

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**23 November 1999**

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Leigh, Geoffrey Graeme	Mordialloc	LP	Wynne, Richard William	Richmond	ALP

<sup>1</sup> Resigned 3 November 1999



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**Tuesday, 23 November 1999**

**The SPEAKER (Hon. Alex Andrianopoulos)** took the chair at 2.05 p.m. and read the prayer.

**QUESTIONS WITHOUT NOTICE**

**Schools: class sizes**

**Mr HONEYWOOD (Warrandyte)** — Will the Minister for Education provide a cast-iron guarantee to the house that no prep, grade 1 or grade 2 class in a Victorian government school will have more than 21 students?

**Ms DELAHUNTY (Minister for Education)** — The question confirms that the opposition has seen the error of its ways and agrees with the government that all the education reports support its policy of reducing class sizes in the crucial years, prep to grade 2. That is the government's policy; that is what it took to the electorate; and that is what it will deliver.

I said in Parliament that the government will reduce class sizes to 21 students in prep to grade 2, and it will. That is a four-year plan.

*Opposition members interjecting.*

**Ms DELAHUNTY** — Opposition members did not listen during the election campaign; they did not listen to the result of the election; and they are not listening now.

One of the highest priorities of the Bracks Labor government is to reduce class sizes, and that was one of its first moves.

We have already announced expenditure of \$25 million for one year alone to bring down class sizes across the state to 21 or less. That will begin to address the legacy of neglect left by the previous government.

I remind honourable members of what was left by the previous government and how big a task the Bracks Labor government faces in repairing the damage done to education under the former government. How many classes, would you say, were above 26? How many were above 30? Forty per cent were above — —

*Honourable members interjecting.*

**The SPEAKER** — Order! There is far too much interjection across the table. I ask the house to come to order. I ask the minister to answer the question in accordance with sessional orders by providing information to the house.

**Ms DELAHUNTY** — The answer to the question is that 40 per cent had between 26 and 30 students. Forty per cent of schools! In the former government's own forward estimates more than 7 per cent of classes would be above 31, so you can see the challenge ahead of us.

We are not daunted, however. Next year alone \$25 million will be spent to bring down class sizes, and there will be more the following year and the year after that. We will deliver on our pledge so that young students will be in classes in which they can learn to read and write and ignite the love of learning. We want all schools to have that opportunity.

**Schools: self-governance**

**Mr ROBINSON (Mitcham)** — Will the Minister for Education advise the house of the action she has taken to deliver enhanced self-management for all Victorian schools?

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Mordialloc is starting this week on a very bad note. I ask him to cease interjecting.

**Ms DELAHUNTY (Minister for Education)** — I applaud the honourable member for Mitcham for his longstanding interest in education and, in particular, in schools of excellence. That is what the Bracks Labor government wants: excellence for all of our schools, not just for a few. It wants all our schools to be excellent and to have the opportunity to deliver excellence for all their students.

You will recall, Mr Speaker, that the government announced in Parliament the cessation of the flawed self-governing schools model. An article in this morning's newspaper indicated support from the architect of the previous government's model of self-management, Mr Lance Vertigan. He said the government is exactly right: that the self-governing schools model was flawed and divisive.

The government accepts that statement, but it wants enhanced self-management. It was in our education policy, as I am sure all honourable members will remember. The government wants a model that allows all schools, not just the winners, to be excellent.

At my third meeting with the principals and leaders of self-governing schools last week we agreed to move forward. We agreed that the process of self-governing was over, that we wanted an enhanced self-management model and that we wanted the

representatives of the self-governing schools to work with us and the other education stakeholders to move forward. That is precisely what we are doing. We now have an agreement to establish a working party that will include all stakeholders in education, including the leader of the self-governing schools group, Mr Ron Lake, whom honourable members would know. He is an educational leader and has agreed to join the working party so that we can advance our election policy of self-management.

The meetings have been very positive. We achieved agreement last Monday, and we have now cemented that agreement into a form of working party that all can subscribe to. I can understand the honourable member for Warrandyte being a bit disappointed about that. Honourable members will recall that, although I have had about four meetings with the self-governing schools representatives, the honourable member for Warrandyte called a meeting that no-one attended. They didn't turn up! I can understand how he feels: all dressed up for his little party and no-one came.

I will tell the honourable members why they didn't come. He set the meeting for Monday, 22 November, which was yesterday, and extended all self-governing schools an invitation. Then, a week before, after their meeting with me last Monday, the various representatives of the self-governing schools decided they would not go to the honourable member's party.

A message was sent to all self-governing school principals and representatives as follows:

We have been advised today of a proposed meeting of self-governing school principals called for Monday, 22 November by the shadow education minister, Mr Honeywood.

Following consultation and agreement with Mr Ron Lake —

who as honourable members know has joined the government's working party —

convenor of the SGS group, it is our advice that SGS members not attend the meeting.

That was a whole week beforehand. I believe I can say that the little diversion set up by the honourable member for Warrandyte has failed.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order. The Chair is having difficulty hearing the minister's answer. I ask the minister to conclude her answer.

**Ms DELAHUNTY** — I am delighted to say that the honourable member for Warrandyte could not get anyone to attend his party. The government has had four meetings with self-governing schools and it has a working party to go forward with the self-governing schools and the other stakeholders of education so that the Labor model of enhanced self-management, which was part of ALP policy before the election, will be implemented to give all our schools the chance to be excellent.

**Schools: class sizes**

**Mr HONEYWOOD** (Warrandyte) — I note the previous answer from the Minister for Education on class sizes and now ask her to explain the conflict between herself and the Premier, who said last week that Labor's pledge on class sizes is an average of 21, not a maximum of 21. Minister, who is wrong — you or the Premier?

**The SPEAKER** — Order! I remind the house, particularly the honourable member for Warrandyte, that questions must be directed through the Chair and not across the table. I also remind ministers that when answering questions they must do the same.

**Ms DELAHUNTY** (Minister for Education) — The honourable member for Warrandyte left out the third option — that he is wrong.

*Honourable members interjecting.*

**Ms DELAHUNTY** — Again, I am absolutely delighted that there is so much attention on education. It appears obvious that the opposition concurs with the government's policy that the best form of education for young people, particularly preps through to grade 2, is to have smaller class sizes.

**Mr Honeywood** — On a point of order, Mr Speaker, the question was very specific: will the minister inform the house who is right and who is wrong? The Premier said an average, the minister said a maximum. The minister should come back to the question.

**The SPEAKER** — Order! There is no point of order. A point of order should not be used as an opportunity to restate a question. I ask the minister to continue with her response to the question.

**Ms DELAHUNTY** — The government made it very clear, both in Parliament and in its election policy, that it would spend \$136 million. That is an awful lot of money to put into education, but that is the government's highest priority. As the honourable

member for Warrandyte would know, if he has bothered to do his homework, Access Economics assessed all the government's election pledges. It was all detailed.

**Ms Asher** interjected.

**Ms DELAHUNTY** — I invite the Deputy Leader of the Opposition to look at those costings. The policy was carefully detailed, scrupulously costed and not challenged.

**Dr Napthine** — On a point of order, Mr Speaker, it is clear that the minister's answer is not relevant to the question. The question was quite clear: the Premier said Labor's pledge was for an average of 21; the minister said a cap of 21. The question is who is right and who is wrong. The minister should answer the question; her answer should be relevant to the question.

**Mr Thwaites** — On the point of order, Mr Speaker, in raising his point of order the Leader of the Opposition made an assumption that was not in any previous statements. If in asking questions the opposition puts false assumptions, it has to put up with the answers.

**The SPEAKER** — Order! There is no point of order. The minister was providing information on the question asked by the honourable member for Warrandyte about a difference in view between her and the Premier on education. I will continue to hear her as long as she is responding to that question.

**Ms DELAHUNTY** — No, Mr Speaker, there is no difference. The only difference is obviously between the honourable member for Warrandyte and the Leader of the Opposition. The government has clearly said it will implement the class sizes pledge over four years, and it is putting the money in to do that. I welcome the interest in and the support of the opposition for that. I also welcome the support of the honourable member for Warrandyte for the policy. He is quoted in the *Age* of last Saturday, 20 November — —

**The SPEAKER** — Order! I believe the minister is starting to debate the question. I ask her to come back to answering it.

**Ms DELAHUNTY** — Mr Speaker, I will refer you to the comment of the honourable member for Warrandyte, by which he clearly supported the government's policy, at another time. There is no difference. The government will implement the class sizes pledge and nothing the opposition does will stop it.

### Casino: bidding process

**Ms ALLAN** (Bendigo East) — I refer the Premier to his commitment to lead an open and accountable government. What action has he taken to obtain the casino tender documents that the former government refused to release for three and a half years, and will he inform the house of the nature of the documents?

**Mr BRACKS** (Premier) — I thank the honourable member for Bendigo East for her question, one that the opposition would not ask because it is not interested in open and accountable government.

As I have indicated on previous occasions, I am determined and my government is determined to be open and accountable. That should include releasing documents in the public interest and releasing facts so the Victorian public can make up its own mind.

I inform the house that recently I received the documents sought by the Labor Party and the current Attorney-General for some three and a half years concerning the tender process that led to the selection of Crown Casino over the other bids for the Victorian casino. The documents were held by the Department of Premier and Cabinet and the Department of Treasury and Finance.

The pursuit of the information was based on the 1996 casino revelations that alleged documents concerning financial information were provided to the former government. This government had been told the former government never received any detailed information or financial information concerning the bids. In fact, the former Premier told Parliament and the Victorian people on 19 May 1993 that the previous government had:

... no knowledge of the contents of the bids; nor does it seek that information.

That was reiterated by the then gaming minister, Haddon Storey, who said:

... as far as I am aware nobody had any idea of the figures outside the people concerned within the authority.

The former head of the then Victorian Casino Control Authority, the late John Richards, told the Victorian people:

Now I want to make one point, right throughout this process this information was not provided to the government.

On three occasions it has been reiterated that the former government received no information.

Today I have decided to release a document which the former government spent more than three years trying to hide and which was handed over to the former government by the Victorian Casino Control Authority. It shows that in May 1993, before the Crown Casino consortium increased its bid over those of the other bidders, a document was handed to the former government by the casino control authority. The document is the analysis by Coopers and Lybrand of the competing bids. All the details, including the financial information, are laid out completely. The document reveals that the entire Coopers and Lybrand report prepared for the authority in the strictest confidence was handed over lock, stock and barrel to the former government.

The document included details of the three bidders marked 'bid 1', 'bid 2', and 'bid 3'. It reveals not only that financial information was passed on to the former government but that all — every bit — of the financial information concerning the bids was passed on. The former government received a complete assessment of the bids, including confidential financial documents of the bidders concerning their assumptions and market research. That clearly demonstrates the casino bidding process was tainted and rorted from the very start. It also demonstrates that the former government was not hands off, as it should have been.

The document handed over to the former government states:

The purpose behind our review is to assist, firstly the authority, in the review process related to each applicant's submission and, ultimately, the government of Victoria, in the decision as to which applicant will be awarded the licence to construct and operate the Melbourne casino.

There is no doubt. The document was handed over to the former government to help determine who would be the successful bidder. That demonstrates that the former government had no standards of propriety. It demonstrates that the former government lied to Parliament and the Victorian public. I indicate to the house — —

**Dr Napthine** interjected.

**Mr BRACKS** — What was that?

*Honourable members interjecting.*

**The SPEAKER** — Order! There is far too much interjection across the table. I ask the Leader of the Opposition to cease interjecting across the table. The Premier, concluding his answer.

**Mr BRACKS** — I indicate that where documents are required to be released in the public interest — as this one is; it has been a matter of public concern for the past three and a half years — such action goes to the heart of good government in the state and ensures that future bidders for government projects in Victoria will know that the process will be carried out properly, aboveboard, without collusive arrangements and without the government knowing details of bids that could influence other bids — and without, as happened in this case in May 1993, one of the bidders, Crown Casino, upping its bid significantly. The clear allegation in the documents received by the government is that Crown had information on other bidders that allowed it to increase its bid.

The government will make such things public because they are in the public interest and because it wants to give a sign to the international and interstate business communities that it is open for business properly and openly, without collusive arrangements.

**Government Members** — Hear, hear!

### **Schools: class sizes**

**Mr HONEYWOOD** (Warrandyte) — I refer the Minister for Education — —

*Government members interjecting.*

**The SPEAKER** — Order! I ask the government benches to come to order. The honourable member for Warrandyte is entitled to ask his question and be heard in silence.

**Mr HONEYWOOD** — I again refer to the pledge by the Minister for Education to cap class sizes at 21, which was revised last Friday at Ashwood Secondary College by the Premier to be to an average of 21. To ensure that her funding is directed appropriately, will the minister provide a promise, not a pledge, that an independent audit of class sizes from prep to grade 2 will be undertaken on a school-by-school basis and published within the first term of school year 2000?

**Ms DELAHUNTY** (Minister for Education) — The honourable member, when he was minister for virtually bankrupting TAFE, had the opportunity to conduct those sorts of audits, and he never did, unfortunately. Let me just clarify that we have pledged or promised — what is the difference, I ask the honourable member — to bring down class sizes to 21. Our costings were detailed; they were ticked off by Access Economics; they were scrupulously costed; and during the election campaign those costings were never challenged.

Those figures are driving the ERC's commitment to implement the reduced class size. The government will do that over four years. It will adhere to those costings put to the people of Victoria, and I accept the opposition's support for the government's education policy to bring down class sizes.

**Mr Honeywood** — On a point of order, Mr Speaker, I clearly asked the minister a very specific question. It was: will you give a commitment to undertaking an audit of the actual class sizes when they become 29 or 30 or 31 next year?

**The SPEAKER** — Order! The honourable member has used a second opportunity today, on a point of order, to ask his question again. I will not permit him to continue to abuse the forms of the house in that way. The minister has concluded her answer.

### Casino: bidding process

**Mr HARDMAN** (Seymour) — I refer the Attorney-General to the fact that the former government fought for three and a half years to prevent the release of the casino tender documents, and I ask him to indicate the cost to taxpayers of the previous government's attempt to keep these documents secret and what action the Attorney-General will take to end the culture of secrecy?

**Mr HULLS** (Attorney-General) — I thank the honourable member for Seymour for his question, and indeed his interest in open, honest and accountable government. There is no better example of abuse of the spirit and intent of the freedom of information legislation than the disgraceful actions of the former Kennett government to avoid public scrutiny when it came to the casino bidding process.

Everyone knows that the Kennett government gutted FOI legislation and introduced fees soon after it was elected in 1992, so that people could not access documents about secret, underhand deals entered into by the Kennett government with its mates.

Even self-styled champions of freedom of information such as the Honourable Mark Birrell in another place and the honourable member for Doncaster did absolutely nothing to stop the Kennett government from gutting the freedom of information legislation. In fact, no member of the current opposition actually stood up to defend the basic principles of FOI in Victoria and the public's right to honest, open and accountable government.

I suppose they thought, 'Well, we are not allowed to ask questions of the Premier, so why should anyone

else be allowed to ask questions?'. Even after gutting FOI, the former Kennett government was so determined not to release documents relating to deals that it was prepared to abuse even its own system to ensure that nothing came to light. I remind the house just what the Kennett government did to ensure that the casino tender documents were not accessible to the Victorian public, which had a right to know what they were. It was prepared to pay good taxpayers' money to allow that abuse to take place.

I remind the house that an FOI request for the casino tender documents made in April 1996 was refused. The then opposition asked for a review of that decision. Again it was refused. That pattern continued for the next two and a half years, with the matter going in and out of the Administrative Appeals Tribunal and its successor, the Victorian Civil and Administrative Tribunal, in the then opposition's attempts to get access to those documents in the interests of open and accountable government. It involved directions hearings, preliminary hearings, conferences and finally a hearing in the Court of Appeal. The government of the day was prepared to waste enormous amounts of taxpayers' money to keep those documents secret from Victorians.

In total, there were about 30 court hearings in relation to the matter. You have to ask: did the then government send departmental officers down to address those 30 court hearings? No. They used counsel, and we are talking about senior counsel — QCs! There were QCs and wigs everywhere. You could not go to the toilet without a QC following you!

*Honourable members interjecting.*

**The SPEAKER** — Order! There is far too much audible conversation coming from the opposition benches. I ask opposition members to remain silent while question time is being conducted.

**Mr HULLS** — There were 30 hearings, and at each hearing there were QCs and junior barristers. That wigfest cost thousands of dollars each day and was paid for by Victorian taxpayers. Preliminary information supplied to me by the Victorian Government Solicitor reveals that that office alone spent almost \$150 000 in counsel fees fighting the release of this information. Legal fees for the Victorian Government Solicitor alone totalled more than \$320 000, at a time when legal aid was being gutted — that is, when victims of crime had compensation taken away from them, the then government was chucking our money after QCs and barristers!

*Honourable members interjecting.*

**The SPEAKER** — Order! I have asked opposition members to lower their voices during question time so that the minister can be heard. They have chosen to ignore the directive of the Chair and it appears to the Chair that they are deliberately engaging in tactics to disrupt question time. I will not hesitate to use sessional orders to ensure that this question time continues without interruption.

**Mr McArthur** — On a point of order, Mr Speaker, you just said you would not hesitate to enforce sessional order 10, which is a disciplinary procedure. Similarly, I ask you to invoke sessional order 3(5), which the house and these ministers agreed to a couple of weeks ago. It provides that all answers to questions shall be direct, factual and succinct. I suggest that if they were, the opposition would happily listen to them.

**The SPEAKER** — Order! On the point of order, I remind the house, and particularly ministers when answering questions, of sessional order 3(5). In this instance I believe the Attorney-General was answering the question by providing detailed information about the processes that have been taking place. His answer is relevant to the question, but at the same time I ask him to be succinct.

**Mr HULLS** — To put it succinctly, the former government spent over \$320 000 of taxpayers' money on covering up the lies and deception regarding the casino tender process. I was asked what I would do about this. The government will change the culture of denial and secrecy that was present in departments when documents were asked for under freedom of information provisions. Under the previous government refusal to release documents was the norm. It will be the exception under the new Bracks government. As Attorney-General I will be directing all departments to comply with the spirit of freedom of information legislation.

Delaying tactics and wasteful expenditure will no longer be acceptable. I will be issuing guidelines to which the public will have access, so when people apply for documents they will have a framework upon which to make their applications. I will also issue revised policy and administrative directions for departments, together with training for relevant officers. Finally in Victoria the Kennett veil of secrecy will be lifted and the Bracks government will deliver, as promised, open, honest and accountable government.

### Schools: self-governance

**Mr HONEYWOOD** (Warrantyte) — I refer the Minister for Education to an answer given in the house to a question asked on 9 November reported at page 159 of *Hansard* regarding the dismantling of self-governing schools in which the minister stated:

From next year all schools will enjoy the same funding and employment conditions.

In view of the legal advice received by the opposition last week, will the minister please clarify how she intends now to ensure absolute parity of funding and employment conditions across all government schools, including the 51 self-governing schools, from next year?

**Mr Batchelor** — On a point of order, Mr Speaker — —

**The SPEAKER** — Order! I think I can anticipate the point of order the Leader of the House is about to make. The Chair was about to interrupt the honourable member for Warrantyte and point out to him that he cannot quote the *Hansard* of the current session.

**Mr Bracks** interjected.

**Mr HONEYWOOD** — Thank you, Mr Speaker. I will rephrase the question because it is important. I am glad you are listening, Premier.

I refer the Minister for Education to her answer in the house on 9 November regarding the dismantling of self-governing schools. She maintained that from next year all schools would enjoy the same funding and employment conditions. In view of the legal advice received by the opposition last week, which meant there was no need for a meeting on Monday — —

*Honourable members interjecting.*

**Mr HONEYWOOD** — She caved in!

**The SPEAKER** — Order! I ask the government benches to come to order.

**Mr HONEYWOOD** — In view of the legal advice received by the opposition last week, will the minister please clarify how she intends now to ensure absolute parity of funding and employment conditions across all government schools, including the 51 self-governing schools, from next year?

**Ms DELAHUNTY** (Minister for Education) — He is a bit like the bride left at the altar.

**An honourable member** interjected.

**Ms DELAHUNTY** — That was the deputy's job. It is the second time no-one has come to his party. When he put his hand up to be leader — —

**The SPEAKER** — Order! The minister should ignore interjections from the government benches and answer the question.

**Mr Thompson** — On a point of order, Mr Speaker, standing order 108 provides that no member shall use offensive or unbecoming words in reference to any member and that all personal reflections upon members shall be deemed to be disorderly. I regard the reference to a bride being left at the altar as unparliamentary in the spirit of the new Parliament as promoted by the three Independents. I ask the honourable member to withdraw that remark.

**The SPEAKER** — Order! Has the honourable member personally taken offence at that remark?

*Honourable members interjecting.*

**Mr Thompson** — On the point of order, Mr Speaker, there is no person to whom that remark was specifically directed across the opposition benches.

**The SPEAKER** — Order! The honourable member, by his own remarks, has admitted that the remark was not directed at him or anyone else in particular. Therefore it is not offensive. There is no point of order.

**Ms DELAHUNTY** — I will try to be as brief as possible in directing the member's attention to alleviate the confusion he has been labouring under. When we, as the new Labor government, announced in Parliament that we would end the flawed self-governing schools model, we said three things. Firstly, we said we would honour all contracts. Secondly, we said no new contracts should be entered into. Peter Allen, the head of the Department of Education, Employment and Training, sent a memo to all schools to inform them that no new contracts should be entered into because the self-governing school model has ceased. Thirdly, we said that a departmental audit team would be set up immediately to work with each of the 51 self-governing schools on a case-by-case basis.

**Mr Bracks** — Can't be fairer than that.

**Ms DELAHUNTY** — Absolutely, Premier: you can't be fairer than that. We are bending over backwards to look after those schools, as we are bending over backwards to look after the rest of the 1636 schools, which are also demanding that they get

some attention from the Minister for Education and some of the largesse the Bracks government has said will flow into their budgets, and which has done so as a result of decisions by the government. A boost of more than \$50 million to every school in the state has already gone into the global budgets, so every school has an advantage. That includes the previous self-governing schools.

**Ms Asher** interjected.

**Ms DELAHUNTY** — Some \$50 million will be shared by all schools. Thank you for that.

I hope that clarifies the point. The memorandum said that no new contracts will be entered into. That was the point of the memo — to keep all schools informed. I know this is new. The last government informed schools about nothing. They did not know what was going on in terms of government. All they heard was cuts, cuts and more cuts. Some 380 schools closed without consultation with school communities; 9000 teachers were ripped from the system; and parents had to resort to sausage sizzles and lamington drives to try to raise money for the basics. The Bracks Labor government wants all schools to be excellent, and that is what we will deliver.

### **TAFE: funding**

**Mr MAXFIELD** (Narracan) — I refer the Minister for Post Compulsory Education, Training and Employment to statements by the honourable member for Warrandyte that TAFE institutes have a cash reserve of \$70 million. Is that money available for cash-strapped TAFE institutes?

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — Last week on radio the honourable member for Warrandyte — formerly the Minister for Tertiary Education and Training and now the shadow Minister for Education — said there was \$70 million in reserve for funding TAFE institutes in financial difficulty. It is interesting that the shadow Minister for Education was speaking on radio rather than the shadow minister for tertiary education and training; it is difficult to work out who the real shadow minister is at the moment. Maybe the honourable member for Hawthorn has been gagged.

I want to clarify the \$70 million that is alleged to be in reserve and available for struggling TAFE institutes. It is interesting that the previous minister is suddenly showing an interest in the TAFE sector — an interest he did not have when he was minister. He was certainly not interested in the sector's finances then.

I make it clear that the money in reserve is held by the institutes. At the end of 1998, investments with the institutes totalled \$73 million. If opposition members cared to listen they may learn because they do not seem to be good with figures. That amount contributes to the \$150 million in total assets of the institutes. However, liabilities, which are \$90 million, have to be taken out. That leaves \$60 million in reserve for the TAFE institutes — not \$70 million. The honourable member got that wrong; there is \$60 million.

In examining the break-up of that \$60 million in reserve, of that funding \$37 million sits with Holmesglen TAFE. Holmesglen services the Burwood electorate. Obviously the honourable member for Warrandyte is not concerned about ripping money out of Holmesglen TAFE. I have concerns about doing that. Putting aside the \$37 million with Holmesglen that has been built up over a long time, \$22 million remains. That is spread across all the TAFE institutes and represents only 3 per cent of operating revenue or two weeks funding for those TAFE institutes.

A number of major problems would arise in the proposed removal of funds from Holmesglen TAFE, which is essentially the suggestion from the honourable member for Warrandyte. It is no wonder that the honourable member for Hawthorn was not silly enough to raise the matter on the radio. Firstly, taking the money out of Holmesglen TAFE — which, as I made clear today, the government will not do — would involve shifting funds and would increase the number of institutes currently at financial risk. It would also send the wrong message to the TAFE institutes — that is, to spend up their reserves and not put any money in reserve because some nasty government of the Kennett or conservative persuasion may want to take it away. There is also no legislative capacity to remove those funds.

It is interesting that the honourable member for Warrandyte suggested this. When he was in government and in a position to do something about the financial plight of a whole number of TAFE institutes, he did nothing. He just went on his merry way attending functions, shaking hands and having parties that no-one turned up to.

Of course, the real agenda of the honourable member for Warrandyte is to rip that money out of Holmesglen TAFE, which, as I said, the government will not do. Already the government has made a number of commitments to TAFE institutes across Victoria. It has made a commitment to regional TAFE institutes of \$14.7 million over the next four years in acknowledging it now costs them more to provide

services. Two weeks ago the Premier also announced an additional \$10 million over the next calendar year to address financial concerns across Victorian TAFE institutes. The government will address the heart of the problem, where the financial difficulties have begun, and not just look at ripping money out of one institute to give to others and spread the burden across the system.

### **Schools: self-governance**

**Mr HONEYWOOD** (Warrandyte) — I refer the Minister for Education to the Department of Education memorandum referred to a moment ago which is dated 9 November 1999 and endorsed by the minister to all 51 self-governing schools advising them that the special funding would be removed from 31 December this year. I ask: given that the minister now accepts that the three-year education service agreements that provide the special funding are legally binding, will she now apologise to the 20 000 students, their parents, and the affected school communities for the past three weeks of trauma — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask government benches to come to order and to allow the honourable member for Warrandyte to complete his question.

**Mr HONEYWOOD** — Given that the Minister for Education now accepts that the three-year education service agreements that provide the special funding are legally binding, will she now apologise to the 20 000 students, their parents, and school communities for the past three weeks of trauma and uncertainty that her decision-making on the run has caused?

**Mr Batchelor** — On a point of order, Mr Speaker, I draw the attention of the Chair to sessional order 3(4) which requires all questions to be direct, succinct and seeking factual information.

**The SPEAKER** — Order! The honourable member for Warrandyte is entitled to ask his question in a manner that conforms with that sessional order. I believe he has done that and I ask the Minister for Education to answer the question.

**Ms DELAHUNTY** (Minister for Education) — I ask the honourable member to repeat the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order. I will not hesitate to name members should they persist in interjecting while the Speaker is on his

feet. I give all honourable members a warning that if there are any further offences in that regard I will use sessional order 10 and ask the honourable member to leave the chamber. The Minister for Education has asked that the question be repeated because she did not hear it. I ask the honourable member for Warrandyte to do that.

**Mr Thompson** — On a point of order, Mr Speaker, under the standing orders, gestures in the house can sometimes be regarded as being offensive. When the Minister for Education left the parliamentary table she entered into a victory salute with the honourable member for Broadmeadows, which I believe demeaned the dignity of the house and intended that the honourable member for Warrandyte repeat the question in circumstances that may not have been due to lack of hearing but rather just to have him repeat the question. The gesture was offensive to the house.

**The SPEAKER** — Order! The honourable member for Sandringham has raised a point of order about gestures being disorderly. The Chair concurs that gestures are disorderly, and asks honourable members to refrain from indulging in such actions. On this occasion the Chair did not notice any offensive behaviour. There is no point of order. I ask the honourable member for Warrandyte to again ask his question so the Minister for Education can hear it.

**Mr Honeywood** — I refer the Minister for Education to the Department of Education, Employment and Training memorandum dated 9 November 1999, endorsed by the minister, to all 51 self-governing schools advising them that the special funding would be removed from 31 December next. Given that the minister now accepts that the three-year education service agreements are legally binding with that special funding, will she now apologise to the 20 000 students, their parents and school communities for the past three weeks of trauma and uncertainty that her decision, made on the run, has inflicted upon them?

