforms resulting from the CLERP act will be the reconstitution of the Corporations and Securities Panel so that it becomes the sole forum for the resolution of takeover disputes during the takeover bid period.

The CLERP act will add sections 659B and 659C to the Corporations Law. They will operate to ensure that the Corporations and Securities Panel is the main forum for resolving disputes about a takeover bid until the bid period has ended.

However, the object of these provisions is contrary to the effect of section 85 of the Constitution Act 1975 (Victoria), which establishes the power and jurisdiction of the Supreme Court of Victoria.

When the CLERP act commences operation on 13 March 2000, section 7 of the Corporations (Victoria) Act will purport to render sections 659B and 659C part of the Corporations Law of Victoria from that date and hence alter or vary section 85 of the Victorian Constitution. However, section 85(5) of the Victorian Constitution will operate to deny sections 659B and 659C any such operation.

The bill operates to validate sections 659B and 659C by including a provision in the Corporations (Victoria) Act which specifically refers to them and which is enacted according to the requirements of subsection (5) of section 85 of the Victorian constitution.

If the relevant sections are not effective as part of the Corporations Law of Victoria, the role of the Corporations and Securities Panel will be compromised with the prospect of significantly increased litigation during the takeover bid period. This will also impact upon the national scheme and have a negative effect on the future regulation of corporations and securities.

Section 85 statement

Clause 3 of the bill inserts new sections 56A and 56B into the Corporations (Victoria) Act 1990. Proposed section 56B provides that it is the intention of section 56A to alter or vary section 85 of the Constitution Act 1975.

I therefore make the following statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section.

Subsection (1) of proposed section 56A provides that proceedings in relation to takeover bids or proposed takeover bids except as otherwise provided by section 659B of the Corporations Law of Victoria, may not be commenced in court before the end of the bid period.

Subsection (2) of proposed section 56A provides that the powers of a court under the Corporations Law of Victoria in relation to conduct that contravenes that law are limited as provided by section 659C of that law.

Sections 659B and 659C operate to restrict the role and powers of the Supreme Court of Victoria in relation to takeover disputes during the takeover period.

There are several reasons for the variation to the application of section 85 of the Constitution Act 1975. Firstly, the variation gives effective operation in Victoria to sections 659B and 659C, which will become part of the Corporations Law of Victoria on 13 March 2000, and will thus help to minimise the use of litigation to delay or disrupt takeovers. Secondly, it complies with our obligations under the corporations agreement to ensure uniformity in the application of the

Corporations Law in all states and territories. And finally, the variation will allow this government to deliver an effective scheme for the regulation of corporations and securities to all Victorians.

This bill is the product of consultation with the commonwealth and the Solicitor-General of Victoria.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That the debate be adjourned until Tuesday, 21 March.

Dr DEAN (Berwick) — It is extraordinary that day after day when he was manager of opposition business the current Leader of the House argued black and blue that it was totally inappropriate that legislation should be shot through in a week. Back then he argued that legislation should sit on the table to allow honourable members appropriate time to obtain advice and discuss among themselves how they wished to proceed and that two weeks was an absolute minimum adjournment time.

When the former Kennett government suggested that legislation may be very small or very short and that one week was sufficient, it was met with an absolute barrage from the then opposition saying it was totally inappropriate and undemocratic.

It is totally inappropriate and hypocritical for the government to now try to push through in a week not a small bill but a complicated bill that includes a section 85 statement. Honourable members have heard much from the government about section 85 statements. So far the record shows that about one-third of the legislation introduced by the current government includes section 85 statements. Here is another such piece of legislation.

Mr Holding interjected.

Dr DEAN — Despite the screams from those members of Parliament who were not here when that happened, it is the right of Parliament. They would be most embarrassed to read in *Hansard* the arguments of their colleagues on the front bench about this very matter of time. Yet they interrupt with a barrage, saying that one week is enough.

One thing is clear. Parliament needs to debate why the government's legislation has so many section 85 statements when it was the very opposition that had so much to say about them when the Kennett government was in power. That in itself requires time for appropriate consideration to ascertain whether the section 85 statement is appropriate in this case. The opposition starts from the premise that section 85 statements are inappropriate. They should not be used unless they are absolutely necessary. It is totally inappropriate to try to put through in one week yet another piece of legislation with a section 85 statement.

A government member interjected.

Dr DEAN — The honourable member who is now interjecting so loudly was the man who once stood on this side of the table berating the Kennett government for trying to deal with legislation after an adjournment period of only one week.

Apart from that, the legislation concerns takeovers and the CLERP act. One of the reasons the second-reading speech is some three pages long and is incredibly complicated is that the manoeuvre is complicated. It effectively allows the introduction into Victoria of legislation that will deny people the capacity to go to the courts on takeover matters. Instead it will direct them to a panel, which is in the process of being created. It is probably perfectly appropriate for that to happen but one thing is absolutely certain: this house must be given time to consider it because it will deny people litigation — that is, the capacity to go to the courts. That is something about which this government had a lot to say in the debate about workers compensation funds. It will deny people the capacity to go to the courts and compel them to go to a panel. It is therefore outrageous to try to rush the legislation through in one week.

What are government members afraid of? Are they afraid that they will be brought to task on the very concept of denying people the right to go to the Supreme Court, which is why the section 85 provision is there? Are they concerned that they will be in trouble on that very concept, having argued so strenuously under the Workcover legislation that it should be included and that people should not have their rights in any way barred to take litigation?

The whole concept of the takeover process needs careful thought. Members of Parliament who are not lawyers and even those who are find the takeover process and all the law associated with it extremely complex. They must be given time to examine the law on takeovers, talk to their colleagues and friends in the legal profession and get an understanding of that law before they can possibly be in a position to argue the merits of the legislation. So if Parliament is to mean anything and individual members have the right to

make meaningful arguments on complex legislation — not only complex because it denies litigation but because the takeover procedure itself is extremely complex — they must be given time to obtain that information and argue in a cogent way.

The house should consider the issues that face someone who just picks up the second-reading speech and tries to make sense of it. It will take most people who are not involved in the legal process of commercial law a week just to get to the bottom of the minister's second-reading speech. I ask the minister who read the speech — the Minister for Police and Emergency Services — whether he understands every aspect of the CLERP act, what it is likely to do in relation to takeover provisions, which takeover provisions will be affected and how the overall rights of people concerned in takeovers will be affected. If the minister were honest — and I am sure he is an honest man — he would stand up and say, 'There is a lot about this I do not understand'. He does not understand all the complexities of the bill, but he is the one saying the government wants to rush it through in one week. I recall him saying on many occasions about the Kennett government, 'It is outrageous that you should put through even the smallest and most insignificant legislation in one week'. Yet now that he is in government he says complex legislation that even he does not understand fully should be rushed through in one week. It is totally inappropriate. It is important that the government changes its mind or at least that Parliament has the right to argue whether debate on the legislation, which it has a right to understand and a right to debate on its merits, is adjourned for at least two weeks.

Mr BATCHELOR (Minister for Transport) — The contribution from the honourable member for Berwick raises the hypocrisy stakes to new heights in Parliament. The bill is not being introduced into Parliament for the first time — it is being referred to the Assembly from the upper house. The bill has already gone through the upper house, supported by the Liberal members in that place. In addition, it has already been through their party room. The honourable member voted to support it there, yet he comes into this chamber and says he does not understand it! What an idiot!

We will all enjoy reading *Hansard* tomorrow when the honourable member for Berwick exposes himself as a master hypocrite. He understands it completely. He knows what it is about. Opposition members have supported it — —

Dr Napthine — On a point of order, Madam Deputy Speaker, on a number of occasions the minister has referred to the honourable member for Berwick in an unparliamentary way, and I ask him to withdraw.

Mr BATCHELOR — Can I ask what term you find unparliamentary?

Dr Napthine — Hypocrite.

Mr BATCHELOR — If the Leader of the Opposition finds that that is offensive, I will withdraw it. The issue is for this chamber to debate the passage of legislation in a proper and orderly way.

Earlier this week the honourable member for Monbulk sought to criticise the government for not bringing forward bills the opposition could debate in Parliament next week. The composition of this Parliament is significantly different from that of the previous Parliament. We do not ram through the sorts of legislation that the previous government did. We give sufficient time for thorough debate. Over the past couple of days the opposition has withdrawn from debates in the chamber.

Not only does the honourable member for Berwick not understand what these issues are, but he and his colleagues have also failed to engage in parliamentary debate. Opposition members have passed up opportunities for debating legislation. Today, when the government seeks by this motion to shorten the length of time for debate on legislation that has already been passed in the upper house, opposition members pretend that they do not understand it and need extra time to consider it.

Honourable members recognise that that is not the case. There has been sufficient time. The bill has gone through the normal process for the upper house. Briefings have been made available, information is in the public domain, the opposition has had sufficient time to garner the information and to marshal the arguments. It is not true for opposition members to say they do not understand it. If they do not understand it, it is an admission from opposition members that they are incompetent. If they say that, they are not being truthful with the Parliament.

Dr Dean — Are you saying that we don't have rights here — that we can't have the same rights as anybody else?

Mr BATCHELOR — I have not said any of that. This government actually allows debate. You do not engage in it. You sit there like dummies, as you have over the past couple of days, not engaging in the debate and then complaining when the government brings forward bills for Parliament to deal with expeditiously.

These are important bills, and they need to be dealt with.

The government would like opposition members to engage in parliamentary debate, unlike what they have done with the last few bills. They have sat there absolutely dumbstruck and refused to engage in debate. You can look through the list of speakers and see that they have vacated the territory. Opposition members have not wanted to engage in parliamentary debate. When the government provides opportunities to debate other bills, they kick up a fuss. I have never seen such hypocrisy in my short parliamentary career.

The government is asking that this chamber be given the opportunity to debate the Corporations (Victoria) (Amendment) Bill. Next Tuesday, 21 March, is the ideal time for the bill to be listed on the notice paper. I would quote from *Hansard* but I know that would be outside the standing orders — I would not dare do that — but if I were able to quote the *Hansard* report of yesterday's debate on the government's business program I am sure it would show the honourable member for Monbulk pleading with the government to bring on more legislation. Yet at the first sign of the government doing what he asked it to do, opposition members object. It is clear opposition members are engaging in a campaign to try to undermine the integrity of Parliament. The opposition will exercise its parliamentary right and debate this procedural motion, but it will not exercise its right later today to debate other bills.

Later today we will be debating the Juries Bill. We all know opposition members do not want to talk about that, yet they are prepared to come into the house and waste time putting up fallacious arguments and demonstrating cant and hypocrisy. Later today they will have the opportunity to debate the Juries Bill. The government will give the opposition — —

The DEPUTY SPEAKER — Order! I ask the Minister for Transport to address the question of time.

Mr BATCHELOR — That is a very timely request. The government looks forward to monitoring the opposition's response during the course of this debate and later during the debate on the Juries Bill.

Mr McARTHUR (Monbulk) — It is a pleasure to contribute briefly on the question of time. Firstly I would like to respond to a couple of things said by the Leader of the House in his contribution to the debate. He said I was complaining on behalf of the opposition about the lack of legislation the government has before the house. He is right. Yesterday in this place I criticised the government for the lack of legislation and its poor legislative program. If the government were genuinely dedicated to what it loudly proclaims — that it is out there doing things — it would have a decent legislative program in place. I do not shy away from that. I am happy to repeat in the house today that the government should have a decent, well-managed, well-designed and well-run legislative program of substance. If the government wants that sort of program it should order the house properly. It should introduce legislation according to the procedures and practices that have been place for decades.

Just prior to Christmas the opposition cooperated endlessly with the government in bringing on debate of proposed legislation before the standard two-week adjournment period had expired. It did that willingly and repeatedly, but towards the end of the session I warned the Leader of the House and the government that the opposition's patience was at an end. I said that the opposition expects the government in this sessional period and in future sittings to abide by the procedures of the house that government members called for so loudly when they were in opposition.

The government said it would manage its program to allow for the traditional two-week adjournment period prior to the resumption of debates on bills so that members would be able to consult, consider and determine their attitudes to legislation. The Leader of the House now says that is unnecessary because this bill has come from the upper house and should be treated differently. I remind him that the procedure and practice of the house is to treat all bills the same. Regardless of whether a bill is introduced in this house or has been received from the other place, it is the tradition and practice of this place to adjourn the debate for two weeks unless there is a substantial reason for not doing so.

The only reason the opposition has been given is that the government has nothing to do. The reason is not that the bill is urgent, that it is a priority for the public or that its passage must meet some magical deadline under an international or interstate agreement. There is nothing urgent about debating the bill; the Leader of the House has not argued that at all. He has simply argued that it is convenient for the government to bring on the debate and that the opposition should agree simply because the bill has already been debated in the other house.

The Leader of the House neglected to mention or take into account the fact that the three Independents in this house will have no chance to consider the bill. The honourable member for Berwick has rightly said that

the bill is complex and detailed and that good and well-trained legal minds have difficulty fully comprehending and describing its provisions succinctly. If that is the case those three Independents are entitled to and deserve the chance to publicly consult and to make up their minds free of pressure.

The government is giving them an extra $350 000 of support each year to help them make up their minds. Some $350 000 was promised in a special deal with the three sweethearts! That taxpayer money should be used well — it should be used to allow the honourable members for Gippsland West, Gippsland East, if he bothers to come into the house, and Mildura to properly consult with their communities and obtain expert opinions because they have not had the benefit, unlike members of the opposition, of considering the bill in a party meeting.

The Leader of the House also says the opposition should agree to the period of the adjournment simply because the bill has already been considered in a party meeting. We should not allow Parliament to be ignored just because a matter has been considered in a party meeting. That would make the Parliament irrelevant. Maybe the Labor Party works that way because it is made up of a bunch of lacklustre, lickspittle, supine backbenchers who will do what the Leader of the House says, regardless. He thinks everyone should obey his rules. He wants us to ignore the Parliament because the bill has been considered in the party room. Really! Why does he bother with the Parliament at all? Why does he bother bringing in legislation if all he wants is for the party room to consider things and make them ready for the executive stamp?

If he seriously thinks both houses of Parliament should be concerned in debating all legislation, rather having just a single house consider it, he should conform with the traditions and practices of this place. Surely even the Leader of the House can see that the procedures of the Parliament, which have been good enough for many decades under many governments, are worthy of support.

As I said at the end of the last sessional period, the opposition will not — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Melton!

Mr McARTHUR — Unless the government can come up with substantive reasons for allowing less than the standard two-week adjournment the opposition will not easily agree to it. The Leader of the House has provided no such substantive reasons. He has provided no reason at all other than the government's convenience. Until the Leader of the House can come up with a substantive reason, honourable members should reject his proposal and stick with the tradition of a two-week adjournment.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.02 p.m.

DISTINGUISHED VISITOR

The SPEAKER — Order! The Chair recognises Mr Peter Innes, the British Consul-General, who is visiting our Parliament today. Welcome, Sir. I hope you find question time rewarding.

Honourable Members — Hear, hear!

QUESTIONS WITHOUT NOTICE

Ecorecycle Victoria: former Treasurer

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the outrageous appointment of the discredited former Treasurer, Mr Rob Jolly, to a taxpayer-funded government board position, and I ask how many other former Cain–Kirner ministers have been beneficiaries of taxpayer-funded appointments under the present government.

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order to allow question time to proceed.

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question, but not for resorting to the bottom of the barrel.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk should cease interjecting.

Mr BRACKS — The current run of articles on — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc!

Mr BRACKS — Pathetic! Absolutely pathetic! The opposition is not interested in policy; it has not lifted one finger on policy. Where has the opposition been in the past four months?

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition benches to cease interjecting. I particularly ask the Leader of the Opposition to lead by example and not to interject.

Mr BRACKS — I guess I should be grateful for the irrelevant questions of the opposition leader, because he is going to remain exactly where he is if he continues in that vein. All the members of the Ecorecycle board, including those who are members of the Liberal and National parties, were appointed for one reason — that is, their commitment to the environment and to recycling.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition shall cease interjecting.

Mr BRACKS — This bipartisan board comes together for one reason — that is, in the interests of recycling and better environmental practices in Victoria.

GST: state budget

Mr HOLDING (Springvale) — I refer the Premier to the goods and services tax agreement reached between the Victorian Kennett government and the federal Howard government and I ask: what will be the impact of the agreement on the Victorian budget?

Mr BRACKS (Premier) — The former Kennett government signed an agreement with the Howard government to introduce a goods and services tax to Australia. This government does not support the GST, but it has the task of implementing the former government's deal with the Howard government. When the previous government signed Victoria up to the GST, it knew very clearly what the implications were for both current and future budgets. For example, it knew it was committing Victoria to reducing the level of expenditure on basic services by about $100 million per annum.

The former government's own budget papers detailed savings targets of $100.4 million in the first year of the GST, $107.4 million in the second year and $115 million in the third year. That was all signed up, and is in the budget papers and the agreement between the previous government and the Howard federal government.

The budget papers state that the former government assumed:

> … that these savings are achieved by state government; if they are not their budget positions will deteriorate.

The opposition has tried to disown what it agreed to when it was in government.

The opposition wants to pretend that it had nothing to do with the budget reductions across government that are required by the agreement. The truth is that long before the last election the previous government had already begun the task of extracting embedded tax savings from state government services in Victoria.

Yesterday the Deputy Premier detailed the impact on health services of the previous government agreement on tax savings. Documents provided to me indicate the former government had well-advanced plans to extract $100 million from the Victorian budget, and as a result to reduce services. All departments were advised to:

> … urgently focus on contract reviews and embedded tax savings.

The agreement requires the Victorian government to extract over $100 million in embedded tax savings from the budget. In effect spending on services has to be reduced by that amount. Furthermore, the structure of the agreement means the prices of government services cannot be reduced to reflect savings that might have been achieved. As a result Victoria, like other states and territories, faces the prospect of government charges increasing by the full 10 per cent to account for the goods and services tax imposed by the federal government and agreed to by the former Victorian government.

In just over 100 days Victorians will face a new tax — the GST. In the 1999–2000 budget the previous government said that the GST would have a positive impact on Victoria in just over two years. At the end of the week I will join state and commonwealth colleagues to discuss the impact of the GST. The latest estimates in the preparation for the conference show the GST will not have a positive impact on the Victorian economy until 2007–08 — five years after the previous government said it would have an impact.

The GST is a product of the agreement between the previous Victorian government and the Howard government. It is a bad deal for Victoria. The state government is opposed to it but will try to drive the best deal possible. The responsibility for the $100 million of

embedded tax savings cuts goes to the crowd on the other side. The former government signed up to it. It is responsible. It is its GST.

CFA: community support facilitators

Mr RYAN (Leader of the National Party) — I refer the Minister for Police and Emergency Services to the vital role played by the Country Fire Authority's community support facilitators in improving safety across Victoria. Will the minister inform the house as to the future role of community support facilitators in light of the United Firefighters Union demand that they cease to exist?

Mr HAERMEYER (Minister for Police and Emergency Services) — The government supports the role of the community support facilitators. They play a vital role in the Country Fire Authority and will remain.

Gippsland: regional forest agreement

Mr INGRAM (Gippsland East) — My question to the Minister for Environment and Conservation relates to the regional forest agreement for Gippsland due to be signed on 31 March this year. Can the minister advise the house that there will be no net job loss in Gippsland as a consequence of Gippsland's regional forest agreement?

Ms GARBUTT (Minister for Environment and Conservation) — I thank the honourable member for his question and his ongoing commitment to his electorate, in particular to jobs in rural communities.

The joint commonwealth–state steering committee is currently considering public submissions about the processes in respect of both regional forest agreements (RFAs) and will prepare its final recommendations to the ministers by 31 March. Socioeconomic implications will certainly be taken into account in considering the RFA outcomes. The implications for workers and rural communities were stated very strongly in the submission to the Gippsland RFA panel, and those concerns will not be ignored by the government.

The government is determined not to earn a reputation such as the previous government had, where over the past two years of its term in office only 2 per cent of full-time jobs created were in the country and the rest were in Melbourne. The previous government was prepared to forget and turn its back on rural and regional Victoria. The Bracks Labor government will not do that. The honourable member for Gippsland East can be confident that the government is tackling the issue of rural jobs, including the forest issue — —

Mr Perton — On a point of order, Mr Speaker, I refer you to your guidelines in respect of questions. The question put by the honourable member for Gippsland East related to no net loss of jobs. Rather than debating the question, as she is doing at the moment, the minister must answer the question — that is, will she give an assurance that there will be no net loss of jobs in Gippsland — —

The SPEAKER — Order! The honourable member for Doncaster or any other honourable member may not raise a point of order in the guise of repeating the question. The question asked by the honourable member for Gippsland East related to regional forest agreements and job losses or job gains in Gippsland. The minister was being relevant in her answer regarding regional forest agreements. I will continue to hear her.

Ms GARBUTT — I repeat, the honourable member for Gippsland East can be very confident that the government is absolutely committed to rural jobs and rural communities. It is keen to explore timber job growth opportunities in rural and regional Victoria.

GST: payroll tax

Ms ASHER (Brighton) — I refer to the Premier's election commitment to the Committee for Economic Development of Australia in July 1999, when he promised to reduce payroll tax over time. I further refer to the Labor Party's inherited surplus of $1.7 billion for the 1998–99 financial year, and its estimated budget surplus of $720 million this financial year. Will the Premier reduce state taxes now that he clearly has the funds to honour his election promise?

Mr BRACKS (Premier) — I thank the shadow Treasurer for her question on a substantive policy matter. It is welcome and I congratulate her on it. I also welcome her interest in the speech to the Committee for Economic Development of Australia, which was delivered by me and some then senior opposition frontbenchers when we discussed what the Labor Party's policies and proposals would be on gaining government. The proposals were explicitly set out in Labor's platform and we indicated that the party's objective was to reduce payroll tax. The clear statement I gave to CEDA, which was in Labor's policy, was that it would do that if the goods and services tax accrued to a new tax which accrued to further revenue raising in the state — that is, rather than putting that revenue into outlays the government will put that revenue into a reduction of payroll tax.

The discipline on the budget is, in effect, that rather than putting any receipts after seven years — and we know from the figures from the meetings that were held on Thursday and Friday last week with treasurers from around the country that in Victoria the benefits of the goods and services tax, if any, will not accrue until the 2007–2008 — —

Opposition members interjecting.

Mr BRACKS — That is the reality; that is when demand growth will kick in. The government's commitment to fiscal discipline says that rather than spending that accrued benefit on new services it will reduce payroll tax to drive jobs. However, it will do it in a different way to the previous government. The previous government used sleight of hand: it reduced the rate of payroll tax, but increased the threshold by applying the superannuation surcharge, which meant that more taxpayers would be paying payroll tax in the future.

The government will sit down with industries and devise a scheme with them as it said it would, which I talked to CEDA about. The government will work with them. There will be a payroll tax exemption for new job starts. The government will commit to that to drive new jobs in the future for a payroll tax reduction. It is tied particularly to new job starts.

I thank the shadow Treasurer for her question on policy. It is welcomed. It is what the government has not received from the opposition so far.

Schools: maintenance

Mr ROBINSON (Mitcham) — I refer the Minister for Education to the government's commitment to meet the maintenance needs of schools. Will the minister advise the house of the government's latest action to provide the best learning environment for our students?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for his continuing interest in and detailed knowledge of education. In addition to the $27 million the government put into school global budgets for urgent maintenance, Victorian schools have been given the go-ahead to plan for major capital works totalling $110 million.

Today the Bracks Labor government announces the provision of a further $19 million as part of a comprehensive maintenance program — physical resources management system money — for schools. That is good news for parents and teachers who want to see their children or students taught in the best learning environment. It is also good news for those 487 schools that will benefit from that $19 million.

The schools include Mount Eliza Primary School, which will receive $460 000 for the complete replacement of the roof; Overport Primary School, which will receive almost $380 000 to replace the roof, rotted windows and old carpets — a mess the government must fix.

Honourable members interjecting.

The SPEAKER — Order! The house should come to order. The honourable member for Knox shall cease interjecting.

Ms DELAHUNTY — Hamilton Primary School, which is in the electorate of the Leader of the Opposition, will benefit by $68 000. Schools in the electorate of the honourable member for Warrandyte — and I notice he is not in the chamber — —

Honourable members interjecting.

Ms DELAHUNTY — The shadow Minister for Education has gone — we have lost him.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under sessional order 10 I ask the honourable member for Knox to vacate the chamber for 30 minutes.

Honourable member for Knox withdrew from chamber.

Mr McArthur — On a point of order, Mr Speaker, I can explain the reaction of honourable members on this side. The Minister for Education made a provocative statement about the absence of the honourable member for Warrandyte, who is presently recovering from surgery.

The SPEAKER — Order! There is no point of order.

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Doncaster to cease interjecting. I will not warn him again. Under sessional order 10 he will be removed from the chamber if he interjects again.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Ms DELAHUNTY (Minister for Education) — I did not know that the honourable member for Warrandyte is recovering from surgery. I wish him a speedy recovery.

I will continue the good news for schools. The Bracks government is open and transparent. All Victorian schools will have the opportunity to benefit from the funds. An objective criterion of need will apply. Contrary to some silly claims made recently in regional electorates, the Bracks government will look after schools in Labor, Liberal and National Party seats. Schools in the electorates of the honourable members for Murray Valley and Wimmera are included on the list and will do very well.

Mr Bracks interjected.

Ms DELAHUNTY — The Premier wants to check the list! Quality teachers, quality programs, quality facilities and the best curriculum make for education with the lot under the Bracks Labor government.

MAS: management committee

Mr DOYLE (Malvern) — Will the Minister for Health confirm that the Metropolitan Ambulance Service was ordered to readvertise for positions on its committee of management after the closing date for applications because no union official had submitted an application?

Mr THWAITES (Minister for Health) — It is obvious that the Leader of the Opposition drafted that question to set up his challenger. The shadow Minister for Health is more interested in conspiring against his leader than in dealing with relevant issues. He obviously has something on his mind. He has completely misunderstood what is happening in the ambulance service, which is about appointing the best people to the board.

Manufacturing: industry promotion

Mr LONEY (Geelong North) — I refer the Minister for Manufacturing Industry to the government's commitment to grow the whole of Victoria, and I ask: what is the latest action the government has taken to promote the Victorian manufacturing industry?

Mr HULLS (Minister for Manufacturing Industry) — The Bracks government is committed to establishing Victoria as a centre of manufacturing excellence in the Asia–Pacific region and believes manufacturing is an industry of the future. The government has consistently said a strong services sector is built on a very strong underlying manufacturing base. It was a deliberate decision of the Bracks government, and a measure of its commitment to growing the state, to have a specific Minister for Manufacturing Industry in Victoria. It was a thrill for me to be given that opportunity.