**Ms DELAHUNTY** — The only person suffering from trauma is the Leader of the Opposition. Where is the Leader of the Opposition — has he been gagged?

*Honourable members interjecting.*

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

**Ms DELAHUNTY** — I will repeat the process undertaken so that the honourable member for Warrandyte can understand it. The government took legal advice to implement its policy, and announced that policy in Parliament. Memoranda were sent to all

51 self-governing schools, after discussions with them, announcing the policy. I repeat for the honourable member's information: no new contracts will be entered into. We will honour all existing contracts. Our legal advice says we should examine all educational service agreements, and any legally binding contracts under those agreements will be honoured. We said that at the beginning, and I consistently say that. The only person who is confused is the honourable member for Warrandyte, who has been waving his legal advice around.

**Mr Thwaites** interjected.

**Ms DELAHUNTY** — I don't know whether he paid for it, but I am informed it came from a failed Liberal candidate! We should not be puzzled by the fact that perhaps the Leader of the Opposition's legal advice differs from the legal advice given to me by my department. I hope that answer now satisfies the honourable member for Warrandyte, who has been consistently trying to whip up division where there is none.

Last week we came away from a meeting of self-governing school principals and leaders with agreement to move forward. After that meeting last Monday Mr Ron Lake, the convenor of the self-governing schools group, said that we have a way to move forward for enhanced self-management under a Labor government — which is putting more money into all schools.

I should point out that more than \$50 million is to go to schools next year, and that the self-governing schools will also accept that largesse; in some cases, up to \$100 000 more will go into their budgets. The parents and teachers in those school communities now realise that despite the diversion caused by the honourable member for Warrandyte, the Labor government — a government that cares about education — will fund all schools so they can be centres of excellence. We will not play winners and losers.

**Mrs Peulich** — On a point of order, Mr Speaker, the honourable member for Warrandyte asked whether the minister would honour the 51 service agreements she entered into, whether she is refusing to sign additional agreements or whether she has torn them up. She has not answered the question and I ask the Chair to have her answer it.

**The SPEAKER** — Order! The question asked by the honourable member for Warrandyte referred to the minister's actions on self-governing schools. I believe the minister was answering and was being relevant. I

remind the house that the Chair is not in a position to direct ministers how to answer questions.

### Preschools: subsidy

**Ms LINDELL** (Carrum) — Will the Minister for Community Services inform the house what action she has taken to increase preschool participation in Victoria?

**Ms CAMPBELL** (Minister for Community Services) — When the Bracks government was elected it inherited a social black hole left by the former government which had been orchestrated by the previous Minister for Community Services, now the Leader of the Opposition. The Bracks government has acted promptly to assist low-income families with preschool attendance for their children.

The terrible situation in Victoria is that 4500 eligible children are not attending preschool education primarily because their families cannot afford it. Most families not accessing preschool education live in areas of high social disadvantage. The preparatory school teachers in those areas say they are lucky if 50 per cent of the children have had the opportunity to gain a preschool education from them.

I am pleased to advise the house that the Bracks government has allocated a \$250 fee subsidy for each child at a preschool whose family holds a health care card. That subsidy more than doubles the previous allocation, when only \$100 was spent on assisting each family. The government expects that the increased fee subsidy will allow more children from socially disadvantaged families to access preschool education.

The state average participation rate for health care card holder families whose children are accessing preschools is about 30 per cent. The participation figure in rural areas is 40 per cent, and 25 per cent in metropolitan areas. In local government areas such as the Shire of Glenelg — —

**A government member interjected.**

**Ms CAMPBELL** — Glenelg is near Portland; the figure there is 41.6 per cent. Many families need government support and the government intends to deliver. Preschools give children a head start in life, and upon its election the Bracks government immediately acted to increase the preschool participation rate.

**The SPEAKER** — Order! The time for questions without notice has expired. A minimum 10 questions have been asked and answered.

## PERSONAL EXPLANATION

**Mr RYAN** (Gippsland South) — In the course of my contribution to the address-in-reply debate on Thursday, 11 November, I said that the honourable member for Essendon had trained two of the current members of the government backbench. I now know that that is not so, and I wish to correct the record accordingly.

## PETITION

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

### Rail: Tullamarine link

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 we strongly oppose the proposal to develop a third rail line along the Broadmeadows line to the Tullamarine airport, unless an environmental effects statement is carried out and affected residents are consulted.

Your petitioners therefore pray that submissions be called for in relation to the entire proposal and that no other action be taken until an environmental effects statement is completed.

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

**By Mrs MADDIGAN (Essendon) (43 signatures)**

**Laid on table.**

## PAPERS

**Laid on table by Clerk:**

Auditor-General — Report of the Office for the year 1998–99

Bethlehem Hospital Inc. — Report for the year 1998–99 (two papers)

Caritas Christi Hospice — Financial Statements for the year 1998–99

City West Water Limited — Report for the year 1998–99

Equal Opportunity Commission — Report for the year 1998–99 — Ordered to be printed

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 1998–99 Annual Reports of the:

Victorian Broiler Industry Negotiation Committee

Victorian Strawberry Industry Development Committee

Report from the Minister for Environment and Conservation that she had received the 1998–99 Annual Report of the Water Training Centre.

Reports from the Minister for Environment and Conservation that she had received the Annual Reports for the period 30 April 1998 to 31 October 1999 of the:

Lake Mountain Alpine Resort Management Board

Mt Baw Baw Alpine Resort Management Board

Mt Stirling Alpine Resort Management Board

First Mildura Irrigation Trust — Report for the year 1998–99

Gippsland and Southern Rural Water Authority — Report for the year 1998–99

Goulburn–Murray Water Authority — Report for the year 1998–99

Human Services Department — Report for the year 1998–99

North Western Health Care Network — Report for the year 1998–99 (two papers)

Peninsula Health Care Network — Report for the year 1998–99

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bayside Planning Scheme — No L14

Frankston Planning Scheme — No L87

Greater Shepparton Planning Scheme — No C2

Hobsons Bay Planning Scheme — No L17

Kingston Planning Scheme — Nos L43, L44

Nillumbik Planning Scheme — Nos L21, L26

Yarra Planning Scheme — No C4

Public Employment Commissioner — Report for the year 1998–99

Public Prosecutions — Report of the Director, Committee and Office for the year 1998–99

Queen Victoria Women's Centre Trust — Report for the year 1998–99

Southern Health Care Network — Report for the year 1998–99

St. Vincent's Hospital — Report for the year 1998–99 (two papers)

State Trustees Limited and Financial Statements of the Common Funds — Report for the year 1998–99

Statutory Rule under the Road Safety Act 1986 — SR No 120

Sunraysia Rural Water Authority — Report for the year 1998–99

Victorian Electoral Commission — Report for the year 1998–99

Victorian Government Purchasing Board — Report for the year 1998–99 (two papers)

Victorian Multicultural Commission — Report for the year 1998–99

Wimmera Catchment Management Authority — Report for the year 1998–99

Wimmera–Mallee Rural Water Authority — Report for the year 1998–99

Women and Children's Health Care Network — Report for the year 1998–99

Yarra Valley Water Limited — Report for the year 1998–99.

## BUSINESS OF THE HOUSE

### Program

**Mr BATCHELOR (Minister for Transport) — I move:**

That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.30 p.m. on Thursday, 25 November 1999:

Essential Services (Year 2000) Bill

Health Practitioners (Special Events Exemption) Bill

Legal Practice (Amendment) Bill.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Wimmera–Grampians marketing strategy

**Mr DELAHUNTY (Wimmera) — I wish to recognise the launching of a Wimmera–Grampians marketing strategy entitled 'Wimmera–Grampians Region — Victoria's Best Kept Investment Secret', but it will not be secret for much longer.**

It resulted from the cooperative effort of five councils in the Wimmera district, the shires of Hindmarsh, West Wimmera, Northern Grampians and Yarriambiack, and the Rural City of Horsham. Those councils, working with the Wimmera Development Association and Wimmera 2020, have developed a strategy that recognises the value of the Wimmera's natural assets, its environmental resources and its research and development capabilities. The strategy showcases the regional strengths through a brochure, a video and, importantly in this environment, a web site.

I congratulate all the organisations and the people involved. The spectacular Wimmera–Grampians region extends like a patchwork quilt of opportunity across the rich agricultural heart of western Victoria.

### **Sunbury Skaters Association**

**Ms BEATTIE** (Tullamarine) — I congratulate Adam Majcher, a Sunbury resident, who on 8 November was the City of Hume young mayor for the day. Adam is 23 years old and in just 18 months he organised more than 200 young people to form the Sunbury Skaters Association.

Adam has been the driving force behind events such as skate days, concerts and the hugely successful Skate the Suburbs Day to raise funds for a skate park in Sunbury. He harnessed the energy of young people, and the events are self-managed by the skaters association. It is a tribute to all concerned.

Adam's proud mum, Christine, was in the gallery when from the mayoral chair Adam put the hopes and aspirations of young people, particularly those in the Sunbury area, firmly on the Hume agenda.

I congratulate Adam and the Sunbury Skaters Association on the drive, dedication and enthusiasm they demonstrate, and I wish them well in achieving a skate park for the use of the people of Sunbury.

### **Caladenia Day Centre**

**Mrs FYFFE** (Evelyn) — I wish to praise the work of the staff and volunteers of the Caladenia Day Centre in Mooroolbark, which caters for people with Alzheimer's disease and related dementias in the Lilydale, Mooroolbark and Croydon areas. The people who attend the centre are involved in various social and recreational activities based upon their interests and needs. Their limitations are taken into account and the activities are conducted in a safe, purpose-built environment.

In this, the International Year of the Older Person, the centre has widened its programs to cater for the isolated and frail aged members of the local community, and it even transports people to and from the facility with its own bus. The Caladenia Day Centre also provides a respite and counselling forum for carers of those suffering from dementia, a group in our society that can easily be forgotten in the hurly-burly of life.

When you consider the service the centre is already providing, it is very impressive to see that it has also commenced work on new facilities including a special garden area with wide paths, handrails, a shady gazebo

to allow outside entertainment, raised garden beds and perfumed flower gardens. The amount of work the centre undertakes is particularly impressive when it is considered that it is managed by a staff of just six, and 26 volunteers.

### **Ministry: community cabinet**

**Mr TREZISE** (Geelong) — Firstly, I congratulate the Premier and the cabinet on their initiative in introducing the community cabinet.

As the member for Geelong I am delighted that the community cabinet visited that city last Monday. Cabinet met in the town hall in the morning and then dispersed in the afternoon to the four corners of the City of Greater Geelong, where cabinet members met members of the community, listened to them and discussed with them the issues of the day in Geelong. Numerous community organisations, including businesses and clubs, were visited throughout the day by the ministers. The Premier visited the historical society, the Ford Motor Company and the Geelong Football Club.

The community cabinet is an indication of the way the government will govern during the forthcoming four years. The cabinet will be out among communities listening to the people, to organisations and to businesses. I congratulate the Premier and the cabinet on that initiative.

### **Elders Cafe, Frankston**

**Ms McCALL** (Frankston) — I begin by congratulating the previous coalition government on its initiatives during the International Year of the Older Person and, in particular, an initiative in the electorate of Frankston that resulted yesterday in the opening of the Elders Cafe on Olsen Street. As a member of the organising committee in its early days I know that the project was at risk of turning into the Nightmare on Elm Street; I am pleased to say, however, that it resulted in the Elders Cafe on Olsen Street.

It began with an initiative of an over-65s think tank in Frankston. That organisation was delighted to receive \$1000 from the previous coalition government plus donations in kind of furniture, time and effort from Rotary, the Lions clubs and Frankston City Council.

Elders Cafe opened yesterday. It is a drop-in centre for those in their mature years. You drop off a relative, go off to the hairdresser and do your shopping, and hope the relative will still be there when you return. It is an excellent initiative, and we are delighted for the people of Frankston.

I am impressed with the support and efforts of the many people of the Frankston community working for the International Year of the Older Person, including Evie Wallace.

### **Irymple Meals on Wheels**

**Mr SAVAGE** (Mildura) — I raise a community service matter — namely, Irymple Meals on Wheels. Since 1972 citizens and organisations have donated the equivalent of over 500 years of community service to that facility.

I wish to record the following names and years of service: Ian Tregonning, 27 years; Wilma Smart, 27 years; Barbara Johnstone, 27 years; Dorothy Ginn, 27 years; Irymple Primary School, 27 years; Irymple Kindergarten, 27 years; Jean Smith, 26 years; Ron and Judy Trinne, 23 years; Elsie Perry, 23 years; Alma Leng, 22 years; Joe and Ann Sestak, 22 years; Ian and Jean Hinks, 20 years; Ray and Rosalie Kuchel, 20 years; Gwen Mathews, 19 years; Roy and Shirley Turlan, 18 years; Barbara Tilley, 18 years; Evelyn Byron, 16 years; and Roy Logan, 15 years. These people remain unacknowledged by most members of society and are deserving of recognition.

### **Australian Hotels Association: awards**

**Ms LINDELL** (Carrum) — I extend my congratulations to the Australian Hotels Association on the success of its annual state awards dinner held on Sunday night.

The awards recognise excellence in the hotel and hospitality industry in Victoria and highlight the vast range of establishments, large and small, metropolitan and regional, that make up the hotel industry, and they also showcase the economic contribution made to Victoria by the industry.

I especially congratulate Arnold and Suzie Dix and all their staff at the Cove Hotel in Patterson Lakes on winning the award for best metropolitan hotel bistro for the second year in a row. I wish them well in the national awards next year.

I encourage all honourable members to partake of Arnold and Suzie's hospitality when next in the Carrum electorate.

### **Schools: Ormond and McKinnon**

**Mrs PEULICH** (Bentleigh) — I draw the attention of the house to concerns about the level of funding provided by the minority Labor government for school capital works and maintenance and to the effect of

funding levels on planned and scheduled local school upgrades.

In particular, assurances are sought about the status of scheduled funding for two local schools, including grants of \$850 000 for Ormond Primary School, which has been working on its master plan for a number of years, and \$800 000 for McKinnon Secondary College. I declare my interest in that college, which my son attends. My representation here is, however, purely as the school's local member of Parliament.

I quote briefly from a letter received from Dr Brian Smith, president of the school council, in which he asks for assurances about promised and scheduled funding. He says that the requested funding would:

enable replacement of seven of our most appalling portable classrooms with permanent structures. Given the change in state government I am writing to ask you to check on the status of this grant.

The letter states further:

It fits well with our master plan and has galvanised thought on how to make the dollars count — i.e. how to get the best possible educational outcomes while adding to the sense of pride and identity within the college.

I would like to see this government ensure that funding for schools is adequate and that it also deals with the backlog, which was significantly addressed by the former coalition government, to meet school community needs.

### **Colosseum Hotel site**

**Mr LANGDON** (Ivanhoe) — I congratulate my local community in their campaign against the liquor licence application by Mr Bruce Mathieson for the former Colosseum Hotel site. Yesterday Commissioner Horsfall handed down a decision ruling against the application, which means the efforts of the community, schools, churches and so on have been successful. The campaign included one petition to the City of Banyule with 1400 names protesting against the town planning permit and another with 1600 names protesting against the liquor licence application.

The City of Banyule has been most cooperative in this endeavour, and I thank the councillors involved. Basically, it was a community effort to stop Mr Mathieson from obtaining a liquor licence for the former Colosseum Hotel site. The previous government promised to use the site for the building of new police headquarters — one of those blatant political untruths it broadcast. Mr Mathieson bought the former hotel and has been trying to put poker machines in it ever since. The failure of the liquor licence application has

obviously saved the community from an abundance of poker machines. I again extend my appreciation and gratitude to all those in the community who campaigned for so long against the application.

### **Myxomatosis virus**

**Mr PLOWMAN** (Benambra) — I appreciate the fact that the Rabbit Buster program introduced by the previous government has been extraordinarily successful. It is of concern that a lot of rabbits are now evident right round country Victoria, particularly in the higher rainfall areas. As honourable members would know, the introduction of the calicivirus has been more successful in areas with lower rainfall and hotter climates, so in areas with high rainfall reliance is placed on the myxomatosis virus.

CSL has now run out of the myxomatosis virus, and when I contacted the company I was advised that it does not intend to produce any more. Farmers, particularly those in the higher rainfall areas, are desperately in need of more of that virus so that they can control the increasing rabbit population.

The government should review this matter. I believe CSL should be encouraged to again produce the myxomatosis virus, because the rabbit is such a pest that every means of eradication is required.

### **Preschools: fee subsidy**

**Ms OVERINGTON** (Ballarat West) — I bring to the attention of the house the fact that the recent announcement by the Bracks government of the \$250 fee subsidy for preschools has been well received in my electorate and in Ballarat in general, which includes Ballarat East. Last Thursday, the Minister for Community Services attended a meeting in Ballarat that was also attended by more than 50 parents. They warmly welcomed the announced subsidy, which will affect 43.1 per cent of families in my electorate. It will be a valued contribution to my community.

Throughout the election campaign and afterwards many parents contacted me saying they could not afford to send their children to preschool. Since this announcement, numerous parents have contacted me to congratulate the Bracks government because they are pleased they will now be able to afford to send their children to preschool next year thereby giving them a chance for quality education.

### **Bernie McMahan**

**Mr MILDENHALL** (Footscray) — I rise to pay tribute to Bernie McMahan, the principal of Footscray

City College, on his recent retirement. Bernie took the school to state leadership with the outstanding programs he offered. He was a staunch opponent of self-governing schools, but an outstanding — —

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

## **APPROPRIATION MESSAGES**

### **Messages read recommending appropriations for:**

**Audit (Amendment) Bill**

**Essential Services (Year 2000) Bill**

**Freedom of Information (Miscellaneous Amendments) Bill**

**Regional Infrastructure Development Fund Bill**

## **ESSENTIAL SERVICES (YEAR 2000) BILL**

*Second reading*

**Debate resumed from 11 November; motion of Mr BATCHELOR (Minister for Transport).**

**Dr NAPTHINE** (Leader of the Opposition) — The Essential Services (Year 2000) Bill will provide a temporary system of emergency powers to deal with events arising from year 2000 computer problems and amends the Emergency Management Act 1986.

Essentially it is a broad-ranging bill and gives enormous powers to the minister concerned — in this case, the Premier — to take appropriate action should any adverse consequences occur at the turn of the century when there is the potential for year 2000 computer problems.

The opposition will support the legislation; however, it has a number of concerns about which it seeks some reassurances from the minister. I say at the outset how disappointed I am that the minister responsible for the legislation is not in the house. That minister, the Premier, has argued that his government has a strong belief in the parliamentary processes, democracy and open and accountable government. Therefore, it is extremely disappointing that the Premier does not see fit to be in the house during discussion of a bill for which he is responsible and which gives him enormous and wide-ranging powers.

The opposition seeks clarification from the Premier on a number of issues during both his response to the second-reading debate and the committee stage of the bill. It will be difficult for the Premier to make those responses intelligently and appropriately if he has not even seen fit to be in the house. Already a double

standard and a degree of hypocrisy have been shown by the Premier and his government with respect to democracy and the operation of Parliament. During question time today a minister of the Crown treated Parliament with absolute contempt. It is about time the rhetoric of the government and the Premier were reflected in his behaviour and that of his ministers. The Premier should make it a priority to be in the house to hear debate on the bills for which he is responsible.

The Essential Services (Year 2000) Bill, for which he is responsible, gives the Premier enormous powers. The opposition seeks the Premier's response on how the bill will be administered so the community can be made aware of the government's intentions. A number of issues are of genuine concern, and I shall refer to one that should be of concern to all Victorians.

This bill and other bills to be debated today and during this week have been introduced to Parliament without being scrutinised by a parliamentary committee, such as the former Scrutiny of Acts and Regulations Committee. That committee was set up by the previous government as a significant step forward in the democratic process and in the interests of all Victorians to protect their rights and civil liberties. It ensured that all bills were properly scrutinised and that reports on them were presented to Parliament before they were debated.

The bill significantly restricts the civil liberties of all Victorians. The bill raises a range of significant issues regarding the delegation of powers of the minister, section 85, immunities and compensation — all of which are important matters and which would have been considered by the former Scrutiny of Acts and Regulations Committee and reported on before such a bill came before the house. Despite the Labor Party's comments leading up to and since the election about its being an open and accountable government that would put a premium on the effective operation of the Parliament and ensure adherence to democratic processes, the Premier and his government have already flouted the democratic processes on many occasions and denied Victorians the right to be properly informed on issues.

An argument could be put that debating a bill such as this without a proper report from a parliamentary scrutiny committee breaches the Parliamentary Committees Act. Under the heading 'Scrutiny of Acts and Regulations Committee', section 4D of that act provides:

The functions of the Scrutiny of Acts and Regulations Committee are —

- (a) to consider any bill introduced into a house of the Parliament and to report to the Parliament as to whether the bill, by express words or otherwise ...

It then lists a whole range of areas. It is the clear intention of the Parliamentary Committees Act that reports on bills be presented to Parliament prior to discussion of those bills. However, this important bill which impinges on the civil liberties of Victorians has come before the house without any such report from a scrutiny committee. In fact, the government has yet to establish such a committee. That is to the detriment of Parliament, the government's credibility and the people of Victoria.

It is incumbent upon the government to consider the matter and to act quickly to proceed along such lines. In anticipation of the government not acting as it should, today I announced that next week I will introduce on behalf of the opposition a private member's bill to create parliamentary committees that can effectively scrutinise bills before they are introduced into Parliament. The opposition will also scrutinise subordinate legislation as part of a fair and appropriate democratic process.

The private member's bill would amend the Parliamentary Committees Act to create a scrutiny of bills committee, a scrutiny of subordinate legislation committee, a scrutiny of redundant acts committee and a general purpose committee of the Upper House, as well as an all-party committee of both houses of Parliament, under the Parliamentary Committees Act.

Such scrutiny of legislation is clearly needed when a bill such as the Essential Services (Year 2000) Bill comes before us. It will place significant impositions on the civil liberties, individual freedoms and rights of citizens of Victoria.

Coming back to the Parliamentary Committees Act, the former Scrutiny of Acts and Regulations Committee had specific functions, including consideration of inappropriate delegations of legislative power. Clause 30, headed 'Delegation of powers and functions by Minister', provides that:

The Minister may by instrument delegate to any person all or any of the Minister's powers and functions under this Part ...

That is a very broad delegation. When one considers the enormous powers provided to the minister under clause 5, clause 30 provides an enormous and wide-ranging delegation of powers. Yet honourable members do not have a report of a scrutiny of acts and regulations committee on that delegation process, as provided for by the Parliamentary Committees Act. Clearly the situation is less than satisfactory, and indeed

Parliament is the lesser for it. It is an absolute disgrace that the Premier, who is responsible for the legislation, is not in the house to listen and respond to the arguments.

The Essential Services (Year 2000) Bill is based on the need to have powers to deal with emergencies that may arise as a result of what is commonly called the Y2K problem. In summary, for those very few people who do not understand what the Y2K problem is, it is probably best described in the document titled *The Millennium Bug Countdown Kit — a Y2K Contingency Guide for Business* produced under the previous government by Business Victoria. Under the heading 'What is the Millennium Bug?', it states:

The millennium bug or year 2000 (Y2K) computer problem is the failure of computer systems and embedded chips found in electronic equipment to recognise the first two digits of the year 2000 date, due to the widespread use in computer programming of two digits to represent the year, rather than four ...

This means that when the clock ticks over to January 1, 2000, systems and equipment may compute that date as 01/01/00, believing it to be 1/1/1900 or some other incorrect date —

that is, rather than 01/01/2000 —

causing erroneous information, inaccurate calculations, possible shutdown and other malfunctions which could potentially destroy many years of hard work for business around the world.

It could also cause significant problems for essential services such as electricity, gas, water supply and sewerage, which could be potentially dangerous to the community.

Indeed since it was known that the Y2K problem was coming, literally billions of dollars have been spent in Australia and across the world in seeking to address the issue. A survey of Pricewaterhousecoopers estimates that trying to beat the millennium bug or Y2K problem will cost Australian businesses \$8 billion to \$10 billion.

Governments in Australia and across the world have also been very active in trying to deal with the problem. I am pleased to say that the previous Victorian government, the Kennett government, was one of the world leaders in dealing with preparations for the Y2K problem.

Dealing with the Y2K problem is twofold. Firstly we must consider dealing with the Y2K issue itself. Organisations need to examine their systems so that they are what we would call Y2K compliant. Their systems need to have been examined and tested so that when the year turns over to 2000 those systems will be

able to respond appropriately and will not malfunction or cause disruption to the operation concerned.

The second component is contingency planning. It is important that organisations recognise that while they may be very effective in making their own systems Y2K compliant at the same time they may depend on outside sources of supply over which they have no control. If those outside sources are not Y2K compliant they could cause some form of breakdown.

For example, hospitals must be planning on two levels. At the first level they must be working to ensure that all of their systems operate through the period; and secondly, they must look at contingency plans for outside sources of supply such as power, water, and gas, for which they depend on other organisations. That contingency planning covers a whole range of areas, not just essential services. Supplies that are absolutely essential for hospitals are drugs, equipment and laundry, along with a whole range of other items.

I am pleased to say that the former government had a strategy to deal with the problem at those two levels, to ensure that government agencies and services that are essential to look after the people of Victoria — including services that have been sold to the private sector, such as electricity and gas — were part of the government planning system for Y2K compliance and were regularly monitored for their progress towards that compliance.

In addition, the government was reporting regularly on both compliance and contingency planning. As I said, the former government was widely recognised as a leader in Australia — indeed in the world — for the systems for ensuring that attention was given to the Y2K problem.

The Y2K problem will occur not only on 1 January 2000. That is obviously one of the dates we need to be aware of in our planning, but there are other significant dates with potential problems for our computer systems, including 29 February, because 2000 is a leap year. A leap year ending in double zero occurs only every 400 years — and the year 2000 is one of those 1 in 400. It would not normally be expected to be a leap year, despite being divisible by 4. That is why 29 February 2000 is also a significant date in terms of potential computer problems. I am advised further that 1 January 2001 may be of significance regarding potential computer problems. Several other key dates may also lead to computer problems, and Parliament must be cognisant of those other dates in its planning processes.

The Kennett government had already spent nearly \$400 million throughout government and government agencies ensuring that agencies were year 2000 compliant. Special funding was provided to individual departments and from the departments to agencies funded by government to enable them to update their computer systems and do the necessary checks on computer systems to ensure they were year 2000 compliant.

As of July 1999 the average Y2K readiness of the Victorian government was already 98.36 per cent and the average contingency planning was 96.43 per cent, which was recognised as a world-leading position. The former government led the way across Victoria in its public reporting of Y2K readiness and contingency planning processes. The house needs to recognise and congratulate the former Minister for Finance, the Honourable Roger Hallam in another place, on his strong leadership in this area. He was well supported by the former Premier, the Honourable Jeff Kennett, who felt government had to make this absolutely essential commitment. Clearly the former government was well prepared for Y2K. The opposition can only trust and hope the incoming government will continue that work and not drop the ball on Y2K preparedness and land us in significant difficulties.

The former government was serious about Y2K compliance and had contingency plans in place for each of its departments and key agencies. It was well on the way to ensuring that the year 2000 would pass without any adverse incident whatsoever. The opposition hopes the current government will continue that work so the only thing that will be remembered about New Year's Eve 2000 is the celebration that will take place rather than any untoward events.

However, despite all that good preparation and the former government's confidence that Y2K would pass without incident and the current government similarly doing its work to ensure it gets to the line in time, it is important that as part of the contingency planning there are provisions to deal with any emergency that may arise: hence the importance of the legislation before the house.

The preparation of the bill was commenced under the former government. It looked at the range of issues the government may be required to act on in case of an incident affecting the delivery of essential services leading to a need for the government to respond to protect the citizens of Victoria and ensure they are not significantly adversely affected. Because the bill is fundamentally trying to cover an unknown but potentially significant emergency, by its very nature it

has to be broad in its powers and flexibility. While the opposition and I am sure Parliament would normally be very concerned about passing any bill with such broad-ranging powers as this, in the circumstances it will support the legislation; indeed, I expect the whole Parliament will support it.

It is important to note that, because of the concerns Parliament has about such powers, clause 35 of the bill contains a provision that the act will expire on 30 June 2001. The broad-ranging powers are in place only for the period within which potential problems may occur. We are not talking about one date but a range of dates through 2000 and into 2001, and that is why the legislation will remain in operation until 30 June 2001.