Manufacturing industry accounts for about $50 billion of Victoria's gross state product every year and employs around 350 000 people in the state. It is a highly varied sector spread throughout regional and metropolitan Victoria. Victoria is not only the heartland of manufacturing, but also the heartland of manufacturing research and development.

The government's commitment to manufacturing has been backed up by the creation of the Office of Manufacturing. That office will be further supported by the establishment of a manufacturing industry consultative council, a strategic audit of industry, and the development of sectoral plans throughout the industry. Recently I was pleased to launch the new Office of Manufacturing. It is important to speak about offices because the Leader of the Opposition is being driven out of his, while the heir apparent drives his!

Honourable members interjecting.

Mr HULLS — As part of the increasing focus on manufacturing, the head of the Office of Manufacturing will now sit on the executive board of the Department of State Development. The Office of Manufacturing will give industry the backup it needs, and that has been so sorely lacking in the past. I want that office to be proactive rather than reactive, to develop and share its knowledge and expertise broadly throughout the manufacturing sector, and to assist industry in meeting the challenges presented by globalisation, the increased pace of change in science, technology, research, development and consumer power.

It is important for all honourable members to know that after many meetings with employers, industry associations, workers, unions, and a number of key stakeholders in the manufacturing sector, a number of key issues have emerged, and they will be addressed by the government. They include the importance of education and training in developing the skills, knowledge and research base needed; the need to update the image of manufacturing in Victoria; the need to work closely with the finance industry to support and fund growth; the need to attract more young people into the manufacturing sector, in particular young women;

and the need to get a win-win outcome in the looming negotiations on enterprise bargaining.

I will be working with my colleagues and the Office of Manufacturing to progressively address those issues and to ensure that manufacturing continues to be a key part of not only the Victorian economy but also the Australian economy.

Forests: regional agreements

Mr PERTON (Doncaster) — I refer the Minister for Environment and Conservation to media and public concern about the minister's incompetent handling of the regional forest agreement (RFA) negotiations. I also refer her to her department's estimates of hundreds of jobs lost in both western Victoria and Gippsland as a result of the RFA negotiations. I further refer her to her failure to answer the question from the honourable member for Gippsland East. Will the minister give an assurance to the house that on completion of the regional forest agreement not one job will be lost in western Victoria or in Gippsland, and if the minister cannot give that assurance, will she confirm that she has been shunted aside and replaced in the negotiations by the Premier and Minister Brumby for her incompetence?

Ms GARBUTT (Minister for Environment and Conservation) — We all know now who will not be a leadership contender!

Opposition members interjecting.

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

Ms GARBUTT — What a desperate opposition we have — leaderless and directionless!

The SPEAKER — Order! The minister should not invite interjections.

Ms GARBUTT — They are in opposition because they failed to listen, and they are still failing to listen. I answered that question in my previous answer.

Honourable members interjecting.

Business: investment

Ms OVERINGTON (Ballarat West) — I refer the Minister for State and Regional Development to the government's commitment to grow the whole of Victoria, and I ask: will the minister inform the house of the latest Australian Bureau of Statistics data on business investment prospects in Victoria?

Mr BRUMBY (Minister for State and Regional Development) — I am delighted to advise the house today that the Australian Bureau of Statistics data on private new capital expenditure, which was released yesterday, shows that business investment for Victoria will increase to a record high in financial year 2000–01. The ABS investment survey reveals that expected investment in Victoria in 2000–01 is $10 billion compared with expected investment from last year's survey of $8.3 billion. The data from the survey shows that strong increases are expected both in the manufacturing industry, as the Minister for Manufacturing Industry mentioned, where proposed investment will increase from $3 billion to $3.8 billion and services investment from $4.6 billion to $5.5 billion.

As if that was not good enough news in itself, the best news is that Victoria has had the largest increase in investment plans of any state in Australia. It has the best results and the best forecast for 2000–01. The strong investment outlook comes on top of figures that show dwelling approvals in January in Victoria increased to a second successive record high in the state. The ABS statistics, which were released on 1 March, reveal that Victoria had the highest state figure for housing approvals of any state in Australia for the first time since 1987. So for the best part of 13 or 14 years Victoria now has the highest level of housing approvals. That data was reported in the Melbourne *Age* today. The opposition might be interested in this because it is good news for Victoria.

Under the headline 'Investment set to soar as Victoria bounces back' the *Age* article states:

> Investment plans for 2000–2001 show a phenomenal 22 per cent rise in Victoria from the same survey a year earlier, compared with a 5 per cent fall in the rest of Australia. If the realisation of investment plans is anywhere near the average level, the coming year will see record business investment in Victoria, and a record share of national investment.

That is great news for Victoria. It shows that the business investment environment in this state is second to none and the message to business across Australia, Asia and internationally is if people want to invest and if they want a state that has excellent investment opportunities for prosperity, Victoria is the place.

I conclude by saying that what separates the Bracks government from the former Kennett government is that the Bracks government has a commitment to grow the whole of the state, not just Melbourne or the toenails, as the former Premier described them, in regional Victoria.

Yesterday the Premier mentioned the announcements he made last Friday in Bendigo that the city would win 600 jobs as a result of AAPT moving into Bendigo. A number of announcements have been made about Ballarat, and the Premier will make further announcements in the future. The government intends to grow the whole of the state to make it the best location in Australia. Therefore the great provincial areas of Ballarat, Bendigo, the Latrobe Valley, Geelong and others will see job growth because the Bracks government is getting on with the job, delivering investment and jobs.

The SPEAKER — Order! The time for questions has expired. The minimum number of questions has been asked and answered.

CORPORATIONS (VICTORIA) (AMENDMENT) BILL

Second reading

Debate resumed.

Mr HAERMEYER (Minister for Police and Emergency Services) — Before the interruption of business the house was debating the question of time for the adjournment of the debate on the Corporations (Victoria) (Amendment) Bill. The government wants the debate to be adjourned until 21 March. The opposition states that it has not had enough time to consider the bill. I find that curious, because the bill was introduced in the upper house on 1 March. By the time it is debated in this house the opposition will have had 21 days in which to consider it. That is a fair amount of time to have elapsed since the opposition came into possession of the bill.

However, on top of that the opposition wants another two weeks. That is despite the fact that the upper house has already voted to approve the bill. I find it strange that opposition members come in here and say they have not had enough time to consider the bill when it has gone through the opposition party room and, obviously, received support; otherwise it would not have been approved in the upper house. Perhaps the honourable member for Berwick was not present at the time. Perhaps he was down at the Naval and Military Club while the issue was being raised in the opposition rooms. The bill has had plenty of exposure.

Dr Dean interjected.

Mr HAERMEYER — Three weeks is adequate time to consider a bill. In effect the honourable member for Berwick is saying that even though he may have coverage of a bill in the lower house he does not bother to look at such a bill if it is first introduced into the upper house. He is saying he does not look at such a bill until it is introduced into the lower house, and that is despite the fact that his party has voted for it and it has been carried with the support of his party in the upper house.

The contribution of the honourable member for Berwick was extraordinary. He produced all the contents of the barrister's bag of tricks: we had had the crocodile tears, the pompous drivel and the feigned indignation with all the sincerity of an Elmer Gantry. It is extraordinary for members of the opposition to talk about not having enough time to consider a bill when they brought in bill after bill during their term in government. The then opposition was being asked to consider and vote on large and complex pieces of legislation, sometimes within the space of a week. Now those same people tell us that three weeks is not enough time to consider this bill. It is a little like John McEnroe complaining about somebody spitting the dummy on the tennis court!

Then there was the contribution from the honourable member for Monbulk who said the legislation is complex and detailed. The first page of the bill is the explanatory memorandum, the second page is the table of provisions, then there is the legislation itself — one paragraph on one page and one on the other. The honourable member for Monbulk described a two-page bill as complex and detailed. Heaven help him if he ever has to read legislation that goes to three or four pages! He will want a whole year to consider it.

It is extraordinary hypocrisy for honourable members opposite to say the legislation is complex and detailed. The bill comprises two pages. For the honourable member for Monbulk three weeks is not enough to consider that piece of legislation; he wants another two weeks on top of that. What if the government has to present something detailed — it might be five, six, seven pages? Who knows? It might even be 80 pages. He would require two years to consider that!

The honourable member for Monbulk talks about members on this side of the house being lickspittles. I have to say the honourable member has a tongue that is so black with the Nugget from Jeff Kennett's boots you cannot see the colour underneath it! It is extraordinary hypocrisy for opposition members who used to jackboot through important legislation to talk about section 85 statements. When they were in government they introduced more section 85 statements than any government in the history of Victoria. They would

introduce a bill on a Tuesday and want to debate it by the end of the week, and that was it.

Dr Dean interjected.

Mr HAERMEYER — You have had three weeks to consider this.

Dr Dean interjected.

Mr HAERMEYER — Opposition members have already decided they will vote in favour of it but they say now they want time it consider it. Perhaps this is just a special ploy on the part of the honourable member for Berwick because obviously the party has considered the votes, or does the party just pass things through the opposition rooms without having considered them? The opposition parties have already supported the legislation in the upper house. They voted for it in the party room. The honourable member for Berwick obviously was not there.

The honourable member for Berwick should spend less time plotting, conniving and conspiring at the Naval and Military Club and pay a little attention to the legislation going through his own party room and the upper house.

Twenty days is more than enough time for opposition members to consider the bill. The honourable member for Berwick says, by interjection, that it is three days. The bill was introduced in the upper house on 1 March. Is he incapable of walking across to the papers office in the Legislative Council? Does he sit in the Liberal Party room meetings, looking at a bill and saying, 'I am not going to consider this until it has been introduced in the lower house'? What a load of twaddle. The amendment moved by the honourable member for Berwick is just rank stupidity.

Mr SMITH (Glen Waverley) — For years it has been a tradition of this place that after a bill is read a second time the adjournment period for debate is two weeks — one week as a minimum, as the honourable member for Bentleigh says. One of the conditions that the Independents ranted and raved about prior to coming out in support of the Labor Party was open, honest government that would give time for debate in this house. It will be interesting to see how they vote on this question to curtail the debate. This will be the big test for the Independents. They were the people who said, 'We have to support the Labor Party because it is the party that will return democracy'. But what has Labor returned? Hypocrisy.

Labor members have forgotten what they ranted and raved about when they were in opposition for all those years. Every week the then opposition would debate the question of time on at least one bill. The Minister for Police and Emergency Services clearly does not believe in democracy and open and honest government any more. The government's motion is a sham.

The opposition is asking for the normal time frame — two weeks. If the Independents are fair dinkum they will vote with the opposition because they have an opportunity to show their constituents that they are voting for democracy. This is a matter of principle. This will be one of the big deciders. We will see whether they are really fair dinkum or just lackeys of the Labor Party.

Government members interjecting.

Mr SMITH — Are you in any doubt about it? I am not. It is just the empty vessel noises we hear from the other side. The honourable member for Gippsland West is scurrying out of the chamber. She does not want to be caught in the debate on the subject of time. I would not normally waste my time talking on the question of time, but today it involves an important matter of principle. Two weeks is the normal time for consideration of bills. It is not that the parties have to consider it but Parliament has to consider it.

One of the things members of the Labor Party waffled on about in opposition was that parliamentary democracy was at stake. One of the forms of our parliamentary democracy is that we have a two-week adjournment of debate following the minister's second-reading speech. Why is the government changing the process? Because it does not suit the government to continue with debates such as the address-in-reply. The government is trying to fill up time because it does not have enough legislation. Normally it would not fuss me, but it sticks in my craw to hear Labor members so hypocritically saying that they do not believe what they have been saying for all those years. They make out that they are holier than thou, particularly this Independent group. The hypocrisy of it almost makes me speechless — almost but not quite! They want to take away at the first opportunity the fundamentals of what they said was democracy. You watch how they vote today. I will be fascinated.

Ms DAVIES (Gippsland West) — I was hoping that we might have finished with this incredible waste of time over the question of time. The government has proposed that the house debates the Corporations (Victoria) (Amendment) Bill next week. The bill consists of one page. One very small, very simple page. It has already been debated in the Legislative Council.

It was introduced in the Council on 1 March. I hope members on both sides of the house have had time to read that one page and to digest its depths!

The bill was passed in the Council without amendment. No amendments were proposed. No amendments have been suggested for the bill in this house. The opposition is planning to support the bill. In fact, the opposition said it is prepared to debate the bill on Tuesday, but what it actually wanted was more time for the address-in-reply debate, which I support. We should have as much time as possible to debate the address-in-reply.

If we were not wasting time debating this foolish request for more time than anyone could possibly need to debate a one-page bill, we would have had more time for the address-in-reply. This whole debate is foolish. I describe it to members on both sides of the house as yet another exercise in hairy-chested breast beating. It is time we gave up this foolish exercise. I hope we vote on this issue as soon as possible and get onto the real business of the address-in-reply, which is what honourable members want to do.

Mr LENDERS (Dandenong North) — I will raise a number of issues on the question of time. Firstly, I agree there needs to be time to properly discuss legislation, but the bill actually contains 131 words, so it is not one of the greatest tomes that Parliament has had to consider.

Secondly, as a responsive government Labor listened to the opposition's arguments earlier in the week. Yesterday, when the week's business program was being discussed, the honourable members for Monbulk and Swan Hill put forward in very emotive terms the argument that the government should bring more legislation into this house as quickly as possible. The Leader of the House has listened to those honourable members, but now the government is being told it should not listen to them and should be doing something else.

Our guide for dealing with this small 131-word bill comes from *Hansard* in the other place, and the debate that took place yesterday.

The SPEAKER — Order! The honourable member may not quote from *Hansard* of this current session.

Mr LENDERS — I will not do that, but I direct the attention of the house to comments made by the Honourable Carlo Furletti — and I will paraphrase him — who urged the Legislative Council to pass the legislation speedily in the interests of certainty in the business community. I further paraphrase the speeches by the Honourables Carlo Furletti and Ron Bowden, who advised the Council in no uncertain terms that the bill was really a brief and simple one that required expeditious treatment by the chamber.

Perhaps the dynamics on the question of time that apply in the Council are different from those that apply in the Assembly, but given the way the parliamentary Liberal Party and presumably the partnership works, I would have thought that by now this great tome of 131 words would have been given some critical attention by those within and outside the Naval and Military Club!

Given that the bill originated from the commonwealth Attorney-General and presumably has gone through some form of process, it could be dealt with expeditiously. In normal circumstances the question of time may not be so critical. However, we have heard the call for Parliament to deal with larger volumes of legislation. I suggest that in the time spent discussing the question of time we could have considered this voluminous bill at some length, digested it, consulted with the community and come to the same conclusion that the Liberal Party came to a few weeks ago when it decided that the bill should be supported.

I urge that the recommendation of the Leader of the House be endorsed.

Mr LANGDON (Ivanhoe) — I will speak briefly on the question of time. I hope there are no more speakers from the opposition to delay the putting of the question.

This is a small bill that contains a limited number of words — 131, according to the honourable member for Dandenong North. I note the comments made by opposition members, and I take up the point made by the honourable member for Gippsland West: if the opposition wants to debate other bills it should not waste time debating the period of an adjournment. The time taken to debate this question could have been spent on contributions being made by at least two speakers on the Juries Bill.

It is better to put the debate to rest, because it is a simple bill that is complementary to the commonwealth legislation. The upper house passed the bill yesterday after contributions to the debate from only two speakers.

The opposition will not oppose the bill, so this debate on the period of the adjournment is a farce.

Mr NARDELLA (Melton) — I would like to contribute to the debate on the question of time.

Opposition members interjecting.

Mr NARDELLA — Unfortunately the opposition has forced this debate on the house. I understand how difficult it is to be in opposition. Let me assure the house that after being in opposition during the seven years of the Kennett regime I understand how difficult the task is. I urge the opposition to get used to the new set of circumstances it finds itself in. It needs to understand what its role is and the processes it needs to undertake before engaging in these sorts of debates.

When an opposition considers a bill it consults with the community and a process takes place in the party room. The opposition has done that. Before the recommendation was put at the party room a consultative process should have taken place. If the opposition has not gone through that process the shadow minister responsible for the bill should have his or her backside kicked.

It is sad that this debate is taking place, because it is a waste of time. I offer the opposition some advice — pick your battles on strategic debates concerning the question of time. Do not pick a battle over a bill containing just 131 words that has already been passed by the upper house. The opposition cannot use the excuse that it has not been allowed time for consultation because if that were the case it would not have allowed the bill to go through the upper house.

The house will now divide, which will waste more time that could been spent engaging in proper debate. I would rather use my time in the house productively than debating this rubbish.

House divided on motion:

Ayes, 44

Allan, Ms
Barker, Ms
Batchelor, Mr
Beattie, Ms (*Teller*)
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Maddigan, Mrs
Maxfield, Mr
Mildenhall, Mr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr

Noes, 41

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Fyffe, Mrs
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Maclellan, Mr
McNamara, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Thompson, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr

Motion agreed to.

Debate adjourned until Tuesday, 21 March.

RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

This bill provides for the establishment of a Sustainable Energy Authority Victoria (SEAV) through amendment of the Renewable Energy Authority of Victoria Act 1990. This is an important step in implementing the government's commitment to reform Energy Efficiency Victoria and establishes a sustainable energy authority in pursuit of a comprehensive strategy for greenhouse gas reductions and the development of renewable energy systems.

The role of SEAV is captured in the authority's new objective, which is to 'facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian economy and contribute to the reduction of greenhouse gas emissions'.

Internationally and within Australia, the need for effective action to reduce greenhouse gas emissions has become more and more apparent over the past 15 years.

Underpinning this is the growing recognition in the scientific community that the enhanced greenhouse effect, particularly through the emission of carbon dioxide from the combustion of fossil fuels, will have a discernible impact on our climate.

Community interest in and concern regarding the greenhouse effect is also at an all-time high, with recent surveys indicating that 75 per cent of Victorians want to find out more on how to help the environment by reducing greenhouse gas emissions.

Funding of $17.5 million over four years has now been provided to fund the new measures to be implemented by the SEAV. This is in addition to the existing budget allocation for Energy Efficiency Victoria of approximately $5 million per annum.

The success of existing programs which are being undertaken by organisations, particularly Energy Efficiency Victoria, is acknowledged and will underpin the work of the Sustainable Energy Authority Victoria. For example, the Energy Smart Business program and the Greenpower Accreditation and Facilitation program have both achieved important results in reducing greenhouse gas emissions.

However, with greater recognition of the threat of global warming, it is imperative that government makes a greater commitment to greenhouse gas reductions through energy efficiency and renewable energy.

The amendments to the Renewable Energy Authority Victoria Act enable us to do this by clearly specifying the greenhouse gas reduction objectives of the Sustainable Energy Authority, signalling to the community and industry that the government's intention is to lead Victorians towards a sustainable energy future.

It is estimated that current energy efficiency and renewable energy programs of EEV will assist industry and the community to achieve reductions in CO_2 emissions of 2.6 million tonnes over the next 10 years, and the additional savings from the new SEAV activities will build on and add significantly to these levels.

In addition to the environmental benefits generated, the establishment of the SEAV and greater commitment to sustainable energy will clearly generate economic benefits for Victoria.

The sustainable energy industry makes a significant economic contribution and this contribution has the potential to grow strongly. For example, a study undertaken by the New South Wales Sustainable Energy Development Authority in 1999 showed that since 1996 industry sales in the sustainable energy industry in New South Wales had grown by more than 20 per cent per annum, creating more than 1000 new jobs.

The growth rate in the sustainable energy industry was also found to be greater than in other significant industry sectors such as tourism, information technology and manufacturing.

The development of renewable energy is also expected to provide employment opportunities in regional Victoria. It is estimated that up to 75 per cent of jobs created in developing Victoria's regional renewable energy resources would be local jobs.

I will now turn to the particulars of the bill.

The amendments to the REAV Act include those changes necessary to the name, objectives and functions of the authority to reflect its enhanced roles and responsibilities.

The important new objective of the Sustainable Energy Authority will be to facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian community and contribute to the reduction of greenhouse gas emissions.

This bill also provides for some overdue updating of the authority's financial delegations to enable it to operate more flexibly. In particular: the amount of expenditure before ministerial approval is required is increased from $100 000 to $250 000, in line with equivalent departmental approvals; and the authority will be empowered to lend or grant money to a person or body up to $25 000 in one year without consent of the minister, to facilitate the administration of grants programs.

In conclusion, the establishment of the SEAV, as proposed in this bill, will make a significant contribution to the Victorian economy and Victoria's efforts to reduce greenhouse gas emissions, by building on current programs and enhancing our capacity to facilitate the use of energy efficiency and the development and use of renewable energy.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Ms GARBUTT (Minister for Environment and Conservation) — I move:

> That the debate be adjourned until Tuesday, 21 March.

Mr PERTON (Doncaster) — I move, as an amendment:

> That the words and expression 'until Tuesday, 21 March' be omitted with the view of inserting in place thereof the words 'for two weeks'.

I understand that the Labor Party is desperate to get legislation on. From the notice paper it is clear there is little of substance, and most of the matters of substance commenced during the term of the Liberal–National coalition government.

The matter of time is relevant to the bill because a great deal of new material that needs to go out to the public has appeared in recent days. It would surprise me if the minister did not want to consult on those important issues. As the minister has pointed out, the crucial provision in the bill is clause 5, which substitutes new objectives and functions for the authority. Clause 5 states:

> The objectives of the Authority are to facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian community and to contribute to the reduction of greenhouse gas emissions.

During the term of the former coalition government a consulting company known as the Allen Consulting Group Pty Ltd was engaged to prepare a major report on greenhouse emissions trading. The completion of the report in January 2000 and its release by the Premier, allegedly on Thursday of last week, should have generated a great deal of debate. Volume 1 of the report, entitled *Greenhouse Emissions Trading*, runs to 226 pages of closely packed argument. Volume 2, the appendices, contains a great deal of scientific and statistical information which I would have thought members of the government as much as members of the opposition would want to read.

It was a fluke that I managed to obtain a copy of the report. I was invited to a meeting for those interested in emissions trading and derivatives in the financial sector. Discussions were led by a representative of the Australian Greenhouse Office, who spoke on four discussion papers and a final report. For the benefit of the government members in the house I point out that the first discussion paper is entitled 'National emissions trading — establishing the boundaries'. There are blank faces all around me — no-one on the government side has read that. The second is entitled 'National emissions trading — issuing the permits'. I am looking for a volunteer who has read it. Faces blank again!

The third discussion paper is entitled 'National emissions trading — crediting the carbon'— again there are blank faces and, of course the most blank is that of the honourable member for Melton, who looks as if he is girding his loins to speak next on a matter he does not know much about. The fourth is entitled 'National emissions trading — designing the market'. I will not even ask! No-one on the other side has read them.

In the course of the discussions a representative of the Victorian cabinet office announced that the report had been released. As honourable members can imagine, everyone at that meeting wanted a copy of the long-awaited report, which had obviously been sitting in the bowels of the Premier's office for at least a month before the so-called release. The representative of the cabinet office said, 'The report will be available on the Premier's greenhouse page at www.vic.gov.au/greenhouse/home.htm'.

On Thursday I went to that page in the hope of obtaining a copy of the report that day. The honourable member for Dandenong, who is an avid user of the Internet and the like, would also have been disappointed had he gone to that web site and noted the lack of interest by his government. He would have noted that the Premier's greenhouse page starts with an introduction from Premier Jeff Kennett announcing $15 million of additional funding to support greenhouse emissions programs.

The honourable member for Dandenong would have been disappointed not to find the report on the web site after having been told that the Premier had released it the day before. Today I went to the same web site, supposedly the government's greenhouse web site, and it is still led by an introduction by Premier Kennett and does not include a copy of the report. Every member of Parliament and every member of the public has been left in the dark about that important document.

Ms Garbutt — On a point of order, Mr Acting Speaker, this is a narrow debate on the point of time. The honourable member for Doncaster has strayed a long way from that issue. I ask you to bring him back to the point of the debate.

Mr McArthur — On the point of order, Mr Acting Speaker, the honourable member for Doncaster has been very pertinent to the matter of time in raising the complexity of the issue that is about to be brought before the house and in explaining why it is that

members of Parliament and members of the community generally need some time to consider the issues. As the honourable member for Doncaster was rightly pointing out, the greenhouse debate has been raging across the world for some years. It is one about which there is no great degree of concurrence in the scientific or general community but about which an increasingly detailed amount of data is made available to the public virtually every day. People are entitled to consider those issues when considering the bill, which is about to be brought before the house. The honourable member for Doncaster is entirely relevant to the matter.

The ACTING SPEAKER (Mr Plowman) — Order! I have heard sufficient on the point of order. The honourable member for Doncaster is relevant because he was referring to the amount of time required by both the government and the opposition benches to review these documents that are pertinent to the debate. However, his time has almost run out.

Mr PERTON — On the issues that need to be debated in respect of the bill, this is new material that strangely enough the Premier has possessed since January — certainly his greenhouse advisers have had it since January — and I ask the minister rhetorically: have you read this?

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Doncaster will address his views through the Chair to the minister.

Mr PERTON — Have you read it?

Ms Garbutt — You're a goose! Do you want me to raise more points of order?

The ACTING SPEAKER (Mr Plowman) — Order! If the honourable member for Doncaster persists, I will sit him down.

Mr PERTON — I do not want to engage in a debate across the table with a minister whose most substantive comment is, 'Do you want me to raise more points of order? You're a goose.' I am sorry, but you are not a very bright minister.

The ACTING SPEAKER (Mr Plowman) — Order! I have warned the honourable member for Doncaster: I will sit him down if he persists.

Ms Garbutt interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The minister is not helping.

Mr PERTON — The issues include relevant material that needs to be taken to the public. The Minister for Environment and Conservation is not capable of bringing these issues to the public, and she has indicated no intention of doing that despite having the responsibility to do so. As I mentioned earlier, the report was theoretically released on Thursday, but it has not been released to the public. It includes outlooks to 2012 on energy, transport, the household sector, land clearing, agriculture and waste, and forestry. Part B of the report, which the public deserves to know about, includes the economic impact of policy options.

Other chapters of the report include emissions trading schemes, the economic impact of greenhouse gas abatement and policy implications. It is new material. None of the government members, save perhaps some in the cabinet, have had an opportunity to read the report. I doubt that any of them have read it in depth — —

Mr Baillieu — Have the Independents read it?

Mr PERTON — That is a very good question from the honourable member for Hawthorn. The Independents are not in the chamber so I cannot ask them, even rhetorically, whether they have read it. I doubt it, because they would not have had access to it and they would not have had notice of it.

Greenhouse gas abatement action by the Victorian and federal governments has enormous implications for the farming sector, for industry, for jobs and for training. It is important that the public be given more time. The report should be put on the government's web site so that people can have access to it at no charge and so that I, as a shadow minister, and my colleagues have the ability to consult with people on the material contained in this major report. More time is needed for this debate.

Mr Baillieu — Let's hear from the Independents.

Mr PERTON — As the honourable member for Hawthorn says, we should hear from the Independents. I see the honourable member for Melton heaving a heavy breath trying to get into an ideological battle. I make a practical plea: in the time available there is no time to consult on this major report that was produced by the Premier's department and released in the dead of night.

Mr NARDELLA (Melton) — This is an outrageous waste of time by the opposition. The Juries Bill and other important bills are before the house yet the honourable member for Doncaster wastes time by

seeking a further adjournment of the Renewable Energy Authority Victoria (Amendment) Bill.

Tomorrow I will examine today's *Hansard* regarding the documents that have been referred to. If adjournment of the debate were so important it could have been done in the upper house yesterday where the opposition has the numbers. Opposition members could have spoken with each other rather than locking themselves away in different rooms at different hotels plotting and scheming. The honourable member for Doncaster could have advised his colleagues that documents had miraculously come into his possession and honourable members in the upper house could have deferred the debate on the bill for a further week to give them time to read it and consult with their constituents.

I could understand it if they talked among themselves and worked through the issues. Instead, the house must listen to a ridiculous, vacuous and stupid argument on the issue of time that wastes the time of all honourable members. The house should be debating substantial bills. A fair dinkum debate has not taken place during the past few days because opposition members are still becoming used to sitting on the other side of the house. They are still trying to understand their role. They should not be examining legislation that their colleagues in the upper house approved. If the opposition were concerned that proper process had not been followed the bill should not have passed through the upper house.

Because opposition members cannot get together and are in a leadership struggle that will not be completed for four years, it is outrageous that they now want to put the government's credibility on notice. As a former member of the upper house I find it frustrating. When in opposition the Labor Party worked with the government in a cooperative way and negotiated the issues. The present situation is completely different, with the opposition trying to score points. It is inconsistent with what it should be doing.

I advise the honourable member for Doncaster that the documents in his possession should be used in the debate, which is the appropriate forum. He should read them over the weekend and when he returns — —

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Melton should restrict his comments to the issue of time. Despite the fact that the honourable member for Doncaster spoke at length, this is not the time for the honourable member for Melton to be advising the honourable member for Doncaster what he should be doing at the weekend.

Mr NARDELLA — On the question of time, Mr Acting Speaker, the documents should be read and debated next week when the bill comes before the house. The opposition should not waste the time of the house with vacuous, stupid arguments when the bill was approved by the upper house where the opposition has the numbers.

Mr McARTHUR (Monbulk) — My God, how Don's mother must weep for him after that contribution. The argument of the honourable member for Melton was exactly the opposition's argument. As the honourable member for Doncaster said, the opposition needs two weeks to consider and discuss the bill. A substantial new report kept secret by the government for some time was released only last Thursday. That was after the time set by the Legislative Council for further debate on the bill. The report was not available when the bill was introduced into the Legislative Council. The bill was introduced almost two weeks prior to the report's release and was debated yesterday. When the decision was made to debate the bill yesterday, opposition members were unaware of the report's existence.

Mr Perton — It arrived in the mail yesterday.

Mr McARTHUR — The Legislative Council made its decision in ignorance of the report's existence. The honourable member for Doncaster received the report in the mail yesterday. He was hardly in a position to go through it and then brief Council members to try to introduce a procedural matter to delay debate on the bill.

Therefore, the proper place for consideration of the issue is the Legislative Assembly. I will bet London to a brick that the honourable members for Ivanhoe, Dandenong North and Ripon have not heard of the report's existence. I will bet it was not considered in government party room negotiations and discussions. However, the honourable member for Melton has suggested that discussion in the party room should be sufficient for honourable members to make up their minds and the issue should not be dealt with in the house.

That is nonsense. I absolutely reject that view, as the honourable member for Melton rejected it during his seven and a half years in opposition. Even if he were right, I will wager London to a brick that when caucus discussed the legislation it had no idea the report existed.

The minister and the Premier may have. After all, they had the report — the Premier certainly did and chose

not to release it. The rank and file members, the mushrooms in the caucus, had no idea of the report's existence. They may want to at least consider it. I will give government members the credit of having partially open minds, and I would expect that other members of this place would want to consider the report and information that has become available in the very recent past.

The honourable member for Gippsland West has a strong commitment to environmental issues and the honourable member for Gippsland East was elected on an environmental platform. I am not certain about the honourable member for Mildura's view on environmental issues, but the two members representing areas of Gippsland certainly have strongly defended claims for support for environmental management policies and programs. They deserve the opportunity to take the new information into account.

As the honourable member for Doncaster pointed out, the report and appendices total 300 to 400 pages. He has one copy, but he does not have spare copies to loan to the honourable members for Gippsland East and Gippsland West, and I doubt that the Premier's office is suddenly going to courier copies to their offices.

Mr Perton — It may now.

Mr McARTHUR — It may now, but it has not in the past. It certainly did not when the report was released.

That is a substantial reason why debate on the bill should be adjourned for two weeks rather than until next Tuesday. The other substantial reason is the one I advanced earlier — that is, the normal practice of the house is to adjourn debate on bills for two weeks, regardless of their provenance and regardless of whether they were introduced first into this house or were referred from the Legislative Council. It has been the practice and tradition of this place since time immemorial to adjourn debate on bills for two weeks unless there were substantial reasons for either increasing or decreasing that time. If such reasons exist they should be advanced now, but the government has advanced no such reasons. All it has said is that it wants to debate the bill because the opposition said there was not enough legislation on the government's business program.

It is true that the opposition did say to the government this week that there was not enough legislation on the notice paper and that the government should introduce more, but the opposition did not say it was prepared to decrease the usual adjournment period for debate in order to assist the government. Prior to Christmas last year I specifically said that, although the opposition had cooperated with the government for the six-week spring sessional period given that the government was new and needed assistance to get legislation into the house prior to the Christmas break, the opposition expected that for this and all future sessions of this Parliament the normal two-week adjournment would apply unless there were substantial reasons to do otherwise. The opposition sticks by that position.

If the government wants the opposition to assist it to bring in legislation more quickly the opposition needs to hear the reasons. If it is simply for the convenience of the government's business program — that is, the agenda before the house — that is not good enough. It is the job of the Leader of the House to organise the legislative program and the business before the house. He is the Leader of the House and it is his job to ensure there is an orderly flow of business before the house. If he is unable to do that properly he should give the job to someone who can!

Mr LENDERS (Dandenong North) — The best thing about this debate is that it will make life easy for the Hansard reporters who can probably just do a cut-and-paste job on Word, saving time on rewriting. Essentially, this is the same as the debate we heard on the previous bill.

The honourable member for Monbulk has endeavoured to inject some new material into the debate, and I give him full credit for coming up with new reasons and answers. The honourable member for Doncaster was a barrister, so I would expect him to be able to take up any brief and try to argue it. However, this is a fundamental question of wedge politics. The question of time is merely a device for members opposite to have a go at the Independents, and that is an issue between them. The opposition is using the convenient device of wedge politics to detract from other issues.

I refer now to the issue of new material being introduced. While debate on the Juries Bill is delayed, Victoria's jury system must wait. The house must balance whether a serious amount of time should be spent today discussing the timing of the adjournment of debate on the Renewable Energy Authority Victoria (Amendment) Bill against the need to pass the Juries Bill. However, as I said, the underlying objective of the opposition is to provide a distraction and create a wedge.

I turn to the bill itself and its urgency. Honourable members are debating the amount of time needed before debate on the bill begins. Five opposition

members in the other place saw fit to debate the bill yesterday and urge its passage through the Legislative Council — which subsequently occurred. Clearly, they were not concerned about the issue of time. It appears that the honourable member for Doncaster was aware of the report last Thursday — but perhaps this will invite a point of order or a personal explanation from members opposite. I am not sure whether he saw a copy of the report on Thursday on the web site or received a copy by post on Tuesday.

Mr McArthur — It wasn't on the web site!

Mr LENDERS — That is an issue for opposition members to get excited about, but it is not particularly relevant to me. The question before the house is why we are spending yet more time in this chamber debating an issue which is purely a distraction to move the focus from the internal divisions in the Liberal Party. The strategy was decided upon either at the shadow cabinet meeting or the alternate meeting at The Naval and Military Club. But regardless of where it was decided, the house has before it a piece of legislation comprising 487 words which was passed yesterday by the Legislative Council. In that sense the bill is no different from the previous bill when the house voted, under rule 44:41, to adjourn debate on the bill until next week rather than the week after.

This debate has added nothing new regarding the urgency to debate the bill. The honourable member for Doncaster referred to a number of reports which he has read and which are important to him, but the house is debating the question of time. Honourable members must make a judgement and weigh up the priorities of dealing with the concerns of the honourable member for Doncaster about some reports and dealing with major legislation affecting the jury system, a debate which is being held up because of this. I urge the house to support the minister's motion.

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

Ayes, 44

Allan, Ms
Barker, Ms
Batchelor, Mr
Beattie, Ms (*Teller*)
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Maddigan, Mrs
Maxfield, Mr
Mildenhall, Mr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr

Noes, 41

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Fyffe, Mrs
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Maclellan, Mr
McNamara, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Thompson, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr

Amendment negatived.

Motion agreed to and debate adjourned until Tuesday, 21 March.

JURIES BILL

Second reading

Debate resumed from 14 March; motion of Mr HULLS (Attorney-General).

Mr NARDELLA (Melton) — I support the Juries Bill. Juries are a part of the democratic process within our society. The jury system is about being judged by one's peers, by ordinary people with various backgrounds who understand what is happening in the suburbs. Those people have different life and family experiences and emotions; they are also of different ages and sex. The community is comforted by juries. It sees juries as a fair way of trial. In criminal and other trials, the accused has a choice between a trial by jury or judge alone.

The bill is a part of the continuing process of development of the jury system in Victoria. It arises from the parliamentary Law Reform Committee report that was discussed in prior debates. The Law Reform Committee distributed a discussion paper and canvassed issues of great importance to the jury system.

Considerable debate occurred as a result of the discussion paper and public hearings. The bill deals with the appropriateness or otherwise of unanimous decisions for trials dealing with offences other than murder and treason.

One honourable member asked who was the last person to be tried for treason in Victoria. From memory it was Albert Langer back in the early 1970s. He was tried for treason about the Vietnam issue. He represented himself at that trial and was acquitted.

In such an instance it is important to have a unanimous decision because treason carries the penalty of life imprisonment. Majority decisions are appropriate for lesser charges when one juror is intransigent and does not support the majority view of the remaining jurors despite the weight of evidence presented to the court.

The report also dealt with expert juries. One of the difficulties experienced by the Victorian court system is that as the community becomes more complex, technical and sophisticated in its operations, jurors may need to be expert in the particular field being dealt with. Juries may need to comprise professional peers to determine particular cases — perhaps accountants or information technology experts or possibly people who understand complex company legislation or environmental issues.

Although the matter was debated, no decision was reached about legislating for expert juries, but it will possibly require review at a future date. Lawyers and the judiciary must come to grips with the issue of expert juries because of the difficulty of communicating details of complex cases at a level that people can understand. That is not to say that people are dumb or stupid; I am not saying that at all. However, laws and precedents are difficult for the lay person to understand. The lay person has not had five or six years of legal training and the experience that goes with it to grasp what is meant. It is imperative that both judges and lawyers communicate at a level that juries and others in society can understand.

Efficiency costs were also canvassed. The jury system is expensive — there is no doubt about that. The jurors themselves are unable to perform their normal duties at work either as employers or employees. There is also all the infrastructure to maintain the system. Obviously all that has a cost. Juries who are not experts take longer to determine technical or complex matters. On the other hand, expert juries will bring their own costs as well.

Society has confidence in the jury system. Most believe that the best way is for an ordinary person to judge another person. Shorter trials were also canvassed, as was the use of fewer resources. Ultimately it was agreed, so far as a government and an opposition can agree, that the jury system is the best option.

Like the honourable member for Frankston, I was a member of a jury in either 1978 or 1979 and became the foreperson. It was an interesting experience but it was also very difficult. One could easily think that Parliaments are bizarre with their rules and traditions but courts are even worse. The way barristers project themselves and ask questions can also be seen to be bizarre. The court system is not an environment that ordinary people regularly spend time in. I found it difficult. The trial was long and dealt with the serious issue of rape. The jurors all faced the same problems of concentrating, fighting boredom, fidgeting and trying to understand what the trial was about. How to then deal with the summing up was a further problem. Before the trial there was a long wait in the jury room — in our case, two and a half days — before being called in and selected for jury service.

It was different for me because at that time I was a guillotine operator and inspector at John Lysaght and I had to go into the city. I had never gone to the city before, yet there I was travelling into the city by train and going to Queen Street with 200 other people. The experience was different. The selection process is an experience in itself — how people are chosen, how they are called out, the selection of the foreperson, and then sitting through the trial. The bill covers all those areas.

After the evidence was given the jurors returned to the jury room and debated the issues. A couple of times we called for some rulings from the judge to get clarification, especially on some of the technical or legal aspects of the case. The house should appreciate that it was a rape case, and the different views of the jurors in the room made it quite complicated.

The jury is really a cross-section of society, ranging from small business owners, housewives, sheetmetal workers like myself, and people of all ages. It was an interesting but difficult decision to make. Looking back at it critically now, I can see a lot of immaturity in my being there and having to deal with those issues because they were difficult ones. But ultimately, because you are in a room with a number of other people, all tossing around the issues, the correct decision is made. The emotions were certainly running high. Various people were dealing with the issues in different ways — and it is such an unreal situation. Unless you are in Parliament, in a political party or in a

debating society, you do not have to justify yourself during your day-to-day life and say, 'This is why I strongly believe such and such'.

I then read out the verdict, which was followed by the sentence. It resulted in a jail term for the perpetrator. That is what the jury system is about. It is about ordinary people making those decisions. I certainly advise people that it is a big responsibility but also one that many people in our society willingly undertake.

I will deal with a couple of the clauses in the bill. Clause 8 deals with exemptions from jury service. They are important. Previously there were general exemptions and you made an application to the appropriate authorities, but the bill codifies the exemptions. I will refer to two in particular. One is for small business operators. A business colleague of mine, Jan Oliver, who runs a bookkeeping business and is the only earner in the household, can now, under clause 8(3)(e) and (f) — the substantial hardship and substantial financial hardship provisions — claim dispensation from jury service. Some trials go for a long time and you must be able to not only keep your business going but also feed your family, especially if you are the sole breadwinner.

The other exemption is religious dispensation. Again it is important. Some of my constituents who were brethren based in Melton came to see me about the bill. They wanted to maintain the dispensation for people like themselves who have a firm religious belief about not serving on juries. Again I believe that is appropriate and I am happy to see that provision remain.

The expansion of provisions in the bill to electors living in a radius of 50 kilometres of the court will mean that many of my constituents in Melton will serve on juries. We need to expand the group of people that can serve. The distance element of the bill does that very admirably. We need to continue to educate our citizens in citizenship courses or in our schools about jury service, as well as in the wider community. For instance, while waiting in the jury room the people responsible for the prospective juries went through the protocols. People could have a session on what is required, and general information could be provided. That education of the community is very important. Many years ago there was an Australian television program on the court system and cases here in Australia. It was not the *Judge Judy* scenario but an Australian program to help people understand the Victorian jury system. I support the bill and its intentions.

Mr SEITZ (Keilor) — I support the Juries Bill and congratulate the Attorney-General on reintroducing the second version — with its sensible amendments — so quickly.

I speak on the bill from my experience in the university of hard knocks rather than the university of law. My introduction to law came at the tender age of 17 years when I joined the military. My first training course after becoming a lance corporal was military law. Until then the law to me was the police officers you saw outside — it had nothing to do with setting foot in a law court and following its procedures. Learning the law and the democratic processes as part of my training was a frightening experience. We were taken on an excursion to the Supreme, County and Magistrates court buildings to help us understand the procedures. The military had its own military tribunals to make its own laws on judgments and sentencing, but that is different from the law of the land, which is not military law but civil and criminal law. Of course, those areas are also relevant to the military.

I had to observe court cases for two weeks, and I happened to be there at the time of the Ronald Ryan case, which involved a jury. I was talking to people who were waiting to be selected for jury, and for many of them it was a novel experience. They wondered which of them would be sitting on the jury in that case. Ryan's father was sitting outside with me observing procedures before the case started. At the time I did not know to whom I was talking.

As the jurors were ushered through a backroom he raised some issues with me. He said he had to learn how the legal process works, how lawyers brief each other and what information about jurors they use to judge them.

The amendments introduced by the Attorney-General will broaden the range of people who can serve on juries. It is particularly important for juries to consist of the accused's peers, especially given that country Victorians often have different perspectives on certain issues from those of people who live in the city. That was even more true in those days. Today Victoria seems to have become smaller as a result of developments in electronic media, television, instant reporting and so on. The isolation of country Victorians is not as great and there are fewer differences between country Victorians and Victorians who live in the city. It is beneficial to be able to enlist to serve on juries people who live further away from the court instead of automatically precluding them from service.

The amendments will also mean that automatic exemptions based on particular professions will no longer be granted, so more potential jurors will now need to apply for exemption. Sufficient reason will now need to be given for a member of a particular profession to be exempted under the criteria set out in the legislation and the regulations. That will broaden the scope of legal advice and recommendations given to clients on whether or not to have a trial by jury or a trial by judge alone. I am sure that as a result of the amendments the legal profession will have a better opportunity to present each client's case.

The Attorney-General's department has to deal with the prosecution. A wider cross-section of society will now be included in the jury selection process, which is important because it was a myth to say that a person who has been given a trial by jury has been found guilty or innocent by his or her peers. That was not always the case because the number of people that were able to be called upon to serve on juries was limited because many people were able to get exemptions.

The Law Reform Committee did much work and experienced some difficulties when considering whether members of the legal profession should automatically be excluded from jury service. I have some misgivings about the legal profession because over the years it has tried to cloud the law so as to make it threatening and intimidating for the average person. People are often involved in neighbourhood disputes — for example, as a result of a tree falling on a driveway. Many people involved in such disputes threaten to get a lawyer and sue. The threat of litigation is used as a means of intimidation in our society. The more we open up and de-mystify the legal processes the better off the community will be, because it will mean that fewer people will be rushing to involve the legal fraternity and instigate litigation.

Trials by jury often involve such matters as major financial disputes or property settlements involving company law and so on. It is beneficial for the average person called to serve on a jury to have clear guidelines on what are valid reasons for exemption from service. During my parliamentary experience many people have asked me how they could get exemption from jury service. Many people who are called to serve on juries operate small businesses and serving on the jury may cause some hardship for them. For example, in a taxi-truck business the husband may be the only driver and the wife may do the bookings. If the husband is on jury service for a week or more he could lose a contract. The amendments will allow him to defer his service or to make arrangements for someone else to step in for him. For many families their livelihood depends on one individual breadwinner or the success of the family business.

I welcome the amendments that allow jury service to be deferred for up to 12 months so that people are able to make alternative arrangements to enable their businesses to continue to operate. It will be possible for the Juries Commissioner and the courts to allow total exemptions for people until their circumstances change.

The amendments will make the jury system far more flexible for both the community and the legal profession. The last thing we want is for people on juries to be more concerned about their businesses than about what is taking place during the trial. A mistrial could result if people are too busy making mobile phone calls to inquire about their businesses and families or thinking about some other problem, such as an ailing relative, instead of concentrating on what is going on in the trial. People will now have the option of stating why they should be exempt from service for a certain period.

That is a far fairer system, and it widens considerably the catchment of people eligible to serve. That is a benefit. It is fairer to have people from more walks of life participating in the system.

Some prospective jurors have concerns about the effect jury service will have on their jobs. The onus is on the employer to provide an employee with the opportunity to serve on a jury — even in very competitive fields — and employees have the right to feel that their jobs are not in jeopardy, that they do not have to use excuses or spurious reasons to avoid jury service. Jurors should never be scared that their jobs might not be there when they come back or that their employers might find some reason to have them dismissed. I welcome the proposed amendments to the act that will have a positive influence on that sort of situation.

Many citizens believe it is their obligation to serve but, because of constraints and uncertainties in the current legislation, which was introduced by the previous Attorney-General, feel unable to meet that obligation. Changes to the legislation are therefore a welcome step in the right direction. After all, the aim should be to offer the fairest legal system to all people, not only, as is so often said, to those who have the money to afford it. The legal system should protect all people in all walks of life and have no regard for a person's budget.

People who do not have the money to pay for their defence finish up with the short end of the stick in the courts. In recent years we have seen cases, including tax fraud cases, in which millionaires have been able to

extricate themselves from all the charges, but people who do not have much money would be unable to do that.

The bill improves the jury system and provides, once and for all, that our system includes juries. The review carried out by the Law Reform Committee generated a lot of debate in the media about whether it was advisable to abolish juries altogether and simply have trial by the judge alone and no jury. I am glad that view did not prevail, because such a system would have removed an important democratic process from Victoria's legal system. An undemocratic system is not the sort of legal environment we wish to live in. When someone ends up in a court case on whatever charge, false or not, that person wants the option of being tried by and presenting the case before his or her peers. Many a time a person has been found not guilty by his or her peers, to the surprise of lawyers, and then some time later hard evidence establishing the innocence of the person has emerged.

The new provisions go a long way towards offering people a better choice and more participation in the jury system. They will encourage people to participate rather than to find reasons to withdraw from or be exempted from jury service.

The jury system is something we should treasure and guard. We should continue with the process of trial by jury as an option because it is an important part of our social system. As laws have evolved and changed differences have emerged between our country and other nations in which dictators have come to power. When trial by one's peers is removed and judges are appointed by governments — in many cases by autocrats, even dictators — courts will tend to carry out the wishes and whims of powerful people rather than follow the written law as they should. They will ignore admissible evidence or pay attention to evidence that may be inadmissible.

I hope the jury system will continue to assist our judges in their understanding. I believe judges have an obligation to advise a jury on what verdicts it may bring down; but juries, on the other hand, are protected and can make their own decisions after due deliberation over all the facts presented to them. That is a very important process and it brings our system into high repute.

It was a previous Labor government that widened the catchment of people considered suitable for appointment as judges and magistrates, particularly magistrates. That government determined that magistrates no longer had to come from the legal fraternity or even have a law degree. It enabled people such as clerks of court to be appointed, for example, and ensured that people from other walks of life who are sufficiently conversant in this area can be appointed.

It stands to reason that we should try to keep the law open and accessible. Members of our community should have a say in how they want the law interpreted, how they want their society to operate, how they want punishment to be carried out and who should or should not be found guilty. Those decisions should not be left to a small circle of citizens in the legal fraternity.

That fraternity can, at times, behave like a club. It can encourage all of its members to move in one direction. After all, a barrister wants to become a Queen's Counsel, and a Queen's Counsel wants to finish up as a judge appointed by a government. The legal fraternity is hierarchical, so it is sobering for members of that profession to be confronted with people who do not have long legal backgrounds. A lawyer can think to himself or herself, 'I have argued that case well. It was a good presentation and I put it over well' and then discover he or she has not been able to fool the common person off the street, so to speak, because the jury comes up with a decision contrary to what the trial lawyer or defence counsel expected.

It is said that we must keep the politicians honest. We must also keep the whole legal fraternity and the process of law honest and affordable. The bill goes towards achieving that aim. Common people will have their say. You can't fool all of the people all of the time. I wish the bill a speedy passage.

Mr KILGOUR (Shepparton) — I shall briefly comment on the Juries Bill, which contains a number of new provisions regarding the representatives on a jury. The bill clarifies the powers of the courts relating to juries, for instance, the granting of an exemption from further jury service where a person has already served on a jury. Some people in the community believe serving on a jury is a right and privilege and is part of playing a part in society. However, a person who has been called for jury service does not expect to be called again within a short time. The bill clarifies that people who have served on juries will not be called to serve again immediately.

The bill also deals with excusing people from jury service. The original bill put forward by the previous Attorney-General did not make that clear, and I commend the current Attorney-General for making it clear in this bill.

I have had meetings with members of the Exclusive Brethren, for whom I have a very high regard in my community. They have religious concerns about serving on juries. I went through the bill with them and discovered that under clause 8(3)(j), the Juries Commissioner may excuse for good reason a person if:

> the person is a practising member of a religious society or order the beliefs or principles of which are incompatible with jury service …

I gave those people an undertaking that I would support the bill through the house, particularly that provision. I thank the Attorney-General, because I know that from the time the original bill was brought into the house members of the Exclusive Brethren made many visits to ministers and members of Parliament on both sides of the house to put forward their points of view. I am pleased their views have been accepted. It is fair and reasonable, and I am sure all honourable members will understand why that was done.

The changes in the bill widen the categories of people who can serve on juries. I wish the bill a speedy passage through the house.

Ms ALLAN (Bendigo East) — I am pleased to contribute to the debate on the Juries Bill. The honourable member for Ripon and I were talking about the importance of the bill for the operation of juries and how important it is that juries be representative of the community to ensure a fair trial. It is timely to reflect on the aims of the bill which are: to make juries more representative of the community; to spread the obligation of jury service more equitably; to modernise the procedures for selecting persons for jury service; and to provide those administering the jury system and judges conducting jury trials with the necessary powers, thereby making the relevant processes more efficient.

It is interesting to refer to those aims. I am not a lawyer, but I did legal studies during my VCE years at school. One of the areas we studied was the role and make-up of juries and how they are selected — all the basic things one studies as a legal studies student. We discussed how jurors are drawn from the community, and talked at length about which people are excluded and how that leaves a very narrow group who can serve on juries, thereby making juries unrepresentative of the community. I do not want to criticise the people in the narrow band, but it is important that juries be reflective of the community, and the bill goes a long way to achieving that.

The right to be judged by a jury of peers is impressed on any student studying law, whether at VCE level or at university. At 18 years of age when becoming eligible for jury duty and learning more about the operation of a jury people quickly realise that while many people are canvassed to be on a jury the final make-up is not always representative of the community. The bill changes this by abolishing the automatic exclusion of many classes of persons from jury service.

Clause 8 of the bill refers to the changes in the distance from Melbourne as referred to by the honourable member for Shepparton, preceding me. Under the 1967 act, any person living more than 32 kilometres from a court could be excluded from a jury roll. The changes initiated by the Attorney-General will change the distance to over 50 kilometres for Melbourne and over 60 kilometres for country areas. It is pleasing that this will lead to greater representation of country people on juries.

This aspect of the bill is similar to the government: it is representative of rural and regional Victoria. Country Victoria is happy with the Bracks government and with a number of policies being introduced into the house as detailed yesterday in a poll by the *Herald Sun* about country members being happier under the Bracks Labor government than they were under the former regime — —

Mr McIntosh — On a point of order, this is clearly irrelevant. It is not the time for a policy statement. Could we stick to the bill?