As I said at the outset, the opposition seeks clarification on a number of issues in the bill. I am not sure who will respond on behalf of the government. It is extremely disappointing that the Premier, who is responsible for the legislation, is not in the house to listen to the debate and the concerns many other speakers and I have raised and to respond to the issues raised.

The Minister for Environment and Conservation, who is at the table, is a different minister from the minister who was here 10 minutes ago. I am not sure whether this minister will be present at the end of the debate to respond to the issues raised. I am not even sure whether the minister is interested in the debate or whether the government is treating it seriously and can respond effectively.

It is an absolute disgrace that already a government that purports to treat Parliament seriously, to be the champion of open and accountable government and an advocate for the treatment of Parliament as a place for genuine debate and discussion has, on the first significant piece of legislation it has introduced, shown a dereliction of duty. The person at the top, the Premier, is apparently not interested in the debate. He is not even here. He is not participating — he is not even responding to the lead opposition speaker. If the debate goes on for some time it can be understood that the minister — the Premier, in this case — may have other things to do, but it is incumbent on the Premier to be in the chamber at least when the lead opposition speaker is raising issues of concern. He should be here to listen and respond.

In my time as a minister if I had carriage of bills in this place I felt it was important for me to sit at the table, listen to debate, take note of the matters people raised and seek to respond as well as I could in the second-reading debate and in the committee stage, if the bill went into committee. It is an absolute disgrace

that the Premier has walked away from his responsibilities at this early stage of his government. It is the height of hypocrisy for this government, which purports to be about open and accountable democracy and respect for parliamentary processes, not even to participate in the genuine parliamentary debate on the bills before the house.

**Mr Maxfield** — You were never accountable.

**Mr Perton** — Was that a maiden interjection?

**Dr NAPHTHINE** — I don't think it even qualified as an interjection.

**Mr Perton** — I think it was a squeak.

**The DEPUTY SPEAKER** — Order! Will the Leader of the Opposition continue, or has he finished?

**Dr NAPHTHINE** — He has a lot more to say, Madam Deputy Speaker.

Clause 5 is the nub of the bill and concerns the powers of the minister regarding essential services in the event of a Y2K emergency or similar event. The provisions would come into operation when such an event is proclaimed by the Governor in Council in the *Government Gazette*.

Clause 5 proposes giving enormous power to the minister, who will be able to do virtually anything. It provides powers that could put the situation on a war footing. The opposition does not disagree with that because the minister needs flexibility and power if the circumstances so require.

I seek some comments from the minister in response to the second-reading debate. If the opposition does not get satisfaction then in committee it will seek some reassurances from the minister about how and under what circumstances — including the parameters — he expects the powers will be used, so that the community is reassured that those powers will not be used inadvertently, inappropriately or to the significant disadvantage of Victorians. It is important that the perception of the government and the minister on how those powers will be used is on the record.

I particularly draw the minister's attention to clause 5(6), which states:

If a direction of the Minister under sub-section (5) amending an earlier direction for the purpose of correcting a defect, mistake or omission —

- (a) includes a statement that the earlier direction is deemed to have been made as so amended; and

- (b) is made not later than 3 months after the earlier direction was made —

the earlier direction is deemed to have been made as so amended.

In summary, that provides the minister with a catch-all and broad power to change or completely reverse a ministerial decision up to three months after it has been made, which may have significant effects on a range of individuals, businesses or organisations. By that process the minister will be able to deem that the subsequently changed decision had been made originally. That will put an enormously broad-ranging retrospective and corrective power in the hands of a minister. I seek that the government and the minister place clearly on the record some advice of the circumstances in which that power would be used. The opposition wants to know in what circumstances the minister would seek to use that broad-ranging power to reverse decisions and have those decisions deemed to have been made originally. It is important for Parliament and Victorians to have that on the record.

Clause 6, which is headed 'Compensation', states:

- (1) If a person's property is used under a direction referred to in section 5(2)(e), the person may receive the compensation determined by the Minister.

If the person whose interests are affected is not satisfied with the minister's determination of compensation, he or she can go to the Victorian Civil and Administrative Tribunal (VCAT) for review.

To put this in context one must examine clause 5(2)(e), which provides the minister with the power to:

... requisition the use of property of any kind which is used or may be used for or in connection with the operation or maintenance of any service.

That broad-ranging power will enable the minister to requisition and use property belonging to a company, a partnership, or an individual, and under clause 6 that person will receive compensation for the use of that property. That seems fair and reasonable.

The opposition seeks that the government put on the record what is missing from the clause. It seems that a clear policy decision of the government has been made. I would be interested to hear the minister clarify that it is a policy decision of the government and not merely an oversight that no compensation is proposed for loss of earnings. For example, the minister could requisition the use of a bulldozer from a company, saying, 'We need this bulldozer to do certain actions under this legislation', and under the compensation provisions pay the owner X amount a week for use of that bulldozer.

There is no suggestion that the firm, business or individual involved would receive further recompense for any potential loss of earnings for having that bulldozer taken from his or her authority.

**Mr Perton** — Or if they make him drive it.

**Dr NAPHTHINE** — That was the next point I was coming to. The honourable member for Doncaster is assisting me. No provision has been made for the payment for labour. For example, if in this case the minister directs the person to drive or to provide somebody to drive the bulldozer, there is no provision for compensation for use of labour.

No provision has been made for compensation for damage to property. For example, no compensation is provided for if in this case the bulldozer has to deal with pushing acid or something that damages the machine irretrievably. The opposition needs to understand the proposal. The minister needs to explain whether it is merely an oversight and that the government will address the broader range of compensation for loss of earnings, loss of labour, damage to property and a range of other issues, or whether it is a strict policy decision of the government to restrict compensation purely to loss of property.

I have some concerns with a number of other provisions, including clause 13, which provides that the minister may appoint inspectors for the purposes of the act. Similarly, those inspectors will have a wide range of powers to operate under the act. Again, I recognise the need to appoint inspectors under the act. For example, if gas supply is limited because of a failure caused by the Y2K problem, the government must ensure that the limited gas supply is utilised for hospitals or other essential services rather than in other areas. Inspectors may need the power to inspect and ensure gas supplies are turned off in a range of other areas. I can understand the need for inspectors. However, I ask the minister to clarify what sort of person will be appointed and under what circumstances various classes of people will be classified as inspectors.

When the question was asked during our briefing on the bill, the department's response was that it did not know who was likely to be appointed an inspector because it did not know what circumstances would arise, and the inspectors would have to be appointed appropriate to the circumstances. However, the proposed legislation suggests that already a class of person or persons has been identified as potential inspectors.

The bill provides that an inspector must have an identity card signed by the minister; it must also bear a photograph and the signature of the inspector.

If they are to be ready to move as the clocks tick towards midnight on 31 December next, inspectors should be identified now so that appropriate identity cards may be prepared. They should be fully trained and familiar with or aware of any issues or problems that may arise. The strong suggestion is that the government already knows who are to be made inspectors under the provisions of the legislation. In those circumstances it is incumbent on the minister to say who will be inspectors.

At a first reading of the bill I thought police officers would be the nominated inspectors, but after a further reading of the appropriate legislation I found that the normal powers of police officers will be sufficient to enable them to act. They will not be classed as inspectors under the bill. Clause 14 makes that clear when it states:

An inspector may request the assistance of a member of the police force and a member of the police force may assist an inspector to take any action authorised by this Part.

Members of the police force are already well equipped with the wherewithal to take action. Therefore, apart from the powers conferred on police officers to take action in the event of a Y2K emergency, what preparations are now being made to designate what other classes of employees or citizens will be regarded as inspectors?

I appreciate that clauses 15 and 16 specify that inspectors will have powers of entry but that those powers will be curtailed by commonsense legislation. According to clause 15(2):

An inspector must not enter land or premises under this section except —

- (a) with the written consent of the occupier of the land or premises; or
- (b) under the authority of a search warrant.

That is a sensible provision for inspectors.

Division 5 contains several clauses. Earlier I referred to clause 30, which deals with the delegation of powers and functions by the minister. It states:

The Minister may by instrument delegate to any person all or any of the Minister's powers and functions under this Part (except this power of delegation) in relation to any matter or class of matters or part of Victoria specified in the instrument of delegation.

Clause 30 enables the minister to delegate to anybody the enormous powers outlined, particularly in clause 5. That provision should concern Victorians because such wide powers should be delegated only to senior and respected community members in whom the community has absolute trust. It is important that the minister advise the house who will receive the delegated powers. Will the delegation be to the Chief Commissioner of Police, the secretary of the Department of Premier and Cabinet or another minister? The community has every right to demand that those sweeping powers be delegated carefully and appropriately, but only to people with sufficient standing in the community who may be trusted to use them appropriately.

Given that Parliament is giving the minister wide-ranging powers through the bill in addition to his other wide powers, he should at least outline the situations in which he would expect to delegate powers and the persons to whom powers should be delegated. The community must have confidence that delegated powers will be used appropriately.

It is disappointing that the house is now debating the wide-ranging and delegated powers contained in the bill when it does not have before it an appropriate report from, for example, the Scrutiny of Acts and Regulations Committee or another body with a specific role under the Parliamentary Committees Act that could have examined the delegation of powers issue. Such a body is part of good governance and it is incumbent on the government to ensure that a parliamentary committee or committees can scrutinise bills prior to their being debated here. As I foreshadowed, the opposition will seek to introduce a private member's bill to cover that concern.

I also refer to clauses 32 and 33 in division 5. The opposition supports the bill because of the special Y2K circumstances, but it is concerned about the provisions about immunity from suit and the section 85 statement in those clauses. The house may recall that the Labor Party, when in opposition, made plenty of noise whenever a section 85 statement was included in a bill. The Kennett government was publicly criticised for its regular introduction of legislation that contained section 85 clauses to limit the power of the Supreme Court. The then opposition said it was a disgrace, and that such a practice was bad for Victoria and for democracy. It produced a myriad of reports to demonstrate how many times section 85 changes had been introduced in legislation.

Now the Bracks Labor government's first bill includes a section 85 statement. The opposition agrees it is

appropriate to include a section 85 statement in this bill, but believes it is hypocritical of the government which, when in opposition, railed in the public arena about the curtailing of civil liberties whenever a section 85 statement was made, when it knew full well that such changes were essential to enable the former government to deliver good government and good legislation. It is ironic that the first bill to be debated since the election of the Bracks government should provide that people acting in good faith should be protected from lawsuit and that its section 85 statement prevents action being taken in the Supreme Court.

As I said, the opposition supports those provisions. Indeed, the opposition supports the bill as a whole, but I think honourable members on the other side of the house should have a long, hard look at themselves given the hypocritical position they have adopted. When in opposition they made comments about section 85 changes, yet they now stand up in the house and defend their first piece of legislation having a section 85 change.

In conclusion, I repeat that the opposition supports the bill. Members of the opposition recognise all the good efforts of the previous government in preparing and contingency planning for year 2000 events, and I trust this government will continue to ensure that Victoria is well prepared so that when the clock ticks to midnight at the end of this year all we will hear is the sound of champagne corks popping and we will see streamers and balloons and celebrations instead of disasters and catastrophes resulting from computer programs breaking down. The opposition would applaud a celebratory outcome.

However, as responsible citizens and as a responsible Parliament we should put in place appropriate provisions so that the government has the necessary powers to ensure that the citizens of Victoria are protected and that essential services are maintained or restored as quickly as possible so Victorians are not placed at risk should unforeseen events occur. In light of those considerations the opposition supports the bill, despite the concern of opposition members and many government members that the bill may create the potential to impinge on the civil liberties of the citizens of Victoria.

In the circumstances the opposition believes it is appropriate legislation and supports it. However, I reiterate my concern that the Premier, who has carriage of this bill, has not been in the house to hear any of the issues raised by the opposition and will therefore have some difficulty responding to them when he closes the second-reading debate. Members of the opposition may

require that the bill go into committee so that on behalf of the Victorian community we can get an assurance about the government's intentions and plans for the use of these wide-ranging powers.

**The DEPUTY SPEAKER** — Order! I remind honourable members that as a statement has been made under section 85 of the constitution this bill requires to be passed by an absolute majority.

**Mr BRUMBY** (Minister for Finance) — I wish to make some brief comments about the bill because in my capacity as Minister for Finance I am the minister responsible for Y2K preparedness.

The bill was introduced by the Premier. It concerns essential services legislation, which is part of the Premier's responsibility. There are, of course, obvious interactions between the millennium bug and Y2K compliance issues.

The beginning of a new century and the transition to the new millennium are almost upon us. I am sure all honourable members are aware of the concerns in some sections of the community about the challenges we face as we make that transition. The government has focused its energies on the delivery of a single outcome, which broadly expressed is getting on with the job and business as usual.

To ensure the continued provision of services to the public and the business community the Victorian government embarked on a major program of identifying and testing every business-critical system in the public sector. Similar painstaking work was carried out by every major corporation and organisation across Australia. The result of that activity is that Australia is internationally acknowledged as being among the best prepared countries in the world. I am happy to say that the Victorian public sector is reporting on average more than 99 per cent completion rates for year 2000 readiness activities.

A program has been in place for a number of years, and the government is continuing with that program. I repeat that I am pleased to say that the compliance and readiness rate across the public sector is more than 99 per cent. A couple of areas are still outstanding and they are being addressed at the moment. I was briefed on those matters a couple of weeks ago, and I will be briefed again in the next few weeks, when I expect to find that the figure is even closer to 100 per cent compliance.

Contingency plans have been developed in the event that individual systems fail despite the exhaustive remediation process. Absolute guarantees cannot be

given — all the tests for compliance can be carried out and we can get as close to 100 per cent as humanly and technologically possible, but some things may be unforeseen and not manageable so contingency plans need to be in place. The public sector is reporting average contingency plan completion rates in excess of 98 per cent, so it is clear that on both counts — readiness is assessed at better than 99 per cent and contingency plans are assessed at 98 per cent complete — Victoria has achieved one of the highest compliance rates anywhere in the world. We can all take comfort from that information.

However, electricity remains the fundamental Y2K issue. In January 1999 the Victorian electricity supply industry (VESI) voluntarily commenced reporting its year 2000 readiness activities to the government. That potentially difficult area now reports 100 per cent completion of year 2000 readiness and contingency planning activities. Importantly, in undertaking those activities VESI found nothing in the electricity network that would have caused a Y2K-related power failure. The checks have been done and it was found that nothing covered in the readiness or contingency planning for the electricity industry would have caused a Y2K-related power failure.

Market research conducted by the commonwealth suggests that the Australian community shares the confidence of governments and industry sectors that Australia is one of the best prepared countries of the world. The preservation of the community's confidence will be the critical factor in minimising the impact of the millennium bug on the government's ability to deliver services after 31 December 1999.

After almost two years of effort to remedy potential Y2K failures in business-critical systems it is now apparent that unpredictable customer demand may pose the greatest threat to the continuity of supply of essential services. That is especially true for the electricity industry. The government's confidence in the state's preparation must be projected rather than merely communicated. The highest expression of the government's confidence is found in the provisions of the bill. The powers contained in the bill and their effect provide the strongest foundation for a successful response to the millennium bug.

**An honourable member** interjected.

**Mr BRUMBY** — I would not bother responding to the interjection, but it is worth pointing out that on New Year's Eve the Premier and a small number of other ministers will be on duty.

We will be equipped with communication devices and will be refraining from the consumption of alcohol on the night.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Kilgour)** — Order! The minister's contribution will be greatly enhanced without the support of members across the table.

**Mr BRUMBY** — We will be refraining until midnight, I believe, and will be on our best behaviour.

The background to the legislation is well known. Following the tragic events at Longford the government realised that the impact of an emergency on the Victorian public and business community could be out of proportion to the incident itself. A review of legislation was conducted to ensure departments were consulted and to identify any defects in existing emergency powers and essential services legislation that may prevent the effective management of situations arising as a result of the Y2K problem.

The review found that existing essential service legislation such as the Essential Services Act, the Public Safety Preservation Act and the Fuel Emergency Act may be inappropriate to the management of Y2K situations for a number of reasons. Firstly and most significantly, the acts are administered by different ministers, a situation which could lead to poor coordination and cross-portfolio problems. Secondly, some acts are triggered only where actions taken by persons may cause disruptions to essential services, so the Y2K problem may not fall within the definition. Thirdly, some acts require a state of emergency or state of disaster to be declared to invoke the management powers and their inherent processes, and that could have a negative social impact. Lastly, some declarations have a limited period of operation and require renewals as necessary.

As a result of the consultation it was determined that the state required a package of direction and enforcement powers to manage disruptions to essential services as a result of Y2K. That is the nature of the legislation now before the house.

The bill is largely modelled on parts 6A and 6AA of the Gas Industry Act, and its features include the following. Firstly, where there has been a disruption to an essential service and the disruption is because of a Y2K event and the Governor in Council has made a declaration that the bill is to apply, the minister will have broad powers to give directions to control, restrict, direct, authorise and so on in order to maintain or ensure

continuity of supply of essential services. That is essential legislation.

The second feature entails enforcement and offence provisions. The bill provides for the appointment of inspectors who will have powers to enter, with a search warrant if necessary, the property of persons suspected of contravening directions given by the minister. There are considerable penalties written into the act for non-compliance.

The third feature concerns compensation. Consistent with the Emergency Management Act, the bill will provide compensation to persons who have had property requisitioned for the purpose of maintaining or ensuring supply.

The Leader of the Opposition raised the point that such compensation will be determined by the minister and will be subject to review by VCAT.

The provisions of the bill dealing with ministerial directions will sunset on 30 June 2001, the reason being that Y2K problems may not manifest until some time after 1 January 2000. Because computer systems count 365 days, or 366 days for leap years, to determine when a year has elapsed, a Y2K problem may occur up to 365 days after 1 January 2000. The problem may not disappear immediately but could continue for another year, and that is why the relevant provisions of the bill will sunset not on 30 June next year but on 30 June 2001. The proposed amendments to the Emergency Management Act 1986 will not sunset.

My final point is that, importantly, the bill provides immunity for persons acting in accordance with ministerial directions. As that provision limits the jurisdiction of the Supreme Court, a statement under section 85 of the Constitution Act was made to that effect by the Premier in his second-reading speech. As the minister responsible for Y2K, I point out that, according to advice I have received, Victoria is among the best prepared of any region in the world. Our compliance rates are currently in excess of 99 per cent; and our completion rates for contingency planning across the public sector are in excess of 98 per cent, so we are well in command in terms of managing the technology.

The real challenge as we approach the new millennium will be in managing the unforeseen and human behaviour issues which will arise, and this legislation is necessary as part of that. It does not introduce significant new powers; it streamlines and refocusses a number of acts that cover essential services and powers. It brings them together with a single focus on a single

minister to enable a coordinated response should those powers be necessary. As I said, the sunset date for those provisions is 30 June 2001.

This bill is really about allowing Victoria to get on with the job when we move into the new millennium. It is about business as usual and people being able to go about their lives without fear of the millennium bug. I repeat: Victoria is at a high degree of preparedness, and this legislation will take it to an even higher plane.

**Mr PERTON** (Doncaster) — It gives me pleasure to enter the debate on the Essential Services (Year 2000) Bill, particularly after the fine contribution by the Leader of the Opposition, who put the issues in excellent context. He raised a number of questions for the government to answer, a couple of which were answered by the Minister for State and Regional Development. However, a number of questions, which the minister studiously avoided during his presentation, remain to be answered.

**Mr Brumby** interjected.

**Mr PERTON** — The minister is interjecting across the table, and I am happy for him to do that. He is saying that the chamber is not in committee yet. In his presentation the minister could have responded to issues of great concern to the community, but he failed to do so.

Firstly, I will put the year 2000 (Y2K) issue into the international context. It is causing increasing concern, not just in the general population but among business and governments in other countries. Yesterday in the *Age* it was revealed that stockpiling in corporations in Victoria and Australia was likely to show a dramatic increase in growth of gross domestic product (GDP) and gross state product (GSP) in the December quarter, as companies stockpiled components and the like in contingency preparation against any failure by their suppliers. Survivalist organisations have many web sites and are producing many pamphlets that encourage the general public to make preparations beyond those the government would probably recommend.

In the case of the Y2K issue there is great potential for panic in the periods leading up to and after the pertinent dates. It is important the government provide leadership, is an exemplar of best practice and is a facilitator for those who need to prepare themselves. The Victorian coalition government was among the world's best in all three areas.

In his concluding comments the Minister for Finance, who is also the Minister for State and Regional Development, described Victoria as the best prepared

of any region in the world. He said that the Victorian government's contingency planning is 98 per cent completed, and I believe he also said it is 99 per cent prepared. The reason was the strong leadership of the former Premier, the Honourable Jeff Kennett; the former Minister for Multimedia, the Honourable Alan Stockdale; and the former Minister for Finance, the Honourable Roger Hallam, who set up under the leadership of Adam Todhunter an excellent unit that provided a great impetus for the Victorian government's readiness and contingency planning. Particularly impressive was the transparency of the preparation. If it were to be an example to industry and to the public in general the government needed to be transparent on the issues. The quarterly reports prepared by the Y2K unit of the Department of Treasury and Finance were very impressive. I think a number of governments around the world wished they had done the same.

While the minister was speaking I was looking at an American government web site, which indicated that some of the federal government agencies in the United States have significantly underplanned. It appears there may be problems in the US in areas such as welfare payments, and the like.

Clearly coalition governments at both the federal and Victorian levels have led the way in preparing their agencies. It is significant that the Victorian government's programs extended to both the business sector and private citizens. The honourable member for Monbulk, and you, Mr Acting Speaker, addressed a number of Y2K sessions for business. That was significant.

Many business houses are not large enough to engage consultants to undertake all the processes, and the exposure of many businesses to the Y2K bug comes through the personal computers on which they have their accounting packages — or more importantly, through those who supply services to them. It was important that the former state government encouraged the business sector and private citizens to check the resources on which they relied, such as their accounting packages and production equipment, to ensure that software providers had certified them as being up to date.

A production machine from Germany or Japan that breaks down because of embedded chip technology will take a long time to repair. The damage might not be only to a corporation and its profitability, but also to its workers, who rely on the machinery to earn their livings. Insofar as I could observe at the sessions I attended, a good spirit existed in the Victorian business

community. Although the statistics on preparedness in the business sector are by no means as transparent as those of the Victorian government, I suspect that Victorian business is probably as well prepared as business anywhere in the world.

A good campaign was run by the consumer affairs ministry for citizens — the colourful millennium bug Step on it! campaign. I suspect that other honourable members continue to wear their Y2K Step on it! T-shirts. I hope while exercising in their outfits they still elicit comment. It is important that consumers and householders prepare their equipment and take reasonable steps to prepare themselves for any inconvenience.

These days the best advice given for ordinary citizens is that they ensure they keep their bank and financial statements in the month or two before the change of millennium. Australian banks have indicated that they are fully confident there will be no ill effects. I would certainly not recommend that people withdraw their savings from banks, but suggest they need to prepare their documentation. I understand that in the days leading up to 1 January 2000 Australian banks will provide their customers with documentation to ensure they have security. I am sure a number of web sites and Victorian newspapers, including the *Herald Sun* and the *Age*, will continue to provide responsible advice to citizens on what they need to do.

It is important that as part of its obligation the government prepare itself for any emergencies that might arise. Although it is believed the government is 99 per cent prepared and that all Victorian utilities have been required to undertake extensive testing, there are still some serious implications.

The Gartner group of Stanford University, which is one of the world leaders in research on new technologies, has said that 55 per cent of Y2K problems will emerge after 1 January 2000. As companies and agencies find data errors in their systems they will experience system crashes. In its latest findings it also says that even in companies that have rewritten their own software, errors of around 15 per cent are being found on retesting.

Although Victoria has prepared itself thoroughly it is nevertheless probable that some mistakes will be found in both government agencies and essential services, whether through errors in the writing of the code or in the upstream or downstream organisations that deal with government or utilities. That having been said, the opposition supports the Essential Services (Year 2000) Bill. In many respects it is a bill that the opposition

would have introduced had it won the election on 18 September, and it is pleased the government will deal with the issue.

As I indicated earlier, leadership is a crucial issue. By way of interjection I asked the Minister for Finance whether he and the Premier would be on duty at midnight and on 1 January, 2000. He gave a very clever and equivocal answer, which indicated that he would not be drinking any booze until midnight, but certainly gave me no confidence that he or the Premier would be in their offices at midnight. In fact, as the member for Monbulk commented, the minister said with a smirk on his face, 'I will have a mobile phone'. That is not good enough. If the Premier expects public servants, emergency workers and people in the private sector to be at work at midnight and to be prepared for any possible contingencies, then the Premier and the Minister for Finance ought to be at their desks or at some desk which is appropriate for a leader of government in the case of an emergency.

It will not be a bipartisan approach or a non-political issue if the Premier is at a ball at the Casino or the Regent or Grand Hyatt hotels — or even, as the honourable member for Sandringham said, the Trades Hall ball, wherever that is held.

The Premier must come into this house and indicate that he will be at his desk. It will not be good enough if the police or emergency workers have to look for him in the middle of some party, whether or not he is imbibing, and transport him to an appropriate place to show leadership.

If the Premier wants to demonstrate proper leadership on the issue, at midnight on 31 December he will be at work at his desk — and he will tell the Parliament that today. It will not be good enough for him to have delegated these very important powers to some other person. As the honourable member for Dandenong North, a former activist in the trade union movement, interjects, it will not be good enough for the Premier to delegate his powers to some other person, whether it be his head of department or anyone else.

In this instance the responsibility for leadership is personal. The former Premier, Jeff Kennett, told the state of Victoria that he would be at his desk in his office at midnight on 31 December and on 1 January 2000. It is mandatory that the Premier give the same undertaking; otherwise, the opposition will criticise him for a failure of leadership.

**Mr Haermeyer** interjected.

**Mr PERTON** — The Minister for Police and Emergency Services, who is interjecting, should also give a commitment to be at his desk at midnight. Will you be at your desk?

**Mr Haermeyer** — Goodness gracious, just get on with it.

**Mr PERTON** — Will you? Tell us where you will be.

**The ACTING SPEAKER (Mr Kilgour)** — Order! Questions should be directed through the Chair.

**Mr PERTON** — Through the Chair, I ask where will the Minister for Police and Emergency Services be at midnight? He is laughing and joking; but if the house is to pass the proposed legislation, which basically removes the civil rights of every Victorian in the case of an emergency, I expect the minister to be at his desk and working. It is not good enough for him to sit there and smirk and say, ‘Goodness gracious me’. All you need to do is give the Parliament and the public a commitment.

**Mr Haermeyer** — Where will you be?

**Mr PERTON** — You’re the minister — you tell us where you will be! It will not be a bipartisan approach if the minister is not there.

The powers proposed to be given by this emergency services bill are quite extraordinary. Essentially they will allow the minister to direct any person in the state to do anything the minister wants him or her to do, and they allow for the imposition of huge criminal penalties in the event that people do not do as directed. Such a power cannot be delegated to just anyone.

When it was in opposition the government was big on constitutional propriety. Clause 30, ‘Delegation of powers and functions by the minister’, provides:

The Minister may by instrument delegate to any person all or any of the Minister’s powers and functions under this Part (except this power of delegation) in relation to any matter or class of matters or part of Victoria specified in the instrument of delegation.

In other words, the Premier can be off at a party, having delegated his powers to anyone! A government that was concerned about civil rights and constitutional propriety would specify some classes of delegation because major powers must be exercised by someone of authority and, of course, smaller powers might need to be exercised in a particular incident and they could be delegated to a person who is not as senior.

It is extraordinary that such a wide delegation power is proposed, particularly when we have no commitment from the Premier that he will be at his desk at the appropriate time.

While we are looking at strange provisions, no stranger provision can exist than clause 13, which provides:

- (1) The Minister may appoint a person to be an inspector for the purposes of this Part.
- (2) The Minister must give an identity card ...

That is hardly surprising because the Minister for Finance was a great supporter of the identity card back in the days of his membership of the federal government. However, the clause does not say what sort of person ought to be an inspector; it gives no clue at all except that he or she must be competent to exercise the functions of an inspector. No provisions relate to the functions of an inspector.

An inspector will be able to enter premises and give orders, but there is no guidance as to what sort of person an inspector should be. Again, the Minister for Police and Emergency Services ought to respond to this matter. If he is going to speak, perhaps he should give an indication of the sort of person who will be given the proposed extraordinary powers to enter any premises, including private homes, and to order people around.