The ACTING SPEAKER (Mr Lupton) — There is no point of order, but I have some sympathy for the honourable member's comments.

Ms ALLAN — The 1996 Law Reform Committee report on jury service in Victoria tabled in Parliament reported on the need for juries to be more representative. Being a member of a jury as a citizen of the state of Victoria is different from the public perception, often based on popular television shows like *Ally McBeal* and *The Practice*. These programs show larger than life depictions of lawyers getting up to all sorts of crazy antics: they show people's detailed love lives, the unisex toilets, the interaction with the jury and the dramatic conclusions. Every episode of every television show about law or legal practice has the dramatic conclusion of the foreperson being asked if a verdict has been reached and there is a dramatic handing down of the verdict. Real-life juries are far removed from this depiction.

The bill opens juries to broader representation from the community and as a result they will better reflect society leading to a better understanding of serving on a

jury — it is not something based on an American television drama.

Clauses 8 and 9 abolish the rights of many classes of people to be automatically excluded from jury service. Juries will be opened up to a greater representation of people from the professions, such as doctors, teachers, dentists, as well as others, such as nuns and pregnant women. Individuals from those sectors of the community were previously easily able to obtain exemption from serving on juries. While they still will have the opportunity to request to be excused and have that request granted, they will have to demonstrate a good reason in each individual case. For example, as the honourable member for Keilor said earlier, people can be excused on the grounds that their serving on a jury may cause substantial financial or other hardship, or substantial inconvenience to the public.

It is pleasing that the Attorney-General has made changes to the bill to provide that workers who take time off to serve on juries will not risk losing their jobs or losing any part of their wages as a result of the actions of unfair employers. In my lifetime I have known of a number of family and friends who have been called up for jury service. All honourable members probably know that it seems to happen street by street; everyone in a certain street or area seems to be called up for jury service. People in my electorate represent a good cross-section of society, but for a number of reasons they have either been not required or have had a good reason for exemption. Although I have known a number of people who have been called up for jury service, actually knowing people who have served on a jury is quite a different matter. I have known only one person — a girlfriend — who has been required to sit on a jury for a case that went for three days.

The bill provides for the modernisation of procedures with regard to juries. Information technology will be utilised in a number of ways administratively, such as the electronic service of documents and computerised selection processes, which will speed up the process. Early in February the Attorney-General was in Bendigo to open the new County Court. It has all the latest IT & T equipment that a modern court needs. The improvements in the bill will fit nicely with the new operations of the County Court at Bendigo.

It is also important to note that as part of the modernisation process the bill provides for consideration of the wellbeing of jurors. In 1996 the Law Reform Committee identified that while the majority of jurors found jury service to be a rewarding experience they felt that counselling should be available following jury service where a trial had been distressing. My friend, to whom I referred to earlier, sat on a jury that heard a three-day case and had to decide, firstly, whether the accused was guilty or not guilty — of course, that is what juries do. The jury then had to go through a process of deciding whether the accused should be sent to jail for a period. That can be a distressing experience for members of the community knowing — —

An opposition member interjected.

Ms ALLAN — Sorry, the jurors knew that their handing down a guilty verdict would lead to the accused person going to jail. I accept the correction from the honourable member opposite, who has more experience in the legal profession than I have. I enjoy watching the American television legal dramas. In coming to a conclusion that a person is guilty jurors know that there is a likelihood of that person's being sent to jail for a period and that that would have a dramatic impact on the accused's life and family. That can be a distressing experience for ordinary members of the community who do not interact often with the justice system. My girlfriend explained to me that sitting in a room knowing that if you say the person is guilty he will be sent off to jail can be difficult to come to terms with because it may change that person's life forever. I am pleased that the bill provides jurors who are confronted with disturbing facts or circumstances with the opportunity to receive counselling or treatment from a doctor or psychologist. I congratulate the Attorney-General for including that aspect in the bill.

The bill will bring about increased community participation in the justice system and I hope lead to an increase in the understanding of it in the general community so that people will not rely as much, as perhaps I have previously, on American courtroom dramas, as entertaining as they are. That can only be of benefit to the justice system and to the community. People being more exposed to the operation of juries and participating in them can only lead to a fairer justice system.

It is also pleasing that the bill implements the government's policy of achieving a justice system that is fair, accessible and understandable — a system in which the community has confidence, much like the Bracks Labor government. It is similar to many of the policies which the government took to the last election and which were widely embraced by all Victorians, and by those in country Victoria in particular. The bill is further evidence that the Bracks government is getting on with the job of implementing a number of important polices it took to the last election.

I congratulate the Attorney-General on the bill and commend it to the house.

Mr McINTOSH (Kew) — I rise to discuss a conundrum that arises out of the bill. By way of history, despite what the honourable member for Bendigo East has described as being a significant achievement of the Bracks government, the genesis of the bill arose out of an extensive inquiry conducted over a number of years by a joint parliamentary committee, the Law Reform Committee. Its extensive report resulted in a bill that was introduced by the previous Attorney-General. If the honourable member for Bendigo East were to compare the old bill with the new bill she would see that it is significantly similar. I estimate that something like 99 per cent of the bill is reflected in the bill introduced by the previous Attorney-General. However, there are differences, and I will canvass a couple of them.

The conundrum I wish to raise relates to bail, a mechanism that embraces the sacred principle that a person is innocent until proved guilty. However, if persons charged with offences, albeit significant or lesser offences, pose a threat to the community by being likely to flee to avoid prosecution or to interfere or tamper with witnesses, they will be remanded in custody.

If that is not the case they will be entitled to the presumption of innocence. They will be bailed to appear subject to court directions interfering with their liberty, such as the requirement that they report regularly to police stations.

Theoretically, a person may be bailed for any offence. However, with more serious offences such as murder or significant drug-related offences, it is more than likely that the accused will be remanded in custody until trial. However, the presumption of innocence may still be relied on at trial, and the prosecution must prove every aspect of the crime beyond a reasonable doubt. I do not believe any honourable member would interfere with that sacred principle.

A person may be bailed for various offences, including serious white-collar fraud, serious property crime such as a burglary, culpable driving, serious personal assault or even sexual assault. In most cases, if it is a first offence the person would be entitled to bail and retain the right to the presumption of innocence.

I believe the vast majority of the community would question the jury system if a person charged with, say, culpable driving were to serve on a jury when the accused had been charged with the same offence. That issue could also arise in cases involving fraud, serious property crime or even sexual assault.

The recommendations of the Law Reform Committee, the bill before the house and the bill introduced by the previous Attorney-General demonstrate a major difference in the approach to jury vetting, which is an informal mechanism for determining whether people are fit to serve on juries. I say ‘informal’ because it grew as a result of court practice.

Jury vetting meant that the Sheriff, or more usually the Victoria Police, provided the prosecution with the detailed criminal histories of potential jurors. Both bills reflect the fact that convictions can disqualify persons from serving on juries for certain periods, or absolutely if the offences are serious enough. Vetting was an informal mechanism of filtering out those persons who may not be fit to serve on particular juries in particular circumstances.

The Law Reform Committee recommended that jury vetting should remain and be formalised through legislation. It recommended that the information should be provided not only to the prosecution but also to the defence and the trial judge and that the final arbiter of whether or not a person should serve on a jury would be the trial judge. However, the current bill does away with jury vetting.

In its decision in Katsumo’s case the High Court ruled that jury vetting was unlawful. It declared that the jury is essentially a statutory process and should therefore be formalised and that the informal process of providing information to the prosecution should not continue. The bill adopts that decision, which means it is no longer possible to provide such information to the judge, the defence or the prosecution. The bill provides that persons remanded in custody cannot serve on a jury. That may relate to the practical problem of their being detained in a remand centre. However, persons on bail for serious offences are still eligible to serve.

I am concerned that rather than formalising the process the abolition of jury vetting will make it possible for a person who is on bail after being charged with committing a serious offence to serve on a jury when the charge to be determined is the same as or similar to that applicable to the potential juror. I believe that would concern the community.

I understand the principle underlying the bill, which is to make common-law exclusions more rigorous and to remove the general disqualifications that previously existed through a mixture of common law and the Juries Act.

However, the bill presents a conundrum in that there is no prohibition on people who are undergoing a bail order in court. They can serve on a jury, even one dealing with a similar or related offence. It has the capacity to taint the whole trial, if not the jury system. I ask the Attorney-General, as the chief law officer of the state, to reassure me and the people of Victoria that this conundrum will never occur. From my reading of the bill, it is not beyond reasonable doubt that it could occur. I believe an answer should be provided.

Ms BEATTIE (Tullamarine) — I am pleased to join the debate on the Juries Bill. This is not a reflection on the Minister for Police and Emergency Services, but I am disappointed that the Attorney-General is no longer in the house because I am sure he will go down as one of the great reformers, along with the late Justice Murphy.

I am not a legal person, but this is not entirely a legal bill. It is a bill about social justice and the jury system. The bill implements many of the recommendations made by the Law Reform Committee in its 1996 report on jury service in Victoria, which focused on the long-recognised need for juries to be more representative of the community.

I refer to one of my experiences on a jury. I was younger than I am now and, unfortunately, I was called up on a jury for an incest case. The jury comprised 12 people, and one of the gentlemen on the jury simply could not believe that anybody could do what had been alleged to a member of one's family. It was difficult, even under the weight of all the evidence, to convince that person of the correctness of the decision. Juries must be more representative of the community. More women and more people from non-English-speaking backgrounds should serve on juries. Juries should reflect our democratic society. It is fundamental in Victoria that the question of whether a person is guilty of a serious offence is determined by a jury 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 exists to serve.

The amendments in the bill are significant. They will enable the administration of the jury system and the conducting of jury trials to be more flexible and efficient. Currently, the jury system is administered by a Deputy Sheriff of the Supreme Court. Under the bill that role will be undertaken by the Juries Commissioner.

I was pleased that the honourable members for Shepparton and Kew appeared to break what seemed to be a strike by opposition members over the Juries Bill. Although I stray from the bill at the moment, I remind the house that people often call for the donation of wages to charity when there is a strike. I suggest opposition members should consider donating some of their salaries earned while they have been on strike to charity. I will be interested to hear what they say about that!

Proposed section 8 contains reasons for excusing people from juries. There are very important exclusions such as illness and poor health. Again I relate to a personal experience. A friend of mine, although she seemed a well person on the outside suffered from claustrophobia. She was called up for jury service and was excused for that reason. She could not be locked in any sort of room with any number of people. Had she been empanelled on that jury she would not have been in a fit state to pass judgment on others or even consider the evidence in a reasoned way. I also consider my elderly father would not be in a condition to sit in a room for hours and pass judgment on others. It is important that those people be excused from jury service.

Another provision refers to the distance people have to travel for jury service. Although everybody wants to participate in the jury system, it is unfair to ask people to travel excessively long distances from their homes and families to sit on juries. Another exclusion covers a person who has the care of dependants. That is particularly important in these days of single parent families where it may not be easy to get away from the family to participate in the jury service. If other care is not reasonably available for dependants, the carer can be excused by the jury system.

I have already touched on advanced age. Proposed section 8(3)(j) states:

> the person is a practising member of a religious society or order the beliefs or principles of which are incompatible with jury service.

I have had many deputations of constituents from many religious denominations visit my office. This is of critical importance to them as individuals. The honourable member for Shepparton touched on the Exclusive Brethren, which is one such group. It is not part of their beliefs to sit on a jury and they do not want to participate. They must be excused from jury service. I am happy to say to my constituents, who particularly asked me to speak on this provision, that it is just and reasonable that persons with religious beliefs be excused from being empanelled on a jury.

Of course, there are checks and balances. A person who wants to be excused from jury service must do so by either oral evidence on oath, or affidavit.

The honourable member for Bendigo East referred to crime shows on television, particularly some of the more fanciful shows. She was a bit derelict in her duty because she never mentioned *Rumpole of the Bailey*. To mention television shows without mentioning Rumpole is certainly derelict and I will speak to her about it later.

Another important aspect relates to the ability of employers to hinder their employees from attending jury service. That happened in a place where I worked, and people often felt intimidated about doing jury service. No employer should be above the law of the land, and the bill provides checks and balances to ensure that does not happen.

The bill also requires employees to notify their employers when they are on jury service, because obviously employers have to make arrangements for replacement staff. That employment must not be terminated or prejudiced, because jury service is one of the hallmarks of our justice system. People must be allowed to participate without threats from their employers about termination, lack of promotional opportunities or anything like that.

Majority verdicts for trials in all indictable offences other than murder and treason are retained. Murder and treason will require unanimous verdicts. I believe the last person to be tried for treason was Albert Langer but I may stand corrected. It is important that verdicts in trials for murder or treason are unanimous because they carry life sentences and are regarded as being the most serious of offences. Also important is the Crown's right to stand aside.

Most importantly, the bill protects the integrity of the jury system by adding new offences that may be committed in the jury selection process. They include a person intentionally making a false statement at any stage of the selection process, failing to inform the Juries Commissioner if disqualified or ineligible for jury service and an employer terminating or threatening to terminate or prejudice the employment of an employee.

All in all, the bill is important because it deals with social justice and the ability of all to participate in the legal system and for all to be tried by their peers.

If I were in a court I would certainly hate to be judged by 12 accountants or 12 politicians, although they are my peers, and certainly that is no reflection upon their ability to make excellent judgments. However, I would not want to be faced with 12 of them. I would also want some women on any jury judging me.

The bill gives the right to enlarge or reduce the jury list or pool. If the Juries Commissioner issues a summons but the number summoned for jury service is greater than the number required, the commissioner can cancel or defer the jury service. Technology is now available for the empanelling of juries. I remember when I was called for jury service I had to front up every day and be locked in a room with a couple of hundred people. It was not a pleasant experience. Technology now enables people to ring the night before and be told whether they must appear for jury selection. It is a good example of how modern information technology can hasten and assist court processes.

Such things enable the free flow of people who could feel intimidated. The bill demystifies court processes and speeds the process of justice. It will help people feel part of the legal system that represents democracy rather than part of strange rituals in a strange place.

Many of my colleagues will remember their first day in Parliament, which was not so long ago, when a man in strange clothing banged on the door with a big stick. We still have a man in strange clothing who bangs on the door with a big stick every day, and sometimes that can be intimidating. I have often heard judges referred to as the person who sits up front with the dead sheep on his or her head!

I return to clause 8(3)(j) because I told many of my constituents who talked to me about the bill that those on this side of the house would have no trouble excusing people because of their religious beliefs. I was disappointed by the opposition's strike in refusing to attend the debate on this issue. In my opinion they did not support their constituents by doing so. This house is based on rituals and one is that people represent their constituents. Those who chose to participate in — dare I deem it a lockout — let their constituents down badly.

All in all, it is a great bill. I am disappointed that our reforming Attorney-General is not here to see me wish the bill a speedy passage. I commend the bill to the house.

Mr DELAHUNTY (Wimmera) — I am pleased to have a small input into the Juries Bill. I inform the honourable member for Tullamarine that the bill was not driven by the Attorney-General. He might have brought it into the house but it is the culmination of three years work by the Law Reform Committee of the previous Kennett government and a survey of former jurors.

An honourable member interjected.

Mr DELAHUNTY — No doubt it was a joint parliamentary committee, but it was finished off by this government, so I am pleased to see it come into the chamber.

The Juries Bill increases representation and must be applauded. Good cross-representation of the community is necessary to understand community concerns. It is unfortunate that people end up in court, but it is important that they be judged by their peers. The existing legislation exempts people who live outside a 32-kilometre radius of the court; the bill is more discerning in that it differentiates between rural and metropolitan areas. It excuses from jury duty those people living outside a 50-kilometre radius of a metropolitan court and those living outside a 60-kilometre radius of a country court.

The bill abolishes the system of listing people who are excused. Instead it lists categories of those who are either disqualified from or ineligible for jury duty. That has the effect of being more definitive and takes away the uncertainty. Opportunities also exist for people to be excused for fair reason such as those listed in clause 8, whether it be for travelling difficulties which many people particularly those in rural areas experience, financial hardship, illness, poor health or for those of genuine Christian conscience.

Like the former speaker, the honourable member for Tullamarine, I wish to refer to clause 8(3)(j), which excuses a person if:

> the person is a practising member of a religious society or order the beliefs or principles of which are incompatible with jury service.

I hope it is used in a fair and reasonable way. People have genuine beliefs and it is only fair and just that they be excused. Like the member for Tullamarine, I was called up for jury service about 15 years ago. It was a most harrowing experience. I was hoping I would not be called. I was one of the last to be empanelled, but it was certainly worthwhile being involved. It was four days of very hard work. I believe we need to give some prior training to people before they step in to be empanelled, and also to those who are empanelled, as well as debriefings following a jury case, because it is arduous work. If people are not skilled in that area it can be mentally draining after three or four days of listening to lawyers and barristers debating various issues in the courtroom.

The bill allows for 2 additional jurors to be empanelled beyond the 12 in a criminal trial; and 2 beyond the 6 in a civil trial. That is wonderful because a case is often aborted when a juror becomes ill or for some reason has to step down from the panel. These aborted trials cause great expense to the community but also to the panel members, witnesses and those involved in the case. The bill also clarifies the issue of the employer's make-up pay. Both employers and employees have had difficulties with this area, and the bill clarifies the matter to a greater extent.

Jury service is a fundamental issue. Last night my wife told me she has been called up for jury service, so I am well aware of people being called up. It is a big issue and a matter of concern to many people. Again I commend the bill and congratulate particularly the former members of the Law Reform Committee on their work in developing the bill.

Mr LONEY (Geelong North) — On behalf of the former members of the Law Reform Committee who took part in the juries inquiry, and those who are current members of Parliament, I accept the congratulations of the honourable member for Wimmera. The work of the Law Reform Committee in 1996, under the chairmanship of the Honourable James Guest, needs to be acknowledged. The Honourable Bill Forwood in another place, the honourable members for Gippsland South and Berwick and I were on that committee. The other members of that committee are no longer serving in Parliament.

When the committee first received the reference on juries from the then Attorney-General we looked at it and thought, 'This is possibly a bit ho-hum, we can have a look at this and deal with it fairly expeditiously'. But as we examined the issues around the representation of juries, we found that it was a much wider and more significant question than we had first thought. In fact it evolved into a major inquiry that took the committee to many jurisdictions around the world. While the community at large is often critical of members of Parliament travelling overseas, in this instance the bill, the reports of the committee and the previous Juries Bill are testimony to the fact that that committee carried out a considerable public service in those inquiries.

At that time, from memory, I was the only member of that committee who had served on a jury, and in fact I was the foreman of the jury on which I served. I had the practical experience of being inside the jury room as well as commenting on it in a more academic sense. I was also one of only two members of the committee who was not of the legal profession. It was important that the inquiry had people on it who were not lawyers because the issues around juries and their representation

are not simply legal issues; they are also societal or community issues and they need to be dealt with adequately in that way.

The balance of the committee at that time was such that all of the questions about juries were dealt with. If honourable members read the final report entitled *Jury Service in Victoria*, they will see that not only was it quite extensive in relation to the reference itself, but as a result of the experience picked up during the inquiry the committee produced another document which led to further issues that should have been looked at, such as the question of judge-alone trials rather than jury trials.

As a result of the inquiry, extensive studies were undertaken. They led to the committee observing two trials that were receiving huge international publicity in terms of the way they were being conducted at the time. One was the O. J. Simpson trial. We were in Los Angeles at the time of the trial and visited the courts where O. J. Simpson was being tried. The other was the Maxwell trial in England.

Both trials raised significant issues about the operation of juries. The O. J. Simpson trial started off with a huge jury pool, but by the time the verdict was reached there were fewer than the required number of jurors. Several of them were excused from attending due to the long period the trial had been running. That point raised the whole issue of hardship for juries in long-running cases and about how they should be accommodated and what should be done to ease the pressure on them. Obviously it affects their employment and remuneration and raises questions of who should pick it up while they are carrying out this public service.

In the Maxwell trial the issue was a little different. It was a complex criminal fraud trial. The courtroom for the Maxwell trial had been set up with all the latest technology available for the jury. The documentation was computerised and available in multimedia form to the jury. At that time it was the very essence of the modern courtroom or, in fact, a prototype of the future courtroom.

The central issue of whether a jury is competent to deal with complex cases was controversial in this jurisdiction at the time of our deliberations because a couple of complex fraud trials were under way in Victoria.

In every jurisdiction we visited we found there was an overwhelming commitment to the principle of trial by jury. In each jurisdiction we talked to people about the role of juries in the justice system, and the bottom line was that they believed juries were essential to a proper system of justice.

However, when we asked people about the issue of getting people to serve on juries we found that although there was a huge commitment to trial by jury people were also committed to trying to get out of jury service. That paradox exists in every jurisdiction, including Victoria. In every jurisdiction comments were made about the representativeness of juries being adversely affected because the jury pool was being constantly diminished by rights of excusal and by people not wanting to attend. The two concepts cannot be reconciled. There cannot be a profound commitment to jury service as well as a belief that citizens should not have to serve on a jury if they do not want to. Having determined that jury trials were necessary to aid justice, we wanted to ensure that that commitment was not weakened by a lack of representativeness.

We had numerous debates about what representativeness meant, particularly in the Victorian context and in a multicultural community. Did it mean an accused person with a particular ethno-specific background should be tried by a jury consisting entirely of others with the same background? We came to the conclusion that representativeness did not mean that at all. It meant that juries should be representative of the entire Victorian community. If a jury was representative of the Victorian community as a whole, it was a representative jury. That was the determination of what jury representativeness meant, but other issues arise in trials involving people from other cultural or ethnic backgrounds.

The other interesting factor we found in every jurisdiction was that while there was a huge regard for the jury system, juries were by and large very poorly treated. They are poorly treated in the Victorian courts, where the facilities in jury rooms are less than good. The major court in Los Angeles had a huge corridor where jurors were sitting with the witnesses and the accused. There was no separate area for them to wait until they were called. Unfortunately, that sort of arrangement is not rare. We found the same paradoxical situation in every jurisdiction — people are committed to juries as an essential element of the justice system, but the resources and facilities needed for juries to do the job were given a low priority.

If we are committed to a jury system we must ensure that juries are able to work properly. The issues referred to by the honourable member for Wimmera, such as make-up pay and who should be responsible for paying it, are important if we want a large pool of

representative jurors. Paid jury service is an important issue if we want people to serve on juries.

Central to our discussions was the issue of exclusions. If we want a representative jury pool we must drastically reduce the number of exclusions. In Victoria under the 1967 act it was about as hard to get into a jury as it was to get into the Australian test team.

Getting out of a jury is much easier than getting out of the Australian test team. The list of as-of-right exemptions from jury service is very extensive. Exemptions were becoming a problem and a significant justice issue in Victoria. The bill is about increasing the representativeness of juries.

The Opinion section of the *Age* of Friday, 10 March, included a piece headed 'Consider your verdict' by Mr Christopher Wright, a retired Tasmanian judge of 14 years experience. The subhead of that article states:

> Juries are costly, inefficient and often get it wrong. They should go.

The article declares that the former judge, based on his experience, is 'convinced that juries return a wrong verdict in about 25 per cent of cases'.

That is an extraordinary claim. If we are getting it wrong in 25 per cent of cases we have a huge issue in our justice system.

I believe, however, that the learned judge got it completely wrong. Members of the committee undertaking the study found that generally people operating in the justice system — whether prosecutors, defenders, judges or others within the system — hold strongly to the view that juries generally get it right.

It is important to recognise what juries do. They are not there to adjudicate on the law; that is the job of the judge. Juries are there to determine matters of fact. The judge gives direction on matters of law.

Members of the Law Reform Committee have often been told, especially when highly publicised decisions are causing some controversy, that if members of the community had sat through the whole trial and heard the evidence presented to the jury they would have come to the same conclusion as the jury. Reports of controversial cases are too often savagely edited. Members of the public get only the highlights, the sensational bits. Then the jury returns its verdict and public commentators jump up and down about it. Had members of the public had the opportunity to hear the evidence as it was presented to the jury they would have a different view.

I was concerned by the article in the *Age* that attacked juries. It expresses an unfair view and does not accord with the experience of members of the Law Reform Committee, who investigated the jury system both in Victoria and around the world, and it certainly does not accord with the opinions expressed to us by a wide range of people interested in the justice system.

When something like that article comes from a source that can claim credibility through experience, we should attempt to redress the balance. I was concerned about the article because I have a strong belief in the jury system, as did all members of the Law Reform Committee who were involved in producing the report and as do members of this Parliament as a group.

The bill is good legislation that will enhance the representativeness of juries in Victoria and, flowing from that, of the justice system. I support the bill and wish it a speedy passage.

Mr MAUGHAN (Rodney) — I wish to make a brief contribution to the debate. I listened with great interest to the contribution of the honourable member for Geelong North, and I certainly concur with practically all the comments he made.

Mr Hamilton interjected.

Mr MAUGHAN — Yes, it was an excellent contribution, and I appreciate the honourable member's comments. I have served on the Law Reform Committee with the honourable member for Geelong North, and I was a member of the committee that took over from the original committee chaired by the Honourable James Guest. I was also involved in the second stage of the inquiry into jury service.

We are extremely fortunate in this country to have the freedoms we take for granted: to live in a democracy, to be free to do practically anything we want, and to choose freely the form of government we want. Yes, we make mistakes sometimes, but we have a wonderful system of democracy. Part of that democratic process flows through into our legal system because it brings with it an obligation to take a keen interest in the people we elect to the various levels of government. It also brings an obligation as citizens to take the system seriously and choose people who will represent us in various forums.

The same principle applies to jury service. The Australian legal system is something to be extremely proud of. It is not perfect, but it beats the hell out of anything anywhere else in the world. The Westminster system has been adapted and modified for our use in this country and has served us well for many years.

A very important tenet of our democratic legal system is the opportunity to be tried by one's peers. It is a privilege to be able to serve on a jury so that a person can be judged by his or her peers. It is very important that people who serve on juries are not there under any sort of duress or at any great personal cost, are not threatened in any way and are certainly not there against their consciences.

As the honourable member for Geelong North said in his contribution, the list of exclusions for jury service had grown to such an extent that juries were becoming unrepresentative of the community. So many people were excluded by right that in the judgment of many people, including the Law Reform Committee, juries were no longer representative of the community as a whole.

As a consequence of the recommendations of the Law Reform Committee, of which the honourable member for Geelong North was a very important part, and of the work of the previous committee chaired by the Honourable James Guest, a bill was introduced to amend the legislation. The all-party committee system is a great system. Having now been a member of three committees that have considered a wide range of community service and law reform issues, I know the committee system is an excellent way of bringing recommendations to Parliament and of having those recommendations adopted in a bipartisan way. I am a great supporter of the committee system; it is Parliament working at its best. To a large degree, committee members forget their political affiliations and work towards resolving difficult social and economic issues.

The inquiry by the Law Reform Committee was wide ranging and took evidence from anyone who wanted to present evidence to it. Witnesses included people involved in the legal system, people who had been jurors, members of the legal profession, civil liberties groups and judges. As the honourable member for Geelong North pointed out, it is important that some members of the Law Reform Committee come from a non-legal background. It is very important to have that different approach rather than relying on a group of lawyers who have a great deal to contribute but who, in many cases, have a limited approach to the subject.

During one of the inquiries in which I was involved, an active judge gave evidence about how it was virtually impossible in one country town — I will not name the town — to get a conviction in a rape trial because the exclusion zone of 32 kilometres that was in vogue at that time was so limited that anybody of any consequence in the town would know the person who was charged. In many cases they were members of the same Rotary Club, Lions Club or whatever, and of course those people could not believe their fellow club member could be guilty of rape, incest or whatever. Therefore, a disproportionate number of people were found not guilty when in the opinion of the judge many of them were clearly guilty.

It was an indication the jury system was starting to fail because it had outlived many of the provisions of the existing act. The 32-kilometre radius, for example, was probably justified in the days of the horse and sulky when 32 kilometres was a fair distance to go from one's home to attend jury service. With today's modern roads and motor cars distance is no longer a problem, and the matter is being attended to in the bill.

I am pleased to see the legislation before the house. In his contribution the honourable member for Kew pointed out the bipartisan approach of the Parliament — the bill is little different from the one presented by the former Attorney-General, and its provisions are much the same as those brought in by the former government. Both sides of politics have an interest in improving the jury service.

The bill significantly reduces the list of exclusions by right. It is no longer relevant, so the 32-kilometre radius is extended to 50 kilometres in Melbourne and 60 kilometres in country areas. The bill further allows exclusion from jury service for those with good and proper reasons such as illness or poor health; incapacity; excessive time or excessive inconvenience; substantial hardship; substantial financial hardship; the care of dependants; advanced age and — one touched on by a number of members — exclusion for conscientious reasons. Clause 8(3)(j) says a person can be excluded from jury service if:

> the person is a practising member of a religious society or order the beliefs or principles of which are incompatible with jury service;

Like other members who have spoken tonight I have been approached by members of the Plymouth Brethren — or Exclusive Brethren, as they are sometimes called — a community in Nathalia in my electorate. They have a strong conscientious objection to jury service, so on their behalf I support the clause. People should have the right to be excluded on the basis of conscientious objection.

The legislation is based on the principle that all citizens should be required to serve on a jury with certain exclusions: obviously those associated with the police force; the legal profession; members of the Legislative Assembly or the Legislative Council; court reporters;

people with physical disabilities and so on. They are all listed in schedule 2 of the bill. Schedule 1 is a list of exclusions for people convicted of serious offences or in prison.

In conclusion I express my overwhelming commitment to the principle of trial by jury and — to pick up the point you made in your contribution, Mr Acting Speaker — the paradox of people expressing support for trial by jury but at the same time wanting to be excluded from the relative inconvenience of participating in a jury. The message that it is a privilege to be part of a jury needs to be communicated. The jury system is a very important part of the democratic system of government and of the legal system; and an important part of the fabric of society.

I support the principles embodied in the legislation. I note that it has the support of both sides of the Parliament and I wish it a speedy passage.

Mr CARLI (Coburg) — I congratulate the Law Reform Committee of the previous Parliament, which in its two years of good work produced a report that contributed significantly to the bill. The process demonstrated the importance of all-party committees, and that has been a common thread in many earlier contributions in the debate. All-party committees are important because they take the sting out of the adversarial nature of Parliament, consider often controversial elements of public policy, resolve issues and bring about significant change and reforms.

Juries are often thought to be a universal phenomenon. After watching American and English television programs one might think that juries exist all around the world, but they are unique to English-speaking countries. Juries are an important cornerstone in the judicial system and provide certain advantages. The honourable member for Geelong North spoke of his experience with a committee in the United States, which demonstrated some of the attributes of the jury system. While juries are seen as a cornerstone of the judicial system, the system itself is often regarded as an alien environment for common folk because it is dominated by lawyers and legal jargon. It is important to break the alienation. Juries provide an element of commonsense, or if you like a common touch. People should have the opportunity to be tried by their peers, so it is important that we defend the jury system.

The former Law Reform Committee sought to reform the Juries Act because juries were becoming unrepresentative. The committee's recommendations sought improvements in the composition and selection of juries. The committee recognised that the system was straying and juries were becoming increasingly unrepresentative because many people could be excluded or exempted for a whole raft of reasons — that is, the pool of people that the juries were being drawn from was no longer seen as representative of the entire community. The house heard an example from the honourable member for Rodney of a particular country town with a 32-kilometre rule, which meant that there was such an exclusion that the town was not able to provide the sort of jury system that would ensure justice.

The bill improves and protects the jury system. However, there are critics, particularly in the legal system, who say that we could get rid of our juries and allow judges to make decisions in all cases. I take great pride in the fact that we have a jury system in place that provides a good level of protection for those involved in legal processes.

The Law Reform Committee did a number of things. It got rid of the prescriptive and rigid lists of disqualified and ineligible persons in the previous act that reduced the number of people who could be considered for juries. The old legislation was largely the problem. It was functioning to reduce the representativeness of the jury system. While it may have been acceptable in its day it had become outdated and it was affecting the community's ability to maintain an important institution.

The new bill is flexible, far less prescriptive and provides for a reduction in exemptions and the number of people who can disqualify themselves or be disqualified. It allows far more discretion for people to appeal in cases where there is genuine hardship and they feel they are unable to attend for jury service. Rather than a whole group of people being excluded as of right, it is expected that people will fulfil their community obligation to serve on juries. The new legislation provides flexibility for persons to be exempted where there is a genuine need or hardship created by being on a jury at a given time, or to defer service to a more appropriate time.

The honourable member for Geelong North talked about some of the American examples, where people fundamentally believed in the importance of juries but they did not want to be on them. There are similar instances in Australia. Unfortunately many people see jury service as onerous and difficult, and given an opportunity would exclude themselves. However, if asked, they would agree that the jury system is important and it is something they hold very dear as a cornerstone of the judicial system.

The aim of both the recommendation of the Law Reform Committee and the bill is to make juries more representative of the community, and thereby make the criminal justice system more accountable by allowing citizens to participate directly in it. In a two-year process the committee identified obstacles or impediments to participation in juries. The first was to reduce the extensive list of categories of people who are ineligible, disqualified or entitled to be excused purely because of their role in society.

In his contribution yesterday the shadow Attorney-General listed the categories of persons currently excluded from or ineligible for jury service. Although good reasons exist for some exclusions it is hard to understand why many categories are listed.

Exclusion from jury service because one resides 32 kilometres from the nearest town with a Supreme or County Court is a relic of the horse and buggy days. That distance has been extended to more than 50 kilometres from Melbourne or 60 kilometres from either the Supreme or County Courts in any town.

The bill reduces the number of peremptory challenges. Unfortunately money has not been found to increase remuneration or provide child care for jurors. The honourable member for Geelong North spoke about physical conditions for juries compared with overseas examples. Victoria still has a long way to go in recompensing people for providing that important community service.

The bill addresses the public perception of jury service. If people believe the jury system is important they should be prepared to do their duty and serve on juries. They should believe they have made an important community contribution. The bill makes significant changes to alleviate some of the problems identified in the report of the Law Reform Committee. However, additional dollars are required to put all the suggested reforms in place.

The pool of potential jurors is widened by the easing of restrictions on persons currently excluded from jury service. The bill provides for the onus to be on people to demonstrate financial or other hardship if they wish to be excused for those reasons.

The bill provides for flexibility in the deferment of service to a more convenient time. The administration of the Jury Commissioner's office and its ability to summon juries to the Supreme and County courts is improved. In many ways the existing system was old fashioned, rigid and too prescriptive. Victoria is moving to a more efficient and flexible system. People are given greater ability to meet their obligations.

Jury vetting by the Crown is abolished. The ability of the Crown to vet the jury has been a criticism in the past as it was seen to advantage the prosecution. A tough regime is created for disqualification from jury service. However, a high bar exists for people with previous convictions. Persons disqualified from serving as jurors include persons convicted of treason or one or more indictable offence and sentenced to imprisonment for 3 or more years; persons who within the past 10 years have been imprisoned for an aggregate of 3 months or more; persons who within the past 5 years have been imprisoned for a period of less than 3 months or served a sentence of detention in a youth training or residential centre; persons who within the past 2 years have been sentenced by a court for an offence or released on an undertaking; persons on remand; and undischarged bankrupts.

Victoria Police have argued for the reinstatement of jury vetting to maintain public confidence in the jury system. The issue was considered but practitioners came down on the side of abolishing jury vetting.

The position of not reinstating the vetting practice has been strongly supported by, among others, the Victorian Bar Association, the Criminal Bar Association, the Law Institute of Victoria, community legal centres and Liberty Victoria. There are some differences in community opinion, but many people who practice criminal law and defend individual rights have come down on the side of getting rid of the vetting practice but having a very rigorous approach to disqualification.

The bill is important in terms of the provisions of general disqualifications and majority verdicts. Currently majority verdicts are permissible in some trials but not in those involving charges of murder or treason. That is set out and reinforced in the bill.

This important piece of legislation has the support of both sides of the house. It is the result of a bipartisan process and indicates the importance of such an approach in many areas of public policy. As a Parliament honourable members can look at important areas of public policy and bring about necessary reforms. The bill is progressive legislation and a compliment both to the Parliament and the Law Reform Committee which undertook the initial review. It is with great pride that I, together with all other honourable members, support the bill and wish it swift passage through Parliament.

Mr PERTON (Doncaster) — I rise to speak on the bill, partly as a result of your contribution to this debate, Mr Acting Speaker, in which you suggested that it was appropriate that, as the former chairman of the Law Reform Committee, I contribute to the debate. I thank the honourable member for Coburg for the compliment paid to all of the members of that committee. A large number of members contributed to the production of the Law Reform Committee report.

Mr Ryan interjected.

Mr PERTON — Indeed, as the Leader of the National Party says by interjection, many members of this house contributed. The committee existed over two Parliaments, and in my opening remarks I will refer to the work done between late 1994 and mid-1996 by the former Law Reform Committee chaired by the Honourable James Guest. Other members of the committee at that time were the Honourables Bill Forwood and Jean McLean, the honourable members for Berwick, Gippsland South and Wantirna and the former honourable member for Clayton, Dr Gerard Vaughan.

The work of that committee was interrupted by the state election held on 30 March 1996, but the reference was renewed in June 1996 and the members of Parliament who worked on completing the report were myself as chairman, the Honourables Carlo Furletti and Monica Gould, the honourable members for Geelong North, Rodney, South Barwon and Albert Park and the former members for Narracan and Melbourne, Mr Florian Andrighetto and Mr Neil Cole respectively. In supporting this bill the entire Parliament is saying that those people worked very hard, spent a lot of time reading, analysing, talking and understanding, and the committee has produced a report that all members of Parliament can sign up to with pride.

In my chairman's forward to that report, I quoted the English author G. K. Chesterton who had sat on a jury and saw with an indescribable clearness what a jury is and why we must never let it go. He wrote in his essay *The Twelve Men*:

> Our civilisation has decided, and very justly decided, that determining the guilt or innocence of men is a thing too important to be trusted to trained men. It wishes for light upon that awful matter, it asks men who know more law than I know, but who can feel the things that I felt in the jury box. When it wants a library catalogued or the solar system discovered or any trifle of that kind, it uses up its specialists but when it wishes anything done which is really serious, it collects twelve of the ordinary men standing around.

I was not a firm supporter of the jury system when I began the report. I understood and appreciated the arguments in favour of specialist panels. Like most members of Parliament, I have never fully liked the idea that a judge could sit on a criminal trial alone, because just as a limited jury pool can enter a trial with peculiar prejudices, so too can a judge. While judges in Victoria are of the highest quality, they do come from a very limited pool of people with interesting experiences. They are highly intelligent and highly trained but are nevertheless from a very narrow pool of people. So to throw a group of people of very wide experience into a criminal trial and ask them to understand what is going on in the mind of a person like them, or someone they know or have met is an important thing. Given that the jury system holds such a strong and emotional place in our justice system, it was certainly my view that the work of the Law Reform Committee was to try to make the jury system work as well as it could.

The Law Reform Committee appreciated that just about anyone who wanted to get out of serving on a jury in this state could do so. The statistics indicated that less than 25 per cent of Victorians were participating in jury pools, which meant that people with a wide range of experiences were never subject to it.

What I still find to be a peculiar attitude is that generally people coming to trial on criminal matters would expect to be tried by their peers, but those same people have the attitude that they should not be compelled to spend time on jury panels. This is one of those occasions where society as a whole has to say one in, all in.

Now that I am no longer a member of the Law Reform Committee I can say that my personal preference was all in. The Governor, every member of Parliament, every lawyer, every policeman, every prison official should serve on juries.

Mr Plowman — What about prisoners?

Mr PERTON — Indeed. I must confess that there is even an argument for saying that in certain circumstances former prisoners should be compelled to participate on juries.

Mr Ryan — A lot of them have!

Mr PERTON — As the Leader of the National Partly says, many of them have. The predominant view of the Law Reform Committee and society is that certain people should be excluded from jury service. As outlined by the honourable member for Coburg, in order to maintain confidence in juries it appears that those who have committed very serious offences need to be disqualified. It also seems that members on the

other side of the legal bar table should be excluded as most people think that the glib tongue of a lawyer or a judge would somehow move the mind of a jury.

In other jurisdictions lawyers may have the reverse effect by driving a jury exactly the opposite way to how a lawyer would argue a case. However, it seems that the majority of the committee, the majority in the Parliament, and probably the majority of society say the other side of the bar table ought to be excluded. Lawyers, because of their training and because they are taught to have more doubts than the average person, and policemen and prison officials, because of their experiences, probably should not be put in a position where they have to determine the truth or veracity of their colleagues. In a criminal matter one would hardly want a policeman put into the position of making a judgment as a juror that one of his or her colleagues was a liar or mistaken in the course of evidence.

After listening to the contributions to the debate I recognise that almost every area of the report has been adequately covered. For the benefit of honourable members I will refer to the additional work I undertook when the Law Reform Committee considered the area of technology and the law. I do not intend to repeat all the findings of that report. However, it is clear that the jury experience is not universally a good one. Many barristers and solicitors are not interesting and do not have the capacity to explain complicated facts in a way that is understandable and appreciated by an ordinary person.

Complex trials occur these days — for example, fraud trials can take months or years. It is unreasonable to require a member of society to give up two or three years in the course of a trial. There must be something wrong with the way barristers are presenting cases or with our rules of evidence or the way in which judges are controlling their courts if trials take that long.

Over the coming months and years as we monitor the performance of juries the bill will need to be revisited by a Law Reform Committee. Five years would be appropriate to determine whether the jury pool has improved and to undertake a study to open up in a limited way the hidden happenings of the jury room, to understand what sort of thought processes are going on in juries and to ensure lawyers are presenting cases to juries in ways that make the experience a pleasure and a privilege. The use of multimedia, the use of appropriate film reconstructions, and the use of the dramatic in the courtroom becomes important. The Victorian Bar Council and judges should be looking at the training of young barristers and the retraining of older and experienced barristers to ensure they use all devices available today to make that experience valid.

The committee found that young jurors — those who are used to television and computers, who are used to things happening quickly and to seeing a crime and a trial solved in 1 hour on a television show, find it frustrating to sit and have long submissions made to them in language they often find archaic.

Ms Barker interjected.

Mr PERTON — The honourable member for Oakleigh says we could always ban the popular television show *Law and Order*, but I find it entertaining, as no doubt does the honourable member. We have to make our own jury experiences in this jurisdiction equate much more to the people's experiences. That means speedier trials and the use of new technology. The juror who wants to take notes on a laptop or personal computer should have that equipment made available to him or her rather than using handwritten notes. The issues need to be understood. The committee's report was very good and has been endorsed by the Parliament and both governments. In five years we should revisit it to assess the jury experience.

The last matter I refer to is one that the committee dealt with and which neither this government nor the former government has been prepared to deal with. The financial burden of jury service should not fall on the worker or the person, nor should it fall on an employer. Jury service is a community service. If we want people from all walks of life to serve it should be part of the budget of our justice system. Jurors should at least be properly recompensed for the responsible work they are doing, whether they earn $300 000 or $25 000 a year, whether they are on the pension or earn no income. It is time for the community to say, 'It is our decision to have juries, it is our decision to have as many people as possible serve on them, including the highly skilled and the highly trained, just as much as the person with no skills and no training'. At some point we will have to bite the bullet and include remuneration of jurors in the justice budget to ensure neither they nor their employers suffer financial loss as a result of this important community service.

I commend the proposed legislation. I commend the bipartisan way in which it has been produced. It has been a pleasure and a privilege to participate in a debate on which so many honourable members have spoken with so much goodwill.

Sitting suspended 6.28 p.m. until 8.03 p.m.

Mr LANGUILLER (Sunshine) — I am privileged to speak on the Juries Bill. I listened attentively to the contributions of members from both sides of the house. When one reflects seriously on the bill, as I am sure my parliamentary colleagues will, one recognises its importance in strengthening Australia's democratic institutions.

I commend the role played by the previous Law Reform Committee. I recognise the enormous amount of work its members carried out and acknowledge their bipartisanship approach to their activities, particularly with bills of this nature. I listened closely to their contributions. I say with all sincerity that it makes me feel very proud to stand in this Parliament and speak on such matters. More often than not the community perception of Parliament is that it is adversarial. The community is often unaware of the good work parliamentarians do on a bipartisanship basis.

The bill is the outcome of a review of the jury system that included extensive consultation and a survey of jurors in July 1988 to ascertain the experience of jury service. The report of the Law Reform Committee entitled *Jury Service in Victoria* was published in 1996. That report focused on the long-recognised need for juries to be more representative of the community. The bill implements the majority of the committee recommendations and replaces a Juries Act that has remained largely in the form in which it was passed in 1967.

I said the bill is an important and essential part of the judicial system and is part and parcel of Australian traditions. However, I am compelled to reflect upon my personal experience, given that I was born in a country with a different judicial tradition and one that for a long time during the late 1970s and 1980s did not enjoy the freedom and democratic traditions that Australia enjoys — traditions that, if I might say with respect, many of us take for granted.

Today honourable members are reflecting on the role of the jury and how representative it has to be of the Australian community. Without going into details, many other places in other parts of the world do not enjoy such democratic traditions as those enjoyed here, nor can they enjoy the luxury and the privilege of a system like ours. We ought to be proud of that and it should be said time and again. Democracy and the separation of powers — namely, the powers of the judiciary, the legislature and the executive — should not be taken for granted. They should be defended at every opportunity available, and steps must be taken to ensure that the nation as a whole remains committed to them.

The bill aims to make juries more representative of the community. That is an important consideration because it means essentially that there is room — a spot in the sun — for ordinary members of the community. It sends a message that the judicial and legal systems are not designed exclusively for lawyers and trained professionals and that ordinary Australians, non-trained professionals and non-lawyers, have a role to play in the system. I am sure all honourable members feel particularly proud of that and are proud of being able to confirm that system.

I look forward to the changes because they will ensure that a greater number of Australians from all backgrounds will be able to enjoy the privilege of participating in the jury system. However, although the community appears to be sincerely proud of its judicial system, according to the data provided by other parliamentary colleagues in previous contributions it appears that the community has not necessarily embraced the jury and judicial systems in the fullest possible manner. On the one hand we as a community appear to be saying we are proud of the system; but on the other hand, when it comes to the crunch many look for excuses not to be part of it and have advocated against it.

The bill intends to address some of those concerns. It was argued that the jury system was not the most effective or efficient system. Not surprisingly, some of those objections came from the legal fraternity.

There are many members of the legal fraternity on both sides of the chamber, but I am not a lawyer. As a recently elected member of the Law Reform Committee I feel proud that there is room for individuals like me to take part in investigations by the Law Reform Committee and in this debate.

The bill aims to make juries more representative of the community, to spread the obligation of jury service more equitably, to modernise the procedures for selecting persons for jury service and to enable technologies to be applied. That is an important point and one that my parliamentary colleagues and I welcome. The provisions relating to sections of the community with disabilities make it possible for such persons to take part in a court case or to be called upon as witnesses by facilitating their appearance with the assistance of new technologies. If witnesses are overseas or are unable to attend for one reason or another, they may still be able to give evidence with the assistance of technological advances.

In addition, the bill provides those administering the jury system and judges conducting jury trials with the

necessary powers, thereby making the relevant processes more efficient. The bill also aims to repeal redundant provisions of the old act. The involvement of ordinary Australians as jurors in the judicial system should not be seen as a weakness but as a strength of the jury system in our democratic society. I reiterate my personal privilege at having the chance to speak on the bill. I certainly do not take the opportunity for granted, given that I personally experienced in my life in Uruguay in the late 1970s a very different judicial system.

I am particularly proud of our judicial system. We ought to continually speak out about it because Australia is one of the most democratic countries in the world, and I am proud to be a part of it. I commend the bill to the house.

Mr HULLS (Attorney-General) — I thank all members of Parliament who contributed to the debate. All contributions were worthwhile. I listened to most of them, and I will comment on a few of them. I thank the Parliamentary Secretary for Justice, the honourable member for Richmond, for the excellent work he has done in preparing the bill and in assisting me to guide it through the chamber.

I thank the honourable member for Berwick — the shadow Attorney-General — for supporting the bill, which was first introduced into this place by the previous Attorney-General. When it was introduced I had some real concerns about certain aspects of it. Perhaps it could be said that I never thought I would be in a position to do anything about those concerns, but I am now on this side of the house — and it is great.

I have introduced some amendments to the bill, including making illegal the practice of jury vetting. I am pleased that the opposition has supported that aspect of the bill, but I note that the shadow Attorney-General raised some issues about the reversal of proof for an employer offence as described in clause 76. The clause makes it an offence for an employer to terminate, threaten to terminate or otherwise prejudice an employee's employment as a result of the employee's jury service. I do not believe the shadow Attorney-General has any problem with that aspect of the bill; however, clause 76(2) provides that if all the facts constituting the offence other than the reason for the employer's action are proved, the onus is on the employer to prove that the termination, threatened termination or prejudice was not motivated by the employee's jury service.

He raised concerns about that matter because he sees it as a reverse onus situation, and I note that the Law Institute of Victoria and the Victorian Bar Council have raised that aspect as well. I thank the shadow Attorney-General for handing me a copy of a letter sent to him by the institute and a copy of a letter that the council sent to him.

It is pleasing to note that finally the honourable member for Berwick is talking to the Law Institute of Victoria. Isn't that great! For years, when I was in opposition, I urged him to take notice of members of the institute because they have some good ideas and they should be listened to; but I was accused of being too close to them. But now I am on this side of the house and he — fortunately for all of us — is on that side of the house, and I congratulate him for finally taking notice of the Law Institute of Victoria and the Victorian Bar Council.

Let us not forget what the concerns relate to. They relate to that part of the bill originally introduced by the former Attorney-General and fully supported by the now shadow Attorney-General, so if there is a stuff-up here it ain't on this side of the house. It is indeed a stuff-up by the former government and the now shadow Attorney-General!

Experience has shown that clause 76(2) is necessary. It has proved very difficult, as I thought the shadow Attorney-General would have known, to prosecute employers who prejudice an employee's employment because of the employee's jury service. Employees are very vulnerable in this situation, and clause 76(2) is designed to protect employees and the jury system as a whole. The subclause will not infringe on the rights of employers who are prosecuted for this offence. An employer is in exclusive possession of information about the reason for taking action against an employee. Where the action arises from the employee's poor performance or some other such reason, the bill allows the employer to say so.

It is also interesting to note that some time ago the Scrutiny of Acts and Regulations Committee commented on this aspect of the bill.

The Scrutiny of Acts and Regulations Committee, which was then a government-dominated committee, states in its report:

> The committee notes that the provision in clause 76(2) constitutes a reversal of onus of proof and this may attract comment by the committee as a possible trespass to rights and freedoms.

Dr Dean — Hear, hear!

Mr HULLS — I note the shadow Attorney-General's comment. The report states:

> The committee, however, notes that there are exceptions to this general proposition in cases, for example, where the defendant is in exclusive possession of relevant information which would be difficult or impossible for the prosecution to prove but relatively easy for the defendant to prove.

Dr Dean — Very rare.

Mr HULLS — 'Very rare' says the very rare shadow Attorney-General!

The report also states:

> In the context of the particular offence created by the section the committee recognises the relative difficulty or ease with which the reasons for an employee's dismissal may be proved by the prosecution and the employer respectively.
>
> In the circumstances the committee notes this provision for Parliament's consideration.

So the committee was well aware of the problem but was not prepared to make any adverse comment about it. The committee reported to the former government, for which the shadow Attorney-General was the parliamentary secretary. When Mr Flip-flop Man was in government he said, 'This legislation is appropriate', but now he is in opposition he says, 'This is bad legislation'. How can anyone in Victoria take the shadow Attorney-General seriously? He runs around Mildura saying, 'You will not get a court because Hulls is going to have a court in Warrnambool', and then he goes to Warrnambool and says, 'You will not get a court because there is going to be one in Mildura'.

Dr Dean — On a point of order, Madam Deputy Speaker, those comments are in no way relevant to the bill. I understand the Attorney-General's frustration as a result of the comments he made to a newspaper in Warrnambool that made him look like a complete idiot, but regardless of that this bill concerns the Juries Act and to refer to comments about courts in country towns is irrelevant to the bill.

The DEPUTY SPEAKER — Order! The point of order is upheld. I ask the Attorney-General to refer his remarks to the bill.

Mr HULLS — When the shadow Attorney-General was in government he said clause 76(2) was appropriate. All the present government has done is change the bad aspects of his bill. It has fixed up the bill to ensure unanimous verdicts are given in murder cases. The shadow Attorney-General was prepared to go down the line of having majority verdicts in trials for murder and treason! The government has fixed that and enshrined in the legislation unanimous verdicts in trials for murder and treason. That is very important.

When the shadow Attorney-General was on this side of the house he said clause 76(2) was good legislation. Something must happen to one's brain, one's rationale and one's way of thinking during the transition from this side of the house to that side of the house. It is interesting that a person can have a principled view when on this side of the house but can have a totally unprincipled view once he or she moves to Loser Land on that side of the house.

The views of the law institute will be monitored and taken into account. I have had a personal discussion with the president of the institute about this matter. The government will monitor the situation, but for the moment it believes the former government got it right on clause 76(2). All this government has done is mirror the former government's legislation on that aspect. When the shadow Attorney-General says the entire legal profession is saying the government is wrong he means that the entire legal profession is saying he was wrong when he was in government. Yet he did nothing about it; he was obviously not prepared to stand up to the former Premier or the former Attorney-General. He had absolutely no spine whatsoever. The legislation is right. Guess what! The shadow Attorney-General, the former parliamentary secretary, got it right. That is a difficult thing for me to say, but he got it right when he was in government, and by supporting the bill he has got it right now.