The minister must give the house and the public some guidance on two other provisions. Clause 34 amends the Emergency Management Act and inserts a new definition of ‘essential service’. That is not of itself objectionable — it lists transport, fuel, light, power, water, sewerage — but it includes this very strange subclause (g):

... a service (whether or not of a type similar to the foregoing) declared to be an essential service by the Governor in Council under sub-section (2);

Again, some guidance would have been expected in the second-reading speech, but it is utterly silent on that issue.

If we are to give those sorts of emergency powers to a Labor Party in power, there needs to be a much greater — —

**Mr Haermeyer** — I see — it is a question of who is in power, is it?

**Mr PERTON** — Indeed — and perhaps I can conclude on that note. What I find extraordinary is that we have a group of absolute amateurs in government. We have a government without a minister for information technology or multimedia. The Minister for

Finance, who has responsibility for those areas, made a ministerial statement without mentioning Multimedia Victoria or Vicnet or giving any guidance at all on important programs, and we are now expected to trust him with this important matter.

The Premier must come into this house and say that he will be at his desk at midnight on 31 December and on 1 January 2000, as should his Minister for Police and Emergency Services and his Minister for Finance. Otherwise the public can have no confidence that this government will provide the necessary leadership on the issue.

**Mr ROBINSON** (Mitcham) — The bill deserves bipartisan support. In the course of this parliamentary term there will be many opportunities for the opposition to seek to score a political point, but this bill quite properly should not be such an opportunity. It is, after all, largely a product of the former administration, and with that we have no quarrel.

In debate to date it seems to have been overlooked that the bill has two aims. Most discussion has so far concentrated on the bill's principal aim, but its secondary aim deserves to be recognised. Part 3 of the bill seeks to alter the definition of an emergency.

**Mr Perton** — I spoke about that.

**Mr ROBINSON** — It has not been spoken about much, and it deserves to be spoken about. Over many years Victoria has been beset by natural disasters and emergency situations. It is important that as a state we derive some benefit from those experiences in our preparation for future emergencies. Honourable members would remember Ash Wednesday, the Longford gas explosion, and periodic flooding. Not coincidentally, those events typically affect people in regional areas more than those in city areas. Mr Acting Speaker, as a representative of regional Victoria, you would be only too aware of that.

The need for a clarification of the definition of emergency has arisen from reviews of previous emergency situations including the Longford explosion and, in the aftermath of those events, some of the confusion that arose between agencies and individuals in understanding whether they had certain powers because of the description of the events. In that respect part 3 represents a natural evolution of a state's capacity to refine its public sector response mechanism to emergencies. It certainly deserves the wholehearted support of Parliament.

The larger part of the bill is aimed at potential year 2000 (Y2K) problems. Everyone in the house

would understand the basic underpinning of that problem in that computer programs may in some instances not recognise the change of date and consequent problems may arise, but the bill highlights some unique difficulties. Anticipation of difficulties can be contrasted with accurate prediction. A range of problems of a Y2K nature can be anticipated, but it cannot accurately be predicted which of those may eventuate. That is the difficulty that has confronted people in the Victorian public sector and, to a large extent, the private sector. People have done their best to ensure the systems they are responsible for are able to cater for any eventuality.

Members on this side — and I am sure I speak for members on the other side as well — hope the bill will prove not to be necessary. If the worst that happens in preparing for the transition from 31 December to 1 January is that members in this place have an argument over some of the more esoteric points of the bill, we will have come through it pretty well as a state; but prudent risk management requires us to put in place legislation that will enable us to deal with all foreseeable difficulties.

It should be remembered that the bill is only one feature of an elaborate and well-planned effort by a large number of people in this state. It will come into effect only if other preparatory measures fail. Parliament should be optimistic that those other preparations will not fail.

Victoria's effort has been documented to some extent by previous speakers. It includes an extensive compliance program which from its early days has enjoyed bipartisan support in this place. Victoria's state of readiness and contingency planning compliance is close to 100 per cent: it is in excess of 98 per cent and has been rising steadily throughout the year. The readiness of Victorian industry for the challenges of 2000 could be compared with the readiness of the opposition for the job it finds itself in. Based on question time today one could say that the opposition is nowhere near 99 per cent ready; the figure would be much lower.

The compliance program was only one step. A further step was the Year 2000 Information Disclosure Bill, good Samaritan legislation debated and passed unanimously in the house earlier in the year. That legislation has also been introduced in other parts of the country and encouraged the private sector to disclose fully potential risks. A separate program for small to medium-sized enterprises was commenced under the previous government and enjoyed bipartisan support.

The private sector operates under great commercial pressures and with interests at stake. If private sector entities do not get their houses in order they run the risk of considerable litigation and class actions. We hope that can be avoided, but it is largely an issue for individual companies to take on themselves. Now Parliament has the Essential Services (Year 2000) Bill.

Trying to anticipate or predict the precise implications of Y2K is a bit like wrestling with a column of smoke. For example, many pieces of industrial equipment have been assessed, but it is not possible to state their level of compliance. That is not to say they would not be ready. In such instances steps are taken to ensure everyone who will be operating that equipment when the risk is highest will understand what needs to be done to make the equipment ready and useable under the circumstances.

Anticipating the full range of situations is very difficult. Each New Year's Eve a public management issue arises. Large crowds of people gather and a traditional set of problems has to be dealt with, in many instances by emergency services personnel. The same situation will arise on New Year's Eve, 39 days away, especially if a spell of warm weather leads to crowds concentrating in even larger numbers in public spots.

As I said earlier, the government hopes the bill will not have to be activated. It would be activated through clause 4 only if and when advice of an emergency situation is received. The state of Victoria can be confident that the chances of an emergency situation arising in this state are minimal. Certainly they are minimal relative to the situation in other states; they are probably minimal relative to the situation in other parts of the world.

**Mr McArthur** — If that is the case, the assurances we seek should be easy to give.

**Mr ROBINSON** — The opposition is more than welcome to inform itself of the steps that have been taken. The government would not stand in its way.

Advice will be readily at hand via an extensive monitoring system, which I understand officers of the Department of Justice and elsewhere have been putting into place over a considerable period. Their focus in monitoring is particularly the power and telecommunications industries. Those are the key industries that, should they fail in any way, would most readily give way to an emergency situation. The preparations of the Department of Justice include a system of wellness reports, which will give regular updates in the lead-up to the New Year.

In addition I understand there is a link to New Zealand via Internet hardware that has been designed in such a way that it cannot be overloaded. That will provide the department's monitoring unit with advice regarding any power and telecommunications difficulties that arise in New Zealand.

To facilitate communication between emergency services and the proposed central government response committee, five levels of separate communication have been prepared, including the latest technology. That again represents a prudent step to ensure that advice will flow freely and readily between those individuals and agencies whose deliberations will determine whether an emergency situation needs to be considered.

The bill is the product of an approach to dealing with emergencies that effectively splits the task into two functions: firstly, the emergency response; and secondly, the need for a flow of information, including information to the public. The bill is attached to the emergency response function. I am sure that at a later time the preparations that have been made to date, particularly through the public sector, will provide a good case study in risk management.

**Mr Perton** interjected.

**Mr ROBINSON** — The honourable member for Doncaster refuses to listen. I can only suggest that he listen closely.

The way that the planning has been undertaken and tasks have been split for a potential Y2K emergency can be contrasted with what happened during the Ash Wednesday bushfires. As I said earlier, over many years Victoria has suffered grievously through natural disasters and emergencies and it is important that we learn from those events. During the Ash Wednesday bushfires I recall that emergency services in many areas were overloaded with worried people trying to contact them. That is a natural response from members of the public — they would want to do that.

However, to a large extent it hampered the ability of those emergency service personnel to communicate with each other. As we know, emergency service personnel perform best when they are able to communicate freely, unencumbered by contact with other people whose primary role is not to deal with the emergency situation but who need information. It is important to recognise that today Victorians are more sophisticated in their planning for and management of emergency situations. Splitting the role of the emergency response function and the provision of information is a step in the right direction.

It needs to be pointed out that even when the bill lapses the planning that has gone into the Y2K scenario will serve the state well. The store of knowledge and the risk management skills will be permanently improved and will enable Victorians to deal with future emergency situations in an even more professional and timely manner.

Earlier I said that the bill will be resorted to only when the status of any system fault or consequent problems have been reported, and the information has passed through a well-planned system designed to avoid knee-jerk reactions, particularly in the power and telecommunications industries. Opposition members have commented that the powers in the bill are extremely wide. I can only say to them that the powers need to be wide because any crisis in power or telecommunications could conceivably have a huge and critical impact on the Victorian public. As I said, the government is confident that such a crisis will not eventuate or that such an emergency situation will not develop, but if it does there will be no time for dealing with the subtleties of legislation. The power must be there to be exercised if necessary.

In the few minutes still available to me, I make a brief comment about the need for cooperation by the Victorian public and media in helping the state deal with any Y2K problem. If an emergency situation develops the bill will not be adequate by itself. The government hopes that the great deal of goodwill that will be required will be in no short supply. Misinformation could have unintended consequences. Honourable members have to recognise that concerns over the Y2K problem, some of which are irrational, are not confined simply to religious zealots in some parts of far North Queensland. It is apparent that many Victorians are worried about possible consequences of the failure, as we pass into the new century, of things on which they place a heavy reliance in their daily lives. Elderly people are particularly concerned. In the 39 days before the start of the new year, the community needs to recognise such concern and fear.

It is important for the media to note that, too, because it may well, under certain circumstances between now and the new year, determine that it can use the new year to extract maximum entertainment value on a range of Y2K stunts, hoaxes or tricks. The media will have to use fine judgment in considering whether the entertainment value derived from any form of misinformation outweighs the public disservice that might result from such tactics. I hope that those who have a role in the media will see fit to use their powers wisely and not play up the potential range of Y2K problems, particularly as they may affect older people.

The bill presumes that at the dawning of the new century most Victorians will act sensibly. Honourable members certainly support that wholeheartedly and therefore the bill deserves the support of the house.

I wish to clarify one point the opposition raised about inspectors. Over the past two years it has been my experience during debates on bills in this house — for example, on fair trading legislation — that it is commonplace for provisions in bills to relate to inspectors without providing the detail that opposition members have insisted be included in this measure. The opposition should consider the state's response in the aftermath of the Longford explosion. My recollection is that thousands of inspectors went to tens if not hundreds of thousands of properties looking for gas cheats. On that occasion — and I am happy to be proven wrong here — the legislation contained a provision similar to that in the bill, by which inspectors can be assigned to a task in a particular emergency situation. I do not believe there will be a problem in assigning inspectors to the necessary tasks should an emergency arise.

In conclusion, it is the fervent hope of government members, and I trust opposition members, that the preparations undertaken by the state of Victoria will ensure that resort to the bill is not necessary.

**Mr McARTHUR** (Monbulk) — I welcome the comments of the honourable member for Mitcham in which he appeared to assure the opposition that the government will provide the assurances and advice that the Leader of the Opposition and the honourable member for Doncaster sought on a number of questions raised by the Essential Services (Year 2000) Bill.

It is sensible for the opposition to support the legislation, which is regarded as necessary. Only restricted time is available for the house to consider what steps can be taken so the community can cope with Y2K on the rollover date of 31 December 1999. The house cannot send the bill to a committee and obtain detailed advice about certain issues raised. Therefore the opposition hopes the Premier, or a minister on his behalf, will provide the answers to the simple and reasonable questions raised about a number of clauses. I see no problem in the government providing that information, and I am happy that the honourable member for Mitcham also sees no problem about it being provided.

Most honourable members and most members of the community are aware of the Y2K issues. Not all will be aware of the scope of potential problems that could arise, but certainly honourable members who have

taken note of the actions of the Victorian government in the past three or four years to ensure the Victorian community is well placed to cope with Y2K will understand the situation better. The former government actively dealt with the issue to the extent that in that time Victorian utilities, the public sector and private enterprise have prepared for any problems that may arise.

The honourable member for Doncaster referred to the Public Accounts and Estimates Committee report entitled *Information Technology and the Year 2000 Problem — Is the Victorian Public Sector Ready?* which has been tabled in the house. That PAEC report followed an extensive review of the preparedness of the Victorian public sector and authorities to deal with Y2K matters. By and large, the report said Victoria was well prepared, that it was better prepared than other states and most other countries, particularly in our region.

I pay tribute to members of the subcommittee that undertook the review. I had the pleasure and privilege of chairing that subcommittee, whose members were the Honourable Bill Forwood and the Honourable Theo Theophanous in the other place, and the new Attorney-General, the honourable member for Niddrie. The work was extraordinarily interesting and the task most informative. The breadth and scope of the issue was not widely recognised by the general public before the publication of the report, which has helped publicise the seriousness of the issue. It certainly encouraged the then government to continue to expand its promotion of public discussion and awareness of the issue.

The report found that the Victorian program was divided into two key areas: action and communication. In the action area the steps required were the assessment of equipment and software used in every operation; the design and undertaking of remediation steps to fix whatever problems may be identified and the development of contingency plans to deal with issues that could not be either remedied or predicted, perhaps through dealings with a second or third party.

On the communications front, the program was aimed to measure the scope of the problem and report it to the officers in charge — in this case, the ministers of various departments and, through them, to cabinet and the Premier — and to publish the results of those assessments regularly. Victoria was kept well informed, the research was well documented and the public was kept informed throughout the process leading up to 31 December next — fewer than 40 days away. Victorians are well prepared.

Given the work that has been done, we are entitled to believe there will be no significant problem on the nights of 31 December 1999, 29 February 2000 or 31 December 2000. However, in the event of a problem contingency plans must be in place and reserve powers must enable any emergency to be dealt with — hence the opposition's support for the legislation.

The honourable member for Mitcham also referred to the good Samaritan legislation introduced as a result of the Public Accounts and Estimates Committee inquiry. That was aimed at encouraging further discussion and publication of advice and information about Y2K. The key problems that restricted information prior to that concerned, firstly, people who had received advice that either an item of equipment or a piece of software had caused problems. People may have feared civil defamation suits if they published that information. Secondly, if they published information on fixes for hardware or software they may have been subject to litigation for breaches of copyright and various other trade protection measures. The good Samaritan legislation was designed to get around those problems by allowing for and encouraging the publication of the information if all reasonable steps had been taken to ensure the information was accurate and valid. The legislation provided a legal shield for people who, in good faith, had taken that action to inform the public.

I refer to the powers the bill contains and actions it can take to deal with a potential Y2K emergency. The reserve powers provided for are not automatically available to the minister but would be triggered by a Governor in Council proclamation in the event of a Y2K problem. Some quite tough rules about how those powers should be accessed are provided, and I am sure the Governor in Council will not lightly make a declaration to invoke them.

It is worth examining what the powers may be. Broad ministerial powers are conferred on the Premier by the legislation. In effect, clause 5(2) confers on the minister the power to, firstly, direct companies or persons to do anything that the minister sees fit or thinks is needed regardless of how expensive or time consuming or difficult it may be. Secondly, it allows the minister to prohibit the use of services or equipment if the minister thinks that that is necessary. Thirdly, it allows the minister to order the seizure and use of personal or corporate property. Fourthly, it authorises entry into any land or buildings by consent or subject to a search warrant.

The orders issued under the powers conferred on the minister by the bill can apply to any or all Victorians, or to any corporation in Victoria. They are extraordinarily

wide and cover almost any activity that can be undertaken in the state. The bill provides that compensation may be paid if a person suffers a consequent loss through the use of personal or corporate property in the circumstances described.

I welcome that compensation provision. I also pick up on the point made by the honourable member for Doncaster, that compensation is provided for the use of property but no mention is made in the bill of compensation for loss of earnings if a person who is ordered to do some work loses the opportunity to earn income. I do not know whether that is an oversight by the drafters of the legislation or whether the government has made a conscious decision not to compensate any person whose ability to earn income is constrained by an order issued by the minister. I hope the minister will come into the house and provide an explanation either during the committee stage of the bill, if it goes into committee, or in summing up the second-reading debate.

In line with the broad powers conferred on the minister under the bill some tough penalties may be imposed on someone who breaches an order or obstructs either a person carrying out a direction under the bill or an inspector. A person who breaches an order can be fined up to \$10 000; a corporation can be fined up to \$1 million. The penalty for a natural person who obstructs someone carrying out directions is up to \$10 000, and the penalty for a corporation that obstructs someone carrying out directions is up to \$100 000. If someone obstructs an authorised inspector the penalty is 300 penalty units, which is \$30 000 or three years imprisonment, or both. In the case of a corporation the penalty is 1500 penalty units — \$150 000. They are severe penalties, but no guidelines were provided either in the second-reading speech or in the bill about how stringently the minister intends to apply those penalties.

The minister has the power under the bill to appoint inspectors. The opposition has a range of questions about the inspectorate to be appointed. Firstly, it has questions about what the inspectors' duties might be.

It appears from the legislation that the only duty imposed on an inspector is the duty of checking on a person to see whether he or she is properly carrying out an order issued by the minister. There does not seem to be any other inspectorial role. I would welcome an outline from the minister — when he comes back into the house — of that part of the bill.

Secondly, the opposition would like to know who are going to be appointed as inspectors. Only 39 days remain before 31 December. The minister, in order to

appoint an inspector, must issue a photo identification card, so some time lapse is required before an inspector can take up his or her role. Such things cannot be done instantly. I imagine the minister has in mind a body of people who could be appointed as inspectors. The opposition would like to know who those people are, what their skills and training are and what their duties will be.

The opposition also requests clarification of the broad delegation power in clause 30, which states:

The Minister may by instrument delegate to any person all or any of the Minister's powers and functions under this Part (except this power of delegation) ...

It is clear from that clause that any instruction the minister may issue can be delegated. The bill does not say to whom it may be delegated and the second-reading speech does not make it clear whether a hierarchy of delegation is being envisaged. I would like to know, as would many Victorians, whether the minister intends to delegate those broad powers only to people who have a good deal of experience and a capacity for making executive decisions, or whether the minister intends to delegate the power to issue instructions to, say, a police constable, an occupational health and safety inspector or some other person with lesser skills. It would not be too difficult for the minister to come back into the chamber and give a clear outline of how the delegation power will be used, to whom he intends to delegate his authority and to what level of authority he intends to delegate his powers.

Thirdly, I refer to the section 85 statement made by the minister. For seven years I have listened to the Labor Party bleat loud and long about the erosion of democracy and civil liberties and the absolute destruction of the public's rights through the variation of the jurisdiction of the Supreme Court requiring the making of section 85 statements. It is just a touch ironic that with the very first piece of legislation introduced by the minority Labor government a section 85 statement — that thing that so seriously depletes the democratic process in Victoria and so severely reduces people's civil rights! — is being made.

Members of the opposition recognise the need for the jurisdiction to be varied in this case, just as we advocated the need for a series of such variations over the previous seven years. We point out to the government, however, that during the seven years in which the previous government introduced legislation the Scrutiny of Acts and Regulations Committee (SARC) was in operation. It reviewed each bill and reported to the house on the advisability or otherwise of making a section 85 statement prior to any debate. It

also gave an outline of how and where any restriction of rights or liberties was justified.

I point out to the minority Labor government that at the moment there is no SARC and no source of advice or information to this chamber on whether the provision in the bill requiring a section 85 statement is a justifiable intrusion into the Constitution Act. On my reading of it I think it is reasonable; but it would be better if we had a SARC to make considered advice available to the house.

**Mr Nardella** interjected.

**Mr McARTHUR** — The reason we do not have a SARC is because the government will not set up such a committee and has done nothing about it for two months. We are waiting to hear from the government what it will do about committees. We would welcome some advice from the government on that and would very much welcome some discussion about the SARC.

**Mr CARLI** (Coburg) — I support the Essential Services (Year 2000) Bill, and I am pleased the opposition supports the bill and continues the bipartisan approach to the Y2K question. A number of pieces of legislation, all intended to make Victoria a leader in dealing with Y2K problems, have proceeded through the Parliament.

As the Minister for Finance explained in his first-rate presentation, Victoria and Australia are up there in company with the leaders, Israel, Sweden and the United States, in preparedness for Y2K problems.

One of the characteristics of the Y2K phenomenon is that no matter what resources are put into solving the problem — the ballpark figures for Australia are \$5 billion, \$7 billion or \$10 billion — there can be no guarantee that there will be no system failure. Somewhere along the line things will not work properly. There will be failures and crashes, perhaps of communications equipment, of hospital systems or of airconditioning. A whole raft of equipment may be affected because we cannot foresee all the difficulties.

What we can do, however, is undertake contingency planning to ensure that where failure occurs we are in a position to remedy it. Strategies will be in place to ensure that failures do not become critical to the operation of major systems. We are particularly concerned with gas, electricity, water, telecommunication and hospital systems. We must see to it that so far as possible any Y2K problem is remedied and, where there is no remedy, contingency plans are in place to bring things back to normal as quickly as possible. That is the role of this urgent

legislation, which must be considered immediately because we have only 39 days to go.

To guard against major breakdown emergency powers must be available to the state to keep things functioning. The legislation is critical; and the Governor in Council must be satisfied that an essential service has been affected.

The bill came out of a major review undertaken by the previous government and supported by the Labor Party. It examined existing emergency service legislation and its shortcomings and looked for areas where legislation was not quite up to scratch for use in the Y2K situation. This legislation was prepared to fill any gaps. The bill complements measures already taken and makes provision for appropriate planning and community awareness-raising, as well as ensuring that major businesses have implemented their Y2K strategies. In the event that there is still a major failure, the bill provides the means and mechanisms for appropriate intervention. I need hardly say that we all hope those powers will not need to be brought into play.

Victoria is pretty well prepared, even without this legislation. All government agencies are prepared. Nonetheless, we must have the legislation because it gives us a fall-back position. Both this government and the previous government have done good planning in the public sector, including in emergency services and the utilities.

Good planning has also been done in the area of communications, including multilingual communications. If an emergency is called we will be able to talk to the people of Victoria in the appropriate languages to explain to them the actions they will need to take and what the requirements of the emergency period are. People will need to be told, for example, of any stringent requirements imposed on them and any offences enacted to provide protection against the abuse of declared emergency services. Draconian measures can be adopted when people flout or do not follow set practices and offend against the requirements that apply during emergency periods.

Recently, Victoria experienced the need for emergency services as a result of the Longford gas explosion. There was an incredible mobilisation of emergency services when inspectors went out into the community to ensure that people had turned off their gas supplies. They were able to act quickly in cases where people abused the declared restrictions on the use of gas.

It is clear that it is necessary to have emergency powers in place. There is a series of critical Y2K dates, and we

have already passed one. The date that sticks in most people's minds is 1 January 2000, but a number of critical dates could result in a disaster like that at Longford, or even worse. One does not expect any disasters, but the necessary systems must be in place so that emergency services and the public sector can be mobilised if things go wrong.

I believe Victoria is well prepared. All the indications I have had in briefings and as a result of reviewing contingency plans certainly suggest that the state is well prepared. I agree with the Minister for State and Regional Development when he says that we are world leaders in this respect, but obviously we cannot rest on our laurels. Somewhere along the line failures will occur; it is just a question of where.

The proposed legislation will enable the Governor in Council to declare an emergency. The powers outlined are tough and involve strong enforcement provisions, including a section 85 statement. The bill provides immunity for those people who carry out actions required under the legislation. It is fair to say that in opposition the Labor Party criticised many section 85 statements, but equally it supported various such statements.

Having been a member of the former Scrutiny of Acts and Regulations Committee for five years I know perfectly well that the committee considered that the majority of section 85 statements did not trespass the rights of individuals. Although there were celebrated cases where the committee considered that such provisions possibly trespassed people's rights, in the majority of cases they did not. The committee put enormous pressure on the previous government to reduce the number of section 85 statements, but it certainly believed they had a role in appropriate cases. The work of the honourable member for Doncaster, in particular, markedly reduced the number of unnecessary section 85 statements which had simply become part of the drafting regime in this state. That fact is to the credit of the committee.

The Y2K problem is the result of a failure to plan and think into the future. In the 1960s and 1970s programmers used a shortcut in their programming language and instead of using the full numerical year, such as 1999, they considered the first two digits redundant and used only the last two digits. The years were coded according to the last two digits.

Date-sensitive systems programs will not necessarily recognise when 2000 has passed; they will recognise the year as another year or will not understand the year

being presented. It is possible such systems will break down or react in unforeseen ways.

The failure of programs was reasonable in the 1960s. In those days computer memory was expensive because of the use of magnetic tape. On one estimate, in the 1960s one megabyte of memory was worth \$760 in today's terms, whereas today it is worth around 70 cents. Clearly back then there was a reason to use short cuts, including short cuts with dates, because they saved expensive memory.

It is unfortunate that the computer explosion, particularly in mainframe computers, occurred in the 1960s and 1970s. Programmers looking to the future then believed their programming would not be relevant because their systems would no longer be functioning. They did not expect that the code would be used, reused, changed over time, tweaked at the edges and still be around in computer systems today. But that is exactly what has happened. If the mainframe computer boom had begun in the 1990s there would not be a problem because what would occur a few years in the future would have been foreseeable. Back in the 1960s and early 1970s the problems were not so obvious, and the application of programming short cuts became a fundamental flaw. That programming style continued and was used in the preparation of the logic code in embedded chips — and some of the biggest problems lie in embedded chips.

In Australia the year 2000 (Y2K) issue has resulted in an enormous upgrading of computer equipment — many old mainframe computers have been superseded simply as a result of companies, governments and individuals trying to be Y2K compliant — but it is difficult to identify where embedded chips are located, because they are ubiquitous. In one study conducted by the Commonwealth Bank, 25 000 different embedded chips were examined in a raft of everyday appliances throughout the bank — everything from computers to airconditioning and security systems. It was found that between 3 per cent and 6 per cent of the embedded chips were date sensitive and could fail. Largely the response was to replace a lot of the equipment: because no-one knew exactly what was in the logic code replacement was easier. However, that has not happened everywhere.

It is often difficult to know exactly where chips might be because, as I said, they are ubiquitous, being included in so much equipment. One of the reasons I say the problem cannot be fixed totally is the fear that all the embedded chips cannot be identified and located exactly, and some may well be date sensitive and critical to some systems. The work being done by

utilities — for example, in the electricity system — seems to indicate that the situation will not be critical, but time will tell.

Concern about the Y2K issue should not be totally disregarded in respect of personal computers. In April 1998 Microsoft announced that 20 programs, including Windows NT and Windows 95, had some compliance problems. Honourable members and most others who work in offices and use laptops would know that patches have had to be put in for Windows NT and Windows 95, possibly the most important computer operating systems around. Although the systems, which are Microsoft products, were produced in recent times their programming language uses some short cuts, whereas systems such as Macintosh and Linux are not affected.

However much compliance is sought, however much equipment is changed and however much people act to ensure that systems are working, there are fears of an inability to identify all chips and of problems occurring with personal computers, older mainframes and legacy systems. Contingency plans must be in place, emergency services must be ready and there must be essential services provisions in case of emergency. Australia can compliment itself on being among the leaders in Y2K compliance, together with the US, Canada, Israel and Sweden, because it has taken the necessary steps by raising awareness and ensuring compliance. Earlier this year good Samaritan legislation was passed. It was designed to drive the sharing of information between companies without fear of companies being sued as a result.

I reiterate that contingency planning in Victoria is well developed. Although there are only 39 days to go the plans have been made and preparations are in place. To back up the whole system the government must be prepared for an emergency resulting from a major breakdown. That is where the bill comes in; it is the ultimate safety net. It has tough enforcement provisions. It provides for the punishment of individuals and organisations should they disregard directions and continue to use essential services during an emergency. The bill is an important part of Victoria's preparation for any Y2K problems.

The key Y2K dates are 1 January 2000, 29 February 2000 and 1 January 2001. Importantly, the legislation will be in place at a particular moment for which Victoria has prepared for at least four years, possibly more, and will remain in force until June 2001, when it will sunset and no longer have effect.

I am disappointed that although in opposition the government sought to give all possible support to the former government to ensure that Victoria was prepared for the Y2K problem, the Leader of the Opposition used the debate to play politics. Many political games have been played around the issue and what it entails, but the matter is urgent and the government must move quickly. The legislation would have been introduced by the opposition had it remained in government. It is in the interests of Victorians and Victoria. I commend the legislation. It is the final plank in tackling the Y2K problem. I hope, as I am sure do all honourable members, that the legislation will not have to be used.