The bill is good legislation. It expands the category of people who are able to serve on juries. That aspect of the bill is supported by the opposition. It makes juries far more representative of the community. It ensures that majority verdicts are not the norm; in fact the government believes majority verdicts have no place in trials for murder or treason.

The work of the previous parliamentary Law Reform Committee is to be commended. It was groundbreaking work, and I said so when I was in opposition. I said at the time that the work it did was good, which is why I have introduced the bill. But I have made it better. The Bracks government is about access to justice, about making justice more accessible in Victoria and ensuring that we have a far more democratic society. This legislation goes a long way towards ensuring that that occurs.

For that reason I thank all honourable members who have spoken in favour of the legislation, and I too wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HIRE-PURCHASE (AMENDMENT) BILL

Introduction and first reading

Received from Council.

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

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 15 December 1999; motion of Ms ALLAN (Bendigo East) for adoption of address-in-reply.

Mr MAUGHAN (Rodney) — In participating in the debate on the address-in-reply I wish firstly to extend my congratulations to the Governor and Lady Gobbo on the excellent job they are doing in upholding the highest traditions of that office. I believe all honourable members admire them for the tremendous job they are doing on behalf of the citizens of Victoria.

I also take this opportunity to pass on my best wishes to Mr Speaker on his election to the high office of Speaker of the Legislative Assembly.

I thank the electors of Rodney for their continued support and their excellent judgment during the 11 years since 1989 in which it has been my privilege to represent them. Rodney is one of the best electorates in the entire state. I believe my constituents appreciate that my prime objective is to represent their interests effectively and to attempt to achieve the best outcomes for them in their various pursuits, be they agriculture, senior citizens activities or whatever.

My wife, Dorothy, and I continue to make ourselves readily available at any time throughout the 7500 square kilometres, the 16 major towns and the range of schools, hospitals and other community activities in the electorate. I listen — and listening is the key — to the views expressed to me as I go around the electorate, and I talk with a very large number of people. People often say that members of Parliament do not listen. If they only knew how many meetings most of us attend in an average week, listening to people's views and trying to distil those views so that we can represent our constituents appropriately, they would not make that comment.

I take a great deal of pride in having being part of the coalition government. As many commentators have said, that government turned the state around and transformed it from a basket case to a showcase. I am proud to have been part of that team during the two terms of the Kennett coalition government, a government that provided strong and visionary leadership for seven years. It dealt with the very important economic issues that were bedevilling the state when it came to government in 1992. It was a government that paid off a debt of $25 000 million — a feat that will not be repeated often. It is a major achievement that goes right over most people's heads. It restored the state's AAA credit rating, and it commenced major infrastructure projects the like of which have not been seen in Victoria for many years.

Through privatisation and competition — and I stress competition — that government made electricity, gas, water and transport much more competitive than before. The key to all of that was the introduction of the competitive element that drives prices down. Similar advances were made in the areas of Workcover and local government.

Those were all problem areas that members on the other side of the house failed to deal with during the 10 years they were in power because they could not offend their union mates. Unfortunately, we are now going back to that situation. The new government is unable to deal with the problems besetting the state because of its fear of offending its power base within the union movement by taking decisive action.

An Honourable Member — They are shackled.

Mr MAUGHAN — They are shackled to their power base, which is the union movement.

I was here for the last 4 of the 10 disastrous years of the Cain–Jolly and Kirner–Sheehan governments, and I now recall for the newer members on the other side of the house the experience of watching the state grind to a halt. I remember the trams banked up in Bourke Street. I clearly remember government debt and unfunded liabilities climbing to $40 000 million dollars during that period.

By way of contrast, I ask the house to think back to the 1980s and the corporate disasters of Bond, Skase, Adsteam, Estate Mortgage, Pyramid, Budget, Interwest, and on it went. If all those disasters were put together right across Australia, it would amount to a mere $16 billion, and yet during that same period the Labor government increased Victoria's debts and liabilities by $40 000 billion. Unemployment increased to 12.8 per

cent. The total debts and liabilities for which Victorian taxpayers were responsible climbed to $70 000 billion. Naturally Victoria's credit rating went down from the AAA rating it had enjoyed to A1.

I repeat, I am proud to have been part of a government that, as a result of strong, decisive leadership, turned that around and created an environment which encouraged investment and created jobs which, in turn, created wealth. I cannot stress enough that the aim of government should be to create an environment that encourages investment, creates jobs, gives people self-esteem, reduces social problems and generates wealth to provide human services such as health, education and community services.

Unemployment went down to about 8 per cent and is still falling. I stress the fact that during that time the government paid off $25 000 million worth of debt.

Sometimes I contemplate what the government might have done with that money if it had spent it in other ways, for example, if half of the money had been spent on fixing up our local roads and if some of it had been spent on building even more hospitals and refurbishing schools.

That $25 000 million was an enormous debt for the former government to repay on behalf of Victorians. The consequence of that was that the former government saved $800 million per annum in interest payments, not just for one year, but year after year after year. That means another $800 million is available to the current government, year in, year out, to be used for capital works, the provision of services and so on. The Labor government has inherited a very sound economy in good shape. Unemployment is at its lowest level for many years; more than 300 000 jobs were created from 1992 onwards during the term of the coalition government. As I said, unemployment dropped to 7 per cent and is still falling.

Victoria's economic growth was the fastest of any state in Australia — a remarkable achievement! Honourable members do not have to take my word for it; an editorial by the economics correspondent for the *Australian,* Ian Henderson, dated Friday, 3 December 1999, quotes the Australian Bureau of Statistics:

> The fastest growing state in 1998–99 … was Victoria.
>
> …
>
> On average, that state's citizens are now 26 per cent better off than they were in 1991–92 —

that's when the coalition government came to office —

> the fastest per capita income growth rate in the nation.

That is a great achievement! Where are we now with the Labor government having been in power for six months? I quote from —

An honourable member interjected.

Mr MAUGHAN — Okay, five months. Five months, and look how things have changed. Six months was a little more favourable to the government. In five months, the whole atmosphere has changed.

I quote from the *Age*, a newspaper that is not favourably disposed towards this side of the house. An article by Philip Hopkins in the *Age* of 14 February states:

> Victorian business confidence has fallen sharply since the election of the Bracks government, according to a survey by the state's main employer body.
>
> The 1999 December quarter survey by the Victorian Employers Chamber of Commerce and Industry found that 19 per cent of businesses believed the state economy would grow strongly in the next 12 months.
>
> This was down from 43 per cent of respondents holding a similar view in the September quarter survey.

The Victorian Chamber of Commerce and Industry (VECCI) addressed the electricity crisis when again the government was shown up for its incompetence and inaction. The state suffered enormous losses as a result of the electricity blackout. This is what VECCI has to say:

> Victorians suffered an uncomfortable week of power restrictions and the cost to business was more than $100 million in lost production — let alone the opportunity cost to our reputation.

And the cost is incalculable! How many investment opportunities have been lost because of the lack of confidence that electricity will stay on? The article continues:

> The crisis highlighted significant problems in the government and the electricity system. VECCI has called for an urgent review of the charter under which the national electricity grid operates. The charter must ensure equitable electricity supplies in emergency situations.

An article by Ewin Hannan in the *Age* of 17 February states:

> The state government's public repositioning on the 36-hour week is an implicit recognition that its Pontius Pilate approach to the building industry strife has not worked.
>
> For weeks, cabinet ministers refused to put a public position on the 36-hour week, asserting ad nauseam that the union claim was a matter to be resolved by employers and the unions.

It was certainly a matter for the Victorian government to resolve and one that required a show of leadership from the Premier of the state. The Minister for Industrial relations should have come out of the bunker and made some comments or done something to resolve the crippling dispute — a 36-hour week and 24 per cent pay increase that the state cannot afford.

The article by Ewin Hannan goes on:

> In declaring a position, however, all he has done is to leave himself vulnerable to the opposition charge that his actions have been 'too little too late'. His switch has already earned the ire of union officials, who bluntly told the government yesterday to butt out.
>
> Employers too are unlikely to be grateful, believing Bracks should have articulated the government's position much earlier.

All on this side of the house support the comments made in the *Age*.

Let us look at some of the problems that might flow from the lack of action of the Bracks government in dealing with the industrial relations and electricity problems. Without any shadow of a doubt, if the claim in the building industry is not dealt with and the issue quickly resolved, the Victorian community will be worse off as investment projects dry up and go to other states and other countries.

Workcover premiums under the Cain–Kirner governments were 3.3 per cent and unfunded liabilities were $2.1 billion. The coalition cleaned that up and got rid of the unfunded liabilities. The actuarial review commissioned by the present government showed Workcover would be fully funded by February 2001. Under the coalition, Workcover premiums came down to 1.9 per cent. All of that will be for nought as Workcover is revamped, premiums go up and the cost to employers goes up — some estimates say by 20 per cent. That will make them relatively less competitive than other states.

Let me briefly deal with country Victoria, because much has been said about country Victoria missing out. The previous coalition government had the vision of increasing food exports from $3 billion to $6 billion, which has now been achieved, and created a target of $12 billion by 2010. To its credit, the Bracks Labor government has picked up on that target. I commend the government for that. It is a worthy objective and it is driving growth in regional Victoria.

The previous coalition government provided major investment for agricultural research and upgraded research institutes at Werribee, Hamilton, Kyabram and in various other places around Victoria. More recently $47.5 million was allocated over a period of years for the Growing Horizons program, a significant program for country Victoria. That encouraged significant investments in value adding in the food processing industries, with something in the order of more than $2 billion invested in food processing facilities, of which well over $600 million was invested in northern Victoria.

The electorate that I have the privilege to represent is a significant producer of dairy products and is by far the most important dairying electorate in Australia, with some 3000 dairy farms, 350 000 dairy cows and a farm-gate production of about $300 million. My electorate is also big in the production of tomatoes, cattle and horticulture. All of those together total around $1.4 billion.

The food processing industry is important in generating jobs in rural communities. Recently an announcement was made of an investment by Heinz Wattie's of $10 million, creating 850 new jobs — and the building is going on right now. That is in addition to the investment by Heinz in Girgarre Country Foods, a major tomato processing factory in northern Victoria, to the huge investment by Nestlé at both Tongala and Echuca, to Kraft Foods at Leitchville, Cedenco at Echuca and Bonlac at Stanhope. Murray Goulburn at Rochester is in the process of spending $40 million to expand its plant and make it more efficient, competitive and productive. That is the story of what has also been happening in agriculture. The dairying industry alone has been more competitive and productive. As the honourable member for Warrnambool would appreciate, amazing productivity gains have been achieved of 2.5 per cent each year for the past 20 years.

Victoria's farmers and exporters were being priced out of existence, not simply by low commodity prices and corrupted markets but by costs, which under Labor kept going up. Under the previous coalition government costs that we could do something about, such as workers compensation, came down 3 per cent to 1.9 per cent. Road and rail transport costs decreased, meat inspection charges came down by about $5 million, port charges were significantly reduced and electricity costs of the major food processors decreased in the order of 30 per cent, together with water and municipal rates. Stamp duty on family farms was abolished.

Honourable members often hear a mantra about country Victoria missing out. That is a furphy. A careful and objective assessment of the figures reveals that is not the case, and I can give chapter and verse as to why. An enormous amount of money has been spent, and I could

argue strongly statistically that per capita people in country Victoria have received more than those in the metropolitan area. Although some small rural towns missed out on receiving small amounts of money that they really needed to assist with their communities, in the area of education almost every school in my electorate had major refurbishment works done on it. Those schools are now in pretty good condition.

In health, funding was allocated to hospitals as follows: Cohuna, $600 000; Echuca, $20 million; Rochester; $800 000; and Kyabram, $1.2 million. I could go on with the success of the tourism industry — —

An Opposition Member — Well, do so!

Mr MAUGHAN — I do not have time, but I would love to tell you on another occasion about the great success of the tourism industry in Echuca, Campaspe and generally in the electorate I have the privilege of representing.

Echuca is currently hosting the World Women's Bowls Championship, and that is adding to the economic growth of the area. There are 5300 motel beds in the district creating 1500 jobs. The Echuca–Moama area receives 1.6 million visitors a year, with an economic value to it of about $226 million.

I close by saying that I will continue to represent the people of Rodney to the very best of my ability and articulate their concerns.

Mr LEIGHTON (Preston) — Speaking late in the debate, as I am, I have had the benefit of listening to contributions from both sides of the house. I have heard a number of opposition members reflect on their Australian Labor Party opponents at the last election. In some cases the descriptions would lead one to think their opponents were akin to Attila the Hun. I suppose that reflects the fear and fright they felt in September, and their sheer relief at crawling back into this place.

It is my turn to reflect on my Liberal opponent, but I want to do it in a nice way. The Liberal Party candidate for Preston was Mrs Ruth Padgett. I want to place on the record that I consider her a decent person. I congratulate her on the campaign she ran during the state election. I acknowledge the work she does in my electorate in activities such as Neighbourhood Watch and wish her the best for the future, both for her personally and for the continuing work that she will do in Preston.

I will devote a large part of my contribution to health services in Preston and the City of Darebin. There is no doubt that that has been the major issue in my electorate over the past couple of years. Back in 1996 the then Kennett government announced that the Preston and Northcote Community Hospital would close. I will say more about that dishonest announcement in a couple of minutes, but it is worth reflecting on what a quality hospital PANCH was. It had the leading public hospital accident and emergency services department in Victoria.

It had a unit of excellence in the Victorian plastic surgery unit and it provided good quality care in several areas such as maternity, midwifery and paediatrics. In my experience the Preston and Northcote Community Hospital was the most efficient public hospital and almost the only one that came in on budget. Honourable members on the government side live in fear that their local public hospital will blow its budget and engulf them in a political crisis but PANCH always came in on budget. So far as any large institution such as a public hospital can have a community focus that was a further strength of PANCH.

In 1996 the former Kennett government announced that PANCH would close and be replaced by the new Northern Hospital in Cooper Street, Epping. Although a need existed for a campus at Epping a more sensible decision would have been the one agreed to by the previous state Labor government for one public hospital with two campuses — that is, a continuing campus at Preston on the PANCH site and a new campus at Epping.

However, in its wisdom the former Kennett government announced the closure of the hospital. To mute public criticism it announced that health services would continue on the site. That commitment was given in both the Metropolitan Health Care Services plan, which was a major report released under the signature of the then Minister for Health, the Honourable Rob Knowles, and a glossy brochure entitled 'New plans for your local hospitals' and placed in all letter boxes in the Preston area.

Under the subheading 'The Preston integrated care centre', the brochure states:

> Following the move of PANCH services to the new Northern Hospital, by early 1998, the site currently occupied by PANCH in Bell Street will be redeveloped as the new Preston integrated care centre. This centre will provide a range of day services including day surgery, renal dialysis, chemotherapy, medical procedures, outpatient clinics, diagnostics and aged care programs. Local patients who continue to need stays in hospital will be treated at our hospitals in Heidelberg (A & RMC and the Mercy), or the new Northern Hospital at Epping.

That commitment was broken as soon as PANCH closed. The former government justified its decision by stating that a stand-alone site was not in line with modern clinical practice. That is nonsense when one looks at several integrated care centres already built or currently under construction.

Over a period of a couple of years a major local community campaign to save the hospital took place. It was led by a group called the People for PANCH with strong links to the Preston–Reservoir Progress Association. People such as Marion Harper and Alex Robbins campaigned tirelessly. Committee meetings were held every Tuesday night with an average attendance of 20. A major point of the campaign was that PANCH was a community hospital. Through raffles and lamington drives the local community had raised millions of dollars for both the construction and ongoing operation of the hospital. A further issue was the need for health services in Preston. The closure of the hospital and the sucking out of its services were causing a growing gap in services available to the community.

During the election campaign it was nice to commit an incoming Labor government to funding of $5 million towards the development of an integrated care system at Preston. The irony is that the commitment given and broken by the former Liberal government was given in a similar form through the Labor party. I congratulate the Minister for Health on honouring the election promise in the house on 9 December last. A community consultative committee, which I chair, has been established. It has met twice and a third meeting is scheduled for Friday next. The committee's timetable includes a report to the minister by the middle of the year. Funding is available in the budget for construction to commence in the middle of next year for completion by the middle of the following year.

Among the issues before the committee is the site of the care centre. It appears likely that will be in the car park opposite the old PANCH site. The hospital is unavailable as it was sold to a private developer at a bargain-basement price. The car park site makes sense as it is central in the municipality and well located to public transport.

The more challenging issues will be the services provided. Much work requires to be done but the committee is identifying enormous needs in people with non-English-speaking backgrounds and aged care services. A need exists for more mental health services and the Darebin Community Health Centre is overcrowded. It may be possible to link in NEAMI, the north-eastern alliance for the mentally ill.

It is possible that renal services will be provided at the Preston integrated health care centre and perhaps some of the services that older people from Preston access at the Bundoora centre could be brought into the Preston centre. One of the delights of winning government was implementing this election commitment, and work is well under way.

I have paid attention to the plight of the Northern Hospital. It is clear the hospital has major resource and budget problems. I have gained access to briefings and information that the previous government would not release during the time we were in opposition. The hospital was short-changed in a number of ways. The level of services put into that hospital reflected the previous government's commitment to have continuing services on the former PANCH site. It was under-resourced and requires two additional operating theatres. Although it is a public hospital, the government modelled it on the privatised Latrobe Valley Hospital which was contracted to pay $1 million dividend a year to the state government. Even though it is a public hospital the same requirement was applied.

It is interesting to note that the Latrobe Valley Hospital has taken legal action against the government to try to avoid paying that $1 million dividend. The Northern Hospital is running a $1 million deficit a year, waiting lists are blowing out for categories 2 and 3 patients, as are waiting times for accident and emergency services.

One of the most scandalous things about the establishment of the hospital is that as part of the construction contract the previous government linked in an ongoing maintenance contract, which cost the hospital an additional $250 000 a year more than if it was able to purchase its maintenance services separately. The hospital has massive problems which will have to be addressed.

I refer the house to an election commitment by Labor to rebuild the Preston police station. Given that Preston is a safe Labor electorate, I take the view that the commitment was made on merit. The Preston police station has sat at the top of the Victoria Police priority list for a number of years. Under the previous Labor government it got as far as contracts being signed, which were to involve a three-way exchange of land through the state government, the Victoria Police, the then City of Preston, and a private developer. With the change of government those contracts were torn up. I point out that it does not matter whether you are a crook or a copper, the police station is not fit for human habitation. Although the new Preston station was at the top of the Victoria Police priority list, it never got up because the former government was making decisions

to build police stations for political purposes, whether the police wanted them or not. It was pleasing to see the then shadow minister for police, now the Minister for Police and Emergency Services, give a commitment that an incoming Labor government would rebuild the Preston police station. I look forward to that happening.

In a related law and order matter, the government discovered that the former coalition government gave a commitment to build additional courthouses in Heidelberg — and good luck to the honourable member for Ivanhoe but I know where the previous government was coming from. It was an unsuccessful attempt to pork-barrel in Ivanhoe to see if it could win Ivanhoe back. The former government announced that. The bit it never disclosed was that the Preston courthouse would be closed as a consequence. That did not come to light until after the change of government, and the Attorney-General and officers of his department have subsequently confirmed that was on the agenda. I thank the Attorney-General for putting that on hold. That would have had substantial social justice implications because there would have been no courthouse between Broadmeadows and Heidelberg. It would also have had economic implications for our business district centre. I am glad that matter is now on hold.

Traffic and roads are an increasing issue in the City of Darebin. Although people talk about the City of Moreland as the municipality dramatically affected by escapees from City Link, there is also a spill-over into the Darebin municipality on routes such as St Georges Road into the city. I am increasingly concerned about the safety of High Street, Preston, especially during the evening peak hour when it is a clearway. More work will have to be done. It is a two-lane road in a retail area. Although the speed limit is meant to be 60 kilometres an hour, vehicles often travel more than 70 kilometres an hour. Statistics obtained through the council show that the second-highest level of pedestrian fatalities is between 4.30 p.m. and 5.00 p.m., which reflects a dangerous mix of vehicles and people shopping in the retail area.

I welcome the proposal to introduce speed message variable signage. The major debate now seems to be whether to reduce the speed to 50 or 40 kilometres an hour, and during what hours that will operate. Ultimately, the local community will have to examine scrapping the clearway, as I think the City of Moreland has been considering with Sydney Road. That will lead to increased safety and it is also in the economic interests of local retailers.

A stinking dead cat that the previous government left us in traffic management is the proposed F2 freeway. Perhaps we should ask the former planning minister about the processes followed by Vicroads in looking at freeway options. Five of those options would have the F2 freeway go through sensitive areas, conservation areas, with implications on flora and fauna, and bring traffic out into the top of Reservoir at Mahoneys Road through to Broadhurst Avenue. Vicroads has been dishonest about this exercise. It examined a range of options to construct new freeways without realistically examining an option of upgrading the Hume Highway. The supposed option it examined was one with bells and whistles which made it too expensive. I expect that communities and members of Parliament who have electorates south of Mahoneys Road would strongly oppose the F2 freeway.

Historically, my electorate has had double the state average of unemployment. It is not surprising when one considers in the electorate of Preston more than 50 per cent of people are either born overseas or, like myself, have a parent born overseas. Our traditional industries have been the textiles, clothing and footwear (TCF) industries.

It is not surprising that middle-aged migrant women who lose their jobs in those industries struggle to find alternative employment. The federal government's job network is failing. The private agencies cream off those who are easy to place and ditch those they cannot place. Not enough assistance is being provided to those who will find it more difficult to obtain employment.

I acknowledge the work of an organisation called Darebin Jobs, the old Preston Skillshare. It does much hands on work with people. They can come in off the street and spend the day with the organisation. People are given advertisements and the staff provide assistance with writing up their CVs and faxing or telephoning prospective employers. There is a real gap in services offering assistance to job seekers, and more needs to be done in that area.

I conclude by thanking the voters of Preston for returning me to the house with an increased majority.

Mr Perton interjected.

Mr LEIGHTON — What, in holding Preston? I have thanked the Liberal candidate! I look forward to serving the voters of Preston over the next four years.

Ms BURKE (Prahran) — I am delighted to join in the address-in-reply. It seems a little late, but it gives me great pleasure to start by congratulating the Speaker on his new position in the house. I wish him well in his deliberations — he is a fine gentleman. I also

congratulate the Deputy Speaker and everyone else who is in the chair from time to time.

I also take the opportunity to congratulate Sir James and Lady Gobbo on the magnificent job they do in looking after Victoria. I am proud to say that the Governor and his wife reside in my electorate in one of the finest historic buildings in the country. It is one of the magnificent buildings the coalition restored while in government.

I am delighted to be returned as the member for Prahran for another term. I thank the electors of Prahran for their vote of confidence in me. This term I take on a new role, that of shadow Minister for Local Government and shadow Minister for Women's Affairs.

I will talk firstly about my electorate. This debate provides one of the few opportunities to speak on interesting aspects of one's electorate, its future needs and the demands of policy to cope with changes in the new millennium. Although my electorate is the smallest in the state it has the largest population. It has absolute extremes of population — a large proportion of people are aged between 18 and 35 and a large proportion are over the age of 70. At least 20 people are over the age of 100. Some 6000 people are over the age of 70. The electorate has a very wealthy section in the Toorak–South Yarra area and a much poorer section — only in monetary terms, not in quality of life — in the Prahran–St Kilda–Balaclava area. The mixture is terrific; there is an enormous variety and those who are less fortunate can be assisted by many of those who are more fortunate.

The councils in my area are Port Phillip, Stonnington and Melbourne. We have very good working relationships and I continue to look forward to working with them. Prahran has a large multicultural community. Some 45 per cent of the electorate come from non-English-speaking backgrounds. There is a large housing ministry area in the electorate — one that certainly keeps me on my toes.

As I said, I will deal with my new portfolio as shadow Minister for Local Government. The Governor's speech refers to the government's commitment to local government and states:

> A key priority will be to forge a new partnership with local government. The government believes that participation in grassroots democracy is vital to a fully engaged citizenship, and that control over the future of in their streets, suburbs and towns must be restored to local communities.

I do not know when it was taken away, but yes, I could not agree more. It continues:

> The government will:
>
> convene a meeting of mayors and shire presidents from rural and regional Victoria to discuss priority actions to be taken to rejuvenate regional Victoria;
>
> announce interim height controls on the foreshore to prevent inappropriate development —

that has been done —

> commence the preparation of guidelines that clearly define the scope and limits of ministerial intervention in planning matters —

that has certainly been done and there has been intervention already —

> hold a major meeting with all local councils to establish a new partnership between state and local government in planning.

A whole new planning scheme has been developed in partnership with the state. That is all I have on local government so far. I hope there will be much more because that is not much of a vision. From my experience that has been happening for some time.

Making a difference means not only talking to people but coming up with solutions and putting them into action. We can all talk but getting something to happen is the important part. Local government in Victoria is currently a $3 billion business; it is one of the biggest spending sectors in the state. It has a vital role to play with local communities for its capacity to generate the economy, develop and deliver services and provide community facilities and support, particularly in infrastructure. The previous government produced a magnificent infrastructure report that for the first time ever looked at the whole state, at future infrastructure costs and what was needed for business and the everyday living styles of communities in municipal Victoria. That infrastructure report will be a marvellous document for the future.

Local government reforms brought a significant shift in both the culture of local governance and its capacity to improve the quality of life of communities, particularly in rural areas. I have said before and I repeat: municipalities can take pride in the fact that they are well prepared for the new millennium with a standardised accounting system. We can even talk now about nine councils that are debt free. There is now a continuing review of services and the community has a say about that standard.

Local government now has freedom of information facilities that were not available before. It has infrastructure capital works plans that in many instances were not there before. It is now possible to

gauge infrastructure, business and community needs and plan for them. In conjunction with the state and in partnership with the commonwealth local governments now have annual reporting so their communities know where they are financially. That is available to all ratepayers, not just those in the know.

Local governments have a new strategic planning scheme that provides a vision about the way the community wants to go. It includes heritage overlays and significant vegetation protections. Communities are now aware of contaminated sites and flood prone areas. That has been addressed by municipalities, so that when you buy a property you know exactly what you are getting and everyone can be well prepared. Unfunded superannuation liabilities have been reduced. Most importantly, local governments can proudly say they are an equal player with state and federal governments in serving their communities. Local government's future relies very heavily on the recognition that the community does not exist to support the town hall but that the town hall exists to support the community.