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

**Mr LUPTON (Knox)** — I join with other opposition members in supporting the bill. However, I would like to correct a couple of comments made by the honourable member for Coburg. He stated that Victoria is prepared to fight the Y2K problem. I believe the Victorian government — the public sector — is ready to fight the Y2K problem, but I have a real concern about the private sector. I do not believe it is ready. Many people in the private sector have turned a blind eye to the problem, think it will eventually go away, or that they will be able to get by.

I was fortunate enough to run a couple of seminars on the matter in my electorate. It became obvious that many small business people had no idea how the Y2K problem could affect them. While I concur that the government is ready, I have a real concern that in many cases people in the private sector are not even starting to look at it.

A month ago people in some of the big organisations with whom I dealt had not even started to look at servicing their clients in respect of the Y2K problem. They do not realise the implications if they come in on Tuesday, 4 January, and find their computers have been down. If that occurred they would not be able to order anything; they would not know the prices of half the stuff they sell because of the generated codes; the telephones probably would not work; and their airconditioning and lifts may not work. Certain people in business have not been able to accept that and just think it will not happen.

The current minority Labor government supported all the efforts taken by the previous coalition government, but no matter what the former government did, certain elements in the private sector turned a blind eye to it. I

hope I am wrong, but I believe on Tuesday, 4 January some of those people may be in strife.

One of the saving graces is that Monday, 3 January has now been declared a public holiday and therefore many people will not go to work on 3 January but will go to work over the weekend. If people were not going to their offices and factories over the weekend there could have been big trouble when they arrived on the door step on the Tuesday morning.

The honourable member for Coburg also talked about the computer programs in the 1960s and said that back then the computer programmers were unprepared for problems. I refer to my contribution on 14 April to the debate on the Year 2000 Information Disclosure Bill, when I stated that I was one of those computer programmers in the 1960s who used a language called PL1. Each byte was valuable; each particular figure took up one byte and one byte consisted of eight bits.

Although the computers were probably 8 feet long, 3 feet across and 6 feet high, they were nowhere near as powerful as the laptop being used now by the honourable member opposite — they were massive and had very little capacity. I worked in commercial programming on one of the biggest computers in Victoria. It had 250K of memory, which is just a drop in the bucket compared with what the honourable member has resting on his knee now. When we did calculations it was essential that we saved as much space as possible. In using the calculations for dates and so on we used something called fixed decimal, whereby we could split one byte — which was eight bits — into two and use four bytes for one figure.

For example, for the date 19 October 1999 we would have used three bytes plus another byte for a sign, so we would have got away with four bytes as against six bytes if we used the full terminology. The idea was to save the additional two bytes by not putting a century such as 1960 in full — we used the short cut. We also used a built-in date function. If we wanted to do a calculation, we transformed our figures and called up the built-in function, which required only fixed decimal by which the date used three bytes plus the sign. That is where the whole Y2K problem started.

The Y2K problem was recognised by some programmers in the 1960s, but capacity in computers was of the utmost importance. We reached the stage where we would spend time going over and over bits of coding to try to find the most efficient way to determine something. Even when asking a question we would go over it two or three times to find out how to save even one byte of memory and achieve efficiency.

Earlier this year the honourable member for Preston called the early computer programmers lazy. We were not lazy; the capacity of the computers was so restrictive that we had to save as many bytes as we possibly could. That is why we now face the Y2K problem, which is unfortunate. I suppose many people expected that some 35 years later the computers and programs of those days would be out the door but unfortunately they are still there.

Recently I went to a factory in my area which had taken one computer off line. That private factory had just made all their computers Y2K compliant. They ran a Y2K-compliant test, but the whole system crashed because one little computer in the back shed that was used only occasionally had not been changed over. The firm had prepared its case and spent millions of dollars preparing for the Y2K bug but its system crashed because it had overlooked one computer in the back shed — which looked after the maintenance aspects of the particular organisation.

Just Jeans is another example of a firm trying to get it right. It was considering cancelling orders with any of its suppliers that on 30 June this year were not Y2K compliant because it believed those suppliers could not guarantee supplies after 1 January 2000. Companies in some Third World countries are certainly not Y2K compliant and may have big problems. So the Y2K bug will affect not only Victoria, Australia; it will be a worldwide problem.

Fortunately the problem will be a one-off event. There may not even be a problem; but if what is feared does happen, we could be in real strife. That is why the legislation, which I support, is essential. There is no doubt, as someone mentioned earlier, that if the government had not changed we would have been passing legislation of a similar nature. The previous Kennett government spent something like \$400 million preparing the Victorian government and trying to prepare the public sector for dealing with the Y2K bug.

The concerns I have about the bill relate only to the powers proposed to be given to the minister. I refer in particular to clause 5, headed 'Powers of the Minister in relation to essential services'. In delivering the second-reading speech the Minister for Transport indicated that the clause could be classed as almost draconian, which is probably a fair way to describe it. It proposes giving the minister enormous power so that he will have control over a vast number of things.

The honourable member for Coburg mentioned the Longford gas explosion. Although in that case it was essential to introduce powers to apprehend and control

those people who flouted the regulations by using gas illegally, we do not have to give the minister as much power as is currently proposed.

It is interesting to note that while the minority Labor government is talking about open, frank and transparent government, we do not have a scrutiny of acts and regulations committee. Where is it?

**Mr Nardella** — You won't negotiate!

**Mr LUPTON** — The honourable member for Melton has the biggest voice in the house. We want to establish parliamentary committees so that we can go through and consider bills such as this one. Never once under the previous Kennett government did one bit of legislation come before the house before it was considered by the Scrutiny of Acts and Regulations Committee. The government is talking about open and transparent government yet it has not even established a committee to which we can present the bill.

**Mr Nardella** — You won't agree to it!

**Mr LUPTON** — Get it through your thick head. We haven't got a scrutiny of acts committee to scrutinise every bit of legislation that comes to the house!

All the opposition is saying is that that committee should be there. I would like to see a committee similar to the former Drugs and Crime Prevention Committee founded again. One of the greatest scourges of our society is drugs, and the government cannot even organise the setting of up a parliamentary committee to address the drugs problem. There is nothing like the Public Accounts and Estimates Committee or the Road Safety Committee. This open, transparent, minority Labor government cannot get one committee up.

**Mr Nardella** interjected.

**Mr LUPTON** — I thought you were in the government. You are in the government and you cannot get it up. You ought to get some Viagra. The draconian powers established by the legislation should have been reviewed by a parliamentary committee. Draconian is the only way those powers can be described. I do not have a problem with the rest of the bill, but I have a problem with the enormous powers it gives the minister.

My other concern is the powers and functions the minister is permitted to delegate under clause 30 of division 5. Clause 30 states:

The minister may by instrument delegate to any person all or any of the Minister's powers and functions under this Part ...

in relation to any matter or class of matters or part of Victoria specified in the instrument of delegation.

What power legislation that is! The minister can delegate his powers and functions to anybody he wants to.

**Mr Perton** interjected.

**Mr LUPTON** — All his union member hacks! The legislation is good and essential — —

**Mr Leighton** — Your legislation.

**Mr LUPTON** — It is even better if it is mine. But the powers of the minister have to come under further scrutiny. They are far too powerful. A committee should be set up urgently to review those powers. Victoria has 39 days before the provisions of the legislation could come into effect. As a matter of urgency those powers — as I said, draconian, to say the least! — must be reviewed. Apart from my concern about the powers given to the minister, I believe the legislation is good, and it is essential for the people of Victoria.

**Mr LEIGHTON** (Preston) — Earlier this year I made a couple of updates to my personal notebook computer, particularly to the Microsoft products updated in service release packs 1 and 2. Only a couple of weeks ago I thought I would test it again. At the Microsoft site you can test your Microsoft software. A couple of applications in my notebook still had question marks against them. If Microsoft has trouble getting it right, it is obviously prudent for the Parliament, the government and the state to be prepared for every contingency.

**Mr Perton** interjected.

**Mr LEIGHTON** — I am not prepared to accept a verbal interjection from the honourable member for Doncaster. I thought he had a lot more class than that. I now send him electronic interjections. The least the honourable member for Doncaster can do is show the same style and class. That shows how far the Parliament has come.

If Microsoft can produce Office 97, Windows 98 and Windows NT and still not get it right, it is evident that industry and other computer applications would have to have question marks against them. When Labor was in opposition I would like to think members such as the honourable member for Coburg and I, who spoke regularly on IT bills and particularly the earlier Y2K bill, made a positive contribution.

**Mr Perton** interjected.

**Mr LEIGHTON** — There you go again!

**Mr Perton** — You would make a much better minister than the present minister.

**Mr LEIGHTON** — Just reply to my last electronic interjection in the normal way. The honourable member for Coburg and I were prepared to give the previous government a tick. There is no doubt Victoria has been a leader in information technology. It is well prepared to address Y2K issues that arise. Interestingly, the previous government did not do an update on the preparedness of agencies after July. The last update — —

**Mr Perton** interjected.

**Mr LEIGHTON** — Exactly. Yes, we all remember. Agency disclosures stopped about a month before the election. Much legislation debated in this place has enjoyed strong bipartisan support, and it is a little churlish for the opposition to say on the one hand it supports the bill — and that is good to hear — but on the other that it has some concerns. Let's face it — the legislation was in the pipeline. If the coalition were still in government, it would have introduced the same bill.

**Mr Perton** interjected.

**Mr LEIGHTON** — Pull the other leg. I sat through seven years of atrocity after atrocity, yet you want to persuade me that you have suddenly embraced civil liberties!

If industry and government had not taken on the year 2000 problem a couple of years ago they would have missed the boat. Obviously with 39 days to go any action, including legislation, had to be well and truly in the pipeline. Philosophically I have concerns about the use of essential services; at the same time I understand the contingency that is being legislated for. I also appreciate the sunset clause.

As I mentioned in passing, earlier this year other Y2K-related legislation came before the Parliament. The Year 2000 Information Disclosure Bill, the good Samaritan legislation, gave the house the opportunity to outline in debate Y2K problems, so I will not go into too much detail. I simply mention that I quoted a computing dictionary that speculated that the original use of the word 'bug' related to a technician pulling a moth out of a computer. The expression 'bug' has been around a lot longer than that. In the Second World War the term was used in relation to interference with radar systems.

A number of members have explained how the Y2K problem has come about. In the 1960s computer programmers wrote programs with a date format of 6 instead of 8 digits. In these days of 9 gigabyte hard drives it is difficult to understand why it would be necessary to save space by omitting 2 digits, but computer space was far more precious in the 1960s and that memory needed to be saved.

I differ with the honourable member for Knox on one point. It was not just a case of memory needing to be saved. Writing programs was labour intensive as everything was done manually, so using 2 digits instead of 4 digits was also used as a short cut. Programmers did not envisage this approach would be a problem in the year 2000 as they assumed that by then it would have been fixed or a completely different system would be in use. They never envisaged that the underlying code would be retained in applications well into the 1990s.

Potential Y2K problems have been pointed out. The honourable member for Doncaster referred to welfare payments in the United States. In a programming language such as Cobol, or Common Business Orientated Language, instead of reading the year 2000 a date might be read as the year 1900. For instance, recipients of aged social welfare can be deemed not to have been born or to have been at kindergarten. That is one obvious issue and there are other more dramatic examples. Last year a heart monitor was tested at the Women's and Children's Hospital in Adelaide. The date was switched forward and a Y2K test performed. The heart monitor shut down. In the United States there have been examples of production lines shutting down at great cost, with goods deemed perishable and being thrown out.

The problem is not so much with government, which I believe is well prepared, or with big business. That is another difference I have with the honourable member for Knox — by and large big business is prepared. It understands the problem and has had the technology and resources to address it. The smaller businesses are more likely to be affected because they have less knowledge of and less money to spend on the problem. However, at the end of the day, any activity, whether it is an essential service or a business, will only be as strong as the weakest link in the chain, and large corporations can be dependent on small companies to provide applications or the goods needed to carry out their production.

As has been stated by a number of honourable members, the bill does not sunset until the middle of the year 2001 because 1 January 2000 is not the only

critical date. There are several others, including 29 February 2000 — we do not know whether computers written in old language will recognise that as a leap year — and 1 January 2001. It is interesting to note — and perhaps this will put the issue into perspective — that we have already passed a couple of critical dates. The first was 1 July 1999 because that was the start of the current financial year. The second was 9 September 1999 because when programmers wanted to write a date as infinity in early programming language they wrote 9/9/99. That indicates how they thought — it was so far off that they made it infinity! Both those dates have passed without anything dramatic happening.

We hope nothing dramatic will happen as the clock ticks over to 1 January 2000. It is obviously prudent for a government to be well prepared. Despite some of the concerns expressed by the opposition, the bill is a continuation of bipartisan support for information technology and being prepared for the year 2000. I wish the bill well.

**Mr THOMPSON** (Sandringham) — The bill is about the preparedness of the Victorian community in both the public and private sector to be well prepared for the contingencies that may eventuate from the Y2K noncompliance difficulties that have been envisaged. Today learned contributions have been made to the debate by honourable members who have backgrounds in computing or applied interest in that field. During the course of my contribution I will refer to clause 5, 30 and 33, in reverse order.

Clause 33 provides what is generally termed a section 85 provision. It precludes the review of aspects of the act in the judicial system. It is somewhat ironic that the first bill debated in the house under the new government has a section 85 provision when one considers a number of comments made by former opposition members over the past four years.

I direct attention to a remark made by the current Minister for Education. In an address reported in the December 1998 edition of the *Law Institute News* she alluded to the restriction in about 200 bills and acts of the right to appeal to the Supreme Court. The honourable member for Northcote is quoted in the article entitled 'Party politics at the president's luncheon' as stating:

This is absolutely unprecedented in Australia and, no doubt, in most of the Western world. It is a savage and cynical attack on the democratic notion of judicial review.

Such hyperbole represents an attack on the democratic process; a viewpoint is overstated or misrepresented to give a distorted perspective of the truth.

In a letter published in the September 1999 *Law Institute Journal*, I referred to a statement by the former Leader of the Opposition, now the Premier. He was reported in the June *Law Institute News* as saying:

A future Labor government would scrap more than 200 pieces of legislation that stop Victorians from appealing against government decisions in the Supreme Court.

Clause 33 precludes access to the Supreme Court. It limits judicial review of administrative action in part. It is regrettable that historically there has been an overstatement of the case which has detracted from the strength and rigour of parliamentary debate. If parliamentary debate is well founded it can strengthen the role of the opposition in vetting and criticising government.

Earlier speakers have pointed out that the opposition will be supporting the bill. In fairness, a number of current government members have taken a more impartial view of the role of section 85 provisions and accepted that in many cases it is appropriate to limit access or appeal to the Supreme Court — for example, where other bodies or jurisdictions have been put in place. Other cases may involve a public officer or official who is appropriately carrying out his or her duty — for example, where a doctor taking a blood sample is rendered immune from proceedings for assault. There might be cases where medical boards are considering cases of impropriety against a health professional — a doctor, a physiotherapist, a chiropractor or an optometrist — and information about that person's improper conduct can be rightly transferred to and discussed at board level without rendering the person liable for defamation proceedings.

In Victoria alone a raft of situations can arise where it is appropriate that jurisdiction be limited and it may be supported on a bipartisan basis. Regrettably, the remarks made in the past 12 months by the honourable members for Northcote and Williamstown display a misunderstanding of the role and operation of section 85 provisions. Unless the government is able to perform miracles in parliamentary drafting and the interpretation of the current Victorian constitution, it will find itself in the same situation that the Labor government was in between 1982 and 1992, when the Supreme Court's jurisdiction was limited or directly impacted on in more than 300 pieces of legislation.

Some of the other clauses I have alluded to will significantly impact upon the rights of individuals. It is

important that Parliament consider those matters in the full knowledge of what the provisions relate to. In addition to the limitation of the jurisdiction of the Supreme Court, an opportunity should exist for an ongoing contribution to a review of the legislation by a committee such as the former Scrutiny of Acts and Regulations Committee. It is in the context of the wider debate that I am prepared to support the legislation.

**Sitting suspended 6.30 p.m. until 8.04 p.m.**

**Mr THOMPSON** — Standing here I have a sense of déjà vu! Before the suspension of the sitting I was speaking about the use of section 85 clauses in bills. In doing so I directed the attention of honourable members to two articles in the *Law Institute Journal*. One article quoted the honourable member for Northcote as suggesting that the Kennett government's decision to restrict access to the Supreme Court was unprecedented in the Western world. In the second article, the then Leader of the Opposition, now the Premier, was quoted as saying that a future Labor government would scrap over 200 pieces of legislation that restricted access to the Supreme Court.

**The ACTING SPEAKER (Mr Plowman)** — Order! There is too much audible conversation. I am delighted to see so many honourable members in the chamber after dinner but I ask those who want to talk to please leave.

**Mr THOMPSON** — Thank you, Mr Acting Speaker. However, an anomaly exists, in that the first bill introduced by the new Bracks Labor government contains a section 85 clause. In 1993 some 130 new acts were proclaimed; in 1994, 121; in 1995, 107; in 1996, 84; in 1997, 110; in 1998, 104; and in the autumn sessional period of 1999, some 49, making a total of 705. I am grateful to the parliamentary library for those statistics.

Of those 705 acts the Labor government says it will repeal some 200 that limit the jurisdiction of the Supreme Court. However, the bill contains a section 85 clause, so the government is not off to a good start.

**Mr Phillips** — That makes it 201!

**Mr THOMPSON** — The honourable member for Eltham has made the interesting point that rather than repealing 200 bills it will now need to repeal 201.

Several honourable members have asked where the Premier is now and where he will be on New Year's Eve when the bill will come under more serious scrutiny. It may be that he will spend his time going

through the statute book for the past seven years, ticking off the acts his government will remove.

Of the 705 acts I have referred to, I suggest that almost all were vetted by the Scrutiny of Acts and Regulations Committee. That committee, which was instituted by the former Kennett government, had the statutory charter of reporting to Parliament on whether a bill, by express words or otherwise, trespassed unduly on rights or freedoms, or impacted on areas where there were insufficiently defined administrative powers, or made rights, freedoms or obligations dependent on non-reviewable administrative decisions, or inappropriately delegated legislative power, or insufficiently subjected the exercise of legislative power to parliamentary scrutiny.

When a bill contained a section 85 clause the committee was obligated to report to Parliament on whether the clause was appropriate and desirable in all the circumstances. In accordance with the Parliamentary Committees Act some 705 bills would have been reported on. Unfortunately, that committee has not as yet been reinstated and honourable members do not have the benefit of the wisdom of the honourable members for Werribee, Melton, Coburg, Benambra or Gippsland South or the other members of the chamber who served on that committee during the last Parliament.

Clause 5 contains a number of provisions, some of which are broad in their ambit. I refer to clause 5(2)(e), which deals with the requisition of property of any kind at the discretion of the minister or a person acting under his direction or authority.

There appears to be good scope in clause 6 for instances in which compensation is payable. If that is not adjudged to be sufficient, the power exists to seek a review of a decision at the Victorian Civil and Administrative Tribunal. Today a number of honourable members in their contributions to the debate have queried whether that area of compensation would cover all heads of loss under the circumstances.

On an issue such as this the Scrutiny of Acts and Regulations Committee, under the expert guidance of the honourable member for Gippsland South in the last Parliament and the honourable member for Doncaster in the previous Parliament, provided key insight on whether there had been any trespass on rights or an inappropriate delegation of legislative power under the other heads of the Parliamentary Committees Act.

In addition, clause 30 contains provisions for delegation of powers and functions by the minister.

**Mr Perton** interjected.

**Mr THOMPSON** — There are widespread powers. The honourable member for Doncaster interjected to say the delegation power may be appropriate because we still have no undertaking on where the Premier will be on New Year's Eve. He may even be at a party, according to the honourable member for Doncaster, and it will be necessary for him to delegate the powers.

The questions I raise need to be further explored. The Scrutiny of Acts and Regulations Committee, which served in the previous two parliaments, examined 705 bills and had the opportunity of sensibly guiding the deliberations of the house. For the record and so that the record is accurately expressed, I remind the house that the Scrutiny of Acts and Regulations Committee was introduced through amendments to the Parliamentary Committees Act in late 1992. Some bills introduced in the first term of the Kennett government did not benefit from the scrutiny of that committee, but between 1993 and 1999 every bill introduced into this place had the benefit of the guidance and insight of the members and legal officers of the Scrutiny of Acts and Regulations Committee. The benefit of those deliberations will be absent from tonight's vote.

*Honourable members interjecting.*

**Mr THOMPSON** — The honourable members for Geelong and Tullamarine may have benefited from the learned insights and expositions on bills being introduced into this place.

With those wider remarks, I commend the bill to the house and look forward to the presentation to the house of the approximately 200 bills that the Bracks Labor government will need to repeal in the present Parliament.

**Ms BEATTIE** (Tullamarine) — Following the tragic Longford accident in 1998 I am sure all honourable members will appreciate what it is like to live without essential services. Within a few months Victoria was left without gas and Auckland without electricity, and Sydneysiders had to resort to drinking bottled water. I had first-hand experience of the Sydney water crisis when my brother, who lives in that city, compared drinking Melbourne water to drinking champagne, but could not have a hot bath when staying at the Hotel Sofitel.

The government must ensure that it is prepared before 31 December 1999 to cover all contingencies should any unfortunate year 2000 (Y2K) failures or incidents occur. The other significant dates for Y2K compliance are 1 January 2000, 29 February 2000 and 1 January

2001. The government has a moral obligation to ensure that a temporary system of emergency powers is put in place. Transport should be provided to get people home after celebrating the new millennium, because transport services will be important should emergency service workers need to travel across the city or the state.

The provision of light and power also must be guaranteed. The bill will enshrine in legislation the necessary steps to be taken to have services reconnected in case of service failures.

**Mr Perton** — The Premier will be at a party.

**Ms BEATTIE** — Hang on, Victor! Recently we witnessed the failure of the emergency services system. We must ensure our water and sewerage systems are completely safe and secure.

The honourable member for Doncaster made much of whether the Minister for Finance, the Premier and the Minister for Police and Emergency Services will be at their respective desks on 31 December. His query amazes me because the honourable member for Doncaster was willing to be led by a one-man band, but now he wants a three-piece band to look after him and the state.

*Honourable members interjecting.*

**Ms BEATTIE** — A minister has the overall responsibility for the bill. The bill also seeks to provide the legislative framework for unexpected events surrounding Y2K. I will feel safer when the bill is passed. Under direction, people must ensure the safety of the community. Honourable members know that Melbourne's international airport is located in my electorate — I am sure my predecessor reminded people about that. Not only is the airport a place where planes fly in and out and disgorge their passengers, it is also a mini-city. It uses all the essential services that one can think of. I am confident that both the major Australian airlines, Ansett and Qantas, have taken every step to ensure the safety of their passengers.

The bill must be passed to ensure that, in the event of a major disaster, airline passengers will be safe and the entire airport will be secure. The use of electricity in the airport buildings and the operation of the most sophisticated traffic management systems, air control and radar systems must be safeguarded. Those emergency service powers need to be in place in case anything goes wrong. We must be able to mobilise people at the drop of a hat, with full enforcement powers to support them.

The enforcement provisions are necessary to punish individuals or companies who put their own needs before the needs of the community. Honourable members who think that would not happen should cast their minds back to the Longford disaster, after which the management of the plant was prepared to blame one worker for the complete disaster.

Anybody who thinks some individuals would not flout the law should visit Geelong or Tullamarine, where water restrictions are in place because the former government did not have the foresight to provide those centres with sufficient water supplies. Individuals in both places flout the law relating to water restrictions. That cannot be allowed to happen with Y2K in case a natural disaster occurs.

**Mr Perton** interjected.

**Ms BEATTIE** — The honourable member for Doncaster may laugh, but he does not live under an airport flight path.

**Mr Perton** — On a point of order, Mr Acting Speaker, this legislation is important. The issues are important to the honourable member for Tullamarine, as they are to all honourable members. It is sad that the honourable member for Tullamarine has obviously not read the bill.

**Mr Nardella** — What is your point of order?

**Mr Perton** — Just relax. Obviously the honourable member for Tullamarine has not read the bill. It is not a preventive measure, it is an emergency services measure. I ask you, Mr Acting Speaker, to direct her to address her remarks to the bill and not to her fantasies about what the bill is about.

**The ACTING SPEAKER (Mr Plowman)** — Order! I find no point of order. I have been listening to the honourable member for Tullamarine and wondering when she was going to come back to the bill, but was quite sure she would. I direct her to come back to the bill.

**Ms BEATTIE** — I am not engrossed in fantasy. The acts are currently administered by three different ministers, which would require cross-portfolio coordination. There is a need for one minister to have the overarching responsibility. Some acts are triggered when actions are taken by persons that may cause disruption to essential services, and the Y2K problem may not fall within that triggering definition. Again there is a need for a minister with overarching responsibility to trigger the legislation.

**An Honourable Member** — Bring back Bernie Finn!

**Ms BEATTIE** — Sadly, we can't find him. Honourable members from regional Victoria may wish to highlight a pressing need in country Victoria, but I do not seek to do so. The bill will have a great effect on Tullamarine airport, which is in my electorate. The government does not want any disasters occurring in the Tullamarine electorate. It is cognisant of the fact that Ansett and Qantas have taken steps to look after passenger safety, but does not want the airport to be in a dangerous situation.

I commend the bill to the house.

**Mr ASHLEY (Bayswater)** — I am pleased to join the debate. To begin, I will help the honourable member for Tullamarine towards a little bit of understanding of the issue. To some degree I can understand her confusion. The point of the year 2000 (Y2K) legislation is not to avoid a terrible event but how to deal with it should one occur. If read literally, the purposes of the bill are:

... to provide a temporary system of emergency powers to deal with events arising from year 2000 computer problems ...

Perhaps it should read 'to provide a temporary system of emergency powers to deal with the consequences of events arising from year 2000 computer problems'. There is every chance — I hope it is minimal — that in something as complex and technologically advanced as an airport the risk of danger is not small. However, the work done during the past 12 months to ensure that any embedded chip that might cause a problem has been dealt with will minimise the chance of its happening at Tullamarine. I trust it will not happen either on the ground or in an aircraft coming in to land. That is an example of one of the reasons for the bill.

In some ways it is an unusual piece of legislation. I do not think 100 years ago it would ever have been imagined that out of the world of science would come a piece of legislation to deal with millennial insecurity. Millennial uncertainty normally has more to do with extreme sects and religious fervour at the point of the cusp of one millennium changing to another, yet as 2000 has approached millennial insecurity has come about as the result of human ingenuity and at the same time the failure of human ingenuity to take account of all the consequences of that ingenuity. The reason for this unusual piece of legislation is purely the lack of capacity of early computers to handle efficaciously the dating techniques that were put in place. I trust the legislation will come and go; that it will not be needed

and will be put to rest on 30 June 2001 without the need for repeal.

I commend the fact that bipartisan legislation begun by one government has been taken on board by another following on. Such bipartisanship is good to see in things that have to do with the real world of politics. When real politics come into play the importance of bipartisanship and how it can act when needed to secure the future can be seen.

The bill poses the question of a fascinating event that has occurred so soon after the election. Given that for a long time prior to the election there was much talk about issues such as limiting the jurisdiction of the Supreme Court, issues that the Kennett government was whiplashed with, it is sweetly ironic that the first piece of legislation to be debated should involve just that.

Secondly, it is interesting with all that has been claimed about the dictatorial and tyrannical powers used by the former Premier that this piece of legislation should confer real powers on a minister to do quite draconian things, as has been pointed out by the minister in the second-reading speech. It is again a sweet irony that such an event should come to pass in respect of the first piece of legislation to be voted on.

I commend the Honourable Roger Hallam, the former Minister for Finance in another place, for the work he did in pulling together a group of people who went out and sold the message of the importance of the Y2K bug to private industry and the public sector, and in requiring progress audits. Back in March, in my own electorate I had the good fortune of chairing a workshop into the Y2K bug and its consequences. It was attended by 132 small business proprietors who were concerned to see that so far as their affairs were concerned they had done their best by themselves, their employees and their customers. Putting the hard word on their suppliers was the one task they could not be sure about carrying through to fruition, just as we in passing the bill cannot be sure of the situation regarding suppliers.

The opposition believes the issue of inspection and inspectors, which has been raised as a matter of significance, has not been as fully dealt with as it might have been. To assist the government in putting together the kinds of people who may be nominated as inspectors and home in on the types of skills and expertise necessary, it might be useful if I read out a list of the areas in which a subsystem, component or wider system could be affected by an embedded chip that failed.

These are the areas — either subsystems, components or full systems — at risk of failure from date-deficient embedded chips: air circuit breakers; airconditioning systems; answering machines; automatic voltage regulators; battery chargers; building management systems; building security alarms; cash registers; closed circuit TV; communication coupling modules; communications; technologies; compressed air systems; continuous emissions monitoring systems; controllers (PLCs); converters; conveyor control systems; data acquisition systems; databases; data lodgers; data readers for electronic metering; detectors; diagnostic systems; digital readouts; distributed control systems; electronic control systems; electronic metering systems; elevator control systems; facilities management systems; facsimile machines; radio communications systems; reclosers; recorders; security monitoring systems; scientific calculators; smart metering systems; smart transmitters/positioners; stacker/reclaimer PLCs; stock control systems; stock flow systems; street lighting controls — the kind of inspectors needed is obvious there — telephones; time clocks; time recording systems; timers; traffic control systems; transaction dates; transport schedules; uninterruptable power supplies — which will be interrupted — variable speed drives; vehicle engine management systems; video cameras/recorders; voicemail systems; voltage regulators; weight control systems; wind speed and direction systems; wind turbine controls and word processing software.

Some of the items seem innocuous, but if they should be the cause of a shutdown, they could be the cause of significant damage to essential services. If the government has no other source of information, those items are recorded so it knows where it must find expert inspectors to deal with possible problems.

Finally I come to the draconian powers of the minister — —

**An honourable member** interjected.

**Mr ASHLEY** — Exactly! Another list, from pages 4 and 5 of the bill. In their use the powers are tyrannical. They are real and necessary powers, not invented powers as were attributed to the former Premier.

Clause 30, which is headed 'Delegation of powers and functions by minister', states:

The Minister may by instrument delegate to any person all or any of the Minister's powers and functions under this Part (except this power of delegation) in relation to any matter or class of matters or part of Victoria specified in the instrument of delegation.

Is it a multiple delegation to a multiple of persons, a multiple delegation to a single person or a series of delegations to a series of persons? As the bill reads, it is a single person, so the tasks that befall whoever that person may be — if that is correct and those powers are to devolve on a single person — are no different and no less difficult than those the minister would have to deal with.

Equally, the withdrawal of powers is no small matter. Clause 5(5) provides:

The Minister may at any time by direction under this section amend or revoke a direction made, or purportedly made, under this section.

It not only refers to revoking a direction made but also to a direction 'purportedly made, under this section'. I am concerned about that power lest it leaves certain individuals high and dry as a consequence of the utilisation of power which is then withdrawn and may be said to have hardly occurred. It gives an extraordinary amount of power to a minister who can make an edict not only in writing but orally. I suggest the oral giving of a command or a requirement is open to massive reinterpretation down the track in only a matter of minutes let alone days or weeks. That is a real concern.

Taking into account the reality of those concerns and trusting that in a democracy draconian powers are used responsibly and not irresponsibly, I join with all honourable members who have given their consent to the passage of the bill.

**Ms DUNCAN** (Gisborne) — Over the past twelve months much has been heard about the Y2K problem. Honourable members have certainly heard a lot about it today, and if they thought they had heard it all they were wrong as they are about to hear more!

Some people predict that as a result of the Y2K problem planes will fall from the sky, automatic teller machines will close down affecting access to money, traffic lights will fail — everything from fire to flood. Major problems have certainly been predicted with respect to telecommunications, electricity and, of course, essential services. Many books have been written with people making their fortunes as a result of those predictions, some of which verge on hysteria. Others suggest that nothing will happen, other than a few hangovers, a late night and a very late morning the next day — a good time had by all!

No-one can provide any definitive answers; no-one can give any guarantees. Lots of work has been done in the public and private sector to ensure that, so far as

possible, nothing will go wrong. Many millions of dollars and many hundreds of thousands of hours have been spent in checking systems to make them, so far as is possible, Y2K compliant. We live in uncertain times and it is difficult to predict to any extent the problems that may or may not arise. Therefore, wide-ranging legislation is needed to deal with unpredictable and unforeseen problems.

Victoria and Australia have prepared well and various reports, some of which have been quoted here today, suggest as much as possible has been done. No-one has been down this road before and consequently existing legislation does not cover the situation. There is no doubt that things will go wrong; a problem could be created by either the smallest component or a major piece of software. The potential for problems is horrendous.

One of the strengths of this legislation is the broad nature of its application. The legislation allows the appropriate minister to take the necessary steps to ensure the continuation of essential services. The definition of essential services has been broadened considerably. It allows the Governor in Council to declare almost any service essential. The penalties are fair but absolutely necessary. The legislation will give peace of mind to people living in provincial and rural Victoria.

**Mr Perton** interjected.

**The ACTING SPEAKER (Mr Plowman)** — Order! The honourable member for Doncaster has had a field day. If he wishes to remain in the chamber he will have to restrain himself.

**Ms DUNCAN** — All honourable members hope the legislation will never have to be put into effect. However, as I said earlier, the potential is there and the consequences could be huge.

Come New Year's Eve 2000 my constituents will once again face the real and frightening consequences of bushfires. You have to experience a bushfire to appreciate how frightening it is — and bushfires are not just frightening but deadly. People's awareness of the dangers of bushfires and the steps they need to take to protect themselves are being raised by a terrific campaign being conducted throughout regional Victoria. Honourable members must have seen the 'Plan to Survive' signs.

Country Victorians take bushfires very seriously because their lives depend on their awareness of the dangers. All the plans and extraordinary steps they take to ensure their safety rely on several factors, the most

important being communication, which is crucial to successfully fighting bushfires. The State Emergency Service and the Country Fire Authority must be able to communicate and to be communicated with. They must know where a fire is, which way it is heading and its ferocity, and they must know about wind changes and the other variables that change continuously. Residents who plan to stay on their properties during bushfires must rely on appropriate lines of communication, whether by radio, telephone, mobile phone or land line. They need to communicate with their local CFA or SES, neighbours, friends and families.

As pointed out earlier, the legislation cannot guarantee that the state does not suffer a failure in communications, but it will allow the authorities to take the action required to alleviate the problems resulting from that eventuality. If a systems failure results in a breakdown in communications, my constituents want to know that the government has contingency plans to deal with the situation. These are life and death issues for country Victorians who, among other things, face the real threat of bushfires. The legislation is needed and needed now. The countdown has begun.

**Mr RYAN** (Gippsland South) — I am pleased to join the debate on this important piece of legislation. Although the opposition parties support the bill, believing it to be imperative having regard to the calendar, some elements of it are in issue. The first is the absence of any consideration of it by a scrutiny of acts and regulations committee, and I say that having been the chairman of the committee in the last Parliament. You, Mr Acting Speaker, were a member of the all-party Scrutiny of Acts and Regulations Committee (SARC), which contained five members of the then government and four members of the then opposition. The committee contributed enormously to the proper functioning of the Parliament.

During a debate of this nature members of Parliament can normally refer to a SARC report, which is tabled prior to the debate commencing. The Parliamentary Committees Act refers to legislation being referred to the Scrutiny of Acts and Regulations Committee at the time of its being introduced. The inclusion of the word 'introduced' in the act makes it clear that when a bill is introduced it should be referred to the committee for its consideration and that the report that is prepared as a result of that consideration should be tabled in Parliament so it is available to members to inform the debate that ensues. It also serves the important function of giving the public appropriate notification of the matters pertinent to the committee's terms of reference.

It is unfortunate that the bill — the first to be considered by the new Parliament — is being debated in the absence of a report from a scrutiny of acts and regulations committee, especially given that no such committee exists in the form we knew it and no such committee is proposed in the response the opposition parties made to Independents charter. However, I point out that the response contemplated the activities of the former Scrutiny of Acts and Regulations Committee being broken into three parts and dealt with by committees in the other place. I stand to be corrected but I think I am right in saying that during the time I was the chairman not a single piece of legislation was introduced in either house without its being subject to a report by the Scrutiny of Acts and Regulations Committee.

**Mr Nardella** interjected.

**Mr RYAN** — I hear the interjection from the honourable member for Melton. He was an esteemed member of the committee and made an invaluable contribution to its reports, which were tabled in this and the other place for the benefit of all parliamentarians. Although he referred to what may have occurred prior to the 53rd Parliament, I am sure he shares my view that it is unfortunate that Parliament does not have the benefit of a report for the assistance of the members contributing to the debate and the public at large.

My comments are appropriate when one has regard to the content of the bill. For example, it contains wide powers of delegation. It would enable the minister to delegate his or her powers to anybody he may think appropriate. I assure the house that the former Scrutiny of Acts and Regulations Committee would have corresponded with the appropriate minister to get some idea of the scope of those powers.

Unfortunately that process is not available to us. The bill contains a section 85 provision. No doubt, honourable members will be aware that the previous opposition — the present government — made much of the fact that section 85 provisions were used to limit people's access to the courts. That issue was of particular concern to the Scrutiny of Acts and Regulations Committee, and every time such a provision appeared in any piece of legislation a report on it was tabled. However, we now have to rely solely on the content of the minister's second-reading speech for justification of the use of the section 85 provision. Given that the committee system has long been a respected part of the operation of Parliament, it is most unfortunate that the Scrutiny of Acts and Regulations Committee has not been established in time to enable it to perform its proper function.

The bill is necessary because we are faced with the prospect of events occurring at the turn of century that will cause great difficulty for us as a community. In fairness to the minister, he has recognised that an enormous amount of work was undertaken by the former government to ensure that Victoria had in place the proper protections against what might eventuate. Under the leadership of the Honourable Roger Hallam in another place a team was established to consider the general operations of government. I heard the minister say today that compliance with the audit of the prospective performance of government departments to ensure that appropriate defences against unfortunate events are in place was something in the order of 99 per cent.

I also heard comments about responsible ministers being at their desks on the night in question. Under the former government the plan was for not only the Premier but every cabinet minister to be at his or her desk at the stroke of the clock so that if the minister's department happened to be confronted with some unfortunate event the minister would be able to deal with it. During the contribution of the honourable member for Doncaster I heard queries about whether the Minister for Police and Emergency Services will be in situ at the appropriate time, and it is unfortunate that we did not get an assurance of that from him. I hope the Premier and/or the ministers will be at their desks at that time and be ready to do what they are sworn to do — to uphold the interests of Victorians and ensure that services are maintained.

The former government was able to achieve world recognition for the work it undertook. That in large part is due to the efforts of the former minister, the Honourable Roger Hallam in another place, who did great work in that area.

This bill applies to not only government agencies but also private enterprise. Clause 3, the definition provision, refers to transport, fuel, light, power, water, sewerage and a service that may be declared to be an essential service by the Governor in Council under proposed subsection (2), whether or not it is of a type similar to the foregoing. Those references are within the notion of what constitutes an essential service for the purposes of the legislation. However, I note that in defining an essential service the bill makes no specific reference to food. From a country Victorian perspective, given that country Victoria provides food supplies across the state, I would have thought that omission should be given particular consideration by the minister.

Clause 5 deals with the powers of the minister, and they are wide ranging. Other speakers have referred to those powers, so I will not go through them. Suffice it to say that they are so wide ranging that one would hope they will be exercised carefully during the proclamation period referred to in clause 4.

Clause 6 deals with compensation. It seems to me that, although the clause relates to a person's property being used under a direction referred to in clause 5(2)(e), a prospective deficiency of the clause is whether or not in addition to compensation for the use of a property compensation is also available for the use of any personnel who are essential to the use of the property. For example, if food were to be declared as an essential service under clause 3, one could envisage a situation in which a trucking company might need to be engaged to bring that food to the metropolitan area. I do not see on the face of the bill a provision that would allow truck drivers employed by a proprietor of a business specialising in the provision of food services to be compensated. Nor do I see a provision allowing forklift drivers who load commodities onto the backs of trucks to be compensated. Although clause 6(2) enables a person whose interests are affected by a determination of the minister to apply to the Victorian Civil and Administrative Tribunal, I hope any interpretation applied by the tribunal is wide enough to include not only the use of a person's property but also employees used for the purpose of ensuring that the property is used in the manner intended.

An adjunct to that is the question of the loss of income that might arise from the use of that property and personnel. It is not difficult to see that, if a determination were made by the minister that a particular service involved the use of a property that had to be acquired for the purpose of the operation of the legislation, a business could be made to suffer from not having the equipment and the people on hand to enable that business to conduct its normal affairs. I do not see on the face of clause 6 a sufficient definition of compensation to accommodate those needs, and I urge the minister to clarify that important issue.

I make those points on behalf of country Victorians in particular, because although those matters are important for all Victorians it should be taken into account that the provision of services in country Victoria might entail more people being away from their businesses than in metropolitan areas.

Clause 13 deals with inspectors. The minister may appoint a person to be an inspector, and an identity card must be supplied to each person who is appointed. Subclause (5) touches on the issue of competence. I

hope the minister gives appropriate regard to who is appointed to the task. I say that in the context that the very nature of this legislation anticipates emergency circumstances, and as such we need to ensure that the people who fulfil this important role are appropriate and have fully rounded skills to enable them to do the job. I have no doubt that a variety of skills will be needed in the sorts of situations that come to mind, not the least of which is the ability to talk to people in a manner appropriate in all the prevailing circumstances to ensure that the outcomes achieved are in everyone's interest.

I have already referred to the capacity to delegate powers. The minister needs to be very careful about that issue, because delegation powers that are as widely drawn as those contained in the bill should be exercised in an extremely responsible manner having regard to all the circumstances.

The National Party supports the bill. Given the situations the bill contemplates, the National Party understands the need for legislation of this ilk. The former government undertook an enormous amount of work in relation to the bill. I hope, as I am sure do all honourable members, that there is never a need to bring the proposed legislation into effect. However, I am pleased all honourable members have had the opportunity to consider the bill and its formation. With those thoughts in mind, I wish the bill a speedy passage.

**Mr HARDMAN** (Seymour) — The Essential Services (Year 2000) Bill is about responsible and accountable government — a hallmark of the Bracks government. The year 2000 (Y2K) millennium bug has the potential to threaten the livelihoods and quality of life of all Victorians for a significant period. The sorts of problems that could potentially be caused by the Y2K bug are exemplified by such recent events as the Longford gas explosion, the Auckland electricity supply failure and the Sydney water supply contamination. Those events and the loss of essential services in each of the incidents affected the economies of the respective communities and placed citizens in intolerable situations for long periods. Businesses and industry in general were left with significant losses in profits, which in turn led to workers being stood down and general negative effects on the overall economies of the communities affected.

The bill demonstrates that the Bracks government is proactive. Victoria needs such a government to ensure that industry and the citizens of the state — —

**Mr Perton** interjected.

**Mr HARDMAN** — I beg your pardon?

**Mr Perton** — You are better off writing your own speech.

**The ACTING SPEAKER (Mr Loney)** — Order! Speaking across the chamber is disorderly. The house will listen to the honourable member in relative silence.

**Mr HARDMAN** — It is essential that industry has the confidence to maintain its investment in Victoria. In order to further expand and grow, industry needs to have confidence that the government cares about what happens in Victoria. If the government were to sit back and let the year 2000 arrive without putting in place a plan to fix any problems that could arise as a result of the Y2K bug, the state would be in strife. The fact that the Y2K compliance level in the public sector is 99 per cent and the Y2K contingency planning level is greater than 98 per cent and increasing is reason for some confidence. However, the government must ensure that it has appropriate legislation in place in the event of a major failure of essential services. The supply of electricity is a major issue, and the existing essential service legislation — —

**Mr Honeywood** — On a point of order, Mr Acting Speaker, although the honourable member for Seymour is new to this place and although some latitude is given to new members, I put to you that he is reading word-for-word from his speech notes and is, on that basis, contravening standing orders

**The ACTING SPEAKER (Mr Loney)** — Order! Is the honourable member reading or using notes?

**Mr HARDMAN** — I am using notes, Mr Acting Speaker.

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

**Mr HARDMAN** — I take the issue of essential services seriously, and I want to speak intelligently on the topic and provide the house with relevant information. The legislation provides for the effective management of the Y2K bug.

*Opposition members interjecting.*

**The ACTING SPEAKER (Mr Loney)** — Order! I remind the house that interjections are disorderly. The honourable member should be heard with courtesy and silence.

**Mr HARDMAN** — Victoria's Y2K contingency planning and compliance are world standard. However, the bill and the planning behind it are necessary to ensure that Victoria gets it right if problems arise.

The bill is about risk management, which is an important part of providing the Victorian community with the confidence that the government can do the job — unlike the previous government, which neglected the issue. The bill is about responsible and accountable government, and I urge bipartisan support in the event of an emergency. Victorians need to feel confident, and the bill streamlines the power —

**Mr Steggall** — Who wrote this?

**Mr HARDMAN** — I wrote it. The bill streamlines the powers to a single minister. A coordinated approach to effective management will be needed if problems arise. A breakdown in the electricity supply would obviously have wide-ranging effects. Seymour District Hospital, for example, has a large diesel generator to use in the event of something occurring to the supply of electricity when the year 2000 arrives.

It is also important to realise that issues relating to the incompetence, ignorance and negligence of people need to be addressed in the event that the Y2K bug proves to be a problem. As a former school principal, I am aware the school received software packages designed to ensure that the programs in its computers were Y2K compliant. While those packages were good, at times they would only partly fix the problem. The school would be told, 'Just hang on, wait. There is another bit to come. The program doesn't quite fix the problem'. Those situations can build up. The government must rely on the expertise and competence of the people producing the solutions. While the government believes, as does the private sector, that it is doing the right thing, it may not have been doing all that well on the ground.

I commend the bill to the house and hope it will have bipartisan support to ensure that Victorians have confidence in the government's ability to handle any emergency or problem relating to the Y2K millennium bug.

**Mr DIXON** (Dromana) — It gives me great pleasure to make a brief contribution to the debate. The Essential Services (Year 2000) Bill provides for contingencies relating to the advent of the year 2000. However, it also incorporates several other dates, being 29 February 2000 and 1 January 2001. Twenty-nine February is one of those dates everyone would like to have as a birthday because you only get one year older every four years!

I misled the Leader of the Opposition earlier with my explanation of why next year is not a leap year. Most people expect it to be a leap year because leap years

occur every four years, the last one being in 1996. However, that is not always the case. The exception to the rule is that any year that ends in '00' — in most cases the turn of a century — is exempt from being a leap year.

However — and this is where I misled the Leader of the Opposition — if that year is divisible by 40 it reverts to a leap year. The year 2000 is therefore a leap year. The last year to be a leap year for that reason was 1800. I am keen to put that fact on the record because the information came from my 85-year-old father, who seems to know all about these things even though he was not there in 1800!

Victoria has been well and truly acknowledged as a leader not only in Australia but also around the world in its preparation, mainly through the work of the previous government and especially through the work of the Honourable Roger Hallam in the other place. The previous government prepared not just its own backyard but many businesses and the community for Y2K through advertisements on television, numerous talks and seminars, putting literature out and about and spending a lot of money. The former government had prepared the departments, which are almost 100 per cent compliant. Victoria is ready to face whatever might happen on 1 January 2000.

The state government is responsible not only for its own departments but also for the important instrumentalities and services, including the emergency services, which impinge on the life, safety and wellbeing of the community.

The previous government also took a leading role in the guidance of local councils in their preparations for Y2K. It took a keen interest in the preparedness of local government services. Local government is close to the people, so the coalition government was keen to know what sorts of contingencies local councils had prepared for if things did go wrong.

One of the best examples of local preparation is the activities of local Country Fire Authority (CFA) brigades. I have 11 brigades in my electorate and make a point of attending their meetings regularly. Over the past two years the main point of discussion has been the readiness of individual brigades in townships and the authority itself, including its communications equipment, for Y2K. Very thorough work has continued over the two years, and I am convinced the brigades are more than ready to cope not only with their own problems but with the community's, as an important community service group should be. Local brigades have, for example, wired up the electrical

systems of their buildings to petrol generators so that communication systems, lighting and other equipment will work even if there is no electricity supply. They have also arranged for local volunteers to give up their time and the company of their families on New Year's Eve and to remain sober so that they will be ready to serve their communities. Every station is required to have a team on stand-by, and in some cases two teams. I take my hat off to them.

The previous government showed leadership about Y2K preparations and was very public and open about potential problems. Reports from each department were made public. Such accountability provided a good example to local businesses and organisations by showing them how seriously the Victorian government took the matter. The implication was that since the government was serious and required high compliance rates, community groups should be equally serious about the matter. The former government led by example.

The bill is a natural corollary to that sort of leadership. It makes provision for the government to be ready at the end of the year to meet any contingency that may arise in any part of the community.

Unfortunately, however, this bill, like all the legislation introduced by the Labor government, has not been subject to any scrutiny by a committee. That is disappointing. The longstanding convention is that legislation of this type requires scrutiny. That is not to say that anything in the bill is hidden or needs special scrutiny. If that were so honourable members on both sides would have picked up the fact by now. We have bipartisan support for the legislation; but the sooner the Scrutiny of Acts and Regulations Committee is up and running the sooner legislation coming before this house will be subject to proper scrutiny.

Clause 13 deals with the appointment of inspectors, and some of the roles of inspectors are set out in clauses 14, 15 and 16. They include obtaining assistance from and working closely with police officers; entering land and premises and searching when there are reasonable grounds for suspecting that evidence of the commission of an offence is located there; and applying to a magistrate for a search warrant to enter land or premises if the inspector believes on reasonable grounds that there is, or will be within the next 72 hours, evidence of an offence there. Those are crucial powers, but they are very wide ranging and so, because of their nature, must be defined carefully.

The bill falls down in that respect because it offers only general descriptions of the roles of the inspectors. The

identification card they must wear is an exception: it is clearly described and must be personally signed by the minister. That is a good provision, but there is no precision about who the inspectors might be, where they might be drawn from or at what stage they will be selected. Their exact job description is not clear. We have only a couple of surface explanations of their powers, which should be more clearly specified.

More needs to be known about the accountability of inspectors in carrying out their duties and in follow-up procedures. In addition, no time limits are specified. I realise the bill covers three dates — 1 January 2000, 1 January 2001 and 30 June 2001 — but that seems to mean that the inspectors can be employed during any period from the passage of the bill until June 2001. Considering the wide-ranging powers conferred on them, the period of employment should be much more specific.

There has been bipartisan support for Y2K legislation. A few weeks after the recent state election I was amused when my Labor counterpart wrote to one of the local papers pointing out that it was my responsibility as the member for Dromana to ensure all the emergency services and utilities in the electorate were up to speed. He apparently wrote that I should give the community an iron-clad guarantee that nothing would happen and that, if anything did happen, there would be sufficient follow-up.

Because of the tremendous preparations that had been undertaken, as a member of the former government I would have been able to provide that sort of guarantee. I believe the Labor candidate has lost sight of the fact that a Labor government is now in place and it is its responsibility to see the issue through, give guarantees and meet any of the contingencies that might arise. It is certainly not my job to do that.

Many people do not realise that one way to escape 1 January 2000 is to take a flight to the Antarctic. Qantas has a flight that takes off from Melbourne and circles in the Antarctic. The aeroplane time is Greenwich Mean Time so you can go there, see in a couple of New Years, and come back and land before you meet your own New Year. Some of my good friends could take a collection to send me up, but otherwise I will be keeping my feet on the ground. I will be monitoring the situation in my electorate, just like the key government ministers who will be sitting behind their desks on that evening in case anything goes wrong.

I hope on the three key dates, especially 1 January 2000, nothing untoward happens and the powers granted in the bill do not have to be invoked.

**Ms OVERINGTON** (Ballarat West) — I support the Essential Services (Year 2000) Bill. Victorians must be prepared and take a proactive approach towards the unseen. We are all moving into uncharted waters — we do not know what the stroke of midnight for 2000 will bring.

It is important that essential services affecting the daily lives and safety of ordinary Victorians be protected. Longford will long live in our memories as a disaster for Victoria. Lives were lost and issues of safety for workers and consumers were raised. At the time of the disaster I was working at the coalface as a welfare worker, and I felt the full brunt of the concerns and the desperation of people affected by that disaster. At that time the former government immediately enacted legislation to deal with the crisis. We now need to be ready for 2000 because we are moving into an unknown period. Legislation must be updated to provide for all elements of safety and services for the community. The government must be proactive and ensure the safety of all Victorians. It must have a contingency plan in case the public and private sectors fail in their plans for Y2K problems that may lie ahead.

I come from a local government background, and for a long time local councils working with emergency groups have been ready with municipal emergency plans. The government must match that level of readiness.

I have listened to members opposite as they have contributed to the debate, and it seems as if they have either been scaremongering or have attempted to misrepresent the provisions of the bill. They have raised the issue of inspectors with continual reference to how inspectors would be appointed. The attitude they have adopted has been of saying, 'Isn't it dreadful. They will be given these powers and nobody knows their qualifications'. The bill provides for inspectors to be appointed by ministers. But I refer honourable members to legislation passed previously by the house, the Gas Safety Act, which provides for directors to appoint inspectors to carry out works. I ask members opposite where the ministers were then. They were happy to leave the appointment of inspectors to directors.

I also bring to the attention of the house other misrepresentations made this afternoon about the powers of inspectors. Clause 15 deals with powers of entry. If members opposite wish to do the research they will find that clause 15 is an exact copy of section 94 of

the Gas Safety Act. The honourable member for Doncaster — I note he has left the chamber — in debating the gas safety legislation obviously was not aware of its provisions or did not bother to read it. He did not jump to his feet at that time to question the appointment of the inspectors. He was uninformed.

Section 89 of the Gas Safety Act states:

- (1) An inspector may enter any land or premises at any time in an emergency ...

As I said, clause 15 of the Essential Services (Year 2000) Bill is an exact copy of section 94 of the Gas Safety Act, which states in part:

- (1) If an inspector has reasonable grounds for suspecting ...

I suggest the Gas Safety Act did not go one step further, it went 100 steps further in providing total power to inspectors. I am not sure what the concerns of the opposition are. Other issues raised by members opposite include when the bill will cease to have effect — 'Fancy giving these people this power!'. The bill contains a sunset clause. It will terminate in 2001, unlike the powers that remain in the Gas Safety Act, which can be acted on at any time. I am confused because many of these powers are already contained in legislation.

The other issue raised by members of the opposition to which I took offence is that of civil liberties. The honourable member for Doncaster claimed that every Victorian's civil liberties were endangered. I draw the attention of the house to the fact that the previous government was the most undemocratic government modern Victoria has ever seen.

**Mr Honeywood** — On a point of order, Mr Acting Speaker, the matters raised by the honourable member have nothing to do with the bill. The bill deals specifically with Y2K issues, which have nothing to do with the style and structure of the former government.

**The ACTING SPEAKER (Mr Loney)** — Order! So far the honourable member has related her remarks specifically to the clauses of the bill. She was straying about half a sentence down the line, about which the honourable member for Warrandyte is complaining. I think he would be wise to wait to see what develops before raising a point of order.

**Ms OVERINGTON** — Thank you, Mr Acting Speaker. I will continue because I believe what I have to say is relevant, given that civil liberties was raised and questioned by the opposition. In its seven years in office the previous government attacked the democratic rights of ordinary Victorians. It attacked independent

office-holders, closed courts and gagged public servants. The point of the bill is to put into place an emergency plan to ensure essential services for all Victorians.

It is not a political bill. The bill contains responsible measures. The last thing the Victorian community needs is scaremongering from the opposition. Parliament has a fundamental responsibility — to protect the safety of all Victorians. The bill is a responsible and proactive measure that I hope will prepare Victoria for the unknown and uncharted waters ahead.

**Mr STEGGALL** (Swan Hill) — It is a delight to join the debate towards the end of the evening and to follow the new member for Ballarat West to whom I will point out a couple of matters. She spoke about being prepared and proactive. The previous government spent the past four or five years being prepared and proactive in getting Victoria into a state of readiness for the year 2000 problem.

**Mr Trezise** interjected.

**Mr STEGGALL** — My friend from Geelong asked what happened at Longford. Longford had nothing to do with Y2K.

Essential services or emergency legislation is already in place. The last time I remember it being invoked in my time here was by Premier John Cain when the milk did not get through. Honourable members may remember that in the 1980s when dairy farmers had a bit of trouble getting milk through and the poor people of Melbourne were a bit short of it, the then Premier invoked the Emergency Management Act to move it.