My other shadow portfolio is that of women's affairs. It is my first opportunity to take on that role and I am delighted to do so. Since 1992 there have been considerable changes to the rights of women in Victoria, many of which were introduced by the Honourable Jan Wade. I congratulate her on what she did for women not only throughout Victoria but throughout Australia. She set the benchmark. She increased the number of women judges, not just as tokenism because she thought more women should be on the bench but because they were women of quality of equal standing with their male colleagues. She increased the number of women in the magistracy and, importantly, in the senior levels of government. She introduced specific programs to assist women entering the work force to balance their work and family commitments.

When I speak about Victoria I speak about all Victoria. I do not put Victoria into segments. I speak about rural Victoria, country Victoria, bush Victoria, metropolitan Victoria — whatever is the in-thing for the particular group at the time. I talk about Victorians and their needs as individuals but I cover all areas.

The former minister introduced specific programs for those workplaces, and that balance between work and family will continue. The minister was also responsible for introducing many important pieces of protection legislation for women. The most important included stalking legislation and much greater protection for women in sexual assault and domestic violence cases. Some of the major changes have resulted in an incredible increase in security for women.

There are many issues to be faced in the future. One I have witnessed is the change in our communities such as the increase of dementia in the elderly. Hospitals, nursing homes and aged hostels are under much greater pressure. Those issues are clearly brought home as one moves around the electorate and sees the problems. The fact that aged care nurses receive 20 per cent less than their nursing colleagues employed in other facilities must be addressed in the near future. There are many new issues surrounding aged care, and the costs associated with caring for the aged are increasing. It is important to keep the standard at the level you would like if you were in a nursing home. That should be the government's major priority.

I take this opportunity to recognise the carers in my community. Many of my constituents have dedicated their lives to those who are in need. Many people have constant care needs because of disabilities of one kind or another. The opposition will continue to update its policies and take into account the changing needs of those communities.

The electorate of Prahran has one of the largest groups of intellectually disabled in the state. That area needs enormous attention and care. Although we all wish those people to have freedoms they require an enormous amount of care and attention. That is something I see every day, and I hope to be able to do more policy work in that area.

I now move to some of the issues facing us in the new millennium. Many have been around for a while and just do not go away. They include the pressure of globalisation, the challenge of finding local solutions, the fact that decisions are made a long way from home, whether in councils or in Parliament, and the way they affect other people.

Our response to mobile capital is also vital. If business gets too tough in Victoria jobs and resources will move elsewhere. It does not matter to most of those dealing with big capital. Speed and movement of capital in business is quite unbelievable. Information and communications technology (ICT) is another vital area. If honourable members think it is going away, if they think the Internet will collapse and no-one will be bothered with it, they should think again because ICT will continue to control our lives and involve everything we do and how we do it. The community now judges the public sector in exactly the same way as it judges the private sector. It wants the same standards.

It demands those services tailor-made to their needs and expects government to provide it.

The youth of today spend their time trying to distinguish themselves, which is the absolute opposite of the way we behaved. In my time everybody wanted to be very much the same. I guess that is brought home to me when I visit Chapel and Greville streets and areas of St Kilda where we have the dress-in-black group, the body-piercing group, the every-coloured-hair group, and the Country Road group. They want to be seen to be different and there is no way a politician can say, 'I am like you, vote for me', because that is not the way of today. There are issues of sustainable development, and particularly the sustainable environmental future. That is a major issue for our youth and one we will be dealing with. The shadow minister for conservation and environment will be working closely with me to look at that. The youth of today view the environment as a major issue. It will certainly not go away, and it should be a major issue for all of us. It is concerned with the quality of life of the next generation.

Investment is the driver of tax income and also employment. When welcoming new business we need to assist people not only in facilitating their business in this state but also by making them environmentally aware so that those issues are taken into account. For business the bottom line is, 'What is in it for me?' and, 'Is it best to do my business in this state?'. We must ensure that our policies not only deal with employment and job creation but are environmentally sustainable.

I will conclude with some issues of which I am very proud in my electorate. The Prahran high school college is back. Sadly, the school was closed down when I first became a member of Parliament. It has now moved to a new site and the school community is happily working there with much better conditions. The former site is being returned to open space, much to the delight of my constituents. A day centre contaminated by asbestos has been transferred from the park to a brand new building in the school grounds, which has opened up the space in Fawkner Park as well.

I assisted in providing a new home for the Victorian AIDS Council and for those needing palliative care in that area of AIDS, and I am proud of it. It is a magnificent old library in Commercial Road, and we can all feel proud that we have made a difference to that community. There are many instances of improvements in the quality and day-to-day life of the community in my electorate. I could list some of the issues and fights we had with the various departments. Although it is easy to talk about achievements and things you have not done, after you have been in government for a while — and I am sure many Labor members are feeling it now — it is difficult to persuade not only your colleagues but also the bureaucracy. Of course, listening to all the different points of view is almost overwhelming. You can be proud when you finally get something up and running.

I had the pleasure of opening the aged care hostel which I fundraised for back in 1990 when I was mayor, and I am delighted that that is up and running. It is one of the finest homes in the electorate and is catering for many of Prahran's pensioners.

Finally, I will mention a few matters arising from the election campaign. My campaign was successfully run because I was returned — it was a terrific campaign. My opponent Joseph O'Reilly was a gentleman throughout the whole process. It was delightful to run a campaign against him. I wish him well in whatever he does.

Mr Perton — He just got sacked, didn't he?

Ms BURKE — I do not know about that, but he was a delight to deal with. He was beautifully behaved and it was an honest and good campaign. There was also a tremendous lady from the National Law Party — she was a delight. I must say that it was a pleasure to run a campaign in Prahran. It held the standard of state politics high and I was pleased to see that happen.

I also place on record my thanks and commitment to my campaign team. Mr Iain Moffat, my campaign chairman, and his family were of tremendous assistance. I thank his wife Jane, his daughter Sarah and his son James. I thank my family as well. My son came from America to help out. It was a delight to have him and the rest of the family around me throughout the campaign.

The important thing for me is to continue with the vision of those in my electorate, and to serve them in the way that I have previously done. I look forward to my challenge in opposition. It is a wonderful time to review policy and to look at your community from a different perspective. I look forward to the policy changes that will come from opposition. I thank all those who have supported me.

Mr LIM (Clayton) — I am delighted to take part in the address-in-reply. In so doing, I again congratulate the Speaker. His promotion speaks volumes about what Labor is all about insofar as multiculturalism is concerned. It takes another non-English-speaking background person like me to appreciate what he feels about his position and how proud he is of his community. It speaks volumes and sends a powerful

message about the vibrancy and dynamics of multiculturalism in Victoria.

I also join the honourable member for Prahran in passing on my congratulations to Sir James and Lady Gobbo for the fine job they are doing as the representatives of the Victorian government.

It would be remiss of me in the address-in-reply debate not to mention the role of the former Premier in trying to dislodge me from the seat of Clayton. It was quite a drama at the time of the election and it is important to put on the record some of the circumstances surrounding what happened.

The net effect of that Liberal Party campaign was to divide the Asian community in the Clayton electorate. It created a lot of confusion and many questions have been asked in the community about what the coalition and in particular Premier Kennett, who professed to be the champion of multiculturalism in Victoria if not Australia, were trying to do.

The questions asked included why the Liberal Party would stand one Chinese candidate against another Chinese candidate in Clayton. If the Liberal Party wanted to tap into an Asian community, why did it not run an Asian candidate in Springvale? What was not revealed to the community at the time was that it was a deliberate plan by the Liberal Party to try to re-elect one of the honourable members for Waverley Province in the other house. There was no regard whatsoever for the damage to or the consequences for the Asian community.

The effect of those moves by the Liberal Party in Clayton was to unite the Asian community behind my campaign. The Asian community, and particularly the leaders of that community, felt it was an atrocious attempt to damage the community by pitting Asian against Asian. They felt that if the Liberal Party was fair dinkum about promoting Asian candidates or getting Asians into Parliament, as I have said many times in the chamber, it would help decent Asian Liberal candidates to stand in winnable seats. But that is not what happens. Honourable members can see that there are no Asian members on the other side of the chamber. Liberal members should hang their heads in shame.

Mr Perton — If only there was someone competent on your side instead of a number stacker like you.

Mr LIM — I do not intend to respond to the honourable member for Doncaster.

Mr Perton — There are a lot more decent Labor Party members who should be in Parliament instead of you!

Mr LIM — The fact is that you have not — —

Mr Perton interjected.

Mr LIM — What about — —

Mr Perton interjected.

Mr LIM — Have you sent the police to investigate that? You did not.

The ACTING SPEAKER (Mr Phillips) — Order! I thank the honourable member for coming to order. I ask the honourable member for Doncaster to give the honourable member for Clayton the courtesy that is extended to both sides of the house and allow him to make his speech. It is wide ranging and sometimes controversial, but I ask opposition members to be tolerant and allow the honourable member to get excited if he wants to.

Mr LIM — The people of Clayton have seen through the cynicism. In the past four years the former Premier did not set foot in Clayton. When the Hoover factory was closed, with the loss of 200 jobs, and then when the Dorf factory closed and another 200 workers lost their jobs they appealed to the former Premier to visit the factory sites and do something about the closures. He paid no attention. But the then Leader of the Opposition, now the Premier, Steve Bracks responded to the call of the workers and visited the sites at the time.

People in my electorate can see that while the coalition government was in power it brought the devastation of gambling and the exacerbation of the drug problem to the Asian community in Springvale. Asians come from a society that did not have those problems. They are post-settlement problems. Because of what has happened in Victoria and the neglect by the former coalition government — —

Mr Perton — Mr Acting Speaker, you have asked for tolerance from this side of the house, but this is a disgraceful speech in which the honourable member is trying to blame the previous government for the introduction of gaming machines. They were introduced by the previous Kirner Labor government. The honourable member for Clayton is now trying to slur every member of Parliament with the blame for the drug problem. The drug problem is serious and views about how to solve it are shared across the chamber.

Mr Hulls — You are grandstanding, Victor!

Mr Perton — Mr Acting Speaker, you have asked for tolerance from opposition members. I ask you to warn the honourable member to temper his language.

Mr Hulls — On the point of order, Mr Acting Speaker, this is an address-in-reply debate, which gives honourable members a fairly wide range of topics to discuss. For the honourable member for Doncaster to be taking a point of order simply because he does not like the content of the speech being made by the honourable member for Clayton is out of order, and I ask you to rule that there is no point of order.

Mr McArthur — On the point of order, Sir, as the honourable member for Niddrie has said this is an address-in-reply debate. It is a wide-ranging debate and has traditionally been so. But as you have already said, Mr Acting Speaker, there is a need for tolerance, and tolerance should be espoused not just by one side of the house but by both sides. If one side chooses to ignore the Chair's call for tolerance, it can hardly complain if the debate is then interrupted by interjections and catcalls or by objections through points of order.

The ACTING SPEAKER (Mr Phillips) — Order! Interjections are disorderly. From time to time they are tolerated as they can stimulate debate. The tone and the loudness of the interjections can also be disorderly.

I do not uphold the point of order. Precedent on the address-in-reply debate has been long established. It is a wide-ranging debate that is difficult for the Chair to rule on. Unless an honourable member takes offence at something that is said on an individual basis the Chair has only a limited ability to control what is said by an honourable member taking part in the debate.

I ask the honourable member for Clayton to continue, but I ask him to address his comments to the Chair and therefore not be distracted by any comments that could be deemed to be disorderly.

Mr LIM — Where I come from there is a saying that the truth is bitter. I can tolerate the interjections from honourable members opposite, and I will heed what you say, Mr Acting Speaker.

I am very proud to have played a special role as the member of Parliament for the multicultural electorate of Clayton. Because of the circumstances surrounding my election campaign many organisations have rallied behind me, and it is important for me to acknowledge them. They are the Cambodian Association of Victoria; the Federation of Chinese Associations, which is the umbrella body of all the Chinese community organisations in Victoria; the Cambodian–Chinese Friendship Association; the Teo Chew Chinese Association; the Springvale Elderly Chinese Association; the Hakka Association; the Vietnamese Elderly Association in Springvale; and the Philippino Elderly Association in the South-East. All those organisations and many more have been instrumental in my campaign leading to a successful end. I am profoundly indebted to them.

I would like to take the opportunity to thank the campaign team, led by Robin Scott, who is a top strategist. I believe he will go far in the Labor Party. I would also like to thank my family and the band of Labor supporters, particularly the members of the party who came out in force.

I need to address a few issues. One of them is the level of unemployment in my electorate of Clayton. The electorate of Clayton is peculiar in that it covers four municipalities — the City of Kingston, the City of Monash, a small part of the City of Glen Eira and the City of Greater Dandenong, which extends across about a third of the electorate. The statistics on unemployment in the City of Greater Dandenong show that during the past 6 to 12 months employment growth in the area was in the order of 5 per cent.

The irony is that the rate of unemployment among people who live in the area is much higher than the average rate of unemployment in Victoria. The question that must be asked is who has benefited from that employment growth. It appears that because of the growth in technology, particularly information technology, the new industry that has moved into the area has catered for the more highly qualified people. The electorate of Clayton, which includes a sizeable part of Springvale, largely comprises workers from migrant backgrounds who are not well equipped to handle changes in technology, so they have missed out on the benefits of that employment growth. That concern will be addressed by the government.

While serving the electorate during the past four years I have been conscious of being different. One thing I learnt from Steve Bracks before he ever became Premier is a result of his quoting Tom Evans, the former Liberal member for Ballarat North. Tom Evans said that, as a local member, when a constituent walks through your door there is nothing else more important than the problem he or she brings to you. Nothing else! If a local member does not understand that point he or she does not understand politics. The Premier has referred to that quote many times. I take it to heart despite its having come from the other side of the chamber. I have tremendous respect for those words,

and I work on that principle. That is reflected by the many community organisations that enthusiastically supported me.

I have experienced a few touching moments during the past four years. As an Asian person my time in this place has been difficult and has involved a steep learning curve. On the morning of 18 September 1999 when I was visiting each polling booth many people of Anglo–Saxon background came to congratulate me, which gave me a profound glow and made me feel so humble. I now believe that I have achieved what I set out to do. On one occasion a young Anglo boy got out of a car to shake my hand. He said, 'I want to shake the hand of my local member'. I felt so proud, and the experience made me believe that I have done something right during the past four years.

I will never forget that I won my seat at two elections not just because I am Chinese but because I am a Labor candidate. Labor won the last election not because the other side had become arrogant, had lost touch with the people and had become a one-man band, but because our policies were in place and our team was ready. As the Premier has said time and again, we got our campaign right, which is why Labor is in government. It has been a hard road for all members on this side of the house, after a long campaign that had as its slogan 'Labor listens, Labor leads'. It has been a slogging exercise moving from place to place in rural and metropolitan areas following that slogan, but the community responded.

On numerous occasions I have talked about ethnic affairs, and I do not wish to refer to the issue again because it seems to touch a nerve. I know the former coalition government was a complete failure in issues involving ethnic affairs and multiculturalism. There was a lot of empty talk.

Honourable members interjecting.

The ACTING SPEAKER (Mr Phillips) — Order! The level of interjection is far too high. It is almost like Bay 13 in the corner. I ask opposition members to keep their voices down.

Mr LIM — I would like to congratulate the Labor government on its policies on gambling, a subject that is close to my heart. I often requested the former government to look into the effects of the casino and gambling on the Asian community, which made me very unpopular with the former Premier.

I am pleased to see the passage of new legislation on gaming that will freeze the number of gaming machines in the state, give the local councils a say in the placement of gaming machines in their areas, compel gaming and casino operators to give players meaningful information on pay-out rates, impose limits on advertising, set up an independent panel to oversee research into gaming and strengthen the independence of the Victorian Casino and Gaming Authority.

It has worried me that members of the Asian community have been seen simply as people who frequented the casino and now attend gaming venues right across the road from their homes.

Opposition members interjecting.

Mr LIM — That thought is frightening to me as an Asian person, and the image really hurts.

Opposition members interjecting.

Mr LIM — I am glad the new legislation will shortly be proclaimed, and I congratulate the government on its efforts in that area because the provisions of that bill will protect the members of our community.

The ACTING SPEAKER (Mr Phillips) — Order! I thank the honourable member for Clayton for his contribution and again request that honourable members keep their voices at a lower level.

Mr MACLELLAN (Pakenham) — I join with you, Mr Acting Speaker, in congratulating the honourable member for Clayton on his persistence under unreasonable fire.

I express my loyalty and the loyalty of my electors to the Queen as head of state and my appreciation to Sir James and Lady Gobbo as Her Majesty's representatives and to Sir James as Governor of the state of Victoria. That is the traditional form in which the address-in-reply is brought to notice.

I am sure we can expect that tomorrow or next week many republicans will join in the celebration of Her Majesty's visit to Victoria. It will be great to see the republicans on parade, so to speak. I pass on my congratulations to the mover and seconder of the address-in-reply motion and to honourable members who have spoken to it.

The art of politics is the art of the inadequate achieving the impossible. The slogan of the former government, 'Victoria — on the move', is now regarded as inappropriate. The new government in its very earliest days began a search for a new slogan, one that might be used on registration numberplates. I wish to suggest a slogan to the government, one that is highly

appropriate. I have seen it; I am not inventing it; it is not something I have coined. I suggest that 'Caution — frequently stopping' would be most appropriate, as it has already become the government's motto.

The highlights of the 10 years of Cain–Kirner governments include the building of the Great Southern Stand, the erection of the lights at the MCG despite the opposition of local residents and the trade union movement, the building of the tennis centre to ensure that the Australian Open would remain here, the commencement of work on the Peter MacCallum Cancer Institute, the museum, the Becton residential development in Jolimont and the Urban Land Authority, as it then was, undertaking residential development of the Yarra Park Primary School building, after the school was closed by the Cain–Kirner government. Yes, we must remember that schools were closed under the Cain–Kirner government.

It will come as a shock to the honourable member for Clayton to learn that legislation was passed during the Cain–Kirner years to enable 47 000 poker machines to be installed in Victoria. There were also expressions of interest for a casino and for the Tullamarine Freeway and the western link to be developed as tollways. That was announced by the Honourable David White, the then Minister for Manufacturing and Industry Development, who explained that the new roads would have a shadow toll system, not the sort of system that was used for the West Gate Bridge but the sort of system we now have on City Link. There were school amalgamations and closures, local courthouses were closed, local government reform was frustrated by an intransigent opposition that would not allow the legislation to pass through the Legislative Council, and 40 per cent of the Loy Yang B power station was privatised. That was the very first privatisation in the electricity industry in Victoria, and it was undertaken by the Kirner government.

Some additional highlights of the Labor years include the collapse of the State Bank of Victoria, along with the Pyramid Building Society, the Victorian Economic Development Corporation and the Victorian Investment Corporation. The employees superannuation fund of the Gas and Fuel Corporation was plundered for an unsuccessful subunderwriting of the failed float of Wallace International. Between 20 000 and 30 000 Victorians left the state each year — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member will resume his seat. The house should calm down!

Mr MACLELLAN — I do not wish to provoke anybody.

More Victorians were leaving Victoria than ever before to go to other states. We had a recession and 30 per cent vacancy rates in commercial buildings in the city of Melbourne, and we had a deficit that was being funded by borrowings, so the annual budget produced a deficit that had to be borrowed for. Victoria had a debt of $32 000 million. It was a challenging time, and former Premier Joan Kirner faced almost impossible challenges.

Each government in turn inherits from the previous government the foundations on which it builds, and so the coalition government continued to build the Museum of Victoria project in the Carlton Gardens. It is almost ready to be opened; the additions to the original great Royal Exhibition Buildings were ripped off and the building was fortunately restored in time for the celebrations for the 100th year of the first meeting of the Australian Parliament.

The Peter MacCallum Cancer Institute project was enhanced and completed. That was built under the coalition government and we share the credit for that with the previous government which started the project.

The coalition government undertook some projects that the previous government had not even thought of, at least not in terms of projects that would go ahead. They include the velodrome–no. 2 tennis court at the National Tennis Centre, again reinforcing the Australian Open; the Colonial Stadium at Docklands — I do not think any previous Labor government can claim credit for that; Federation Square with its art gallery — again, I do not think any previous Labor government would claim credit for that project; the State Archive Centre; the rebuilding of the State Library of Victoria; the National Gallery of Victoria project which will probably continue to be undertaken under this government; the Children's Court, which the Attorney-General had the pleasure of commissioning — again, I would imagine he would be generous enough to say it was substantially built as a coalition government project and was one that needed to be done.

Then there is the City Link project, which was initiated by the Honourable David White under the former Labor government, and substantially completed under the coalition government — the first part open and

working. There is also the Steampacket Place project in Geelong, the View Street project in Bendigo, the initiation and commencement of the Camp Street project in Ballarat, and the Bonlac dairy factory in Gippsland.

Honourable members interjecting.

Mr MACLELLAN — The honourable member for Geelong can scream as much as he likes to try to interrupt me, but under the coalition government Victoria had the highest employment ever — never has Victoria had so many people in employment. The coalition government was reducing unemployment. People from other states were migrating to Victoria — not 20 000 to 30 000 leaving Victoria — some of whom even migrated to Geelong. I would have thought the honourable member would be grateful. There was inner city residential development in Melbourne and in provincial cities. There was nearly $10 000 million worth of building activity — an extraordinary revival in the building industry, which provided employment.

Mr Hulls — What went wrong?

Mr MACLELLAN — The Attorney-General asks what went wrong, but wants to shout down the answer. What went wrong, of course, is that industry is now in a lockout stage by employers and in industrial chaos from the unions. Dean and Martin, the two high priests of the building industry, are fast bringing it to its knees. That's what went wrong, and that is what is wrong right now.

The debt was reduced from $32 000 million to $5000 million. A budget surplus of $1700 million was left for this government to use as a foundation on which to move up to the next step.

The Labor government introduced poker machines; approved the casino and called for the bids; and wanted a tolled City Link project with electronic shadow tolling. Attempting to disown the past is no credit to government members and shows they are simply trying to say that the world began when they got elected — the world never begins when you get elected. Each government builds on the foundation of the former government, and a little generosity of spirit will enable members of the government to acknowledge the positive contributions of the former coalition government to the future prosperity of the state of Victoria.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Richardson) — Order! The time appointed by sessional orders to interrupt business has arrived.

Lysterfield Primary School

Mr LUPTON (Knox) — I refer the Minister for Education to articles in the Knox *News* of 7 March and the Knox *Journal* of 8 March this year referring to the 'chilling waste' by the Department of Education, Employment and Training in airconditioning temporary classrooms.

Lysterfield Primary School has been open for only two years. The parents of the students at the school decided to aircondition the main buildings — the central area, and the temporary portable classrooms installed on the site. Early this year other temporary classrooms were placed on the site and at a cost of $6400 the school let a contract for the installation of airconditioning units in the new temporary classrooms. The education department has now indicated it will aircondition all temporary classrooms. However, if the school wants airconditioning installed in the new temporary classrooms at the cost of the education department it has to pull out the existing units and stick them into the main buildings. But those buildings are already airconditioned!

The government wants the school to remove the airconditioning units and sell them so the government can install airconditioning units. This is the height of stupidity. The parents of children at the school have raised funds and paid for the airconditioning units for the temporary classrooms, which have been in only six weeks. The government has now decided to aircondition the buildings but will give the school no credit for the airconditioning units just installed.

It would be appropriate for the department to reimburse Lysterield Primary School — no doubt other schools have been affected — with an amount of money so the parents' fundraising will not have been wasted. It could give the school, say, $5000 to replace the funds and allow the existing units to remain in the classrooms. The government says, 'You have to pull the lot out and we will install airconditioning units in the classrooms'. Furthermore, the new units will be only 2.5 horsepower while the ones installed by the parents are 2.8 horsepower.

Senior Citizens Week

Ms OVERINGTON (Ballarat West) — I raise an important issue for the Minister for Aged Care. Will the

minister tell the house what the government has done to support Senior Citizens Week celebrations around the state this year?

In my own electorate of Ballarat, the council has been allocated $1300 to help with a range of activities including concerts, guided tours, bowls and outdoor entertainment. It will be my privilege to participate in the activities. I am extremely proud that Ballarat is playing host to a magnificent event entitled 'Concert 2000: a celebration of older people' at Her Majesty's Theatre in Ballarat. Senior members of the community are coming from across the state to perform in the concert on Sunday. The citizens of Ballarat are proud to have them in their lovely city, and welcome them.

Senior Citizens Week is incredibly important in rural areas in connecting communities, encouraging intergenerational opportunities and opening the way for new friendships to occur. I know of many seniors in my electorate who look forward all year to the action-packed week of activities.

Mr Jasper — Can they get seats on the train?

Ms OVERINGTON — They certainly can. I welcome this year's theme, 'Getting better with age'. It is timely and appropriate given the concerns raised this morning during the matters of public importance debate. Let us hope that all honourable members get better with age.

Senior Citizens Week

Mr JASPER (Murray Valley) — I seek action from the Minister for Transport to assist senior citizens in north-eastern Victoria to take advantage of the free seating being provided by the government on passenger rail services. The rail service from Albury–Wodonga through Wangaratta to Melbourne is a booked service, as is the service on the Sale and Swan Hill lines.

Last Tuesday week 120 senior citizens arrived at the Wangaratta railway station at 6.30 a.m. Each received a ticket for a line-up to get the rail tickets. When the allocation of tickets commenced at 10.00 a.m. only 20 people were able to get free tickets for seating on the passenger rail services provided for Senior Citizens Week, 19 to 26 March. The free tickets are for three services each way between Melbourne and Albury–Wodonga on the Tuesday, Wednesday and Thursday of that week. The situation is a fiasco for people in north-eastern Victoria. Many people contacted me and I have spoken to the minister personally about it.

I also spoke to people in the Department of Infrastructure. They did a check and found that 50 seats are available on the train between Albury–Wodonga and Melbourne for senior citizens who board at Wodonga, Wangaratta and Benalla during Senior Citizens Week. However, I have been told that no further seats are available because most seats are booked and those available represent a small number that are retained for people who wish to get on the train when it arrives. With due respect to the minister, I met with people in the Department of Infrastructure last week and at the minister's office, and they have indicated there is no way they can provide extra carriages to assist the senior citizens of north-eastern Victoria. That is discrimination against people living in country Victoria.

I want to see something done to assist in this situation. I suggest to the minister that there are three things that could be looked at. Firstly, providing additional carriages, although that is difficult because of the limited number of carriages. Secondly, freeing some of the booked seats on the service. Thirdly, but more importantly, senior citizens who wish to take part in activities in Melbourne and take advantage of the free travel should be able to put their names down at the Wangaratta railway station, and if there is no seating available the government should do precisely what it does for people in Melbourne — provide buses for them. Melbourne people are provided with buses to go to Ballarat and Bendigo, and Wangaratta people should be able to take advantage of the free services that are being made available for senior citizens right across Melbourne and in other areas.