The bill picks up any issue that might arise as a result of the Y2K problem, about which much has been spoken today. Victoria and Australia are fortunate in being as well prepared as possible in both the public and private sectors. That preparedness is due to the first-class and transparent work done on the issue by the Honourable Roger Hallam, the former Minister for Finance, particularly over the past four years. For the past two or three years a web site has been set up by which people could measure the Y2K compliance of Victoria's essential services. It has been open for everyone to see and I have mapped it through, particularly this year, to find out not only about the state's readiness but also about its contingency plan readiness.

I say to the honourable member for Ballarat West that the proactive action and preparedness of the state is due to the terrible government she mentioned earlier — the

previous one! I am proud of the work it did in getting the operation to where it is today.

I have difficulty with some areas of the legislation. The first is the lack of a scrutiny of acts committee, which for many years has acted as a filter to check legislation coming before Parliament. The government has not appointed any parliamentary committees and needs to do so as soon as it can. In the past two weeks I have listened to many members and ministers talking about how open, democratic and thorough the government is and how it will ensure it is accountable and that everything that happens in this place and in the government will be up to scratch. I accept that the government has drive and good intentions, but in this and quite a few other matters its actions do not match its rhetoric. It is good to have scrutiny of legislation by a committee, and it is a pity the government does not yet have a committee to do so. I am sure that will happen.

**Ms Gillett** interjected.

**Mr STEGGALL** — The reason is you are a bit short of numbers, aren't you, Mary?

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Loney)** — Order! I remind honourable members that interjections are disorderly. I remind the honourable member for Swan Hill that responding to them is also disorderly.

**Mr STEGGALL** — Thank you, Mr Acting Speaker, I appreciate your assistance. The Y2K issue will be debated in the house for the next year or so, and the government has raised the expectations of Victorians to a level it will find difficult to deliver on.

The opposition is worried about the enormous powers provided in the legislation. In normal circumstances such legislation would not get bipartisan support. The Y2K bug — the unknown — might really bite Victoria, so Parliament is being asked to agree, and it will agree, to a range of practices to overcome any problem that might beset the community as a result of computers malfunctioning. Opposition members and Victorians generally expect and trust that the powers given to ministers and public servants by the legislation will be respected. The expectations the government has raised in many areas is a dangerous thing. I hope that any contingent problems that come up will be treated in the manner in which the opposition is treating the legislation — that is, that the necessary tools will be provided to handle whatever might arise.

As a country member I was interested to see what impact the bill would have on country constituents. Clause 3 of the bill defines essential services as meaning transport; fuel, including gas; light; power; water; sewerage; and a service declared to be an essential service by the Governor in Council under subclause (2). People in country areas expect the necessary steps to be taken on any matter that will genuinely have an impact on them. I support the legislation because it will enable that to be done.

Country Victoria relies on volunteers in the Country Fire Authority and the State Emergency Service. They are people we respect and hold in high regard. The volunteer services they provide to communities could not otherwise be provided. The volunteer sector is important and the government should not water it down. Country areas rely heavily on the police force. The service provided is second to none and the police play a different role from that played by the force in metropolitan Melbourne. The country police force is called upon to carry out many services and to coordinate many activities. If essential services break down it will be the police chiefs in those areas who will be responsible for coordinating events and dealing with the crisis.

If things go wrong two other areas of the bill will be important. Firstly, in an emergency the municipalities that supply services must rely on the help of the volunteer services to rectify problems; and secondly, the water boards need to rely on volunteers for water and sewerage services. It is dangerous to give such powers to people. When in government the coalition considered such legislation but, as I interjected during the speech of the honourable member for Seymour, the bill was not drafted by the current government. It was put in place by the previous government and had been properly introduced.

The bill introduces draconian powers, some of which the honourable member for Ballarat West mentioned. As a country member of Parliament, I consider the agricultural legislation to be draconian. The agricultural bills provide more powers than the police currently have. Many acts on the statute book give more powers to inspectors than to the police force. The draconian provisions in the bill should be treated carefully — that should be the case with other bills — to ensure that those powers are properly carried out. I am unhappy with the delegation powers. They would not have passed the bills committee when the coalition was in government. The delegation powers are not specific; they are throwaway powers. They should have been more closely defined.

The bill is far too open. Once again one must rely upon trust. There is no Scrutiny of Acts and Regulations Committee to put bills before the people and members and to test ministers on how they will guarantee such powers will not be abused and that guidelines are in place to make them work.

I turn to the section 85 statement. It is fascinating that the first bill to be introduced by the government includes a section 85 statement. For the seven years the government was in opposition the coalition had to put up with its continual carping about section 85 statements being used to restrict the powers of the Supreme Court and to make constitutional change. The very first bill of any significance introduced by this government includes a section 85 statement. The Minister for Transport must have choked when he had to refer to a section 85 statement in his second-reading speech. Welcome to the real world!

When in government the coalition found that section 85 statements were a problem. The previous government could not get around them because of parliamentary counsel. Section 85 statements are not the end of the world. However, when Labor was in opposition it considered their use to be evil. Now that it is in government it has lifted the people's expectations, particularly those of country Victorians, beyond what it will ever deliver — on your head be it!

Victorians will remember how critical the government was in opposition about the use of section 85 statements. The government should be aware of what it is doing and where it is going. I hope the Premier will ensure that in the event that the legislation is used his ministers and delegated officers will be thoroughly scrutinised and the people of Victoria will not be let down and disappointed by smart-alec, power-hungry people.

In my electorate we have to handle not so much fire situations but floods. In an emergency it is not always beer and skittles to implement such legislation. Often when emergencies arise families are pitted against families and communities against communities. The Premier should ensure that his ministers and those with delegated powers handle the legislation in the manner defined. I hope those powers will not be tested.

Along with others, some years ago the honourable member for Doncaster and I met those undertaking consultancies for the British government to see how they were tackling Y2K problems in the public sector. Victoria's strategies are similar to those in England. We hope their thoroughness will bear fruit. We know that many countries have not put much effort into the Y2K

problem because they have not had the necessary skills. I trust that the comparison will be good and that people appreciate and understand it.

In conclusion, the legislation is necessary and the opposition supports the bill. However, I emphasise that responsibility goes with it. This is the type of legislation that I hope honourable members will not see again during their careers. One does not often see such legislation and usually an opposition would not support legislation that overrides people's rights and powers thoroughly and without accountability.

I wish the bill well, as I do the ministers, including the Premier and those who are given the task of handling any misadventure we may have with the Y2K problem.

**Mr LENDERS** (Dandenong North) — I also support the bill, and make some observations about where the debate has gone. Clearly there is universal agreement that the bill is a good and necessary thing. The event it addresses is approaching us, and it will not arise again for another 8000 years. Presumably the same debate will be conducted in 8000 years time, when the year goes from 4 to 5 digits, presenting whatever the Y2K problem will be called then.

Clearly the bill is necessary now, and it is safe because it has a sunset clause. To be absolutely frank, an identical bill would probably have been before us if there had not been a change of government after the 18 September election.

I welcome the contribution from the honourable member for Swan Hill, because in traditional National Party style he was far more pragmatic and less emotional and spoke with less hype than some of the other members of the chamber. His speech addressed many of the genuine issues and reflected the fact that the bill is not unusual. It deals with emergency circumstances. As the honourable member for Swan Hill said, the same sort of legislation applies to every agricultural product; the same sorts of powers are already available to the police force; and in the Westminster system we have a certain assumption that government ministers, particularly those of the Bracks Labor government, are trustworthy and prudent, as are the people to whom they delegate, especially the Minister for Transport.

I welcome the comments of the honourable member for Swan Hill. Honourable members should have a great degree of confidence in and be pleased to be debating and passing the measure. Without labouring the point, I mention that the bill has a sunset clause with a specific purpose — and there must be more checks and balances

on this government than there have been on any other government for a long time.

One can have confidence that the government will be acting in a more sane and sober fashion than any government at almost any other time in our history. First and foremost, we have a responsible and sensible government headed by a level-headed Premier. Secondly, the checks and balances are such that the government's legislative program is possibly under more scrutiny than that of any other government since the Dunstan minority Country Party government all those years ago. The government also has the double scrutiny of an upper house that is not particularly friendly to its legislative agenda. For all those reasons honourable members can have absolute confidence that no ministers will be running around on centenary evening, as seems to be a concern on the other side.

I refer to some of the obsessions reflected in today's debate. Having addressed the fact that there is a unanimity of purpose, I am intrigued that some people opposite who are new to this place — and I do not mean National Party members — have such an obsession with the scrutiny of bills. I would have thought the very absence of a scrutiny of bills committee is a reflection on a range of political circumstances, but it certainly does not in any way jeopardise this chamber's scrutiny of the bill. The bill has been debated since 2.45 p.m. today; it has had more scrutiny than most people would credit for such a short measure. The absence of a committee is not the fault of the government; it is due to a breakdown in the negotiation process between members of this chamber. It is a furphy to say that somehow presenting a bill that has not been scrutinised by members of a bills committee is a dangerous precedent.

I also note with some interest the obsession with section 85 of the constitution. The government can rest its argument on this not being a common procedure and this being a unique bill with a sunset clause.

I direct the attention of those in the chamber who have read any of the Tom Clancy works to *Executive Orders*, which was one of his best pieces of literature written in the past few years. The novel is about a series of situations in which the entire US congress and executive branch were killed by a Kamikaze pilot.

Legislation such as the bill is designed only to deal with the unexpected and extraordinary. Presumably, when 31 December 1999 comes, we will all — especially the ministers of the Crown — be going to New Year's Eve parties in a very prudent and sober fashion and presumably we will all get there; the traffic lights will

work; the planes will fly overhead; all the telecommunication systems will work; and the transition to 2000 will all go smoothly.

The reality is that the night of 31 December will be the biggest let-down of all time — because nothing will happen. We have gone through an absolutely thorough process of addressing the Y2K problem. I know from my contacts in the corporate sector that the amount of time and energy that has gone into getting it all in place has been extraordinary. The legislation is designed purely for the unforeseen circumstance.

Listening to the contributions to the debate from the senior members of the partnership opposite one would have thought that all truth and light has come from the previous government. I will respond to a few of the comments of the Leader of the Opposition and the honourable member for Doncaster. Firstly, they cannot have it both ways. Today I have heard many attacks on the Premier because he is not in the chamber listening to the debate or is not taking on the multimedia portfolio. Those attacks have come from the same people who in one breath are saying he cannot be both Premier and Treasurer and in the next breath are saying he must be Minister for the Arts, the minister for multimedia and the minister for everything else. There is only so much he can do. He is doing an excellent job, and he has a great team around him.

As the Premier is now in the chamber, I will move to another subject. The next item I address is the obsession opposite, particularly on the part of the honourable member for Doncaster, with the need to have the entire ministry sitting at their desks on millennium eve. In this day and age of high technology, and with such a good group of senior ministers, we could certainly rely on their communicating with the rest of their government and the world without having to sit in an office. I should have thought that the honourable member for Doncaster in particular would have had a far more high-tech view of the world than such an old-fashioned view as was expressed — that one must be sitting at one's desk at midnight while the rest of the world is going around!

I am sure that if he is at his desk at midnight on New Year's Eve the Premier would be delighted to know that he is sharing that great honour and experience with the Leader of the Opposition and the honourable member for Doncaster!

Given how close we are now to the transition to 2000, for the past few years every single repatriated Cobol and Pascal programmer in this state has been at work — on good rates — getting ready for 2000. Every

major corporation is clearly ready for the occasion, so we can look forward with a great deal of confidence to an enjoyable evening on 31 December, knowing also that if anything unforeseen occurs on that evening, if any glitches have got through the system, at least we have a prudent piece of legislation in place to deal with it.

We have a good government to administer the legislation; and the usual regular emergency service procedures will come into place to deal with any problem. We can be confident that there is no danger or reason for fear and we can be confident about the measure because the bill has a sunset clause. Fundamentally we can be confident that we have a decent government that sets checks and balances, that wants to do the right thing by the state, and will use the legislation prudently if it needs to do so.

**Debate interrupted pursuant to sessional orders.**

## ADJOURNMENT

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

### Trams: stops

**Mr LEIGH** (Mordialloc) — I raise for the attention of the Minister for Transport a matter concerning the Melbourne metropolitan tram system and the various companies that operate it. Even the *Age* now supports the concept of the privatisation of the tram system. Under the last Labor government a record number of trams sat still during the strikes of 1992. In the past two days the minister seems to have been somewhat confused about whether he is the shadow minister or the minister.

The minister has had access to the contracts concerning the privatised tram system since well back into his time as opposition spokesman on transport. On 17 November the *Herald Sun* ran a story on the axing of 50 tram stops: route 48 is to lose 7, the St Kilda route is to lose 2, route 86 to Bundoora is to lose 7, and obviously a number of other stops are to be lost. As the minister is aware, tram companies can incur significant penalties if they are not operating as they should be, including arriving on time for passengers. The minister would also be aware that the state has benefited in recent times from that arrangement.

After the *Herald Sun* published that article both the Minister for Transport and the Premier ran around town saying, 'It's that bad old Kennett government again and

its awful privatisation. There is nothing we can do'. Nothing was going to be done to improve the situation.

The former shadow minister, now the Minister for Transport, had the files. The minister has a responsibility to tram passengers and Melbourne road users to make the decision. It is not the responsibility of the tram companies. They have to come to him. By now he has the report. What is he going to do? Yarra Trams is about to be fined. Is the minister negotiating with Yarra Trams about what will take place? Will he agree to reduce the number of tram stops? Rather than saying it is the fault of the Kennett government, the time has come for the minister to tell the house what he is doing.

### **Racing: country clubs**

**Mr ROBINSON** (Mitcham) — I raise for the attention of the Minister for Racing the state of confidence in country racing around Victoria. I seek from the minister the necessary action to offer assurances to country racing clubs about their future and the role they will play in the broader Victorian racing industry.

Recently with the Minister for Racing I attended the Dunkeld race meeting at the southern end of the Grampians. It is the one race day of the year there, and 4000 to 5000 people were in attendance. The hospitality was first class. It was a very successful event, as is the case with all the annual race meetings in Dunkeld. I indicate my indebtedness to members of the Armytage family, who hosted the minister and me, and to the secretary of the Hamilton Racing Club, Mr Bill Picken, known to members of the house for deeds in a former life. About that we might say more at another time.

The very strong sentiment in racing circles is that in the past there has been a lack of direction from the government about the future of country racing and a want of confidence at a more senior level. That is regrettable because country racing has a great deal to offer. Although it is true that country racing clubs do not contribute the major proportion of turnover generated in the Victorian racing industry, they comprise the majority of clubs; some 55 of the 59 racing clubs in Victoria are country clubs. With apologies to the honourable member for Werribee, we are not sure whether Werribee is country or city, but we will work that out at a later time!

The concerns of country racing people are manifest. There is a lack of race days, a lack of security about the future and a lack of recognition by the city administration. The racing industry generally respects

the role of country racing but the previous government failed to deliver on the need for confidence in that industry.

I seek firstly the assurance of the minister that country racing has a vital role to play, and secondly, the assurance that the necessary steps will be taken to ensure that that message is received loud and clear in country Victoria.

### **Bass Valley Primary School**

**Ms DAVIES** (Gippsland West) — I raise an issue for the Minister for Education. Bass Valley Primary School has been housed in portable buildings for 20 years. Both previous Labor and Liberal governments must accept responsibility for that. The last state budget allocated \$1.563 million for a rebuild — or rather, a build. That offer was confirmed by the previous Minister for Education in a letter he wrote to the school on 6 May. Between May and September the figure of \$1.563 million seemed to shrink. It waxed and waned for a while, and despite some empty promises made by an honourable member in another place the figure seemed to settle at around \$59 000 less than that originally promised in the budget.

I ask the minister to clarify the amount to be made available to Bass Valley Primary School. I hope she will be able to lift the figure back to the original sum allocated in the budget earlier this year. Clarification is sought so that the school can finally complete its planning and end the uncertainty and considerable anxiety the school community has been put through because of the previous government's preparedness to prevaricate.

### **Gaming: problem gambling**

**Mr HOLDING** (Springvale) — I direct to the attention of the Minister for Gaming a report released on 11 November by Jesuit Social Services entitled *Asian Gambling — Family Losses: a Study of Gambling-Related Violence in the Vietnamese Community*. Will the minister inform the house of Labor's policies on problem gambling and the effects it is having on the Vietnamese community in particular?

The report highlights a range of issues, the most important being that the impact of gambling in Victoria and particularly the increase in electronic gaming machines has led to increased family violence in the Vietnamese community as its members have attempted to come to grips with the issue. In particular the report suggests that perhaps men are not attending services because they believe they cannot change or they may

think their gambling and drinking are acceptable. Underlying issues that men might be facing, such as trauma and torture from the refugee experience, loss of status, conflicts about their role in the family and unemployment, are therefore not addressed.

These people have fled often from traumatic experiences in their homeland. When they come to Australia they face a range of cultural, economic and social uncertainties. Those uncertainties and their impact, causing family dislocation and confusion about traditional roles, combine to create a great deal of conflict and uncertainty in the household.

Coupled with the impact of problem gambling, it sadly leads to a great deal of family violence. The report contains many meaningful recommendations to which I direct the minister's attention. I hope they can assist Labor's policy development process in the area.

### **Warrnambool courthouse**

**Mr VOGELS** (Warrnambool) — I draw to the attention of the Attorney-General the inadequacies of the Warrnambool courthouse. Further to the briefing note he so eloquently referred to and tabled on 11 November, will he concede that he did not fully identify the extent of the capital works projects referred to in that note? Will the Attorney-General confirm that the note clearly identifies the purchase of land for a new multi-jurisdictional court at Warrnambool under the heading 'New complexes'? Will the Attorney-General also confirm that the same note, under the heading 'Future work', also identifies the construction of a new Warrnambool court as only one of two priorities? As a new courthouse at the Wodonga complex has been previously funded, will the Attorney-General also agree that the Warrnambool court is not, as he stated on 11 November, way down the barrel, but considered by his department to be both significant and important and that the purchase of the land in Warrnambool will secure the site for the construction of a new court?

The following are but a few incidents that have occurred at the Warrnambool court during the past 12 months. On 28 October a defendant in the Magistrates Court, who was handcuffed in the only interview room, escaped through a window. In October, when a County Court jury was being empanelled, the members of the jury panel could not fit in the courtroom, so a number had to wait outside the door of the court. In September four defendants and their counsel in a County Court case could not fit at the bar table. Family law cases can be heard for only one week in Warrnambool; the rest have to go to Hamilton, which is 100 kilometres away. In July this year, Justice

Kellam, of the Victorian Civil and Administration Tribunal, was required to sit at the TAFE college. In superior court cases Warrnambool has seven County Court circuits compared with four in Mildura. The Supreme Court sits for two months solid in Warrnambool and one in Mildura.

In conclusion, the first priority is to secure a site for the new courthouse close to the police station; and secondly, provision needs to be made for a new courthouse in Warrnambool in 2000.

### **Buckley Street, Essendon: crossing**

**Mrs MADDIGAN** (Essendon) — I ask the Minister for Transport to investigate the current status of a pedestrian crossing in Buckley Street, Essendon. Buckley Street is well known as the border between the electorates of Niddrie and Essendon, so the crossing is in both. I understand it has been on the Vicroads waiting list for traffic lights for some years. As the minister is probably aware, over the past few years the City of Moonee Valley fared badly in the funding it received from the previous government. The year before last the city received no funds from Vicroads for road works, and last year it received minimal funding. When the funding was queried, the council was told that no funds were available because any funding in the area had to go to works associated with the City Link project. That did not impress the council because it had many concerns about City Link that were not addressed and have not been addressed to this stage.

The crossing is in a dangerous part of Buckley Street because the street rises steeply opposite Batman Street and is used heavily by school children in the area.

A public meeting took place some six months ago to discuss concerns about the number of accidents in the area and the constant danger experienced by the crossing supervisor in trying to protect children from being hit by cars. The angle of the road makes it difficult for motorists to see the crossing until they are right on it. People speed up Buckley Street believing they can quickly pass through the vicinity.

The area is frequently used by children. The Aberfeldie Primary School is in Batman Street and Our Lady of the Nativity, a Catholic primary school, is just around the corner. The Ave Maria kindergarten and the Ave Maria College are also in the area, which has a substantial elderly population.

The municipal councillors who spoke to Vicroads were told that the people who made the biggest fuss were most likely to get a crossing. Working on that premise, the people of Essendon would like to make a fuss! I ask

the Minister for Transport to investigate the status of the crossing and to advise when local people can expect to receive some protection from Vicroads.

### **School buses: Yarra Valley**

**Mrs FYFFE** (Evelyn) — I refer the Minister for Transport to the plight facing 70 year 6 children in the electorates of Evelyn and Seymour in gaining access to the school contract bus service. Most schoolchildren at that level are coming to the end of their primary schooling and looking forward with excitement and apprehension to the move to senior school. Many students have met their new teachers and their parents have bought new school uniforms and books.

However, the 70 children whose parents have chosen to send them to a non-government Catholic school at Lilydale do not have the surety of knowing which school they will be attending next year. Students from Mount Lilydale College have been travelling on the contract bus service for more than 50 years. Those seeking permission to travel on the contract buses experienced difficulties this year, with permission not being granted until March.

The Department of Infrastructure has advised parents that the situation will be worse next year. There is a strong possibility that passes will not be issued for any new enrolments at non-government schools. According to the department a decision will not be made until late February 2000 at the earliest. Some 35 of those 70 children already have siblings attending Mount Lilydale College. It is important that they attend the same school as their brothers and sisters.

Many of the students not only live in parts of the Yarra Valley that are not serviced by public transport but also have no access to it. In some cases those students who live in areas serviced by public transport will be forced to hang around schools or local shopping centres for up to an hour while they wait for public transport. That is an unsafe practice that must be avoided.

It is wrong that young people who already face making the difficult transition from small rural schools to much larger secondary schools are unaware of which school they will be attending next year. I ask the minister to urgently consider the issue so that those children and their parents can confidently plan for the new school year.

### **Geelong: tourism**

**Mr TREZISE** (Geelong) — Tourism is a major industry in the electorate of Geelong. The region has many natural assets whose value can be maximised for

the future. I refer the Minister for Major Projects and Tourism to the importance of government boards being prepared to listen to the needs of country Victoria. It is vital that the government take heed of local wisdom. That highlights the importance of the community cabinet meeting last week — and I look to the Premier in saying so — when the government began the process of listening to the people, something that the former Kennett government did not do during its seven years in power.

When speaking about tourism in Geelong I refer not only to Eastern Beach, where the former Premier used to stand and talk about merry-go-rounds, cafes, restaurants and boutique casinos, but also to real tourism projects for the Geelong region.

I ask the minister to visit the Geelong region and seek the advice of diverse industries such as those involved in ecological tourism. I ask that he and departmental officers seek first-hand advice from people in the tourism industry so that tourism in Geelong can be enhanced. I seek the minister's commitment to such an approach.

### **Bellarine Peninsula: gas supply**

**Mr SPRY** (Bellarine) — I direct to the attention of the Minister for State and Regional Development the extension of natural gas to Portarlington, Indented Head and St Leonards on the Bellarine Peninsula. In 1993 the Kennett government introduced legislation to make it possible for isolated rural communities, in particular, to enjoy the benefits of natural gas, albeit at a non-uniform tariff. Since then many rural communities have taken advantage of that opportunity.

The minister is aware of the situation in north Bellarine because a couple of years ago he attended a public meeting on the issue held at the St Leonards bowling club. I am pleased that Labor has singled out my electorate for special attention through its subsidisation of a private gas company's construction of a gas main. The residents of hundreds of Victorian towns will take a keen interest in that precedent.

However, there is confusion about when gas will become available. The residents of Portarlington, Indented Head and St Leonards are looking for answers. My colleague in the other place, the Honourable Ian Cover, has asked a series of questions of the new Minister for Energy and Resources and has received some unexpected answers. At first the minister said it was not part of Labor's election commitments. She later said it was, but, by contrast, that it was not

part of Labor's policy. Her distinction escapes me — it must have been subtle.

The minister's attention was directed to the fact that the Labor candidate for Bellarine, Ms Kerri Erler, is reported to have said on 16 September, when the private gas company subsidy was announced by the minister, that the decision meant gas could be turned on within the first year of a Labor government. At this stage it got a bit much for the Minister for Energy and Resources in the other house and she referred the matter back to the lead minister who had made the commitment in the first place — that is, the Minister for State and Regional Development.

I acknowledge the tremendous work that the Bellarine North natural gas committee has done in the past 12 months. Was the Labor Party candidate for Bellarine, Ms Erler, correct when she said gas would be available in 12 months or was she merely pork-barrelling to gain extra votes in my electorate?

### Footscray Primary School

**Mr MILDENHALL** (Footscray) — I direct to the attention of the Minister for Education a matter concerning Footscray Primary School. The school was allocated more than \$300 000 for urgent repairs under the physical resource management system but the previous government said, 'No, even though the repairs are needed urgently you cannot spend it until you agree to demolish the most recently constructed building, called the grey building. After you demolish that building you will demolish the staffroom, the school canteen and the art room, but we will not replace those facilities in any upgrade'.

In addition, the Maribyrnong business centre, which provides a vital business incubator program, has looked at the grey building and said, 'The building may be surplus to the school's needs but it could play a valuable role in the community. We will lease it from the department, provide employment for local people and maintain the building, and it can stay part of the vital community infrastructure'. The department was most reluctant to consider either that proposal or a total upgrade of the school that would allow the art room, the canteen and the staffroom to be relocated into the main building.

I ask the minister to intervene in and investigate the matter to achieve a win-win situation by which a vital community project could be located in the surplus building at the school. That would allow vital new businesses and employment to be created in an area that has a high level of unemployment.

At the same time, I ask her to review the priority of the total upgrade of the school. I understand the cost is around \$600 000 — not a large amount in this day and age. Such action would result in both the continuation of a vital community enterprise and an upgrade of an historic school in Footscray, parts of which were constructed in 1865. It is located on the corner of Barkly Street and Geelong Road, and as the honourable member for Mitcham said, it is a landmark in the area.

The matter warrants close attention. I hope that with the change of government commonsense will prevail and the bureaucratic barriers that have prevented the upgrading of the school will be overcome.

### Seniors Card

**Mrs PEULICH** (Bentleigh) — I raise a matter for the attention of the Minister for Aged Care. Unfortunately I did not have an opportunity to forewarn her, but I am grateful for the time that is available. I am sure the matter is close to her heart in the closing months of the International Year of the Older Person and would be of interest to her because of her association with the Family and Community Development Committee, of which I was a member.

The matter was drawn to my attention by an elderly constituent. As the minister would appreciate, the Bentleigh electorate has many older residents, as its population profile demonstrates — it has the third highest number of people over 65 in Victoria. Following a fairly extensive interstate and overseas trip — it was not just to Tasmania — the constituent has raised the idea of reciprocal rights for Seniors Card holders. She was flabbergasted that some states in the United States of America extended to her the sorts of entitlements she has with her card — obviously some of the benefits are not huge, but to people who are on fixed or limited incomes they are certainly worth while — but was disappointed that those entitlements are not available in other Australian states.

The constituent asked whether ministers responsible for aged care in other Australian states could be asked to consider establishing reciprocal rights to extend the benefits of Seniors Card holders. In the closing months of the International Year of Older Persons this positive initiative would be welcomed, not only by many of the constituents of my electorate but also other older Victorians. It is a practical and achievable goal. I urge the minister to follow through by liaising with her counterparts in other states.

### Eastern Freeway: extension

**Mr PERTON** (Doncaster) — I raise for the attention of the Minister for Transport a matter concerning the Eastern Freeway. Last night the shadow Minister for Transport and I met with the residents of Savaris Court, who are concerned that their properties are being blighted by the early release of the Howard Croft report. I ask the minister to visit the residents of Savaris Court as the shadow minister did, or to receive a delegation at Parliament House.

### Responses

**Mr BATCHELOR** (Minister for Transport) — Transport is a truly popular event at the nightly adjournment debate, which shows how the previous government neglected transport issues.

*Honourable members interjecting.*

**Mr BATCHELOR** — ‘Hear, hear!’, the chamber says. The previous government neglected roads and public transport and your performance tonight is a sad — —

**The SPEAKER** — Order! The Minister for Transport will direct his remarks through the Chair and not across the table.

**Mr BATCHELOR** — The honourable member for Essendon raised a request from her local community for pedestrian lights to be installed in Buckley Street, Essendon. She said the area had been victimised and discriminated against by the previous government, which was not prepared to consider community needs in her electorate or adjoining electorates because it wanted to divert money available for road management to the City Link project.

According to the previous Treasurer, the City Link project — supposedly private — has consumed some \$300 million of road improvement funds. Around \$20 million was spent on the gateway treatment — a monument to the former Premier’s ego. But the former government was not able to address important community issues such as traffic lights in Buckley Street, Essendon for school children, the elderly, and parents and toddlers on their way to the kindergartens.

The honourable member for Essendon asked me to investigate the matter and advise her on the priority of the project on the Vicroads list. I undertake to investigate the matter and report back to the honourable member.

In a similarly constructive manner, the honourable member for Evelyn raised the problem of children’s access to a school bus to Lilydale. There has been a good deal of ministerial correspondence on the matter in recent times, but it may have been raised with me through a letter from an action group or a representative community group. It is currently being investigated. When the matter is reported to me I will make the details available to the honourable member for Evelyn and to the community group that raised it with me independently.

In stark contrast, the honourable member for Mordialloc rambled incoherently, so much so that I am not sure whether what he said constituted a formal contribution to the adjournment debate. I was tempted to raise a point of order, but I felt it would be more — —

**Mr Leigh** — What are you going to do? You can make the decisions.

**Mr BATCHELOR** — What am I going to do? What an embarrassment the honourable member for Mordialloc is. He is a longstanding member of this Parliament, having represented two electorates, yet he does not even know how to properly raise a matter during the adjournment debate. New members on his own side can competently raise adjournment matters, but the honourable member still cannot.

In the most incoherent ramblings I have heard during an adjournment debate this session, the honourable member attempted to raise a clutch of issues. I do not know what they were about, because he was absolutely incoherent. However, they appeared to relate to an article in the *Herald Sun* of 17 November. He has taken all that time — from then until today, 23 November — to try to understand what the newspaper article meant. Because he has been unable to figure it out he has asked me to interpret it for him.

**Mr Leigh** — On a point of order, Mr Speaker, everyone wants to know whether there will be more tram stops or fewer — yes or no.

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

**Mr BATCHELOR** — QED! I do not know how the opposition puts up with the honourable member for Mordialloc. I am grateful that he is the hand-picked choice of the Leader of the Opposition, who said that of all the members of the opposition he wanted the honourable member for Mordialloc to act like an idiot every night in this place.

The honourable member raised several points about a Yarra Trams proposal set out in a secret internal document to axe tram stops from a number of tram routes. I want to know what the proposals are and whether they represent the thin end of the wedge. The Yarra Trams network extends to the no. 86 tram to Bundoora; the no. 11 tram to West Preston; the no. 96 tram to East Brunswick; the no. 109 tram to Port Melbourne; the no. 75 tram to East Burwood, where a by-election is under way — the honourable member does not even understand the significance of what he has raised; the no. 70 tram to Wattle Park, in the same general region; the no. 48 tram to North Balwyn; and the Mont Albert tram. The proposal affects a large part of metropolitan Melbourne.

The Yarra Trams proposal was revealed in an article in the *Herald Sun* of 17 November. On the radio that morning the sycophantic honourable member for Mordialloc justified the proposal to remove certain tram stops. Not only has he taken all this time to read a newspaper article, he has the temerity to ask for the article to be explained to him. He has already been on the radio telling the community it is a good idea. I do not think it is a good idea. I have already told Yarra Trams publicly and privately that my base position is that the current tram stops ought to stay, and that in justifying the proposal it must put to me a strong public interest argument as to why the tram stops should be removed.

The honourable member for Mordialloc obviously received a telephone call early on the morning of 17 November and responded off the top of his head by saying that it was a good idea to get rid of tram stops. He said, 'I will go on radio and support you, Yarra Trams'. The honourable member did not have any documents, did not see a report and did not understand the contents of the newspaper article.

The honourable member can rant and rave in performing to his audience, but he ought to turn around and look at his colleagues. If he did he would know that they are not impressed by his performances. The government wants the honourable member to stay on because he is a gift — the hand-picked gift of the Leader of the Opposition. As a member of the previous government the honourable member for Mordialloc voted for and approved of the Yarra Trams contract.

All these months later the honourable member for Mordialloc comes into the chamber and wants me to tell him what he voted for. What a disgrace he is! Jeff Kennett said, 'Put up your hands', and he comes in all these months later and asks, 'Peter, what did I vote for?'. What an idiot!

I will give him a clue. The power in the contracts to approve or reject the axing of the tram stops rests with the Director of Public Transport. If the honourable member for Mordialloc had paid any attention to his shadow portfolio or to the discussions in the party room instead of merely putting up his hand because the former Leader of the Liberal Party told him to, he would understand the most basic parts of those contracts. The Director of Public Transport has the power to accept or reject the axing of the tram stops, and almost everyone in Parliament knows that is the case.

I have already had a meeting with the representatives of Yarra Trams, and I put forward my views to them forcefully. They said they did not want to proceed with the proposals that were circulating in the media. Notwithstanding the solid and instantaneous support given to them by the honourable member for Mordialloc they have decided to back away from the proposal. They have left him standing out there like a shag on a rock as the only person in Melbourne who wants to axe those tram stops.

The honourable member for Doncaster raised the issue of Savaris Court and the proposal put forward by the previous government to bulldoze the homes in that street to make way for the extension of the Eastern Freeway. I will take the request to meet with a delegation of the residents on board, and I will look at the availability of time in the next couple of weeks. It is an important matter, and I understand the residents' concern. I also understand why the honourable member for Doncaster has raised the issue with me in an effort get it resolved. However, I point out that the proposal to bulldoze those homes resulted from a process that was designed to produce a different outcome. The honourable member for Doncaster will know the former government has been caught out by the issue.

I have asked Vicroads to supply me with not only the proposals that were put forward by the previous government, which included the bulldozing of the homes in Savaris Court, but also some other options and costings. The government intends to make the proposals available to not only the residents of Savaris Court but also the residents in that corridor generally so they can engage in rational community consultation about the many issues that affect the residents of the street, other people concerned about the environment and any others who may wish to make their voices heard on the extension of the freeway and its route.

I acknowledge that the issue needs to be addressed quickly, and I will do so as quickly as I can. As soon as the government has garnered all the information it will

be made available so the people concerned are given more than the restricted choice they were offered under the original proposal.

**Ms PIKE** (Minister for Aged Care) — The honourable member for Bentleigh has rightly drawn the attention of the house to the International Year of the Older Person, which has been a marvellous year with many programs and activities designed to draw attention to the participation of older people in the community. The theme of 'A Society for All Ages' has looked at ways in which the active participation of older people in the community can be facilitated so that all generations can embrace the contribution that older people make to society.

Using the Seniors Card is one way older people can have that kind of enhanced participation in the community. Holders of Seniors Cards can access public transport, go to the movies and to many tourism facilities, and receive special discounts on certain goods and services. Many Victorians are proud to be Seniors Card holders and enjoy them very much.

The honourable member for Bentleigh has also rightly drawn the government's attention to the fact that Victoria does not currently enjoy reciprocal rights with other states for the use of Seniors Cards. Victorian Seniors Card holders can use their cards in Victoria, but when they go interstate they are not able to enjoy the same benefits. My parents, who are South Australians, hold Seniors Cards from that state, but when they come to Victoria they cannot use them.

That is a dismal situation. It is unfortunate that the previous government was instrumental in axing the reciprocal relationship that previously existed between states. In spite of all the rhetoric of the former government about encouraging tourism to Victoria — and I remind honourable members that senior citizens across Australia constitute the growing number of people known as the grey tourism band — and Victoria being open for business and wanting people to come here, it was not prepared to offer reciprocal rights to Seniors Card holders from other Australian states, resulting in the whole nationally integrated program falling apart.

The Labor government is committed to raising this issue with its colleagues in other states. It believes a national framework is in everybody's interests and wants to open up dialogue and discussion. I will be happy to raise the matter with my department and obtain a briefing so the government can look at how it can facilitate that kind of conversation and consultation.

**Ms DELAHUNTY** (Minister for Education) — I am responding to a matter raised by the honourable member for Footscray concerning the use by the Department of Education, Employment and Training of a historic building on the Footscray Primary School site. I am advised the building is currently surplus to school requirements.

Initially the honourable member for Footscray was told that the department was reluctant to lease the spare building for the purposes of a vital community project, even though the project was supported by the Maribyrnong City Council. I am informed that the project was a business incubator. All honourable members would appreciate that the unemployment demographic in the electorate of Footscray is high and that a project such as a business incubator would have valuable social effects. I am informed that under the previous government the department was reluctant even to examine the feasibility of the building being used for that vital community project.

I undertake to examine what appears to be a sensible solution to the problem — that is, using valuable education department property for a useful social project. I will examine the situation and invite the honourable member for Footscray to participate in discussions between representatives from the department, the local council and Footscray Primary School in an endeavour to achieve a win-win situation by using the property successfully and encouraging the establishment of the business incubator, which is clearly needed in the electorate of Footscray.

The second issue, raised with me by the honourable member for Gippsland West, is a disturbing story concerning Bass Valley Primary School being placed on a merry-go-round by the previous government. About six months ago the school was informed that it had been allocated \$1.563 million for its rebuild. The allocation was announced publicly and planning in accordance with that amount commenced. Subsequently, however, according to the school, the amount promised started to erode for some unknown reason. It went down and down to \$1.447 million. Then, just as inexplicably, it crept up again to about \$1.595 million, and that amount was declared to be the original signed-off project budget figure.

After that, in August 1999, about a month before the election, there was another yo-yoing of the funding allocation, this time down again to \$1.504 million. The school pointed out to the previous government that the new figure was at least \$59 000 less than the amount originally publicised and announced by the minister, my predecessor.

As well as to the yo-yoing up and down — substantially down — of the figure, the local upper house member, the Honourable Ken Smith, wrote a letter to the school in which he insisted that the agreement between the previous minister and the school had been put in writing by the department. Despite those assurances by the Honourable Ken Smith, however, the written memo remains unsighted by either the department or the school, notwithstanding public announcements made again and again.

**Ms Davies** interjected.

**Ms DELAHUNTY** — Yes, a vanishing memo and a promise being constantly eroded and changed.

That is the way the previous government treated our schools. It did not care about them, about the volunteers who work on school councils, about the amount of effort put into proposals or about the amount of planning required. That treatment was an insult to Bass Valley Primary School, to the children who attend the school and to their parents.

I can now clarify for the honourable member for Gippsland West the exact status of the rebuild. An amount of \$1.563 million was indeed approved by the previous government. I can assure the honourable member that despite the high jinks and, in particular, the nasty little revision downwards just before the election, the money has been budgeted for and ticked off, and it will be delivered to the school so that the rebuild can proceed and the anxiety of school community members is alleviated.

**Mr BRUMBY** (Minister for State and Regional Development) — The honourable member for Bellarine raised the matter of the extension of natural gas to the northern Bellarine Peninsula, and in particular to the townships of St Leonards, Indented Head and Portarlington. Those areas of the northern Bellarine Peninsula were going to be connected to gas, and when the gas industry was publicly owned and under the policy settings of the previous Labor government they could have expected to be joined up to the natural gas grid within a reasonable period.

However, with the election of the Kennett government in 1992 and the subsequent privatisation of the gas industry, the extension of natural gas to those areas was put on hold indefinitely. Consequently the residents still rely for heating on either electricity or bottled gas, which currently costs approximately \$50 to \$60 a bottle.

I am familiar with the issue because in 1998, along with the honourable member for Geelong North, I attended a

public meeting at the bowling club at St Leonards. I was invited to address the meeting because the residents of St Leonards, Portarlington and Indented Head were getting pretty angry. In fact, they were getting extremely angry at the continued failure of the Kennett government, and particularly their local member, the honourable member for Bellarine, to support them in their efforts to get natural gas connected to the northern Bellarine Peninsula.

I remember the meeting well because I addressed it. The honourable member for Geelong North also addressed the meeting, and we both committed ourselves to doing everything in our power to help the residents to get natural gas connected, as was their basic right. During the meeting I was amazed that when the honourable member for Bellarine was asked whether he would support the local residents and make an approach to the then Premier to see if the state government would assist in connecting the area to natural gas his answer was no. He offered no assistance to the residents.

**Mr Spry** — On a point of order, Mr Speaker, the question I asked of the minister was quite explicit. I asked him to address the issue of whether he would force the natural gas through to the people of Portarlington, as they expect, within the next 12 months. The minister is debating the issue and getting right off the track.

**The SPEAKER** — Order! The honourable member for Bellarine cannot use a point of order to restate his question. The minister's response was relevant to the matters raised by the honourable member for Bellarine.

**Mr BRUMBY** — Anybody who is familiar with the Bellarine Peninsula would know that towns at the bottom of the peninsula — Clifton Springs, for example — were connected to natural gas by the former Labor government. The other areas missed out during the years of the Kennett government when the honourable member for Bellarine has been the local member. Townships along the north Bellarine Peninsula got absolutely nothing. When the honourable member was asked to help he said no, he would not even try. He would not go to his government and would not help to have natural gas connected.

The residents have a special case. Many of them are elderly; Portarlington and Indented Head are great areas in which to retire. Many of the residents travel north in the winter, so when the gas company did its numbers under the Kennett government policy they did not add up, and the gas company said it would not extend the gas reticulation.

At the meeting to which I have referred these matters were raised with me by the honourable member for Geelong North, an honourable member for Geelong Province in another place, Mrs Carbines, and the Labor candidate for Bellarine, Kerry Erler. Consequently earlier this year I met with members of the Gas Action committee to listen to their case.

I contacted the Geelong council and also spoke to the gas company. As a result, in the state election campaign the Labor Party committed \$1.5 million from the regional infrastructure development fund towards the cost of extending natural gas to the northern Bellarine Peninsula. That commitment was made, and that commitment will be honoured. The only thing that is motivating the honourable member for Bellarine tonight is a five-letter word — spite. For seven years he did nothing for the people of those areas.

**Mr Leigh** — On a point of order, Mr Speaker, I believe the minister should not refer to another member of the house, who is only doing what he regards as his duty in the chamber, by using words such as ‘spite’.

**The SPEAKER** — Order! What is the point of order?

**Mr Leigh** — I do not believe it is appropriate that he should be using words such as ‘spite’. It is not true.

**The SPEAKER** — Order! The honourable member for Mordialloc has raised a point of order, but the Chair has difficulty in understanding what he is actually raising. If the matter he is raising is that the minister is using offensive language, I find that there is no point of order and I will continue to hear the minister.

**Mr Spry** — On a point of order, Mr Speaker, I object to the inference that my character is spiteful. There is not a spiteful bone in my body, and I ask the minister to withdraw that statement.

**The SPEAKER** — Order! Is the honourable member for Bellarine saying that he found the words used by the minister offensive?

**Mr Spry** — Absolutely.

*Honourable members interjecting.*

**The SPEAKER** — Order! Is the honourable member for Bellarine asking that the words be withdrawn?

**Mr Spry** — He is, Mr Speaker.

**The SPEAKER** — Order! The honourable member for Bellarine has said that the words used by the

minister are offensive to him and asks that they be withdrawn.

**Mr BRUMBY** — Mr Speaker, I would be happy to comply with the Chair. However, when he checks *Hansard* the honourable member for Bellarine will find that his ears need a good clean out and that I did not refer to him as spiteful. The *Hansard* record will confirm that.

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Bellarine! The house is getting itself into difficulties similar to those it got into last Thursday. The tradition of the house is that when a member finds words used by another member offensive, the member that used the words withdraws them. The record will show the situation when it is read in the calm light of day. I ask the minister to withdraw.

**Mr BRUMBY** — Mr Speaker, I withdraw.

The residents of Bellarine, particularly north Bellarine, will draw their own conclusions about the motivation of the honourable member for Bellarine. My point is this. In seven years not one centimetre of natural gas pipeline was laid in this man’s electorate — not one centimetre. We have done more in two months than this member did in seven years!

**Mr Leigh** — On a point of order, Sir, the minister used the words ‘not 1 metre was laid in this member’s electorate’. He should refer to the honourable member in the way he is supposed to be referred to in the house — as the honourable member for Bellarine.

**The SPEAKER** — Order! The honourable member for Mordialloc is now beginning to raise frivolous points of order. I do not uphold the point of order. I ask the minister to conclude his answer.

**Mr BRUMBY** — A commitment was made to provide \$1.5 million from Labor’s \$170 million regional infrastructure development fund towards the project. The legislation to establish that fund has been introduced and will be debated next week. On the assumption that the bill is passed in this house it will be conveyed to the other place and should be law by the end of the year. I assume the opposition parties are prepared to support it.

On that basis applications for funds will be advertised early next year and the Department of State and Regional Development will consider them. That will take some months. As the honourable member for Bellarine would know if he read the *Geelong Advertiser*

because it printed an article on the subject, I anticipate that the project will be undertaken, and when an agreement between the government and the gas company is agreed upon the government's \$1.5 million will be forthcoming. The challenge is with the gas company to ensure its commitment is forthcoming. On the assumption it is, the project will commence next financial year.

**Mr HULLS** (Attorney-General) — The honourable member for Mitcham referred to country racing and mentioned that he and I attended the Dunkeld races recently. As Minister for Racing I was invited to the Sandown Cup on the same day, but why be at Sandown when one can be at the Dunkeld races? It was a great meeting. Dunkeld is at the foot of the Grampians in the shadow of Mount Abrupt. The horse that won the race was called Another Chance, something members on the other side may not get. It was trained by a well-known local trainer and keen Labor supporter!

The point of going to Dunkeld was to confirm to all Victorians that country racing is the lifeblood of many country towns. A great crowd attended that race meeting. Peter Armytage, a well-known identity in racing circles, unfortunately was unable to attend because he had been bitten by a spider — obviously a Liberal spider — and was ill. However, his son, who is president of the local club, was there and was most hospitable to the honourable member for Mitcham, me and a number of others.

Unless there is vibrant country racing in Victoria there will not be strong metropolitan racing. It is crucial that there be an increased focus on country racing. As the Minister for Racing I have made it clear at every race meeting that I want to ensure that country racing not only survives but thrives. Unfortunately certain people involved in the industry look at the bottom line when it comes to country race meetings, but they must understand there is more to the bottom line than that.

Country clubs are huge employers in country regions and are the lifeblood of many country towns. As racing minister I will continue to plug country racing and to do what I can to ensure that it thrives. One has only to look at the recent annual review of Racing Victoria to see some of the excellent country clubs around the state that have won awards. The Kyneton District Racing Club won the country racing club of the year this year. I recall that as shadow Minister for Gaming I attended a Kilmore race meeting with the honourable member for Broadmeadows.

Again, the hospitality shown on that occasion was typical of country hospitality. I cannot remember

whether the honourable member for Broadmeadows backed a winner; I certainly did not, but nonetheless the whole town turned out to that meeting. That is what country racing is all about. So we will do what we can to ensure that country racing thrives.

While I am on the topic of the Dunkeld races I wish to thank Billy Picken, the ex-football star, who is secretary of the Dunkeld Racing Club and also of the Hamilton Racing Club. He did a fabulous job organising this annual race meeting — and while I am here I'd like to send a cheerio to my mum!

The honourable member for Warrnambool raised the issue of the Warrnambool courthouse. It is very interesting when a new government takes over the running of the state and looks at what the previous government did and failed to do. Although we have been in government for only about a month, it is astounding to see the amount of lobbying that has taken place during that period, particularly by members of the now opposition, to get certain things done in their electorates. For seven years they had the opportunity to get things done, but because of the one-man band nature of the previous government they were unable to achieve very much. It is only now that they have a more inclusive, consultative government that they regularly come with their begging bowls, not just asking us to fix up matters in their electorates but impatiently wanting to know when they will be fixed up.

It is an absolute disgrace, considering what the previous government did about the Warrnambool courthouse, for the new member for Warrnambool to be wanting something done about it almost yesterday, when the previous government had seven years to fix it up. Only during an election campaign when there was a blue between the Liberals and the Nationals did the former Premier, Mr Kennett, go down to Warrnambool and promise \$7.8 million for the Warrnambool courthouse. The fact is that the Warrnambool court was not at the top of the priority list, as I understand it, and, as the honourable member would know, I produced a list that showed that the Mildura and Wodonga courthouses are at the top of the list. I should advise all people living in the Warrnambool community that the \$7.8 million commitment was totally unfunded. It was a hollow promise that I do not believe the former Premier ever meant to keep.

The Bracks Labor government is not in the business of making hollow promises and pork-barrelling to try to get particular candidates up. The fact is — and I am on the public record as saying this — that if the honourable member does not understand it he should go back to his local community and make it quite clear: Warrnambool

will be looked at by the government and by me as Attorney-General as one of a number of urgent priorities, but Mildura is before Warrnambool.

**Mr Leigh** — We know why!

**Mr HULLS** — Let's not kid each other about this. The former Premier went down to Warrnambool in an attempt to pork-barrel, to get his Liberal candidate up. He made a hollow promise that was unfunded.

I am very keen to come down and have a look at the Warrnambool premises. The honourable member who raised the issue has not had the courtesy of raising this matter with me face to face; in fact he has left it to the President of the upper house, who showed some courtesy by raising it with me at, of all places, the Dunkeld races! The President was at the races and took the opportunity to mention the Warrnambool courthouse to me. He said the Leader of the Opposition — the local member for Dunkeld and the honourable member for Portland — could not be there because he was at the state conference doing a backflip — —

**Mr Perton** — On a point of order, Mr Speaker, on a number of occasions in his response the minister has referred to the fact that the honourable member for Warrnambool is a new member. Mr Speaker, you have a right and a duty to indicate to all members of the house that the adjournment debate is an appropriate occasion for members to raise matters of concern to their constituents. Members do not have to raise matters privately with a minister. It is done occasionally, but a member has a right to raise a matter in the adjournment debate.

While the Attorney-General is entitled to be belligerent, there are certain courtesies to be observed in the adjournment debate. Mr Speaker, I ask you to make it clear that the adjournment debate is an appropriate forum for members to raise matters of concern to their constituents.

**The SPEAKER** — Order! There is no point of order. The matter the honourable member for Doncaster raised has not come into question in the response the minister has been giving.

**Mr HULLS** — In winding up I mention that the local ALP branch at Warrnambool has invited me to look at the state of the courthouse. I am keen to do that at the earliest available opportunity. If the needs of the Warrnambool courthouse are seen by me as Attorney-General and by the government as a priority, the matter will be viewed in light of that priority, but I reiterate that I will not kid the people of Warrnambool.

Mildura is a higher priority than Warrnambool. That courthouse will be dealt with, and Warrnambool will be dealt with in due course.

**Mr PANDAZOPOULOS** (Minister for Gaming) — The honourable member for Springvale raised with me the recently released Jesuit Social Services report entitled *Asian Gambling — Family Losses: a Study of Gambling-Related Violence in the Vietnamese Community*. The honourable members for Footscray and Richmond and a few other members including me have large Vietnamese communities in our electorates. We are all very concerned about the recommendations in the report and the issues it highlights.

The report has made 12 recommendations. The issues are complex and obviously do not relate only to the services the state government can provide to assist communities to deal with problem gambling. Although the report is focused on the Vietnamese community, I am sure its findings would be replicated in many other communities — not only non-English-speaking communities. Governments have a role in assisting communities to deal with this complex issue.

Many of the recommendations in the report highlight the lack of support from the federal government in welfare areas that fall within its responsibilities — for example, in programs such as Grant in Aid and in employment programs that impact on the Vietnamese community. It is interesting that 6 of the 12 recommendations refer to cases where the federal government is failing to provide the welfare-type support that communities need.

The other recommendations relate to the state government. The government is very much focused in its election commitment policies to swinging the pendulum back to greater and better regulation that will ameliorate the impact of gambling on all communities, not just the Vietnamese community. Some of the issues raised are common to all communities. For example, there is much focus on what the role of local government should be and on local government having more of a say on whether applications are approved by the Victorian Casino and Gaming Authority. Our policy states that we will give more authority to local councils, allowing them to have a say.

Gaming impacts on some communities more than others. Gaming machines are concentrated in low and middle socioeconomic areas and that concentration impacts severely on certain communities. The impact on the City of Maribyrnong, on which the report focuses, is significant. I recently met Phong Nguyen,

the executive officer of the Springvale Indo-Chinese Mutual Assistance Association (SICMAA), who is also president of the Vietnamese Community Association in Victoria. The entire Vietnamese community looks to Phong Nguyen to express its united views about the services and support it needs from the government. He has certainly been doing an excellent job at SICMAA with very little support from the state or federal governments.

I was recently talking with the Minister for Community Services, who is the minister responsible for problem gambling services and the advertising campaign. I inform the honourable member for Springvale that we have agreed to meet next week with staff of the Department of Human Services to review the problem gambling and advertising programs. The government is greatly concerned that there is no ethno-specific funding for organisations such as those representing the Vietnamese community. They directly assist members of their own communities who recognise they have a problem and need assistance and come to them for support. At the moment no resources are provided to those organisations. The government cannot reach out to those communities unless ethno-specific funding is available.

The information on problem gambling in languages other than English is limited. Certainly the advertising campaigns do not adequately cater for or target particular ethnic communities.

**Mr Perton** interjected.

**Mr PANDAZOPOULOS** — The honourable member for Doncaster wants to interject.

**The SPEAKER** — Order! The minister will ignore the interjection.

**Mr PANDAZOPOULOS** — Members on the other side of the house were in government for seven years but never properly dealt with problem gambling. Programs were severely underfunded and ineffective. I will certainly report to Parliament on the ineffectiveness of those programs.

The report highlights the lack of research on the impact of gambling on ethnic communities. It also highlights the urgent need for research on gambling-related violence. I certainly want the Victorian Casino and Gaming Authority to consider the recommendations made in the Jesuit Social Services report. The government wants that research to be independent of the authority. At the moment the government is considering how that can be achieved and how to

ensure that adequate research is carried out in key target areas to ameliorate the impact on ethnic communities.

The report also highlights the inadequacy of the Community Support Fund. Part of the government's policy is to review the Community Support Fund, to provide adequate funding for problem gambling and to return revenues to local communities. I assure the honourable member for Springvale — it is a matter I take very seriously — that the report is serious and Parliament needs to consider the issues it raises in great detail. The Bracks government is very much committed to addressing the impact of gambling on all Victorian communities.

The honourable member for Geelong raised with me as Minister for Tourism the need for government and decision-makers, including tourism decision-makers, to listen to local communities to identify the issues of concern facing tourism operators and local councils as well as the infrastructure projects that are important and will make a difference to local communities.

In the short time I have been in government I have visited many communities, including Mansfield, Geelong and Ararat. The government is very much committed — as it was in opposition — to visiting and listening to local communities in both country Victoria and the suburbs.

The honourable member would be aware that in the election campaign the then opposition committed \$12 million in capital works funding in the Geelong central business district to create a more positive outlook in Geelong.

On my recent visit to Geelong I was informed that the previous government had rejected applications made under the Community Support Fund for the bollard project at Steampacket Place and Eastern Beach.

**Mr Baillieu** — They are all in place.

**Mr PANDAZOPOULOS** — The honourable member for Hawthorn says they are all in place. On my visit to Geelong on Monday I had extensive meetings with the people involved with the project, including the members of Geelong Otway Tourism. They said there is much work to do on the bollards, and they expressed surprise that such a unique project, which is doing its bit to put Geelong on the tourism map, missed out on funding. The Community Support Fund has been used as a slush fund for inner city projects rather than to provide funding for places such as Geelong, which has a high number of gaming machines.

I advise the honourable member for Geelong that I will continue visiting local communities. I want to spend a lot more time in the Geelong region, which is a unique destination in its own right. I was pleased that Geelong Otway Tourism received another award as part of the national tourism awards that were presented only a week or so ago. Victoria can learn a lot from the cooperative arrangement entered into by tourism operators in the Geelong region, which includes the Great Ocean Road and the Twelve Apostles.

I have been advised by the Tourism Victoria board that it will be visiting the Shire of Colac–Otway on 1 December to meet with local tourism operators. It is pleasing that the board wants to visit the various parts of our state to get a better idea of the issues.

The government will have a stronger focus on regional and country tourism. It will examine its marketing programs to ensure not only that people come to Melbourne but that they get out of Melbourne to look at some of the great things outside the city. I have asked the Tourism Victoria Board to give me a list of its prospective meeting dates so that the communities it is planning to visit will know the dates in advance.

I assure the honourable member for Geelong that the government intends to work with the Geelong community and tourism operators to highlight the benefits of tourism in the Geelong and Great Ocean Road region.

**The SPEAKER** — Order! The house stands adjourned until next day.

**House adjourned 11.27 p.m.**