I hope that the minister can respond positively and look at what can be done to assist senior citizens in north-eastern Victoria who wish to participate in what is meant to be a free activity in Senior Citizens Week.

GST: truck sales

Mr ROBINSON (Mitcham) — I refer the Minister for Manufacturing Industry to a serious situation affecting a large eastern suburban manufacturer that is confronted by a consequential impact of the goods and services tax (GST). I ask the minister to make urgent representations to the federal government on behalf of the company and others like it to try to address the impact of the new tax regime on their operations.

The company in question is Kenworth Trucks of Bayswater, which has a fine reputation as a heavy vehicle manufacturer and which employs a large number of people. In recent days the company has been forced to lay off 30 staff as a direct consequence of the

impact of the GST. Further to that, by virtue of a productive agreement between the Vehicle Builders Union and management, the company has been able to avoid a further laying off of 50 staff by putting them onto a shorter working week. The previous government signed up Victoria to the GST and the state is now locked into it. The previous Premier championed the cause. However, the previous government and the previous Premier would appear to have been somewhat remiss in their understanding of the precise impact of the new taxation regime.

The Minister for Manufacturing Industry needs to make representations to the federal government on behalf of companies like Kenworth Trucks because of the peculiar impact the tax regime is having on manufacturers. In defiance of official statistics that suggest vehicle sales are not being affected, Kenworth Trucks says that there has been a substantial slump. People intending to purchase trucks are holding off until the new financial year in the expectation that prices will be lower. In the meantime they are purchasing imports, and the company is vitally concerned that if and when sales pick up they will not be to its benefit but will benefit importers.

I seek the minister's urgent assistance to make strong representations to the federal government, firstly, to point out the impact of this tax on companies like Kenworth, and secondly, to seek some form of redress from the federal government about the impact of this iniquitous tax.

Regional Infrastructure Development Fund

Ms DAVIES (Gippsland West) — I ask the Minister for State and Regional Development, together with his cabinet colleagues, to find a way to recognise the special development infrastructure needs of the rural-metropolitan interface councils. Councils in the border areas between rural and metropolitan areas cannot access the Regional Infrastructure Development Fund and pride-of-place funding. The Shire of Cardinia includes some distinct rural areas, such as Koo Wee Rup, Lang Lang, Bayles, Catani and other swamp communities in my electorate. The shire also includes distinct urban growth areas, such as Pakenham, which is not in my electorate but is within my area of concern.

The rural areas have rural-type infrastructure, such as poor roads, neglected drainage and underdeveloped town facilities. The new-growth metropolitan areas have high infrastructure development costs given the public transport, roads and town-centred development that is required.

I accept that it is not appropriate for such high-need areas to dominate the funds required to cope with rural needs. However, a way must be found to recognise the special needs of those councils by assisting both the high-growth metropolitan regions and the rural sectors in those shires, which have the same needs as other rural areas.

I ask the minister, together with his cabinet colleagues, to find a way to treat those special interface areas.

Bellarine Peninsula: doctors

Mr SPRY (Bellarine) — I refer the Minister for Health to the significant shortfall in general practitioner (GP) services at Portarlington, which is in my electorate. The shortfall was brought to my attention by the president, Mr Joe Micallef, the secretary, Mrs Freda Vella, and the members of the Maltese pensioners club, which represents some 150 Maltese families in the Portarlington, Indented Heads and St Leonards regions of the Bellarine Peninsula.

Those three towns in the north-east sector of my electorate have a combined population of 4000, which swells to 20 000 at the height of summer. Together with the shadow Minister for Health I visited the Maltese club in mid-February to discuss the issue. I was handed a petition signed by more than 100 people who expressed their concern at the shortfall, particularly during the weekends when the numbers swell.

I understand that the Victorian branch of the Australian Medical Association and the Medical Practitioners Board of Victoria recommend a ratio of one general practitioner for every 1100 people in rural Victorian communities. Taken as a whole, there is a shortfall in the region of at least one full-time GP and, considering the demographics, possibly more.

Consistent with its caring attitude, the Bellarine Peninsula Community Health Service has recognised the problem and has provided a primary care generalist nurse to assist. However, that is not a long-term solution to the problem. Although the two full-time doctors in the region, Dr Paul Malcher and Dr Jock Sowerby, do a sterling job in the circumstances, something needs to be done to assist them to recruit qualified help. Similar situations across rural Victoria also need to be addressed.

To address the problem and provide much-needed comfort and relief for both patients and doctors in rural communities, the former coalition government had embarked on a visionary, federally approved program called the overseas trained doctors recruitment program, or One Hundred Doctors, for short. The

program provides incentives for suitably qualified overseas GPs to relocate to rural Victoria on condition that they are granted permanent Australian residence.

I ask the minister to explain why that program has stalled when there is such an urgent and demonstrated need? Does he intend to invigorate the program in recognition of that need to assist the people of Portarlington?

Ballarat: televillage

Mr HOWARD (Ballarat East) — I seek further advice from the Minister for State and Regional Development on the progress of the televillage pilot project developed in Ballarat. Together with the honourable member for Ballarat West I have been pleased to work with officers of the City of Ballarat and a range of enthusiastic community leaders to advance that exciting project. I commend the minister and the officers from Multimedia Victoria on the support they have provided to ensure that that exciting election promise becomes a reality as soon as possible. The project was developed because of the recognised need in regional Victoria to develop information and communications technologies (ICTs) to make them more accessible and to assist people to overcome the physical problems associated with living some distance from Melbourne and other centralised activities.

Officers of the City of Ballarat and other community leaders have embraced the opportunity provided by the government. In December last year I helped to convene an initial meeting of interested parties, including officers of the City of Ballarat, staff from the University of Ballarat, officers of the Department of Education, Employment and Training and Multimedia Victoria, and many other Ballarat business and community representatives.

The meeting established two things. Firstly, if the project is to be successful it should not be dictated to from on high. However, it requires the members of the Ballarat community to work together to establish how opportunities for ICTs can best be developed and how networks can be used to make them more accessible to both the general and business communities of Ballarat. Secondly, it was agreed that a project officer should be appointed to assist in driving the project. Those who attended the meeting are delighted that the government provided funding — backed up by some smaller amount from the City of Ballarat — for the appointment of a project officer. That officer has now been appointed and has met with community representatives. The prospects for the project give cause for excitement.

I seek advice from the minister on the way it will be developed.

Forests: contractual obligations

Mr MULDER (Polwarth) — I refer the Minister for Environment and Conservation to a fax I received from my office, which reads:

> Police moving in today to move protestors from Mud Road coupe (15 km south-east of town of Forrest). They have shut down logging operations.

Recent unrest in the forests of East Gippsland and ongoing protest activity in the Otways is a direct result of the minister's decision to remove regulations that prohibit protestors from entering declared forest operation zones without a permit. There is also the growing perception that in attempting constructive dialogue with those groups the government is willing to accede to their demands. When will the minister and the government wake up to the fact that those groups will not give in until they have achieved their stated aim of banning all timber harvesting from Victoria's native forests and that continuing to pander to them is a recipe for social and economic disaster in rural and regional Victoria, particularly the Colac–Otway region?

What is the minister prepared to do to strengthen police and departmental numbers to ensure law and order is restored to Victoria's forests, particularly in the Otways? Current protest activity in the Otways is having a devastating effect on the ability of the department to meet its timber supply obligations to the timber industry, which are now well behind. Departmental administration is now also well behind to the point that processing of monthly payments to contractors will be put in jeopardy. Can the minister guarantee that the department will continue to meet its monthly obligations to contractors under departmental logging arrangements in the Otways and to the broader industry in terms of annual sawlog supply? Can the minister further guarantee that the current wave of protests and interruptions to harvesting will not affect the quality of logs which the sawmillers are receiving from the department?

In closing, Mr Acting Speaker, I wish you a happy birthday.

The ACTING SPEAKER (Mr Richardson) — Order! For that the Chair thanks you.

Junction youth centre

Mr MILDENHALL (Footscray) — Felicitations from the government side as well, Mr Acting Speaker.

I raise a matter for the attention of the Minister for Transport. In stark contrast to those in Footscray who were vocal last week and who would propose vigilantes in the streets as a response to the drug issue and a scaremongering campaign around the government's supervised injecting facilities strategy, there are some particularly innovative and positive strategies and initiatives under way. I seek the minister's involvement in an innovative Junction project, which is proposed to be located on a site owned and managed by Victrack on the corner of Napier and Nicholson Streets, Footscray, directly opposite my electorate office.

The project is led by a local solicitor, Rob Stary, of Stary and George, a Footscray firm. Also centrally involved are Justice Frank Vincent, the head of the parole board, Brian Barrow, the deputy chief magistrate, magistrates of the western region, the Pratt Foundation, Victoria University, the City of Maribyrnong, the Department of Human Services and other business identities such as Ian Moulton and Denis Galumberti.

The youth access centre will provide an extensive range of services for young people at risk — for example, housing advice, income support, education and training, family counselling and drug counselling. Extensive work has been undertaken with a range of organisations that would provide those services at a central youth access centre. Agreement has been reached in principle with Victrack to provide the building, which is an old commonwealth electoral commission and electorate office building, at a peppercorn rent. That is subject to other commercial options not becoming available. Given that the building has been empty for some three to four years we do not expect that to happen.

I seek the minister's involvement to review the progress of the negotiations and, I hope, to confirm that the arrangements that have been verbally agreed to can be formalised. This is an innovative and vital project to provide assistance to young people at risk in my electorate, and to take some positive and much-needed steps to support young people who are unfortunately being preyed on as victims of the insidious drug problem and other issues of poverty in my electorate.

FYROM

Mr KOTSIRAS (Bulleen) — Happy birthday, Mr Acting Speaker.

I refer the Attorney-General to the Victorian government's appeal to the High Court about the use of the term 'Macedonian Slavonic'. All honourable members will be aware the break-up of Yugoslavia in the early 1990s caused much anxiety and tension in the Balkan region. Unfortunately this was brought to Victoria. Everyone will recall the violence that erupted in the state as a result of the desire of the Former Yugoslav Republic of Macedonia (FYROM) to call itself the Republic of Macedonia, a name that Greece believes is Hellenic in origin and Hellenic in meaning. As a consequence of the violence the federal Labor government issued a directive to refer to the people who came from or who associate themselves with the FYROM as Slav–Macedonians.

To ensure peace and harmony the Victorian government issued a similar directive. Unfortunately, the tension and friction flowed into a number of our schools. To ensure peace and harmony in our schools, the Victorian government issued a directive that referred to the language spoken by the people from the FYROM or those who associate themselves with the FYROM as Macedonian Slavonic.

The Slav–Macedonian community complained to the Human Rights and Equal Opportunity Commission that the directive breached the Racial Discrimination Act. The commission dismissed the complaint, finding the directive was based on the government's desire to restore peace and harmony. The so-called Macedonian teachers association obtained a review of the decision in the Federal Court. Justice Weinberg found against the state and set aside the commission's decision. The state appealed the decision to the full Federal Court, which dismissed the state's appeal. The state has sought special leave to appeal against Federal Court's decision to the High Court.

Keeping in mind that this was done to ensure peace and harmony in the community and our schools, it was a surprise to read in the media that the Attorney-General and the Minister for Transport are against the appeal. I ask the Attorney-General, as the senior law-maker in the state, to reconsider his stance and to take action to ensure that his government properly funds an appeal to the High Court, which on numerous occasions his government has said it will support.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member for Bendigo East has 2 minutes.

Students: transport concessions

Ms ALLAN (Bendigo East) — I ask the Minister of Transport to investigate and report back on tertiary concession cards for students who attend tertiary institutions. The policy on concession cards was taken to the last election and a considerable amount of work

was done on it by the Minister for Post Compulsory Education, Employment and Training. It was spoken about a lot on university campuses. Recently I was approached by the student association of the Latrobe University campus in Bendigo about the commitment to tertiary concession cards. Under the former government the system was inequitable. Students studying at tertiary institutions had to pay upwards of $120 for concession passes to enable them to get lower fares on our public transport system. Compared to what secondary students or even people on health care cards or pensioner cards are entitled to, it is inequitable.

Students at university have to pay this money up front. It is hard for students, particularly those who come from rural areas and move to Bendigo, Ballarat, Geelong or Melbourne-based institutions, to find $120 up front. That is on top of all the other bills and fees that they have to pay, including rent, bond money, books, and other general fees they are faced with when they attend university.

I ask the Minister for Transport, because this falls under his responsibilities, to report back to the house on the progress of this important policy commitment by the Labor government, for the benefit of honourable members and the benefit of university students. The former government clearly did not think too much of students when it introduced voluntary student union legislation.

Responses

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Gippsland West raised with me the availability of assistance under existing and proposed programs offered by the Department of State and Regional Development to municipalities on the rural and urban fringe. At the outset I point out that a long-term difficult issue for governments wishing to target assistance, particularly to regional and rural areas, has been what to do with councils on the outskirts of Melbourne that contain both metropolitan and rural components.

When I introduced the Regional Infrastructure Development Fund Bill last year that issue had to be addressed. The legal advice was that those councils could not be included in the fund because it was impossible in a legal sense to properly determine and define those parts of a council's area that were rural and those that were urban. For that reason the government decided to proceed with the legislation and limit it to the councils that are clearly defined as either regional or rural.

The broad assistance available through the department includes assistance to councils, businesses and communities right across the state and generally includes access to a full suite of programs under the department's business development programs. Although regional development assistance is directed at specific geographic areas, a number of specific joint regional projects benefiting both rural and outer urban municipalities may be considered for funding under the regional development programs. In other words, if an application were lodged by a regional council and supported by a number of others in the region, it would be possible to support it even though part of the project might include councils on the outskirts of Melbourne.

By way of further example, funding or initiatives such as regional marketing strategies, profiles and industry-sector opportunity studies may be considered for funding jointly with rural municipalities. If the honourable member has a council in her area that is on the outskirts of Melbourne, a joint proposal — it may be for marketing, industry or even infrastructure assistance — could be considered under those guidelines.

As I said, it is a difficult issue and has been so for governments for some time. I am happy to advise the honourable member that I have instructed my department to examine options to provide some targeted assistance to municipalities in the outer metropolitan areas. At the moment I am particularly examining whether that is possible through the Living Regions, Living Suburbs fund to which Labor committed itself in its financial statement. The commitments were made before the election and, subject to the budget expenditure and review committee and the budget process, will be funded in the next financial year. I am undertaking that examination and when it is complete I will advise the honourable member accordingly.

The honourable member for Ballarat East raised with me the televillages project. Televillages are smart communities. They are communities with a vision of the future that involves the use of information and communications technology in innovative ways to empower residents, institutions and the region as a whole. Two pilot programs have commenced across Victoria, one in Ballarat that is well advanced and the other, which is less advanced, in Portland.

As the honourable member noted, Ballarat City Council has already appointed a project manager who is developing a Ballarat televillage strategy and action plan and will be required to report on the strategy and plan in less than three months. I am delighted to say

that Multimedia Victoria is partly funding the project manager. A steering committee has been established to help guide the project, which comprises business, the Ballarat City Council, the education sector, the community and Multimedia Victoria.

The Victorian government is providing the Ballarat community with an invaluable opportunity to further define its own future in the information economy and build on its existing strengths as an information technology (IT) centre of excellence. Once the Ballarat televillage is defined, applications can be made to the Regional Infrastructure Development Fund where an allocation has been set aside for the pilot televillages project.

In conclusion, I compliment the honourable member for Ballarat East on the great leadership he has shown in this project. Only a small number of projects of this type exist across the world and it is an example of real leadership by the Bracks government. The pioneering project is designed to build on Ballarat as an IT centre of excellence. I have great confidence in the future of the project in building opportunities, skills and new investment in Ballarat, and of course cementing Ballarat's position as a centre of excellence.

There has been the odd critic of the project. I am saddened to say that the honourable member for Doncaster, the shadow minister, has been heard in his normal whingeing, whining way. When the Bracks government does anything positive in regional Victoria the honourable member for Doncaster is out there carping and whining about it.

I have provisionally set aside a significant sum of money under the Regional Infrastructure Development Fund for the project. I have every confidence in Ballarat, the local members and the council working together in this truly visionary project to cement Ballarat's position as an IT centre of excellence.

Mr HULLS (Attorney-General) — I will deal first with the matter raised by the honourable member for Bulleen. May I correct the record just so he knows. Firstly, for his own information, this matter never went to cabinet. Secondly, can I advise him that the matter will be heard by the High Court, which will be the final arbiter in the matter.

In response to the matter raised by the honourable member for Mitcham, it is indeed disturbing that a company the size of Kenworth Trucks is laying off workers in Victoria as a result of the lack of transitional arrangements.

Mr Leigh interjected.

Mr HULLS — No, it is a lack of transitional arrangements in relation to the goods and services tax (GST).

Mr Leigh — That is rubbish.

Mr HULLS — If that is rubbish it means — —

Mr Leigh — You would not know what an engine bolt looked like!

Mr HULLS — Your head is full of bolts and your engine doesn't work!

A representative of Kenworth Trucks wrote to me and said the company had to lay off workers because of the lack of transitional arrangements for the goods and services tax. The honourable member for Mordialloc says Kenworth Trucks is lying about the accusation. The previous Kennett government signed up on the GST arrangements without any acknowledgment of the fact that there should have been transitional arrangement concerning companies such as Kenworth Trucks. The real problem is that Kenworth Trucks has already laid off some 30 employees.

Mr Leigh — On a point of order, Mr Acting Speaker, I am wondering whether the house should take this as a criticism of the Beattie and Carr governments as well!

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

Mr HULLS — He is still 1000 to 1, Mr Acting Speaker.

The previous Kennett government failed to enter into any transitional arrangements concerning the goods and services tax, and as a result last month Kenworth Trucks retrenched more than 30 employees. It is now considering retrenching a further 40 to 50 employees. If the previous government had been fair dinkum about protecting jobs in the state it would not have signed up without ensuring the appropriate transitional arrangements were in place. It was negligent in that respect and also with other contracts entered into because it did not ensure local content arrangements.

That is a matter about which the honourable member for Mordialloc is well aware because the former government failed to have local content arrangements in contracts for the provision of rolling stock for trams and trains in this state. The honourable member has been negligent, running around the state telling dirty big porkies about what occurred with rolling stock supposedly to be built in Victoria. He knows that the

former government was negligent. He was a part of that government and Labor is left to clean up his dirty, rotten, stinking mess. If it were not for this government attempting to claw back some of that local content there would be absolutely none in relation to trams and trains in Victoria. We are starting from a base of zilch, which is about what the honourable member's popularity is. Anything we can claw back will be of benefit to local manufacturers in this state.

The previous government was also negligent in not ensuring proper transitional arrangements for companies such as Kenworth Trucks. As a result demand for local trucks has fallen through the floor. People are now purchasing imported trucks, waiting for the GST to come in in the hope that locally produced trucks will be cheaper. Having laid off employees, when the demand comes the company will have to build up its manufacturing base again. It will be very difficult to fix up the mess of the GST, just as it will be difficult to fix up the mess that the honourable member for Mordialloc has caused.

I will take on board what the honourable member for Mitcham has said. I will write to the federal government about this mess and ask it to address the matter as one of urgency. The Bracks government is committed to ensuring that the manufacturing base in this state is not only maintained but also expands. However, its job is very difficult when grossly negligent members of Parliament allow contracts to be entered into for the privatisation of our trams and trains without there being any clauses in the contract for local manufacturers.

The ACTING SPEAKER (Mr Richardson) — Order! This is not in any way to suggest that the minister was overreacting, but I now call on the next minister — the Minister for Environment and Conservation — to respond to a matter raised by the honourable member for Polwarth, who himself is occasionally inclined to overreact!

Ms GARBUTT (Minister for Environment and Conservation) — Hear, hear, Mr Acting Speaker!

The honourable member for Polwarth delivered his comments in his usual loud and over-reactive manner. He raised the issue that the number of arrests in the Mud Creek coupe in the Otways today was half a dozen. Then he complained about the government taking away powers to respond to protesters.

A number of arrests have occurred throughout the summer period, which seem to undermine his argument that the police do not have power to take action. We removed the blanket ban imposed by the previous government but we introduced extra powers, and those are the ones being used right now to arrest those people breaking the law. If the honourable member had listened on an earlier occasion he would have heard about those extra powers and would have known. But he has joined an opposition that does not listen. It did not listen in the past, and it is still not listening.

The honourable member went on to say it was my discussion with the protestors that encouraged them. I have had as many discussions with those on the other side — with industry, with the mill representatives, with the peak groups, and with the union — as I have had with the protestors. This government listens and does not refuse to hear what people are saying.

The regional forest agreements (RFA) process is still under way. It allowed all interested in the future of our forests to have a say. It was an improved process because under the previous government people were not confident that they would be heard. As I said, the previous government did not listen. If he had been listening in question time today the honourable member would have heard me say that the government is committed to achieving economically, socially and environmentally sustainable outcomes from the regional forest agreements. The government is obviously paying attention to jobs because that is what it was elected on.

The RFA process has not been completed. We are still considering the 1500 public submissions that arose through that process. As it is a co-signatory to the RFA agreements, we will continue to look for the active support of the federal government to assess measures that will assist the industry. The government has a commitment to rural and regional jobs, which is why we were elected and why the coalition is on the other side.

Ms DELAHUNTY (Minister for Education) — The honourable member for Knox raised a doozey, didn't he? He described as 'a chilling waste' the airconditioning of temporary classrooms. I would have thought that most honourable members would be delighted to have airconditioning in the temporary classrooms of our schools.

In this place tonight the honourable member for Knox talked about the height of stupidity, but I was puzzled about whose stupidity he was referring to. He seems to be saying that taxpayers' money should not be spent on upgrading the facilities in our schools. I would have thought improving the facilities in our schools would receive bipartisan support. The government certainly

believes improving the facilities in our schools is necessary.

I remind the house that in the last budget of the Kennett government $8 million was ticked off by the former Treasurer to provide airconditioning in classrooms. That figure was increased to $10 million within a month of the release of that budget. What did the previous government do with that money? Did it spend it during the winter? Did it look at the schools throughout Victoria and say, 'We have $10 million set aside for airconditioning. Which are the areas of greatest need, and how quickly can we satisfy those needs?' Unfortunately members of the former government sat on their hands all winter.

They had the opportunity and the money, but they sat on their hands all winter. When spring came upon us there was a resolution — salvation for the people of Victoria when a Labor government was elected. Members of the former government had the opportunity during the winter to provide airconditioning in classrooms, but it was left yet again for the Labor Party to solve the problems. It had to clean up the mess left by the Kennett government, which had no idea about looking after services, particularly educational services.

Department of Education, Employment and Training policy on airconditioning is based on the climatic zones defined under the nationwide house energy ratings scheme, otherwise known as Nathers. That scheme defines the climatic conditions based on data collected from weather stations across Victoria. There is a Rubicon line — below the line most schools are not airconditioned, above the line they are. The government looked at relocatables and portables and said there is a need to provide airconditioning in them. As soon as the government came to office it set about instituting an urgent audit to ascertain which relocatables needed to be airconditioned. That audit has been completed, the highest priorities have been ascertained and the government has begun installing airconditioning in those relocatables.

Lysterfield Primary School is happy with its share of the $50 million that went into the government's school global budgets. It is delighted with the Bracks Labor government for allocating resources to it.

I am happy to look in detail at the question raised by the honourable member for Knox. However, I should have thought there would be agreement that classrooms should be airconditioned according to need.

Honourable members interjecting.

The ACTING SPEAKER (Mr Richardson) — Order! The Chair is appreciative of the benevolence that has been bestowed upon it by so many honourable members. But the Chair's benevolence will not last forever. I call the Minister for Aged Care to respond to a matter raised for her attention by the honourable member for Ballarat West, and as she has drawn the short straw also to respond to the honourable member for Murray Valley, who raised a matter relating to transport, the honourable member for Bellarine, who raised a matter relating to health, and the honourable members for Footscray and Bendigo East, who also raised matters relating to transport.

A Government Member — First tell us about the other Bronwyn.

Ms PIKE (Minister for Housing) — B1 or B2?

I thank the honourable member for Ballarat West for raising the issue of Senior Citizens Week, which begins on 19 March. Many Victorians are looking forward to that fantastic event. One of the greatest strengths of Senior Citizens Week is the statewide nature of its events. The Bracks government has allocated more than $104 000 in encouragement grants to councils and statewide organisations. Some $42 000 of that money will go to rural councils to assist Senior Citizens Week events that the councils are organising for their residents. The metropolitan councils will not be left out, they will receive an extra $37 500 in grants, and statewide organisations will receive some $25 000. It is a well-resourced program that gives pleasure to many people.

The government estimates that about 1000 events will take place around Victoria. It is a time when a great deal of goodwill is given to older citizens. We do not really need a week such as this to remind us of how important older people are in our lives, but it is good to have a week to focus our attention on them and to celebrate the contribution older people make to society.

Although Senior Citizens Week will officially begin on Sunday, on Friday I will announce the Premier's Senior Citizen of the Year award at a special ceremony at Government House. That will be a fantastic experience. As I read the nominations for the award I realised the depth and calibre of the people who have been nominated. Older people in our community are making an absolutely extraordinary contribution. I look forward to meeting the recipient of that award and the recipients of the other senior achievers awards. It will be a big surprise when I announce the winners on Friday.

The honourable member for Ballarat West said the theme of the week is 'Getting better with age'. Older people will confirm that people get better with age — and many of us hope that is true! Old age is not a time for degeneration or for lying idle; it is a time for discovery, growth and enjoying life. Last year was the International Year of Older Persons. It provided an opportunity to focus on the idea that people get better with age, to view the ageing process in a positive light and to consider all the things that can be achieved by people as they get older. It also provided an opportunity to consider the role older people play in bringing society together and how young people and older people can celebrate life together.

Senior Citizens Week is an event that has grown. It was introduced about 18 years ago by a Labor government, and it has been continued with bipartisan support. The event is designed to affirm the value of older people. It has become an extraordinary event on the calendar. As I said before, there is enormous goodwill towards older people throughout the community. Many places are opening their doors, offering free entry and giving older citizens an opportunity to get out and about.

I commend the week to the honourable member for Ballarat West and all members of this and the other place. I urge members and their constituents to get out and about and enjoy the week and the celebrations.

Mr Jasper — What about the comments of the honourable member for Murray Valley?

The ACTING SPEAKER (Mr Richardson) — Order! As the minister is the solitary minister in the house, she is now to respond to the matters raised by the honourable members for Murray Valley, Bellarine, Footscray and Bendigo East.

Ms PIKE — I note that issues were raised in the adjournment debate for the Minister for Transport and the Minister for Health. I will take those matters on notice and request responses from the relevant ministers in the appropriate way.

The ACTING SPEAKER (Mr Richardson) — Order! That is most reassuring. The house stands adjourned until next day.

House adjourned 11.01 p.m.